

DRAFT ORDINANCE 2026-391

AN ORDINANCE TO AMEND TITLE 14, CHAPTER 3 OF THE WALDEN MUNICIPAL CODE TO RECOGNIZE THE HAMILTON COUNTY WATER QUALITY PROGRAM FEE, AUTHORIZE AN ADDITIONAL LOCAL WALDEN STORMWATER FEE BY FUTURE BOARD ACTION, PROVIDE FOR BILLING AND COLLECTION OF STORMWATER FEES, AND ESTABLISH RESTRICTED USES FOR LOCAL STORMWATER FEE REVENUES.

WHEREAS, the Town of Walden has adopted a Stormwater Ordinance codified at Title 14, Chapter 3 of the Walden Municipal Code; and

WHEREAS, Title 14, Chapter 3 of the Walden Municipal Code includes sections governing stormwater regulation, waivers, stormwater system design, permanent stormwater management, illicit discharges, enforcement, penalties, appeals, application fees, reimbursement of costs, and payment of costs; and

WHEREAS, the stated purpose of Title 14, Chapter 3 includes protecting, maintaining, and enhancing the environment of the Town of Walden and the public health, safety, and general welfare of the citizens of the Town by controlling discharges of pollutants to the Town's stormwater system and maintaining and improving the quality of receiving waters; and

WHEREAS, Tennessee Code Annotated §§ 68-221-1105 and 68-221-1107 authorize municipalities to regulate stormwater facilities and to establish stormwater fees or service charges for stormwater management purposes, subject to applicable state and federal law; and

WHEREAS, Title 14, Chapter 3 further provides that the Town may exercise the powers granted under Tennessee Code Annotated § 68-221-1105, including the authority to adopt rules and regulations necessary to accomplish stormwater management purposes and to adopt a system of fees for services and permits; and

WHEREAS, the Town of Walden participates in the Hamilton County Water Quality Program and is subject to the applicable Interlocal Agreement, Hamilton County Water Quality Program Rules and Regulations, Standard Operating Procedures, and applicable Municipal Separate Storm Sewer System permit requirements; and

WHEREAS, the current Tennessee Small MS4 General Permit is NPDES Permit No. TNS000000, effective September 1, 2022, and expiring August 31, 2027, unless amended, reissued, or replaced; and

WHEREAS, the Town of Walden is included in Hamilton County Small MS4 Notice of Coverage Tracking No. TNS075566, effective April 1, 2023, and expiring August 31, 2027, unless amended, reissued, or replaced; and

WHEREAS, the Hamilton County Water Quality Program Rules and Regulations, Stormwater Control Measure Manual, Best Management Practices guidance, and related local requirements establish construction stormwater, post-construction stormwater, inspection, maintenance, and water quality requirements applicable to participating jurisdictions, including the Town of Walden, as amended from time to time; and

WHEREAS, any additional local Walden stormwater user fee must comply with Tennessee Code Annotated §68-221-1107, including requirements for reasonableness, proportionality, restricted use, statutory exemptions, stormwater-control adjustments, and public notice; and

WHEREAS, the Town of Walden, acting through its Board of Mayor and Aldermen, desires to recognize and authorize administration, billing, collection, remittance, transfer, crediting, or accounting of the Hamilton County Water Quality Program fee within the Town in a manner consistent with the Interlocal Agreement and Hamilton County Water Quality Program Rules and Regulations; and

WHEREAS, as of the adoption of this ordinance, the Hamilton County Water Quality Program fee is understood to include a residential program fee of Nine Dollars (\$9.00) per residential unit and a commercial, industrial, or manufacturing program fee based on impervious area, subject to the applicable Hamilton County Water Quality Program Rules and Regulations and any lawful amendments thereto; and

WHEREAS, the Town of Walden further desires to preserve the ability of the Board of Mayor and Aldermen to adopt an additional local Walden stormwater fee in the future, above the Hamilton County Water Quality Program fee, if needed to address local stormwater, drainage, ditch, culvert, water quality, infrastructure, mapping, inspection, engineering, maintenance, or compliance needs; and

WHEREAS, any additional local Walden stormwater fee should require separate public action by the Board of Mayor and Aldermen and should not be imposed administratively by Town staff; and

WHEREAS, revenues from any additional local Walden stormwater fee should be separately accounted for and used only for stormwater management purposes within the Town of Walden; and

WHEREAS, the Board of Mayor and Aldermen finds that this ordinance is necessary and appropriate to clarify stormwater fee authority, billing, collection, administration, accounting, and use of local stormwater revenues.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF WALDEN, TENNESSEE, AS FOLLOWS:

SECTION 1. Amendment to Section Index.

