

City of Millersville
Board of Commissioners
1246 Louisville Hwy, Millersville TN 37072

CITY COMMISSION WORK SESSION AGENDA
Monday, March 2, 2026, 6:00 PM

1. Call to Order
2. Invocation and Pledge of Allegiance
3. City Department Updates
 - a. Administration Updates
 - b. Financial Statement Updates
 - c. Permits and Codes
 - i. Stormwater
 - ii. Planning and Zoning
 - iii. Building Inspections
 - d. Parks Department
 - e. Library Updates with Amy Corbitt
 - f. Fire Department
 - g. Police Department
 - h. Public Works Department
4. Discussion of Sidewalk Project
5. Discussion of Amendments to Ordinance 26-837 Mobile Home Parks
6. Discussion of Ordinance 26-840 Zoning Code Amendment
7. Discussion of Ordinance 26-XXX for revision of Solid Waste Ordinance
8. Discussion of Ordinance 26-XXX Abandoned Vehicle Ordinance
9. Discussion of Ordinance 26-XXX Administrative Hearing Officer Ordinance
10. Citizens' Comments (comment sign-up sheet available before meeting)
11. City Manager's Comments
12. Commissioners' Comments
13. Adjournment



Codes Enforcement Department & Stormwater Department

1246 Louisville Hwy, Millersville, Tennessee 37072
(615) 878-2242 ext 401

DATE: Feb 2026

TO: Michael Housewright City Manager; Commissioners

FROM: Sarah Left, Planning and Codes Director

SUBJECT: Monthly Report for Commission

Department Updates:

Code Enforcement:

City Court- 1 case upcoming in March

Sumner County Court- None

Roberston County Court- None

Code Cases-

Open- 7 code violation cases with upcoming inspections

Stormwater:

Inspections continue for sites, majority being priority sites (sites on receiving creeks)



Planning & Zoning Department

1246 Louisville Hwy, Millersville, Tennessee 37072
(615) 878-2242

Planning and Zoning Division

DATE: FEB 2026

TO: Michael Housewright City Manager; Commissioners

FROM: Sarah Left, Planning and Codes Director

SUBJECT: Monthly Report for Commission

Department Updates:

Permits-

Permit revenue totaling \$26,788.29 for Feb
Attached Report

City Planner, GNRC-

- ATTACHED REPORT

City Building Inspector- Special Inspections LLC-

- ATTACHED REPORT

City Engineer, Neel Schaffer-

- ATTACHED REPORT



Permit Report

2/1/2026 - 02/28/2026

Permit #	Permit Date	Permit Type	Description	Parcel Address	Lot	County	Total Fees
18062	2/25/2026	Land Disturbance/Erosion Control	Land Disturbance	1829 HWY 31W		Robertson	\$320.00
18061	2/24/2026	Building Permit - New Build	MFR APT-TOWNHOME BUILD	1228 LOUISVILLE HWY	121 06105 000	Sumner	PENDING REVIEW
18060	2/19/2026	2. Building Permit - Home Remodel	Turn screened in porch to sunroom	115 HIGH RIDGE DRIVE SOUTH		Sumner	\$120.00
18059	2/17/2026	3. Building Permit - Commercial (New or Addition)	NEW COMMERCIAL BUILD	2220 TED DORRIS RD		Robertson	PENDING REVIEW
18058	2/17/2026	3. Building Permit - Commercial (New or Addition)	NEW COMMERCIAL BUILD	2186 TED DORRIS RD		Robertson	PENDING REVIEW
18057	2/13/2026	Mechanical	HVAC	115 Jones Dr			CLOSED
18056	2/12/2026					Robertson	CLOSED
18055	2/12/2026					Robertson	CLOSED
18054	2/11/2026	1. Build Permit - New House	NEW HOME	1218 Camden Trail	15	Robertson	\$3,675.07
18053	2/6/2026	1. Build Permit - New House	NEW HOME	4115 WILDFLOWER WAY	52	Robertson	\$3,736.45
18052	2/6/2026	1. Build Permit - New House	NEW HOME	4109 WILDFLOWER WAY	51	Robertson	\$3,751.33
18051	2/6/2026	1. Build Permit - New House	NEW HOME	4107 WILDFLOWER WAY	50	Robertson	\$3,751.33
18050	2/6/2026	1. Build Permit - New House	NEW HOME	4105 WILDFLOWER WAY	49	Robertson	\$3,751.33
18049	2/6/2026	1. Build Permit - New House	NEW HOME	4097 WILDFLOWER WAY	48	Robertson	\$3,751.33

18048	2/6/2026	1. Build Permit - New House	NEW HOME	4095 WILDFLOWER WAY	47	Robertson	\$3,736.45
18047	2/4/2026	1. Build Permit - New House	Adding to front porch/expanding with roof/boxed in	3110 CREEKVIEW LANE		Sumner	\$195.00
18046	2/4/2026	2. Building Permit - Home Remodel	INTERIOR HOME REMODEL	3110 CREEKVIEW LANE	141	Sumner	PENDING REVIEW
							\$26,788.29

Total Records: 17

2/27/2026



CITY OF MILLERSVILLE
PLANNING COMMISSION
1246 LOUISVILLE HIGHWAY
MILLERSVILLE, TENNESSEE 37072
Telephone 615-859-0880

**Planning Summary
February 2026**

Reviews

Planning Commission

BJC Ventures Final Plat (February)
Draft of Planning Commission By-Laws (February, March)
Subdivision Regulations review (March)
Copper Creek Site Plan (April)
Millersville C-Store Site Plan (April)
Machinery Movers Site Plan (April)
Bethel Ridge Phase 3 Final Plat (April)

Board of Zoning Appeals

Magic Touch Academy Conditional Use (January, February)
Schultz Variance Request (February)

Administrative Review

Consultations and Meetings

Phone call with Constellation Real Estate Partners to discuss tree removal permit

Additional items

Discussion of possible recycling facility
Confirmation of zoning for property located on 400 block of Pole Hill Road
Question regarding parking requirements for a place of worship on the 1100 block of Louisville Highway
Question regarding zoning for property on the 1100 block of Louisville Highway
Discussion of possible accessory use of detached garage for the 1000 block of Winding Ridge Rd
Discussion of annexation and subdivision process regarding property at 3100 block of Kelly Willis Rd
Discussion of development of short-term rentals and possible subdivision for property located on the 1300 block of Highway 31W
Discussion of possible subdivision of property located on the 100 block of Cove Street
Discussion of possible subdivision of property located on the 100 block of Cove Street, Accessory uses, and domesticated animals
Question regarding zoning, plan status, and floodplain boundaries for property on the 1300 block of Hwy 31W
Discussion of possible Major Home Occupation for property on the 7500 block of Bethel Road

Codes Department

From: Sean <specialinspectionsllc@gmail.com>
Sent: Thursday, February 26, 2026 3:59 PM
To: Tax Clerk; Judy Florendo; Tess Stephens; Codes Department
Subject: February Inspections

Special Inspections LLC Sean Hagan -615-613-4922

specialinspectionsllc@gmail.com

28-Inspections at \$100=\$2,800.00

13-inspections at \$50=\$650

2 – sets of plan review- permit numbers-18058-18059 and permit number-18054-1218 Camden TR =\$600

Total=\$4,050.00

February 4,2026(T/S)

1-4117 Wildflower Way-lot-53-slab-passed-\$50

2-4119 Wildflower Way-lot-54- slab-passed-\$50

3-4127 Wildflower Way-lot-55- slab -passed-\$50

4-4129 Wildflower Way-lot-56- slab -passed-\$50

5-4135 Wildflower Way-lot-57-slab -passed-\$50

6-4137 Wildflower Way-lot-58-slab -passed-\$50

February 5,2026(T)

1-5072 Snow Owl Court-lot-62-footing-passed

2-1463 Bethel Ridge Dr-lot-90-footing-passed

February 6,2026(S)

