

HOUSE BILL 700

By Brooks K

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 221, relative to storm water user's fee
exemptions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-221-1107, is amended by deleting subsection (a) and substituting the following:

(1) Subject to the exemptions in subdivision (a)(3), all municipalities constructing, operating, or maintaining storm water or flood control facilities are authorized to establish a graduated storm water user's fee that may be assessed and collected from each user of the storm water facilities provided by the municipality. A user's fee shall be reasonable in amount and used exclusively by the municipality for purposes set forth in this part.

(2) A graduated storm water user's fee shall be based on actual or estimated use of the storm water and flood control facilities of the municipality, and each user or user class may only be required to pay its proportionate share of the construction, administration, operation, and maintenance including replacement costs of such facilities based on the user's actual or estimated proportionate contribution to the total storm water runoff from all users or user classes. To ensure a proportionate distribution of all costs to each user or user class, the user's contribution shall be based on factors such as the amount of impervious area utilized by the user, the water quality of the user's storm water runoff, or the volume or rate of storm water runoff.

(3) The following persons and entities shall be exempted from payment of the graduated storm water user's fee authorized by this section:

(A) Persons whose storm water runoff is not discharged into or through the storm water or flood control facilities, or both, of the municipality;

(B) Owners or operators of agricultural land, in the municipality, upon which the owner or operator conducts activities that enable the owner or operator to satisfy the requirements of a qualified farmer or nurseryman; and

(C) Local education agencies.

(4) The fee structure shall provide adjustments for users who construct facilities to retain and control the quantity of storm water runoff.

(5) Prior to establishing or amending graduated storm water user's fees, the municipality shall advertise its intent to do so by notice published in a newspaper of general circulation in such municipality at least thirty (30) days in advance of the meeting of the governing body that considers such adoption or amendment.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.