

PART II - CODE OF ORDINANCES
Chapter 36 - STORMWATER MANAGEMENT

ARTICLE V. STORMWATER MANAGEMENT INFRASTRUCTURE

SHELBY COUNTY, TN

ARTICLE V. STORMWATER MANAGEMENT INFRASTRUCTURE

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Sec. 36-107. Infrastructure defined.

Stormwater management infrastructure consists of the entire physical system of stormwater management both publicly and privately owned. This system consists of both humanmade and natural components as well as rivers, streams, creeks, lakes, reservoirs, ponds, springs, wetlands, wells and includes features defined by the state as waters of the state.

(Code 1992, § 30-45; Ord. No. 292, § 30-125, 12-6-2004)

Sec. 36-108. Policy statements for development.

Minimum standards and procedures for the design, construction, operation, and maintenance of the stormwater management infrastructure shall be set forth in the Memphis and Shelby County Drainage Design Manual (MSCDDM) as may be adopted and amended from time to time. Such adoption or amendment shall be by resolution of the board of county commissioners. A copy of the stormwater management manual shall be maintained on file in the offices of the manager. Until such time as this document is prepared and adopted, the City of Memphis' Drainage Design Manual as it exists on the effective date of the ordinance from which this section is derived and located in the manager's office shall be used. The following general policy statements shall apply:

- (1) All development in the unincorporated areas of the county shall be subject to the provisions of this article.
- (2) Proposed plans for construction shall be stamped by a professional engineer licensed in the state. This shall include all proposed improvements or modifications to the existing or new stormwater infrastructure, erosion prevention and sediment control practices, and other related improvements or modifications.
- (3) A record plan, certified by a licensed professional engineer as appropriate, shall be submitted in a format acceptable to the manager upon completion of the public or private stormwater management facility. The licensed professional shall certify that the facilities have been constructed in substantial and essential conformance to the design plan.
- (4) Each individual project shall be evaluated for consistency with the adopted watershed master plan, when available, for the major watershed or watersheds within which the project site is located. The individual project evaluation shall determine if stormwater management practices

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can adequately serve the property and limit impacts to downstream public and private properties. The presence of a regional facility shall be considered in determining the extent to which quantity and/or quality controls will be necessary.

- (5) In the absence of such a stormwater master plan, a system of uniform requirements shall be applied to each individual project site. In general, these uniform requirements may be based on the criterion that postdevelopment stormwater peak runoff and water quality must not differ significantly from predevelopment conditions.
- (6) Development shall be permitted in the floodplain; however, the developer may be required by the manager to demonstrate no adverse impact on upstream or downstream facilities, uses, residences, or related structures. For example, this may be shown by modification of the USACOE/FEMA model by applying full upstream development criteria and new cross sections reflecting the development and depiction of the elevations of all structures, facilities, etc., within the impacted upstream or downstream floodplain.
- (7) Under no circumstances shall a site be graded or drained in such a way as to increase surface runoff to sinkholes, dry wells or drainage wells.
- (8) The county encourages regional watershed management practices and facilities. These practices shall be encouraged in order to replace or reduce the implementation of on-site stormwater management facilities.
- (9) Development of properties containing existing on-site stormwater management facilities may be permitted, at the discretion of the county engineer, provided the property and downstream public and private properties, infrastructure or waters of the state are adequately protected from adverse stormwater impacts.
- (10) Erosion or sedimentation, or transport of other pollutants or forms of pollution, due to various land development activities shall be controlled.
- (11) Soil bioengineering, green and other soft slope and streambank stabilization methods are encouraged over rip-rap, concrete and other hard armoring techniques. The use of greenway rights-of-way for appropriate properties is encouraged.
- (12) A waterway buffer shall be applied to all major waterways serving more than 100 acres of tributary area or as specified in the stormwater management manual. The minimum buffer width shall be 25 feet extending from the top of the bank of streams and/or 25 feet from the edge of the normal pool for impoundments, ponds, lakes, and wetlands. Reductions, exemptions or modifications to this requirement may be approved subject to proper technical justification and approval by the county engineer. No new construction of any building or structure shall be permitted in the buffer except as may be permitted by the county engineer and supported with adequate technical and environmental analysis and appropriate mitigation measures. For example, mitigation strategies may include:
 - a. Publicly dedicated greenways.
 - b. Restoration of impacted waterways with bioengineering or green approaches.
 - c. New and innovative technologies applied to address water quantity or quality.
 - d. Modification to density, trees or other development requirements acceptable to the county engineer and planning departments.

(Code 1992, § 30-46; Ord. No. 292, § 30-126, 12-6-2004)

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Sec. 36-109. Infrastructure maintenance.

It shall be the responsibility of the property owner of record for the maintenance of stormwater infrastructure. Maintenance of stormwater infrastructure shall consist at minimum but not be limited to the following items: outlet cleaning, mowing, herbicide spraying, litter control, removal of sediment from basin and outlet control structures, and repair of drainage structures. All such activities shall be conducted in an environmentally sound manner and consistent with applicable codes, rules, and standards.

(Code 1992, § 30-47; Ord. No. 292, § 30-127, 12-6-2004)

Sec. 36-110. Maintenance responsibility of privately owned infrastructure.

- (a) Any stormwater management facility, including buffers, that is privately owned shall receive general routine maintenance (i.e., controlling vegetative growth, removing sediment and debris) provided for by the owner.
- (b) The owner shall maintain a perpetual right of access for inspection and emergency access by the county. The county has the right, but not the duty to enter premises for inspection and emergency repairs.
- (c) Any stormwater management facility that services commercial and industrial development shall be maintained.
- (d) Maintenance requirements may also be prescribed by a site-specific agreement between the owner or operator and the county. These agreements shall be based on an approved site design, a stormwater pollution prevention plan, an inspection program, a long-term maintenance plan, an emergency repair plan, easements, and proof or surety of financial responsibility. A sample agreement form is shown in [section 36-34](#), facilities maintenance agreement. This form is illustrative and not strictly prescriptive. The county may amend its specific provisions as may be appropriate.
- (e) If privately owned infrastructure is not maintained, the manager may assess a fine on the private owner as detailed in article II of this chapter. Such a fine shall be used for cost recovery, to abate damages, and to restore impacted areas.

(Code 1992, § 30-48; Ord. No. 292, § 30-128, 12-6-2004)

Sec. 36-111. Maintenance responsibility of publicly owned infrastructure.

- (a) All regional stormwater management control facilities proposed by the owners, if approved by the board of county commissioners and accepted by the manager for dedication as a public regional facility, shall be publicly owned and/or maintained.
- (b) All other stormwater management control facilities shall be publicly owned and/or maintained only if accepted for maintenance by the county.

(Code 1992, § 30-49; Ord. No. 292, § 30-129, 12-6-2004)

Secs. 36-112—36-132. Reserved.