Title 14, Chapter 3 of the Walden Municipal Code is hereby amended by adding the following new sections to the section index:

14-314. Hamilton County Water Quality Program fee.

14-315. Additional local Walden stormwater fee.

14-316. Local stormwater fund and authorized uses.

14-317. Billing, collection, corrections, records, and administration.

14-318. Relationship to existing regulations, interlocal agreement, program rules, and technical manuals.

SECTION 2. Amendment to Definitions and Administrative Designations.

Title 14, Chapter 3, Section 14-302 of the Walden Municipal Code is hereby amended by adding the following definitions and by clarifying the Town's stormwater entity designation:

"Additional local Walden stormwater fee" means any stormwater fee, charge, rate, assessment, or other stormwater service charge adopted by the Board of Mayor and Aldermen in addition to the Hamilton County Water Quality Program fee.

"Billable parcel" means a parcel, lot, tract, account, residential unit, commercial or industrial property, billing unit, or other property classification determined to be subject to a stormwater fee under this chapter, the Hamilton County Water Quality Program Rules and Regulations, the Interlocal Agreement, applicable law, or applicable billing records maintained by Hamilton County, the Hamilton County Trustee, the Hamilton County Assessor of Property, the Hamilton County Water Quality Program, or the Town.

"Collecting official" means the Hamilton County Trustee, Town Recorder/Treasurer, Hamilton County Water Quality Program, or any other official, office, department, utility, governmental entity, or contracted entity authorized to bill, collect, receive, remit, or administer stormwater fees under this chapter, the Interlocal Agreement, a written collection agreement, applicable law, or action of the Board of Mayor and Aldermen. No collecting official shall be required to bill or collect a Town fee unless that official or entity has accepted such responsibility or is otherwise authorized by applicable law.

"Hamilton County Water Quality Program" or "Program" means the Hamilton County Water Quality Program established and operated pursuant to the applicable Interlocal Agreement among Hamilton County and participating municipalities, applicable Rules and Regulations, Standard Operating Procedures, Stormwater Control Measure Manual, Best Management Practices guidance, and applicable state or federal stormwater permit requirements, as amended, reissued, or replaced.

"Hamilton County Water Quality Program fee" or "Program fee" means the annual stormwater program fee assessed under the Hamilton County Water Quality Program Rules and Regulations, Interlocal Agreement, Standard Operating Procedures, or applicable amendments thereto.

"Local stormwater fund" means a separate fund, account, or accounting line item established or maintained by the Town for the receipt, tracking, budgeting, appropriation, and expenditure of revenues from any additional local Walden stormwater fee.

"Local stormwater fee revenue" means revenue derived from an additional local Walden stormwater fee adopted under this chapter, excluding amounts required to be remitted, transferred, credited, or otherwise accounted for as Hamilton County Water Quality Program fees.

"Stormwater management purposes" means activities, services, projects, administration, planning, design, construction, inspection, maintenance, repair, replacement, compliance, enforcement, public education, mapping, asset management, capital improvements, and other work directly related to the Town's stormwater system, drainage system, water quality responsibilities, stormwater management program, flood control responsibilities, or local obligations under applicable stormwater laws, permits, rules, regulations, manuals, or agreements. For purposes of Sections 14-314 through 14-318, the term is limited to purposes authorized by Tennessee Code Annotated Title 68, Chapter 221, Part 11, applicable MS4 permit requirements, the Hamilton County Water Quality Program Rules and Regulations, the Interlocal Agreement, and other applicable law.