1-81 McMurtry Road-footer-passed

February 10,2026(S)

1-1304 Bethel Ridge Drive-lot-70-sheathing-passed

February 12,2026(T/S)

1-1413 Bethel Ridge Dr-lot- 85-footer-passed

2-1452 Bethel Ridge Dr-lot-104-footer-passed

3-1463 Bethel Ridge Dr-lot-90-plumbing slab-passed-\$50

4-1507 Bethel Ridge Drive-lot-94-sheathing-reject-header
not nailed every 3”

5-1128 Hwy 31W- 2 sign footers-passed

February 18,2026(T/S)

1-1304 Bethel Ridge Drive-lot-70-framing-reject

1-add hangers/support for framing in garage

2-fireblock above panel box in garage

3-add support at side wall

4-add nut to anchorbolt under living room

2-1463 Bethel Ridge Dr-lot-90- slab-passed-\$50

3-1507 Bethel Ridge Drive-lot-94-sheathing reinspect -passed-
framing-reject

1-complete electrical rough in

2-fireblock above panel box

3-seal chases

February 19,2026(T/S)

1-1523 Bethel Ridge Dr-lot 96-final- passed

2-1433 Bethel Ridge Dr-lot-87-final -passed

February 20,2026(T/S)

1-1126 Louisville Hwy-plumbing slab -passed

2-1413 Bethel Ridge Dr-lot- 85-plumbing slab-passed-\$50

3-1452 Bethel Ridge Dr-lot-104-plumbing slab-passed-\$50

4-5072 Snow Owl Court-lot-62-green plate-passed-\$50

February 23,2026(T/S)

1-4117 Wildflower Way-lot-53-sheathing-passed

2-4119 Wildflower Way-lot-54- sheathing-passed

3-4127 Wildflower Way-lot-55- sheathing -passed

4-4129 Wildflower Way-lot-56- sheathing -passed

5-4135 Wildflower Way-lot-57- sheathing -passed

6-4137 Wildflower Way-lot-58- sheathing -passed

7-1304 Bethel Ridge Drive-lot-70-framing reinspect/insulation-passed

8-1507 Bethel Ridge Drive-lot-94-framing reinspect/insulation-passed

February 21,2026(T/S)

1-plan review permit numbers-18058-18059-\$300

2-plan review permit number-18054-1218 Camden TR-\$300

February 24,2026(T/S)

1- 1218 Camden Trail-lot-15-footer-passed

2-115 Jones RD- framing reinspect/insulation-passed

February 25,2026(T/S)

1-1413 Bethel Ridge Dr-lot- 85-slab-passed-\$50

2-1452 Bethel Ridge Dr-lot-104-slab-passed-\$50

February 27,2026(T/S)

1-4095 Wildflower Way-lot 47-footer-

2-4097 Wildflower Way-lot 48-footer-

3-4105 Wildflower Way-lot 49-footer-

4-4107 Wildflower Way-lot 50-footer-

5-4109 Wildflower Way-lot 51-footer-

6-4115 Wildflower Way-lot 52-footer-

MEMORANDUM

To: Lincoln Atwood, Mayor
 Dustin Darnall, Vice-Mayor
 Jesse Powell, Commissioner
 Carla McCain, Commissioner
 David Gregory, Commissioner

From: Luke Sullivan, City Engineer
 Neel-Schaffer, Inc.

CC: Michael Housewright, City Manager

Date: February 26, 2026

Re: **City Engineer's Report**
 City of Millersville, Tennessee

Neel-Schaffer, Inc. ("NSI") is pleased to submit this report on municipal engineering services provided to the City of Millersville, Tennessee (the "City") to date. The following provides a brief description of city engineer activities, development reviews, and stormwater management performed in the last reporting period.

Municipal Engineering Services

- NSI has prepared a draft Work Order #1 to provide city engineer services for the City.

Development Reviews (Work Order #2)

Bethel Ridge [Major Subdivision]

- NSI received Phase 3 final plat from developer on February 23, 2026. NSI is currently reviewing Phase 3 final plat with comments anticipated to be transmitted to Planning Commission (PC) by March 6, 2026. NSI additionally preparing performance bond recommendation based on Phase 3 final plat with memorandum anticipated to be transmitted to PC by March 6, 2026.
- NSI investigating sanitary sewer line flushing by developer and homeowners.

C-Store

- NSI received site plan and design from developer on February 19, 2026. NSI is currently in site plan and design review with comments anticipated to be transmitted to PC by February 27, 2026.

Constellation 65 North

- NSI received building permit documentation from developer on February 17, 2026. NSI is currently reviewing documentation with comments anticipated to be transmitted to City by February 27, 2026.



engineers | planners | surveyors | environmental scientists | landscape architects

P: 615.383.8420 | F: 615.383.9984

210 25th Avenue North, Suite 800
 Nashville, TN 37203

www.neel-schaffer.com



Copper Creek Electric

- NSI received site plan and design from developer on February 19, 2026. NSI is currently in site plan and design review with comments anticipated to be transmitted to PC by March 6, 2026.

Machinery Movers

- NSI received site plan and design from developer on February 19, 2026. NSI is currently in site plan and design review with comments anticipated to be transmitted to PC by March 6, 2026.

Reynolds Farm [Major Subdivision]

- NSI currently scheduling pre-construction meeting with developer for proposed traffic signal at intersection of State Route 41 (US 31W, Louisville Highway) and Slaters Creek Road. NSI coordinating with Tennessee Department of Transportation (TDOT) regarding usage of raised curbs at proposed traffic signal.

Stormwater Management (Work Order #3)

NPDES MS4 Permit Administration

- Ongoing record-keeping activities as needed.

Stormwater Management Program (SWMP) Management

- NSI is coordinating ongoing pre-construction conferences with developers as needed.
- NSI is conducting monthly quality assurance inspections at 10% of active non-priority construction sites and the following active priority construction sites:

PERMIT NO.	PERMITTEE	ADDRESS
TNR246023	Shane Truck & Excavating, Inc.	1149 Highway 31W

Geographic Information Systems (GIS)

- NSI is preparing a draft Work Order #4 to provide GIS support for the City.

SR 41 (US 31W, Louisville Highway) Pedestrian Improvements (TDOT PIN 125189.00)

- NSI has prepared a scope of services and fee estimate proposal to complete engineering services on this project.



CCTR

Reporting Period: February 2026

Prepared by: Dawn, Event Coordinator & Parks and Recreation Director

Note: Information included is current as of the time of reporting. Some items remain in progress and will be updated as additional information becomes available.

Talking Points

- Easter Event planning remains on schedule for March 21
 - Vendors and entertainment confirmed; documentation collection ongoing
 - Lighting concerns identified; evaluation and quote gathering underway
 - Digital LED sign quote process underway; two additional companies contacted
-

1. General Summary

Operational oversight of the Community Center continues alongside preparation for the March 21 Easter Event. Vendor coordination volunteer outreach, sponsorship engagement, and facility readiness efforts are ongoing. Capital improvement items are currently in the evaluation and quote-gathering phase.

