

RESOLUTION NO. 2016-96

A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF FRANKLIN REAPPROVING THE POST-CONSTRUCTION STORMWATER CONTROL MEASURES PROVIDED FOR IN THE CITY OF FRANKLIN STORMWATER BMP MANUAL FOR THE PURPOSE OF COMPLIANCE WITH SB1830/HB1892.

WHEREAS, for the purpose of promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin, Tennessee the Board of Mayor and Aldermen is authorized to prescribe regulations and standards that encourage and advance the quality of life within the City; and,

WHEREAS, the Board of Mayor and Alderman desires to prescribe regulations and standards to manage Stormwater runoff within the City in order to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and the Tennessee Water Quality Control Act of 1977 as amended; and

WHEREAS, pursuant to the above authorities, promulgated Ordinance 2014-50 which set forth post-construction stormwater measures for the City of Franklin, Tn as outlined in the City of Franklin Stormwater Best Management Practices (BMP) Manual that became effective as of January 1, 2014, and,

WHEREAS, SB1830/HB1892 states: “any local governmental entity that adopts [post-construction stormwater] control measures that exceed the minimum requirements of federal law must do so by ordinance or resolution, as appropriate, by the local legislative body upon a majority vote . . . ;” and,

WHEREAS, federal law does not clearly define the minimum post-construction stormwater control requirements as a numeric standard, but instead merely requires that the post- construction discharge of pollutants be reduced to the maximum extent practicable (MEP); and,

WHEREAS, the post-construction stormwater control measures contained in the City of Franklin Stormwater BMP Manual, which include Green Infrastructure and control measures identified as Low Impact Development (LID), were designed to meet the MEP requirement; and,

WHEREAS, there is nonetheless a risk of a perception of conflict between the requirements of the City of Franklin Stormwater BMP Manual, SB1830/HB1892, and the conditions of the Phase II Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) permit issued to the City of Franklin by the Tennessee Department of Environment and Conservation (TDEC), which may be confusing for those trying to comply with those authorities and those trying to enforce them, alike; and,

WHEREAS, it is in the best interest of the City of Franklin, Tn to reapprove the post-construction stormwater control measures in the Stormwater BMP Manual by resolution for purposes of reconciling any such perceived conflicts and complying with SB1830/HB1892

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE THAT:

SECTION 1: The post-construction stormwater control measures as set forth in Ordinance 2015-50 and the current City of Franklin Stormwater BMP Manual, are hereby reapproved and adopted by the City of Franklin Board of Mayor and Alderman.

SECTION 2: That this Resolution shall be effective upon adoption

ADOPTED THIS ____ DAY OF _____, 2017.

ATTEST:

CITY OF FRANKLIN, TENNESSE

By: _____

By: _____

**ERIC S. STUCKEY
City Administrator**

**DR. KEN MOORE
Mayor**

Approved as to Form

By: _____

Shauna R. Billingsley, City Attorney