The term "stormwater entity" in this chapter shall mean the Town of Walden acting through the Town Administrator, Town Recorder/Treasurer, Town Engineer, Town Attorney, Board designee, Hamilton County Water Quality Program, Program Manager, or other entity lawfully designated by the Board of Mayor and Aldermen, as applicable to the function being performed.

SECTION 3. Amendment to Existing Section 14-303.

Title 14, Chapter 3, Section 14-303(1) of the Walden Municipal Code is hereby amended by deleting the reference to the 2010 NPDES General Permit for Discharges from Small Municipal Storm Sewer Systems and replacing it with a reference to the current Tennessee NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems, Permit No. TNS000000, the Town's applicable Notice of Coverage, including Tracking No. TNS075566 if applicable, and any successor permit, notice of coverage, amendment, reissuance, or replacement.

SECTION 4. Amendment to Existing Sections 14-311 Through 14-313.

Sections 14-311, 14-312, and 14-313 of the Walden Municipal Code shall remain in full force and effect except as expressly clarified in this ordinance.

Any reference in Section 14-313(1) to the "town's stormwater board" shall mean the Board of Mayor and Aldermen or another appeal board, official, or entity lawfully established or designated by the Board of Mayor and Aldermen. If no such separate board has been established, the Board of Mayor and Aldermen shall be the reviewing body for Town-administered determinations to the extent permitted by applicable law.

Applicant-specific application fees, reimbursement charges, review costs, inspection costs, consultant costs, engineering costs, legal costs, or monitoring costs under Sections 14-311 through 14-313 are separate from and in addition to the Hamilton County Water Quality Program fee and any additional local Walden stormwater fee authorized under this ordinance.

The Town shall not recover the same cost twice. If a cost is recovered from an applicant under Sections 14-311 through 14-313, that same cost shall not also be treated as an unreimbursed expenditure of local stormwater fee revenue unless the local stormwater fund is reimbursed or the Board of Mayor and Aldermen expressly documents the lawful accounting treatment by budget action, resolution, or other appropriate action.

SECTION 5. New Section 14-314, Hamilton County Water Quality Program Fee.

Title 14, Chapter 3 of the Walden Municipal Code is hereby amended by adding a new Section 14-314 as follows:

14-314. Hamilton County Water Quality Program fee.

(1) Program fee recognized. The Town of Walden recognizes the Hamilton County Water Quality Program fee applicable within the corporate limits of the Town of Walden, as established under the Interlocal Agreement, Hamilton County Water Quality Program Rules and Regulations, Standard Operating Procedures, applicable Municipal Separate Storm Sewer System permit requirements, and any lawful amendments thereto.

(2) Town authority. The Town of Walden, acting through its Board of Mayor and Aldermen, is authorized to recognize, approve, coordinate, administer, bill, collect, receive, remit, transfer, credit, or account for the Hamilton County Water Quality Program fee in accordance with this chapter, the Interlocal Agreement, the Hamilton County Water Quality Program Rules and Regulations, applicable billing procedures, and applicable law.

(3) Current fee structure. As of the adoption of this section, the Hamilton County Water Quality Program fee is understood to include a residential fee of Nine Dollars (\$9.00) per residential unit and a commercial, industrial, or manufacturing fee based on impervious area. The applicable Program fee shall be the amount established under the Hamilton County Water Quality Program Rules and Regulations, Interlocal Agreement, applicable fee schedule, Standard Operating Procedures, or any lawful amendment thereto.

(4) Program fee not unrestricted local revenue. Program fee revenues collected by or through the Town shall be remitted, transferred, credited, separately tracked, or otherwise accounted for as

required by the Interlocal Agreement, Hamilton County Water Quality Program Rules and Regulations, Standard Operating Procedures, applicable billing procedures, or lawful direction of the applicable collecting or administering entity. Program fee revenues shall not be treated as unrestricted general revenue of the Town.

(5) Applicability. The Hamilton County Water Quality Program fee shall apply within the corporate limits of the Town of Walden to the extent required by the Hamilton County Water Quality Program Rules and Regulations, the Interlocal Agreement, Standard Operating Procedures, applicable permit requirements, and applicable law.