2. Programs & Events

- Food trucks confirmed: Al's Wood Fired Pizza, Rojos Locos Tacos, Music City Floats
 - Entertainment confirmed: Dixie Land (face painting and balloon artists)
 - Volunteer outreach ongoing; confirmations pending
 - Sensory-friendly space included in event plan
 - Weather contingency; egg hunts will move to following Saturday if necessary
-

3. Maintenance & Facility Updates

- Digital LED sign

- Initial quote received
 - Two additional companies contacted for comparative quotes
 - Evaluation phase only; no replacement decision made
 - Electrical/Lighting
 - Lighting concerns identified in select areas
 - Quote process initiated for evaluation and cost comparison
 - No replacement decisions made at this time
 - Facility Maintenance
 - Emergency lighting review requested
-

4. Financial Summary

- Security deposits received totaled **\$4,250**
 - Reservation revenue totaled **\$5,694**
-

5. Upcoming Plans

- Finalize Easter volunteers and operational layout
- Continue Easter event planning
- Obtain remaining LED and electrical quotes
- Continue facility maintenance follow-up

Revenue By Period - Detail

Start Date: 2/1/2026 12:00 AM End Date: 2/28/2026 11:59 PM

Payment Methods: CA, CK, CC, IC, EC, CR

User(s)/Cashier(s): - All -

Revenue Totals

	**Gross	**Net	Cash	Check	CC (Gross)	CC (Net)	ACH (Gross)	ACH (NET)	Internal CC	Acct Credit	Other	Refunds	Other
PROGRAM REGISTRATIONS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
MEMBERSHIPS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
FACILITY RESERVATIONS	\$5,694.00	\$5,694.00	\$2,040.00	\$0.00	\$3,654.00	\$3,654.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
(SECURITY DEPOSITS)	\$4,250.00	\$4,250.00	\$500.00	\$0.00	\$3,750.00	\$3,750.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
POS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
OTHER PAYMENTS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
HOUSEHOLD ACCOUNT CREDIT	\$0.00	\$0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	<u>\$9,944.00</u>	<u>\$9,944.00</u>	<u>\$2,540.00</u>	<u>\$0.00</u>	<u>\$7,404.00</u>	<u>\$7,404.00</u>	<u>\$0.00</u>						

** Difference between GROSS and NET calculation is that NET uses CC (Net) value instead of CC (Gross) value

Sales Tax

SALES TAX COLLECTED

Revenue By Period - Detail

Start Date: 2/1/2026 12:00 AM

End Date: 2/28/2026 11:59 PM

Payment Methods: CA, CK, CC, IC, EC, CR

User(s)/Cashier(s): - All -

Facilities

	Gross	Net	Cash	Check	CC (Gross)	CC (Net)	DEBITS				CREDITS				
							ACH (Gross)	ACH (Net)	Internal CC	Acct Credit	Other	Refunds	Other		
Community Center	\$2,040.00	\$2,040.00	\$2,040.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Security Deposit:	\$500.00	\$500.00	\$0.00	\$0.00	\$500.00	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Reception Hall	\$2,444.00	\$2,444.00	\$0.00	\$0.00	\$2,444.00	\$2,444.00	\$0.00								
Security Deposit:	\$3,000.00	\$3,000.00	\$500.00	\$0.00	\$2,500.00	\$2,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Room 105	\$200.00	\$200.00	\$0.00	\$0.00	\$200.00	\$200.00	\$0.00								
Security Deposit:	\$150.00	\$150.00	\$0.00	\$0.00	\$150.00	\$150.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Room 106	\$1,010.00	\$1,010.00	\$0.00	\$0.00	\$1,010.00	\$1,010.00	\$0.00								
Security Deposit:	\$600.00	\$600.00	\$0.00	\$0.00	\$600.00	\$600.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Revenue By Period - Detail

Start Date: 2/1/2026 12:00 AM

End Date: 2/28/2026 11:59 PM

Payment Methods: CA, CK, CC, IC, EC, CR

User(s)/Cashier(s): - All -

POS

		DEBITS					CREDITS					
Gross	Net	Cash	Check	CC (Gross)	CC (Net)	ACH (Gross)	ACH (Net)	Internal CC	Acct Credit	Other	Refunds	Other

Other Payments

		DEBITS					CREDITS					
Gross	Net	Cash	Check	CC (Gross)	CC (Net)	ACH (Gross)	ACH (Net)	Internal CC	Acct Credit	Other	Refunds	Other

Household Credit Accounts

		DEBITS					CREDITS					
Gross	Net	Cash	Check	CC (Gross)	CC (Net)	ACH (Gross)	ACH (Net)	Internal CC	Acct Credit	Other	Refunds	Other



October 18, 2025

Michael Housewright
City Manager, City of Millersville, Tennessee
1246 Louisville Highway
Goodlettsville, Tennessee 37072

Re: **Scope of Services and Fee Estimate Proposal**
Federal Project No. TAP-M-NH-41(24), State Project No. 83LPLM-F2-133, TDOT PIN 125189.00
State Route 41 (US Route 31W, Louisville Highway) Pedestrian Improvements
From Millersville Public Library of Sumner County to Millersville City Hall
Millersville, Sumner County, Tennessee

Dear Mr. Housewright:

As requested by the City of Millersville, Tennessee (the "City"), Neel-Schaffer, Inc. ("NSI") is pleased to submit this scope of services and fee estimate proposal to provide professional engineering services related to construction of the State Route 41 (US Route 31W, Louisville Highway) Pedestrian Improvements from Millersville Public Library of Sumner County to Millersville City Hall in Millersville, Sumner County, Tennessee (the "Project").

Attachment A contains the full scope of services that NSI will provide, including supplemental services. Attachment B details compensation for all professional engineering services. NSI will not accumulate charges for more than the ceiling amount listed in Attachment B without your approval.

NSI will provide approved services in accordance with the General Terms and Conditions in Attachment C and bill monthly for the work performed.

If this proposal is acceptable, please sign the following page. NSI is prepared to move forward with conducting professional engineering services immediately upon your approval.

Sincerely,

NEEL-SCHAFFER, INC.

Lucas R. Sullivan, PE
Senior Project Manager

engineers | planners | surveyors | environmental scientists | landscape architects

P: 615.383.8420 | F: 615.383.9984
210 25th Avenue North, Suite 800
Nashville, TN 37203
www.neel-schaffer.com



Accepted by:

Owner: CITY OF MILLERSVILLE, TENNESSEE

Engineer: Neel-Schaffer, Inc.

By: (printed name) _____

By: (printed name) _____

By: (title) _____

By: (title) _____

By: (signature) _____

By: (signature) _____

Date: _____

Date: _____

October 18, 2025

Re: Scope of Services and Fee Estimate Proposal — State Route 41 (US Route 31W, Louisville Highway) Pedestrian Improvements

Page 2 of 2



Attachment A



Scope of Services

Re: Fed. Proj. No. TAP-M-NH-41(24), State Proj. No. 83LPLM-F2-133, TDOT PIN 125189.00
State Route 41 (US Route 31W, Louisville Highway) Pedestrian Improvements
From Millersville Public Library of Sumner County to Millersville City Hall
Millersville, Sumner County, Tennessee

Neel-Schaffer, Inc. (“NSI”) is pleased to submit this scope of services to provide professional engineering services related to construction of the State Route 41 (US Route 31W, Louisville Highway) Pedestrian Improvements from Millersville Public Library of Sumner County to Millersville City Hall in Millersville, Sumner County, Tennessee (the “Project”).

Project Description

The Project consists of the construction of new sidewalks and replacement of sidewalks along both sides of State Route 41 (US Route 31W, Louisville Highway) from the Millersville Public Library of Sumner County to Millersville City Hall, a distance of approximately 0.66 miles. The Project also includes two pedestrian bridges over Slaters Creek, pavement markings, drainage improvements, Americans with Disabilities Act (ADA) upgrades, landscaping, signage and pedestrian amenities.

Project Background

The Tennessee Department of Transportation (TDOT) awarded the City a \$1,000,000 federal Transportation Alternatives Program (TAP) grant on September 16, 2019.

The City received the *NTP with the Preliminary Engineering Phase for Environmental Only* for the Project from TDOT on May 2, 2019.

The City received the *NTP with the ROW Phase* for the Project from TDOT on November 6, 2023, with an effective date of October 30, 2023. The City issued a request for qualifications (RFQ) for ROW appraisals on May 2, 2025, with appraisals completed in June 2025. The City’s Board of Commissioners passed Resolution 25-R-13 at their June 30, 2025 special called meeting to authorize ROW negotiations with property owners of approximately 25 affected properties.

engineers | planners | surveyors | environmental scientists | landscape architects

P: 615.383.8420 | F: 615.383.9984
210 25th Avenue North, Suite 800
Nashville, TN 37203
www.neel-schaffer.com



Scope of Services

Based on the Project as described **Error! Reference source not found.**, NSI proposes to perform the following services:

Basic Services

1. Project management and coordination.

NSI will plan, organize, and implement the Project tasks outlined in this scope of services in a timely manner. NSI will maintain direct contact and continuous liaison with the City and TDOT.

