



## Chapter 1 INTRODUCTION

### 1.1 Background and Purpose

An ordinance for stormwater management (No. 78-840) was adopted by the Council of the Metropolitan Government of Nashville and Davidson County to take effect on January 1, 1979 (see Appendix D). In combination with Floodplain Overlay District Ordinance No. 78-843 (see Appendix E), it established the legal framework for reviewing building permits for stormwater management provisions and for requiring Grading Permits to control erosion and sedimentation problems. Regulations and technical guidelines were developed soon after adoption to assist with implementation of the regulatory program established by the ordinance.

In addition to dealing with the potential for personal injury or property damage associated with the improper management of stormwater, these ordinances secured the eligibility of the Metropolitan Government of Nashville and Davidson County (Metro) to participate in the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Agency (FEMA). Participation in the NFIP provides local property owners with the opportunity to purchase federal flood insurance. In addition, federal disaster funds beyond emergency relief are available, along with Federal Housing Administration and Veterans Housing Administration funds, which can be restricted in communities not eligible for participation in the NFIP.

### 1.2 Most Recent Edition

The original version of this manual was released in 1979 with revisions in 1987, 1988, 1991, 1999, 2006, 2009, and 2012. The 1999 revision was prompted by requirements in Metro's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit issued by the Tennessee Department of Environment and Conservation (TDEC). This manual was updated in 2006 to more comprehensively address stormwater management throughout the jurisdiction of Metro and to clarify certain aspects of the program. The 2006 revision included the recommendations of the Stormwater Regulations Review Committee (SR2C), a group of stakeholders convened by the Metropolitan Department of Water and Sewerage Services (MWS). The 2009 revision contained minor editorial changes and updates of policies and procedures to align the manual with current departmental practices. In 2012, Volume 5, the Low Impact Development (LID) Manual was added to the Stormwater Management Manual (SWMM). The 2013 revision includes improvements to the proprietary device approval policy and corrections to the LID Manual. This release supersedes any and all previous manual releases.

### 1.3 Authorization and Title

As authorized by Ordinance No. 78-840 and Ordinance No. 97-1016 (as codified in the Metropolitan Code of Laws §15.64.010 *et. seq.*) and approved by the Mayor of Nashville, the provisions of this document establish the regulations and technical guidelines developed by the



Director of MPW to enforce the terms of that ordinance. The charter to carry out these regulations has been delegated to MWS from the Director of MPW through a Memorandum of Understanding, or MOU (see Appendix G). Therefore, this design manual will refer to MWS wherever it refers to authority or responsibilities that have been delegated to MWS. However, the stormwater management ordinance, as codified in the Metropolitan Code of Laws §15.64.010 *et. seq.*, (Appendix D) will continue to refer to MPW, in accordance with the provisions of the Metropolitan Charter.

This manual shall be cited as the “Metropolitan Nashville Stormwater Management Manual” and is comprised of the following volumes:

- Volume 1 – Regulations
- Volume 2 – Procedures
- Volume 3 – Theory
- Volume 4 – Best Management Practices (BMP) Manual

## 1.4 Scope

The provisions of this manual shall replace any previous regulations and shall apply to all surface alteration and construction within the boundary of the Metropolitan Government of Nashville and Davidson County. Metro contains seven incorporated satellite cities: Belle Meade, Berry Hill, Forest Hills, Goodlettsville, Oak Hill, and Ridgeway, which are not bound by these regulations.

## 1.5 Language

### 1.5.1 Rules of Construction

The following rules shall apply to the text of these volumes:

1. The particular shall control the general.
2. Reference to “Ordinance” is to the Stormwater Management Ordinance 78-840 unless otherwise specified. The Ordinance, as codified in the Metropolitan Code of Laws §15.64.010 *et. seq.*, is reprinted and made a part of these regulations as Appendix D.
3. In the case of any difference in meaning or implication between the text of these regulations and the text of the Ordinance, the text of the Ordinance shall control.
4. The words “shall” and “should” are always mandatory and not discretionary. The word “may” is permissive.
5. The word “permitted” or words “permitted as of right” means permitted without meeting the requirements of these regulations.
6. Words used in the present tense include the future tense. The singular includes the plural, unless the context clearly indicates the contrary.
7. All public officials, bodies, and agencies to which reference is made are those of the Metropolitan Government of Nashville and Davidson County, Tennessee, unless otherwise indicated.



8. The term “Nashville,” “Metropolitan Nashville,” “Metropolitan Government,” or “Metro” shall mean the area of jurisdiction of the Metropolitan Government of Nashville and Davidson County.
9. Unless specifically or otherwise noted the term “development” shall include “redevelopment” and “significant redevelopment” as defined in Appendix B. Significant redevelopment shall be required to follow the same stormwater quality requirements as new developments.

### *1.5.2 Definitions*

In general, all words used in these regulations shall have their common dictionary definitions. Definitions for certain specific terms as applied to these regulations may be found in Appendix B of this volume. Acronyms are found in Appendix B after the definitions.

## **1.6 Legal Considerations**

### *1.6.1 Caveat*

This manual neither replaces the need for professional engineering judgment nor precludes the use of information not presented in the manual. The user assumes full responsibility for determining the appropriateness of applying the information presented herein. Careful consideration should be given to site-specific conditions, project requirements, and engineering experience to ensure that criteria and procedures are properly applied and adapted.

### *1.6.2 Disclaimer of Liability*

The degree of flood protection intended to be provided by Ordinances No. 78-840 and 78-843 and these regulations is considered reasonable for regulatory purposes, and is based on engineering and scientific methods of study. Larger floods may occur on occasion, or the flood height may be increased by manmade or natural causes, such as bridge openings restricted by debris. These ordinances and regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These regulations or ordinances shall not create a liability on the part of, or a cause of action against, Metro or any officer or employee thereof for any flood damages that result from reliance on these regulations or ordinances, or any administrative decision lawfully made thereunder.

### *1.6.3 Severability*

If any section, subsection, sentence, clause, phrase, or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of these regulations.



#### *1.6.4 Compatibility*

If any provisions of these regulations and any other provisions of law impose overlapping or contradictory requirements, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern. These regulations do not relieve the applicant from provisions of any other applicable codes, ordinances, or regulations not explicitly repealed by these regulations. Nothing in these regulations alters, amends, or negates requirements under existing detention pond agreements between Metro and property owners.

#### *1.6.5 Saving Provision*

These regulations do not abate any action now pending under prior existing regulations unless as expressly provided herein.