(6) No limitation on Town authority. Recognition of the Hamilton County Water Quality Program fee shall not limit the authority of the Town to adopt, charge, collect, budget, appropriate, or expend revenues from an additional local Walden stormwater fee as provided in this chapter, provided such local fee complies with applicable law.

SECTION 6. New Section 14-315, Additional Local Walden Stormwater Fee.

Title 14, Chapter 3 of the Walden Municipal Code is hereby amended by adding a new Section 14-315 as follows:

14-315. Additional local Walden stormwater fee.

(1) Authority reserved. In addition to the Hamilton County Water Quality Program fee recognized in Section 14-314, the Board of Mayor and Aldermen may establish an additional local Walden stormwater fee by ordinance. After such fee is established by ordinance, the amount may be reviewed and adjusted by resolution, annual fee schedule, or budget ordinance to the extent permitted by applicable law and the enabling ordinance.

(2) Public action required. No additional local Walden stormwater fee shall be imposed unless approved by the Board of Mayor and Aldermen at a public meeting and after any notice required by applicable law.

(3) Thirty-day newspaper notice. Before establishing or amending any additional local Walden stormwater user fee, the Town shall advertise its intent by notice published in a newspaper of general circulation in the Town at least thirty (30) days before the Board meeting at which adoption or amendment will be considered, as required by Tennessee Code Annotated Section 68-221-1107(a) or any successor provision.

(4) Administrative limitation. Town staff, officers, employees, consultants, or agents shall not impose an additional local Walden stormwater fee unless such fee has been approved by the Board of Mayor and Aldermen.

(5) Relationship to Program fee. Any additional local Walden stormwater fee shall be in addition to, and not in lieu of, the Hamilton County Water Quality Program fee unless otherwise authorized by the Interlocal Agreement, Hamilton County Water Quality Program Rules and

Regulations, Standard Operating Procedures, or written agreement with the appropriate collecting or administering entity.

(6) Local retention. Revenues from any additional local Walden stormwater fee may be retained by the Town and used only for stormwater management purposes within the Town of Walden and only to the extent authorized by applicable law.

(7) Fee amount and classification. The Board of Mayor and Aldermen may establish the additional local Walden stormwater fee based on parcels, residential units, billing units, impervious area, property classification, equivalent residential units, actual or estimated use of the stormwater or flood control facilities, contribution to the stormwater or flood control facilities, water quality impacts, quantity or quality of runoff, runoff volume, runoff rate, or another lawful and administratively feasible billing method. The fee shall be reasonable and proportionate to the services, facilities, or regulatory obligations funded by the fee.

(8) Mandatory statutory exemptions and adjustments. Any additional local Walden stormwater fee shall include the exemptions and adjustments required by Tennessee Code Annotated Section 68-221-1107(a) or any successor provision, including exemptions for persons whose stormwater runoff is not discharged into or through the municipal stormwater or flood control facilities and for qualifying agricultural landowners or operators, and appropriate adjustments for users who construct facilities to retain and control stormwater runoff.

(9) Exemptions, credits, and adjustments. Exemptions, credits, or adjustments for any additional local Walden stormwater fee shall be established by the Board of Mayor and Aldermen when such fee is adopted. Unless otherwise provided by the Board, the Town shall use the exemptions, classifications, credits, and adjustment procedures applicable to the Hamilton County Water Quality Program, as amended from time to time, except where inconsistent with state law, this chapter, the local fee ordinance, or a written agreement applicable to the local fee.

(10) Annual review. The Board of Mayor and Aldermen may review any additional local Walden stormwater fee annually as part of the Town's budget process, fee schedule review, or other public meeting.

(11) No automatic increase. Adoption of this section does not automatically impose any additional local Walden stormwater fee. Any additional local Walden stormwater fee must be separately adopted by the Board of Mayor and Aldermen.

SECTION 7. New Section 14-316, Local Stormwater Fund and Authorized Uses.