1.1. Project meetings.

NSI will coordinate monthly progress meetings with the City and stakeholders to provide updates and coordination for the Project.

1.2. ROW coordination meetings.

NSI will coordinate right-of-way (ROW) meetings with the City and affected property owners to provide updates on the Project plans relative to each affected property owner.

2. Preliminary engineering phase (environmental only).

The City received the *NTP with the Preliminary Engineering Phase for Environmental Only* for the Project from TDOT on May 2, 2019. NSI will complete environmental documentation for the Project.

Assumptions. NSI assumes that the City has completed National Environmental Policy Act (NEPA) documentation for the Project, including preparation of the relevant technical studies.

Exclusions. NSI has not included the following services in this task:

- Completion of a preliminary assessment, technical studies, or a draft or final environmental document for the Project; or
- Completion of a NEPA reevaluation of the above documentation.



2.1. Water quality permitting.

NSI will prepare water quality permitting for the Project based on the final construction plans dated July 31, 2024.

Assumptions. NSI assumes that only the permits listed below are required for construction of the Project.

Exclusions. NSI has not included the following services in this task:

- Development of or modifications to design plans or erosion prevention and sediment control (EPSC) plans; or
- Preparation of additional exhibits or figures beyond those required for the below submittals.

2.1.1. Aquatic Resource Alteration Permit (ARAP).

The City received a Notice of Coverage (NOC) under a general aquatic resource alteration permit (GARAP) for minor road crossings over Slaters Creek from the Tennessee Department of Environment and Conservation (TDEC) on May 9, 2024; however, coverage expired on April 7, 2025. NSI will resubmit the Notice of Intent (NOI) to reinstate coverage under the GARAP.

2.2. Stormwater permitting.

NSI will prepare water quality permitting for the Project based on the final construction plans dated July 31, 2024.

2.2.1. Tennessee Department of Environment and Conservation (TDEC) construction grading permit (CGP).

NSI will prepare a Notice of Intent (NOI) for a National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Construction Activities (CGP) according to TDEC rules and regulations.

3. Right-of-way and utility coordination phase.

The City received the *NTP with the ROW Phase* for the Project from TDOT on November 6, 2023, with ROW appraisals completed in June 2025 and ROW negotiations with affected property owners in progress. NSI will coordinate utility relocations on behalf of the City according to TDOT LPDO procedures.

3.1. ROW coordination and certification.

Following the City's receipt of the *NTP with the ROW Phase* from TDOT, NSI will coordinate ROW certification on behalf of the City according to TDOT LPDO procedures.



Assumptions. NSI assumes that the City or a third party will complete ROW negotiations and ROW closing sufficient to acquire the affected properties for construction of the Project.

Exclusions. NSI has not included the following services in this task:

- Title reports;
- ROW appraisal services;
- ROW negotiation; or
- ROW closing services.

3.3. *Utility coordination and certification. NSI will perform utility coordination and certification tasks as detailed below.*

Assumptions. Based on the final construction plans dated July 31, 2024, NSI assumes that the Project will require relocation by the following utilities:

- City of Millersville, Tennessee (sanitary sewer);
- Comcast Cable Communications;
- Cumberland Electric Membership Corporation (CEMC);
- Level 3 Communications;
- Piedmont Natural Gas; and
- White House Utility District (WHUD).

Exclusions. NSI has not included the following services in this task:

- Preparation of rainbow plans or utility relocation plans.

3.4.1. *Utility coordination.*

NSI will issue the final construction plans dated July 31, 2024 to utilities and request relocation plans from all affected utilities per TDOT LPDO guidelines.

3.4.2. *Utility relocation inspection.*

NSI will inspect relocations of affected utilities to confirm that relocations are performed in accordance with the approved relocation plans.

3.4.3. *Invoice review.* NSI will review submitted progress payment requests by utilities and provide to the City for payment.

4. *Pre-construction phase.*

NSI will perform pre-construction phase tasks as detailed below.



5.1. Bid documents. NSI will prepare a proposal contract (“bid book”) using the latest available Proposal Contract template (Form 8-1 Federal) from TDOT LPDO. NSI will prepare a construction advertisement authorization checklist using the latest available template (Form 8-2) from TDOT LPDO. NSI will provide the bid book and checklist along with the construction plans, final construction estimate, and other items required by the checklist to the City for their submittal to TDOT.



6. Construction phase.

Following the City's receipt of the *NTP with Construction Phase* for the Project from TDOT, NSI will perform construction phase tasks as detailed below.

6.1. Bid assistance.

NSI will perform bid assistance tasks as detailed below.

6.1.1. Advertisement for bids.

NSI will prepare an advertisement for bids using the latest available Bid Advertisement Template (Form 8-3) from TDOT LPDO.

6.1.2. Bid review and awarding.

NSI will review any bids submitted by bidders and determine whether bids are responsive, materially and mathematically balanced and bidders are responsible. NSI will prepare a construction advertising and award checklist using the latest available template (Form 8-4) from TDOT LPDO and provide to the City for their records and submittal to TDOT.

6.2. Construction administration.

Following TDOT's concurrence with the intent to award, NSI will perform construction administration tasks as detailed below.

6.2.1. Start notice.

NSI will prepare a start notice using the latest available Start Notice template (Form 8-17) from TDOT LPDO. NSI will submit the start notice to the City for their use in notifying TDOT of the start of construction.

6.2.2. Shop drawing review.

NSI will review working or shop drawings submitted by the contractor and its fabricators and vendors for general approval.

6.2.3. Progress estimate review.

NSI will review progress payment requests from the contractor and prepare engineer's estimates and monthly construction reports supporting the payment requests.



6.3. Construction engineering and inspection (CEI).

Following the start of construction activity by the contractor, NSI will perform construction engineering and inspection (CEI) tasks as detailed below.

Exclusions. NSI has not included the following services in this task:

- Independent assurance testing or coordination of such testing.

6.3.1. Acceptance testing.

NSI will perform acceptance sampling and testing in accordance with TDOT standard operating procedures (SOP).

6.3.2. Material certification.

NSI will collect material certification documents for products used in construction in accordance with TDOT SOP.

6.3.3. Verification sampling.

NSI will collect verification samples for products used in construction in accordance with TDOT SOP and will submit verification samples to TDOT.

6.3.4. Erosion prevention and sediment control (EPSC) inspection.

NSI will conduct twice-weekly EPSC inspections of the Project area in accordance with TDOT and the conditions of the TDEC CGP and ARAP. NSI will complete the TDEC and TDOT inspection reports and submit to the City for their records.

6.4. Project closeout.

Following the completion of construction activity by the contractor, NSI will perform project closeout tasks as detailed below.

6.4.1. Final inspection.

NSI will conduct and participate in a final inspection of the Project with the City and TDOT to determine the quality, completeness, and acceptability of the work. NSI will prepare a punch list using the latest available Punch List Template (Form 8-32) from TDOT LPDO. NSI will provide final inspection documentation to the City for their records.

6.4.2. As-built drawings.

NSI will collect as-built drawings from the contractor and compile them along with shop drawings to provide to the City for their records and submittal to TDOT.



6.4.3. *Completion notice.*

NSI will prepare a completion notice using the latest available Completion Notice template (Form 8-33) from TDOT LPDO. NSI will submit the completion notice to the City for their use in notifying TDOT, the contractor, and its surety that the Project is complete, as well as issuing an advertisement for claims.