Title 14, Chapter 3 of the Walden Municipal Code is hereby amended by adding a new Section 14-316 as follows:

14-316. Local stormwater fund and authorized uses.

(1) Separate accounting. Revenues from any additional local Walden stormwater fee shall be deposited into or separately tracked through a local stormwater fund, account, or accounting line item maintained by the Town. Program fee revenue and local stormwater fee revenue shall be separately tracked, even if received through the same remittance process or bank account.

(2) Restricted use. Local stormwater fee revenues shall be used only for stormwater management purposes within the Town of Walden and only for purposes authorized by Tennessee Code Annotated Title 68, Chapter 221, Part 11, applicable MS4 permit requirements, the Hamilton County Water Quality Program Rules and Regulations, the Interlocal Agreement, the Standard Operating Procedures, the Hamilton County Stormwater Control Measure Manual, applicable Best Management Practices guidance, and other applicable law.

(3) Authorized uses. Authorized uses of local stormwater fee revenues include the following, provided each expenditure is directly related to stormwater management purposes and is lawfully budgeted and appropriated:

(a) Drainage improvements;

(b) Ditch maintenance, stabilization, restoration, or improvement;

(c) Culvert inspection, cleaning, repair, replacement, or improvement;

(d) Stormwater conveyance system maintenance;

(e) Stormwater asset inventory, mapping, and condition assessment;

(f) Stormwater planning, engineering, surveying, design, and consulting;

(g) Review, inspection, administration, and management of stormwater-related work;

(h) Water quality protection and pollution prevention activities;

(i) Municipal Separate Storm Sewer System compliance activities;

(j) Compliance with state or federal stormwater requirements;

(k) Compliance with the Hamilton County Water Quality Program, Interlocal Agreement, Rules and Regulations, Standard Operating Procedures, Stormwater Control Measure Manual, Best Management Practices guidance, or applicable permit requirements;

(l) Maintenance of stormwater control measures, best management practices, and related infrastructure;

(m) Public drainage complaint review and response;

(n) Grant matching funds for stormwater, drainage, water quality, or directly related infrastructure projects;

(o) Small capital stormwater improvements;

- (p) Public education, outreach, and reporting related to stormwater management;
 - (q) Local drainage studies, watershed studies, hydrologic and hydraulic evaluations, condition assessments, and capital planning;
 - (r) Emergency stormwater repairs or stabilization work;
 - (s) Reasonable administrative costs directly related to the Town's stormwater program;
 - (t) Costs necessary to administer local stormwater fee billing, correction requests, appeals, recordkeeping, annual reporting, audits, or required coordination with Hamilton County or the Hamilton County Water Quality Program.
- (4) Budgeting and appropriation. Expenditure of local stormwater fee revenues shall remain subject to the Town's budget, appropriation, purchasing, and expenditure procedures.
- (5) No diversion for unrelated purposes. Local stormwater fee revenues shall not be used for unrelated general governmental purposes, general roadway work not directly related to drainage or stormwater function, or general administrative overhead not directly related to stormwater management purposes.
- (6) Program fee excluded. Amounts required to be remitted, transferred, credited, or otherwise accounted for as Hamilton County Water Quality Program fees shall not be treated as local stormwater fee revenues for purposes of this section.
- (7) Prior expenditures. Stormwater-related expenditures made before adoption of an additional local Walden stormwater fee shall not be treated as expenditures of local stormwater fee revenue unless the Board of Mayor and Aldermen authorizes lawful reimbursement or accounting treatment by budget amendment, resolution, or other appropriate action identifying the expenditure, source of funds, and stormwater purpose.

SECTION 8. New Section 14-317, Billing, Collection, Corrections, Records, and Administration.

Title 14, Chapter 3 of the Walden Municipal Code is hereby amended by adding a new Section 14-317 as follows:

14-317. Billing, collection, corrections, records, and administration.

- (1) Collection methods. The Hamilton County Water Quality Program fee and any additional local Walden stormwater fee may be billed and collected through the Hamilton County property tax billing system, by direct billing by the Town, by direct billing to the Town from the Hamilton County Water Quality Program, through a utility bill or written collection agreement where lawfully available, or by any other lawful method approved by the Board of Mayor and Aldermen and accepted by the applicable collecting or administering entity.