6.4.4. *Final estimate.*

NSI will review the final progress payment request from the contractor and prepare a summary change order adjusting the contract amount to coincide with the final quantities. NSI will prepare a memorandum summarizing the final contract value and time to the City for their records. NSI will prepare an explanation of quantity overruns or underruns and determination of time based on quantity increases in accordance with TDOT circular letters.

6.4.5. *End of job certificate.*

NSI will prepare an end of job certificate using the latest available End of Job Certificate template (Form 8-36) from TDOT LPDO. NSI will provide the end of job certificate to the City for their records and submittal to TDOT LPDO.

Supplemental Services

NSI will perform the following supplemental services beyond the scope of basic services described above as needed to advance the Project. NSI will not perform supplemental services without written authorization from the City. Upon request from the City, NSI will provide a scope of services and fee estimate proposal for any supplemental services; NSI will otherwise perform supplemental services on an hourly basis and in accordance with the General Terms and Conditions of Professional Consultant Services.

- Plans revisions (can only do on an exhibit or per-sheet basis)
- NEPA documentation
- Additional survey
- Additional ROW



Additional Services

NSI will not perform additional services beyond the scope of basic services described above without written authorization from the City. NSI will perform additional services on an hourly basis and in accordance with the *General Terms and Conditions of Professional Consultant Services*.

Exclusions

NSI has not included the following items in this scope of services:

- **Topographical survey.**
- **Geotechnical exploration, reports, and recommendations.**



Attachment B



FEE SUMMARY
SR 41 Pedestrian Improvements
 February 17, 2026

PHASE	TOTAL
Task 1 — Project Management and Coordination	\$7,280.00
Task 2 — Preliminary Engineering Phase (Environmental Only)	\$11,760.00
Task 3 — ROW and Utility Coordination Phase	\$22,680.00
Task 4 — Pre-Construction Phase	\$13,440.00
Task 5 — Construction Phase	\$246,680.00
ESTIMATED COST	\$301,840.00



MANDAY ESTIMATE
SR 41 Pedestrian Improvements

February 17, 2026

TASK DESCRIPTION	Resource	Officer, Senior Engineer Manager, or Survey Manager (P-8 or P-5)	Engineer Manager or Professional IV (P-7)	Senior Project Manager or Professional III (P-6)	Project Manager or Professional II (P-5)	TASK HOURS			TOTALS	
						Professional Intern (P-1, P-2, or P-3)	Technician IV, Inspector IV, or Surveyor IV (T-4)	Technician III, Inspector II, or Survey Crew Chief (T-3)		Senior Clerical (A-3)
Task 1 — Project Management and Coordination										
Task 1.1 — Project Meetings			8	8	8					24
Task 1.2 — ROW Coordination Meetings			4		4					8
Estimated Labor Hours	0	12	8	12	0	0	0	0		32
Direct Labor Rate / Class	\$ 300.00	\$ 260.00	\$ 235.00	\$ 190.00	\$ 125.00	\$ 130.00	\$ 115.00	\$ 90.00		
Direct Labor Cost /Class	\$ -	\$ 3,120.00	\$ 1,880.00	\$ 2,280.00	\$ -	\$ -	\$ -	\$ -		
% of Total Hours	0%	38%	25%	38%	0%	0%	0%	0%		
									Estimated Sub-Total	\$ 7,280.00
Task 2 — Preliminary Engineering Phase (Environmental Only)										
Task 2.1 — Water Quality Permitting										0
Task 2.1.1 — ARAP			12		24					36
Task 2.2 — Stormwater Permitting										0
Task 2.1.1 — NPDES CGP			4		16					20
Estimated Labor Hours	0	16	0	40	0	0	0	0		56
Direct Labor Rate / Class	\$ 300.00	\$ 260.00	\$ 235.00	\$ 190.00	\$ 125.00	\$ 130.00	\$ 115.00	\$ 90.00		
Direct Labor Cost /Class	\$ -	\$ 4,160.00	\$ -	\$ 7,600.00	\$ -	\$ -	\$ -	\$ -		
% of Total Hours	0%	29%	0%	71%	0%	0%	0%	0%		
									Estimated Sub-Total	\$ 11,760.00
Task 3 — ROW and Utility Coordination Phase										
Task 3.1 — ROW Coordination and Certification			8							8
Task 3.2 — Utility Coordination and Certification										0
Task 3.2.1 — Utility Coordination			8	16	16					40
Task 3.2.2 — Utility Relocation Inspection							48			48
Task 3.2.3 — Invoice Review			8	8	8					24
Estimated Labor Hours	0	24	24	24	0	48	0	0		120
Direct Labor Rate / Class	\$ 300.00	\$ 260.00	\$ 235.00	\$ 190.00	\$ 125.00	\$ 130.00	\$ 115.00	\$ 90.00		
Direct Labor Cost /Class	\$ -	\$ 6,240.00	\$ 5,640.00	\$ 4,560.00	\$ -	\$ 6,240.00	\$ -	\$ -		
% of Total Hours	0%	20%	20%	20%	0%	40%	0%	0%		
									Estimated Sub-Total	\$ 22,680.00
Task 4 — Pre-Construction Phase										
Task 4.1 — Bid Documents			8	16	40					64
Estimated Labor Hours	0	8	16	40	0	0	0	0		64
Direct Labor Rate / Class	\$ 300.00	\$ 260.00	\$ 235.00	\$ 190.00	\$ 125.00	\$ 130.00	\$ 115.00	\$ 90.00		
Direct Labor Cost /Class	\$ -	\$ 2,080.00	\$ 3,760.00	\$ 7,600.00	\$ -	\$ -	\$ -	\$ -		
% of Total Hours	0%	13%	25%	63%	0%	0%	0%	0%		
									Estimated Sub-Total	\$ 13,440.00



MANDAY ESTIMATE
SR 41 Pedestrian Improvements

February 17, 2026

TASK DESCRIPTION	Resource	Officer, Senior Engineer Manager, or Survey Manager (P-8 or P-5)	Engineer Manager or Professional IV (P-7)	Senior Project Manager or Professional III (P-6)	Project Manager or Professional II (P-5)	Professional Intern (P-1, P-2, or P-3)	Technician IV, Inspector IV, or Surveyor IV (T-4)	Technician III, Inspector II, or Survey Crew Chief (T-3)	Senior Clerical (A-3)	TASK HOURS
Task 5 — Construction Phase										
Task 5.1 — Bid Assistance										0
Task 5.1.1 — Advertisement for Bids			4	8						
Task 5.1.2 — Bid Review and Awarding			4	8	16					28
Task 5.2 — Construction Administration										0
Task 5.2.1 — Start Notice										0
Task 5.2.2 — Shop Drawing Review			8	16	16					40
Task 5.2.3 — Progress Estimate Review			8	8	16					
Task 5.3 — Construction Engineering and Inspection										0
Task 5.3.1 — Acceptance Testing			24				340			
Task 5.2.2 — Material Certification			24				340			
Task 5.2.3 — Verification Sampling			24				340			
Task 5.2.4 — EPSC Inspections			24				340			
Task 5.4 — Project Closeout										8
Task 5.4.1 — Final Inspection			8							
Task 5.4.2 — As-Built Drawings			8	8	40					56
Task 5.4.3 — Completion Notice			4							4
Task 5.4.4 — Final Estimate			4							4
Task 5.4.5 — End of Job Certificate			4	8	8					20
Estimated Labor Hours		0	148	56	96	0	1360	0	0	1660
Direct Labor Rate / Class	\$ 300.00	\$ 260.00	\$ 235.00	\$ 190.00	\$ 125.00	\$ 130.00	\$ 115.00	\$ 90.00		
Direct Labor Cost /Class	\$ -	\$ 38,480.00	\$ 13,160.00	\$ 18,240.00	\$ -	#####	\$ -	\$ -		
% of Total Hours	0%	9%	3%	6%	0%	82%	0%	0%		
Estimated Sub-Total										\$ 246,680.00

NEEL-SCHAFFER, INC.
2026 RATE SCHEDULE FOR PROFESSIONAL SERVICES

EMPLOYEE CLASSIFICATION	POSITION	HOURLY RATE
P-8, P-9	Officer, Senior Engineer Manager or Survey Manager	\$300.00
P-7	Engineer Manager/Professional IV	\$260.00
P-6	Senior Project Manager/Professional III	\$235.00
P-5	Project Manager/Professional II	\$190.00
P-4	Professional I	\$165.00
P-1, P-2, P-3	Professional Intern	\$125.00
T-6	Senior Certified Engineering Technician	\$170.00
T-5	Certified Engineering Technician/Supervisory Technician	\$155.00
T-4	Technician IV/ Inspector IV/ Surveyor IV	\$130.00
T-3	Technician III/Inspector III/Survey Crew Chief	\$115.00
T-2	Technician II/Inspector II/Survey Instrument Person	\$90.00
T-1	Technician I/Inspector I/Survey Assistant	\$80.00
T-1	Student Intern	\$45.00
A-4	Senior Administrative	\$100.00
A-3	Senior Clerical	\$90.00
A-2	Clerical	\$70.00
A-1	Assistant Clerical	\$65.00
	Three-Member Survey Party	\$250.00
	Two-Member Survey Party	\$185.00
	One-Member Survey Party	\$140.00

“Professional” positions include engineer, architect, geologist, scientist, landscape architect, and planner.

“Technician” positions include engineering, soil, architecture, planning, GIS and information technology.

REIMBURSABLE EXPENSE SCHEDULE

EXPENSE	COST
Vehicle Mileage	\$0.70/mile
Traffic Counter/Video Monitor	\$10.00/day

All other expenses, including contract reproduction/printing, travel and subsistence, parking, communications, equipment rental, postage and overnight mail, and supplies will be reimbursed at actual cost. Use State or Federal Rates for mileage, travel and subsistence where necessary and/or required.

The hourly rates as shown on this rate schedule shall be subject to equitable adjustment on an annual basis due to increased costs and the rate of inflation.

**CITY OF MILLERSVILLE, TENNESSEE
ORDINANCE NO. 26-837**

**AN ORDINANCE TO AMEND SECTION 14 OF THE ZONING ORDINANCE
OF THE CITY OF MILLERSVILLE**

WHEREAS, the Board of Commissioners of the City of Millersville, Tennessee adopted the Zoning Ordinance of the City of Millersville on June 1, 2020, to promote the general welfare of the citizens of Millersville, and,

WHEREAS, changing conditions and circumstances mandate periodic upgrading and clarification of existing laws, including zoning provisions, and,

WHEREAS, existing Mobile Home Parks in the City of Millersville are a nonconforming use, and,

WHEREAS, the intent of this amendment is to provide clarity around the process for reconstruction of Mobile Home Parks if allowed under the nonconforming use provisions in the Zoning Ordinance of the City of Millersville, and,

WHEREAS, The City of Millersville Planning Commission met on November 13, 2025, and voted to recommend the approval of the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Millersville, Tennessee that Section 14 of the Zoning Ordinance of the City of Millersville are amended as follows after the second reading of this ordinance:

The addition of new Section 14.7 to the Zoning Ordinance of the City of Millersville. The text of the amendment is provided as Attachment A.

And the following definitions are added to Section 16.3 of the Zoning Ordinance of the City of Millersville.

Mobile Home Park- A portion of a parcel, a parcel, or contiguous parcels of land under common ownership containing three or more rental spaces or lots designed for or which is intended to be used to accommodate mobile dwellings (aka mobile homes) or manufactured dwellings (aka manufactured homes).

Mobile Home- see dwellings, mobile

Manufactured Home- see dwellings, manufactured

Mobile Home Space- A concrete pad upon which mobile dwellings (aka mobile homes) or manufactured dwellings (aka manufactured homes) are secured per Section 14.7.D.”

Passed this _____ day of _____, 2026

First Reading: _____

Second Reading: _____

Mayor Lincoln Atwood

Attest:

Judy Florendo, City Recorder

Attachment A

14.7 Non-Conforming Mobile Home Parks

A. The intent and purpose of this section of the Zoning Ordinance is to provide guidance on the reconstruction and prohibit new construction or expansion of a mobile home park that is deemed a nonconforming use in accordance with Section 14.3 of the Millersville Zoning Ordinance and prohibit new construction and expansion of Mobile Home Parks. A mobile home park is considered a residential use and therefore subject to the applicable provisions for residential nonconforming uses.

A mobile home space is concrete pad upon which a mobile dwellings (aka mobile homes) or manufactured dwellings (aka manufactured homes) is secured per Section 14.7.D.

B. Building Permits

1. Review Procedure

The planning commission will review the submittal for compliance with the mobile home park development plan standard set forth below. Incomplete information shall result in the development plan being returned without action. Once a building permit has been issued the applicant may begin construction.

2. Site Plan Required

A mobile home park building permit may only be issued for reconstruction of a mobile home park upon submission and approval by the planning commission of a development plan containing the following information.

- a. The name and address of the applicant.
- b. The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
- c. The location, size, and number of all mobile home spaces.
- d. The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).
- e. The proposed use of buildings shown on the site plan.
- f. The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
- g. The location and number of all off-street parking facilities.

- h. The location of park and recreation areas.
- i. A completed drainage plan with contour lines at five (5) feet intervals.
- j. A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.
- k. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
- l. Such other architectural, engineering, and topographical data as may be required to permit the county health department, the Building Inspector and the Planning Commission to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.
- m. Landscaping as regulated in Section 11.4 of the Zoning Ordinance.

C. Development Standards

1. General

- a. No part of the park shall be used for non-residential purposes, except such uses as are required for the direct servicing and well-being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home or manufactured home stand and connected to the pertinent utilities.
- b. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion shall not be used for any purpose which would expose persons or property to hazards.

2. Minimum Development Size

No mobile home park shall be approved which contains less than five (5) acres in area or has less than three (3) mobile home spaces.

3. Dimensional Requirements for Parks

- a. Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.

b. Within the interior portions of the mobile home park, no yards except as required to meet other provisions set forth in this section are required.

c. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.

d. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

e. At no time shall the density for the park exceed the maximum permissible density for the district in which it is located.

4. Spacing of Mobile Homes, Manufactured Homes, and Site Coverage

a. Mobile homes and manufactured homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes or manufactured homes; for mobile homes or manufactured homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet but not less than fifteen (15) feet. No mobile home or manufactured homes shall be located closer than twenty (20) feet from any building within the park.

b. There shall be a minimum distance of ten (10) of feet between the nearest edge of any mobile home or manufactured homes and an abutting access street or as may be determined by TDOT.

c. Each mobile home or manufactured homes stand shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home or manufactured homes and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

5. The Mobile Home Space

a. General - The limits of each mobile home space shall be marked on the ground by suitable means. Location of space limits on the ground shall be the same as shown on accepted plans. No space shall be smaller than five thousand (5,000) square feet.

b. Mobile Home and Manufactured Home Stands - The mobile home or manufactured home stands shall be improved to provide tie-down of the mobile home. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home or manufactured home due to frost action, inadequate drainage,

vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication of FHA "Minimum Property Standards for Mobile Home Parks," May, 1977.

c. Outdoor Living Area - Each mobile home or manufactured home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be no less than two hundred (200) square feet and shall be paved.

d. Tenant storage shall be provided for each mobile home or manufactured home at the rear of the mobile home space.

6. Accessory Structures

a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.

b. Accessory structures shall be located at a minimum of five (5) feet from any side lot line, the rear lot line, and from any building on the same lot.