(2) Legal authority and acceptance required. Billing or collection by Hamilton County, the Hamilton County Trustee, the Hamilton County Water Quality Program, a utility, another governmental entity, or any other collecting official shall be subject to applicable law, applicable agreement, data requirements, timing requirements, and written or otherwise lawful acceptance by the collecting or administering entity. Nothing in this chapter requires Hamilton County, the Hamilton County Trustee, the Hamilton County Water Quality Program, a utility, or any other entity to collect a Town fee absent lawful authority and acceptance.

(3) Hamilton County property tax billing system. If any stormwater fee is collected through the Hamilton County property tax billing system, the Town Administrator, Town Recorder/Treasurer, or designee is authorized to prepare, verify, certify, and submit the fee amount, billing data, parcel data, classification data, and related information required by Hamilton County, the Hamilton County Trustee, the Hamilton County Water Quality Program, or other collecting official.

(4) Tax-bill collection limitation. Placement of any additional local Walden stormwater fee on the Hamilton County property tax bill shall be subject to Tennessee Code Annotated Section 68-221-1107(b), acceptance by Hamilton County and the Hamilton County Trustee, and any applicable data, timing, legal, contract, or administrative requirements.

(5) Required billing terms for local fee. Before any additional local Walden stormwater fee is imposed, the ordinance, resolution, annual fee schedule, or budget action establishing or adjusting the fee shall identify the billing cycle, due date, delinquency date, correction request deadline, appeal deadline, notice method, responsible payer, collection method, and any interest, penalty, lien, civil action, or other collection remedy authorized by applicable law.

(6) Fallback collection method. If a proposed additional local Walden stormwater fee is not accepted for collection through the Hamilton County property tax billing system or other proposed third-party collection method, the Board of Mayor and Aldermen shall establish a fallback lawful collection method before the fee is imposed, including direct billing by the Town, collection by contract, collection through a utility bill where lawfully available, civil collection, or another method authorized by applicable law.

(7) Required billing statement. Any bill rendered pursuant to Tennessee Code Annotated Title 68, Chapter 221, Part 11 shall include the statement required by Tennessee Code Annotated Section 68-221-1112, or any successor provision, in the form and manner required by law.

(8) Direct billing to Town. If the Hamilton County Water Quality Program bills the Town directly for Program fees applicable within the Town, the Town Administrator, Town Recorder/Treasurer, or designee is authorized to review the billing, coordinate corrections, process payment subject to applicable budget and expenditure authority, and report such billing and payment to the Board of Mayor and Aldermen.

(9) Board approval of local fee amounts. The Hamilton County Water Quality Program fee shall be determined under the applicable Program rules and procedures. Any additional local Walden stormwater fee shall require separate approval by the Board of Mayor and Aldermen as provided in Section 14-315.

(10) Billing data and records. The Town Administrator, Town Recorder/Treasurer, or designee may maintain, request, review, submit, or coordinate parcel data, property classification data, residential unit data, impervious area data, exemption data, and other records reasonably necessary to administer stormwater fee billing and collection.

(11) Program records maintained by Hamilton County. To the extent Hamilton County, the Hamilton County Trustee, the Hamilton County Water Quality Program, or another collecting official maintains Program fee billing records, parcel classifications, impervious area data, exemption records, payment records, or appeal records, the Town may rely on such records for Program fee administration. The Town shall not be required to recreate or independently maintain duplicate Program fee records except for records received, created, submitted, approved, or retained by the Town in the ordinary course of administration.

(12) Town records. The Town shall maintain records within its possession or control related to Board action, local fee adoption, local fee billing, local fee revenue, local fee expenditures, correspondence, correction requests, appeals, remittances, transfers, credits, and coordination with Hamilton County or the Hamilton County Water Quality Program. Such records shall be maintained in accordance with applicable law, audit requirements, grant requirements, and the Town's records retention schedule.