7. Utilities and Other Services

a. Each mobile home park shall be serviced by a public water supply with lines not less than six (6) inches or manufactured homes.

b. Each mobile home or manufactured home site shall be provided with the connection to a sanitary sewer line. Each mobile home or manufactured home will be served by its own grinder pump (if applicable) rather than using a shared grinder pump for multiple mobile homes.

c. Solid waste collection stands shall be provided for waste containers for each mobile home or manufactured home. Any central waste container shall be screened from view with access appropriately provided.

d. Service buildings housing, sanitation and laundry facilities, shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.

e. Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a one (1) hour duration.

f. Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

8. Streets

Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile home or manufactured home lot. Such access shall be provided by streets or driveways. All internal streets shall be private.

a. Circulation

The internal street system should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turnaround with a minimum diameter of eighty (80) feet.

b. Pavement Width

Pavement widths shall be as follows:

Collector Street

with no parking	20 feet
with on-street parking	36 feet

Minor Street

with no parking	18 feet
with on-street parking	34 feet

One-Way Minor Street

with no parking	12 feet
with on-street parking	28 feet

c. Construction

The internal streets and drives shall be paved in accordance with the Millersville Subdivision Regulations.

9. Walks

All mobile home park developments shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one half (3 1/2) feet.

All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.

10. Recreation Area

Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

11. Buffer and Screening

A landscape buffer shall be provided along the perimeter of the site boundaries not less than fifteen (15) feet in width, except that a minimum buffer area from any public street shall be no less than twenty (20) feet.

Within the landscaped buffer, a continuous fence six (6) to eight (8) feet high, or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be year-round evergreen trees four (4) feet wide and at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

12. Site Design

The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and

grounds and to screen out objectionable features. The landscape plan shall be submitted with the development plan.

13. Parking

a. Off Street Parking

As regulated in Article XI, Section 90-142.

D. Responsibility of Park Management

1. The permittee shall operate the mobile home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
3. The permittee shall supervise the placement of each mobile home or manufactured home on its mobile home or manufactured home stand to the satisfaction of the Building Inspector which includes securing its stability to anchor pins and installing all utility connections.
4. The permittee shall maintain a register containing the following information:
 - a. The name and address of each mobile home or manufactured home occupant.
 - b. The name and address of the owner of each mobile home or manufactured home and motor vehicle by which it was towed.
 - c. The make, model, year, and license number of each mobile home or manufactured home and motor vehicle.
 - d. The date of arrival and of departure of each mobile home or manufactured home.
5. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
6. The register records shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
7. The permittee shall notify the health authority immediately, of any suspected communicable or contagious disease within the park.

8. The permit to operate shall be conspicuously posted in the mobile home park office at all times.

9. The permittee shall be answerable for the violation of any provision of this section.

E. Responsibilities of Park Occupants

1. The park occupants shall comply with all applicable requirements of this zoning ordinance and shall maintain his/her mobile home or manufactured home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

2. The park occupant shall be responsible for proper placement of the mobile home or manufactured home on its mobile home or manufactured home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.

3. Skirting, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home or manufactured home shall be used for storage only if permitted by the park management.

If permitted, the following conditions shall be satisfied:

a. The storage shall be provided with a base of impervious material.

b. Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.

c. The storage area shall be enclosed by skirting.

4. The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof and water tight.

5. Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.

6. All park occupants shall be required to register their pets (dogs and cats) with the park management.

7. All park occupants shall be required to have their pets (dogs and cats) on a leash and shall not be allowed to roam.

8. Park occupants shall not be allowed to construct or place pens or animals on the park premises.

9. No inoperative automobiles, junk, or non-contained trash shall be allowed within the park.

F. Inspections

1. The Building Inspector or Codes Official is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to ensure the health and safety of occupants of mobile home parks and of the general public.

2. The Building Inspector or Codes Official shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.

3. Penalties

a. Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.

b. Each day that a violation is permitted to exist shall constitute a separate offense.

c. Any expansion of any existing mobile home park is considered a non-complying use and is hereby prohibited.

G. Revocation of Permit

The Board of Zoning Appeals may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this section. After such conviction, the permit may be re-issued if the circumstance leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.

H. Prohibited Structures

1. Cabanas, travel trailers, and other similarly enclosed structures are prohibited.

2. Trailers with or without toilet facilities that cannot be connected to approved sewer system shall not be permitted in a mobile home park.

3. Mobile homes or manufactured homes shall not be used for commercial, industrial or other non-residential use within a mobile home park, except that one (1) mobile home or manufactured home in the park may be used to house a rental office.

TABLE 3 RESIDENTIAL DISTRICTS PERMITTED AND CONDITIONAL USES									
USE TYPES	RR	ER	SR-1	SR-2	THR ²	MXR ^{2,3}	MFR	MXC ^{2,3}	USE STANDARDS
"P" = PERMITTED // "C" = CONDITIONAL									
RESIDENTIAL USES									
Accessory Dwelling (Detached)	C ¹¹	C ¹¹	C ¹¹			C ¹¹			10.4.2.3
Assisted Living Facility			C	C		P	P	P	10.3.1
Bed and Breakfast	C ⁷	C ⁷	C ⁷	C ⁷		C ⁷	P	P	
Community Residence, Large (More than 8 persons)								P	10.3.2
Community Residence, Small (8 persons or less)	C ⁷	C	C	C		C	P		10.3.2
Dwelling Manufactured	P	C							
Dwelling, Multi-Family						p ⁵	P	p ⁵	
Dwelling, Single-Family	P	P	P	P	p ⁵	P	P	P	
Dwelling, Townhome			p ⁵	p ⁵	p ⁵	p ⁵	P	p ⁵	10.3.5
Home for the Aged			C	C		C	P		10.3.1
Independent Living Facility			C	C		P	P	C	10.3.1
Mobile Home Park									

TABLE 5 COMMERCIAL DISTRICTS PERMITTED AND CONDITIONAL USES								
USE TYPES	MXR ²	NC	O	MXC ²	GC	HC	I	USE STANDARDS
"P" = PERMITTED // "C" = CONDITIONAL								
RESIDENTIAL USES								
Assisted Living Facility	P	C	C	P	P			10.3.1
Bed and Breakfast	C ⁷			P				
Community Residence, Large (More than 8 persons)								
Community Residence, Small (8 or less persons)	C							
Dwelling, Manufactured								
Dwelling, Multi-Family	p ²			P				
Dwelling, Single-Family	P			P				
Dwelling, Townhome	p ²			p ²				10.3.5
Home for the Aged								
Independent Living Facility	P	P	P	P	P			10.3.1
Mobile Home Park								

CITY OF MILLERSVILLE, TENNESSEE

ORDINANCE 26-840

AN ORDINANCE OF THE CITY OF MILLERSVILLE, TENNESSEE, AMENDING SECTION 2.3 OF THE MILLERSVILLE ZONING ORDINANCE TO ALIGN IT WITH MUNICIPAL ORDINANCE 25-836

WHEREAS, the City of Millersville, Tennessee (“City”) has adopted a zoning ordinance pursuant to the authority granted in Tennessee Code Annotated (“T.C.A.”) §§ 13-7-201 et seq.; and

WHEREAS, T.C.A. § 13-7-205 authorizes the City to establish a Board of Zoning Appeals to hear and decide appeals, variances, and special exceptions in the administration of the zoning ordinance; and

WHEREAS, the City Commission of Millersville, in order to make changes to the Millersville Board of Zoning Appeals, approved Ordinance 25-835, an ordinance which dissolved the existing Board of Zoning Appeals; and

WHEREAS, the City Commission of Millersville approved Ordinance 25-836, an ordinance which re-established the Millersville Board of Zoning Appeals with the intended changes; and

WHEREAS, Section 2.3 of the Millersville Zoning Ordinance titled “Board of Zoning Appeals” is aligned with the previous structure of the Board of Zoning Appeals prior to the adoption of Ordinance 25-836; and

WHEREAS, the City Commission of Millersville desires to amend Section 2.3 of the Millersville Zoning Ordinance titled “Board of Zoning Appeals” so that it aligns with Ordinance 25-836;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MILLERSVILLE, TENNESSEE:

SECTION 1. Zoning Ordinance Amendment.