(13) Annual summary. If an additional local Walden stormwater fee is adopted, the Town Administrator, Town Recorder/Treasurer, or designee shall provide an annual summary to the Board of Mayor and Aldermen showing local stormwater fee revenues received and local stormwater fee expenditures made during the applicable fiscal year or reporting period. The Town may also report Program fee amounts remitted, transferred, credited, or coordinated with Hamilton County to the extent such information is available to the Town.

(14) Corrections. The Town Administrator, Town Recorder/Treasurer, or designee may review and correct Town-administered billing records for clerical error, duplicate billing, incorrect parcel identification, incorrect billing classification, exempt status, payment error, or other billing error.

(15) Program fee corrections. Corrections involving Hamilton County Water Quality Program classifications, impervious area calculations, exemptions, Program fee determinations, or Program billing records may be referred to or coordinated with the Hamilton County Water Quality Program, Hamilton County Assessor of Property, Hamilton County Trustee, or other appropriate entity.

(16) Requests for correction. A property owner may submit a written request for correction of a stormwater fee billing determination. The request shall identify the property, state the alleged error, and include supporting documentation.

(17) Administrative review. The Town Administrator, Town Recorder/Treasurer, or designee shall review requests for correction involving Town-administered local stormwater fees. Requests involving Program fee determinations may be coordinated with the Hamilton County Water Quality Program or other applicable entity.

(18) Appeal routing. Appeals of civil penalties or damage assessments shall proceed under Section 14-310 and Tennessee Code Annotated Section 68-221-1106(d). Appeals involving Town-administered additional local Walden stormwater fees shall proceed under this section. Appeals involving Hamilton County Water Quality Program classifications, Program fee determinations, Program Staff actions, Program Rules, or Program billing records shall follow the Hamilton County Water Quality Program appeal procedures. If an appeal includes more than one category, the Town Administrator or Town Attorney may identify the applicable forum or sequence of review before hearing.

(19) Appeal to Board. Appeals involving Town-administered additional local Walden stormwater fees may be reviewed by the Board of Mayor and Aldermen. The decision of the Board shall be final, subject to any rights available under applicable law.

(20) Program appeals. Appeals involving Hamilton County Water Quality Program determinations shall follow the appeal procedures applicable to the Hamilton County Water Quality Program Rules and Regulations, Standard Operating Procedures, Interlocal Agreement, or applicable law.

(21) Collection of unpaid fees. To the extent permitted by law and accepted by the collecting official, unpaid stormwater fees may be collected in the same manner as other municipal fees placed on the property tax bill or by any other lawful collection method approved by the Board of Mayor and Aldermen.

(22) Interest and penalties. Interest, penalties, costs, or other charges for unpaid stormwater fees may be assessed only to the extent authorized by applicable law, the Hamilton County Water Quality Program Rules and Regulations, the Interlocal Agreement, applicable billing procedures, or separate lawful action of the Board of Mayor and Aldermen. Nothing in this subsection limits the separate remedies preserved in Sections 14-311 through 14-313.

(23) Administrative procedures. The Town Administrator, Town Recorder/Treasurer, or designee may develop administrative procedures, forms, data requirements, and submission procedures necessary to implement this section, provided such procedures are consistent with this chapter and any action taken by the Board of Mayor and Aldermen.

SECTION 9. New Section 14-318, Relationship to Existing Regulations, Interlocal Agreement, Program Rules, and Technical Manuals.

Title 14, Chapter 3 of the Walden Municipal Code is hereby amended by adding a new Section 14-318 as follows:

14-318. Relationship to existing regulations, interlocal agreement, program rules, and technical manuals.

- (1) Existing stormwater ordinance preserved. Except as expressly amended by this ordinance, all other provisions of Title 14, Chapter 3 of the Walden Municipal Code shall remain in full force and effect.
- (2) Title 18 incorporation preserved. Nothing in this ordinance shall repeal or limit Title 18, Chapter 1, Section 18-101 of the Walden Municipal Code, which incorporates the Hamilton County Water Quality Rules and Regulations by reference, including lawful amendments thereto.
- (3) Interlocal Agreement preserved. Nothing in this chapter shall be construed to repeal, amend, supersede, or limit the Town's obligations under any applicable Interlocal Agreement related to the Hamilton County Water Quality Program, except to the extent such agreement is lawfully amended by the parties thereto.
- (4) Program rules and technical manuals preserved. Nothing in this chapter shall be construed to repeal, amend, supersede, or limit the Hamilton County Water Quality Program Rules and Regulations, Standard Operating Procedures, Hamilton County Stormwater Control Measure Manual, Best Management Practices guidance, applicable MS4 permit requirements, or any lawful amendments, reissuances, or replacements thereto.
- (5) More restrictive technical requirement controls. Where this chapter, the Hamilton County Water Quality Program Rules and Regulations, the Interlocal Agreement, Standard Operating Procedures, technical manuals, Best Management Practices guidance, or applicable permit requirements impose different technical, regulatory, design, construction, maintenance, water quality, or enforcement requirements, the stricter or more specific requirement shall control to the extent permitted by law.
- (6) Fee and program administration limitation. Subsection (5) shall not authorize the Town to alter, supersede, or disregard Hamilton County Water Quality Program fee amounts, billing determinations, parcel classifications, exemptions, credits, appeal procedures, remittance obligations, Management Committee authority, Program Manager authority, or Interlocal Agreement responsibilities except as expressly allowed by applicable law, the Interlocal Agreement, the Hamilton County Water Quality Program Rules and Regulations, a written agreement, or lawful action of the affected parties.
- (7) No waiver of Town authority. Nothing in this chapter shall be construed to waive the Town's authority to enforce its own ordinances, require remediation, abate nuisances, recover costs, seek

damages, respond to drainage complaints, manage Town infrastructure, or undertake local stormwater improvements.

(8) Tree, buffer, SCM, and drainage coordination. Where public tree protection, water quality buffers, stormwater control measures, drainage work, utility work, right-of-way work, emergency work, or public safety obligations overlap, the Town shall apply all applicable requirements to the maximum extent practicable. If simultaneous compliance is not practicable, the Town Administrator, Town Engineer, Town Attorney, or applicable Program official may document the conflict and apply the requirement necessary to maintain stormwater function, permit compliance, public safety, infrastructure protection, and regulatory compliance, with mitigation or restoration where feasible.

(9) Material change review. For purposes of this section, a material amendment includes any change to the Interlocal Agreement, Hamilton County Water Quality Program Rules and Regulations, Program Service Area, Program fee amount, Program fee methodology, billing method, collection official, remittance obligation, appeal process, Town liability, MS4 permit legal authority requirement, or other requirement that may require Board action, budget action, ordinance amendment, resolution, public notice, or significant administrative action. If such a material amendment, termination, or replacement occurs, the Town Administrator or Town Attorney shall present the matter to the Board of Mayor and Aldermen for review and any needed ordinance, resolution, budget, or administrative action.

SECTION 10. No Repeal of Existing Sections 14-311 Through 14-313.

Sections 14-311, 14-312, and 14-313 of the Walden Municipal Code shall remain in full force and effect. The application fee, reimbursement of costs, and payment of costs provisions in those sections are separate from and in addition to the Hamilton County Water Quality Program fee and any additional local Walden stormwater fee authorized under this ordinance.

SECTION 11. No Repeal of Title 18, Chapter 1, Section 18-101.

Title 18, Chapter 1, Section 18-101 of the Walden Municipal Code shall remain in full force and effect except to the extent expressly amended by future ordinance. Nothing in this ordinance repeals the Town's incorporation of the Hamilton County Water Quality Rules and Regulations by reference.

SECTION 12. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 13. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only. No existing section of Title 14, Chapter 3 or Title 18, Chapter 1 is repealed except as expressly amended by this ordinance or a future ordinance.

SECTION 14. Effective Date.

This ordinance shall take effect upon final passage and publication as required by law, the public welfare requiring it.

First Reading 5/12/2026

Yea:

Nay:

Final Reading and public hearing 6/9/2026

Yea:

Nay:

Mayor Lee Davis

Recorder Stacy Stewart