Section 2.3 (1) Creation of BZA Boards is amended as follows (new text is highlighted; deleted text in strikethrough)

1. Creation of BZA Boards:

A. The Board of Zoning Appeals, as created by Ordinance, and as currently existing, shall remain in effect and authority.

B. The Municipal Board’s authority is for territory within the city limits of the City of Millersville. Authority over any area annexed into the City is transferred to the Municipal Board.

C. Each Board shall consist of ~~seven (7)~~ **five (5)** members. The Municipal Board members shall reside within the City. The terms of the board members shall be for three (3) years, or until replaced. ~~The terms in effect prior to the adoption of this Ordinance shall continue.~~ Terms shall be staggered in the current manner. Replacements shall be for the remaining term of the person replaced.

D. Appointments shall be by the Millersville City Commission in accordance with the Millersville Municipal Code as may be amended from time to time.

E. Members may be removed by the Mayor, with approval of the City Commission, for cause upon written charges and after public hearing.

F. Vacancies shall be filled by appointment of the Mayor, subject to City Commission confirmation, for the unexpired portion of the term.

G. A quorum shall consist of three (3) members.

H. Members shall serve with such compensation as may be fixed by the Millersville City Commission.

I. Training and continuing education of Board members shall be in accordance with state law, in particular TN Code 13-7-205 (c) as may be amended.

SECTION 2. Effective Date.

This Ordinance shall take effect immediately upon its passage and adoption, the public welfare requiring it.

Passed this _____ day of _____, 2026

First Reading: _____

Second Reading: _____

Mayor Lincoln Atwood

Attest:

Judy Florendo, City Recorder

Chapter 74 STREETS, SIDEWALKS AND PUBLIC PLACES

Chapter 74 STREETS, SIDEWALKS AND PUBLIC PLACES¹

ARTICLE I. IN GENERAL

Sec. 74-1. Road construction, depth specifications.

- (a) All new roads within the city will be constructed with a minimum of six inches of aggregate base, two inches of binder and 1½ inches of asphalt.
- (b) All roads could be subject to more than six inches of aggregate base and will depend on soil on which roads are being built. Final determination will be made by the city engineers.
- (c) Curbs shall be a minimum of six inches high, 12 inches width concrete placed on top of a two-inch asphalt binder and locked in place with a 1½-inch asphalt finish topping and backfilled with dirt for support.

(Ord. No. 95-282, §§ 1, 2, 1-11-1996; Ord. No. 01-374, §§ 1—3, 5-15-2001)

Sec. 74-2. Road maintenance fee.

A road maintenance fee is hereby established. The road maintenance fee will be used for the sole purpose of funding the street fund and will only be used to improve the condition of the roads and street equipment within the city. The fee schedule will be as follows: Home and business owners who have paid this fee or whose home or business was built prior to this section will not be charged a second time if their home or business has been destroyed by a natural disaster (accidental fire, flood or high winds).

Single-family homes (per dwelling)\$150.00

Mobile homes (per dwelling) (Individual lots in a designated mobile home park will be charged \$75.00 per move in.)150.00

Modular homes (per dwelling)150.00

Apartment complex (per unit)150.00

Duplex (per unit)150.00

Triplex (per unit)150.00

Townhouses and all other single-family dwellings (per unit)150.00

Hotels, motels (per room)50.00

All other commercial businesses will be charged \$0.15 per square foot with a base minimum of \$150.00.

¹Cross reference(s)—Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the city saved from repeal, § 1-11(5); any ordinance or resolution providing for local improvements or assessing taxes for such improvement saved from repeal, § 1-11(7); possession and consumption in parking lots open to the public, § 6-1; buildings and building regulations, ch. 18; environment, ch. 32; libraries, ch. 50; parks and recreation, ch. 58; planning, ch. 62; traffic and vehicles, ch. 78; utilities, ch. 82; vehicles for hire, ch. 86; zoning, ch. 90; floodplain district, § 90-231 et seq.; subdivision regulations, app. A.

(Ord. No. 96-286, §§ 1, 2, 8-27-1996; Ord. No. 00-360, §§ 1, 2, 9-19-2000)

Sec. 74-3. Paving of private driveways intersecting with city streets.

- (a) All new private driveways, streets and roads connecting to a city street or road, permitted after the date this section takes effect, shall have the first ten feet of surface paved.
- (b) Currently existing private driveways, streets and roads will not be required to pave the entry unless new construction or development occurs. All existing private driveways, streets and roads that connect to a city street or road shall have the first ten feet of surface paved, in conjunction with the permitted construction of a new residential, commercial, industrial or agricultural building. Residential storage buildings and similar small residential accessory buildings are excluded from this requirement.
- (c) The paved of a residential driveway shall be comprised of asphalt, concrete, paving brick or other material, as approved by the building inspector, that will form a solid surface and help prevent gravel, dirt, and other loose material from spilling or washing onto the adjoining road surface.
- (d) The paved of a commercial driveway shall be comprised of asphalt, concrete, paving brick or other material, as approved by the planning commission, that will form a solid surface and help prevent gravel, dirt, and other loose material from spilling or washing onto the adjoining road surface.
- (e) The paved of a private street or road shall meet the road construction requirements set forth by the planning commission.
- (f) The owner of a private driveway, street or road shall maintain the paved section and keep it in good repair.

(Ord. No. 03-424, §§ 1—6, 3-18-2003)

Sec. 74-4. Honorary street name policy.

- (a) *General.* The city commission shall adhere to the following policy when designating an honorary street name. This policy applies only to streets within the city limits of Millersville. The placement of an honorary sign on Highway 31W or Bethel Road requires approval from the Tennessee Legislature and Tennessee Department of Transportation.
- (b) *Purpose.* The designating of an honorary street name is a program allowing citizens to honor individuals who have made a significant contribution to the city by temporarily assigning an honorary name to an existing city street. Individual family tribute or commercial and corporate related recognition does not qualify.
- (c) *Definition.* Honorary street name signs are signs which are intended to recognize and honor certain individuals without changing the official name of the street or the official addresses of residences and businesses on the street.
- (d) *Description and placement.* Honorary signs may be mounted on the same post as the existing street sign or mounted free standing on a separate post. If mounted with an existing sign, the honorary sign shall be similar in size and shape to a standard street sign and mounted above the existing sign. Free standing signs shall be no larger than 432 square inches and the shape and design must be approved by the planning commission. Free standing signs must be placed a minimum of 150 feet from the intersection of any street and shall not obstruct motorist or pedestrian view of traffic, crosswalks, other street signs or any potential hazard. Honorary signs shall not be placed in locations wherein additional signage might cause or contribute to confusion or distraction for motorists. Honorary signs will be of a different color than the normal green and white for public streets and will have the printing "HONORARY" beneath the name. Unless otherwise approved by the planning commission, the color of honorary signs shall be a brown background with white

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letters. Signs placed on a state highway shall be authorized and placed at the discretion of the Tennessee Department of Transportation (TDOT).

- (e) *Duration.* The approval of the request by the city commission shall be for a period of five years from the date of such approval. The city may remove the sign at the end of the five-year period. If requested, the sign may be given to the applicant or family member of the honoree.
- (f) *Renewal.* A renewal, if desired at the end of the five-year period, will be handled like new requests with all applicable rules and fees in effect at that time. If a renewal is not arranged, the honorary designation will be discontinued at the end of the five years.
- (g) *Cost.* For each sign location approved, a fee of \$375.00 shall be charged, which will cover the cost of design, fabrication, installation and maintenance of the sign. The fee shall be paid upon city commission approval of the sign. If the sign is stolen or damaged before the end of the five-year approval period, the sign will be replaced at the applicant's option and cost.
- (h) *Criteria for nomination.* The city may consider a petition to designate an honorary name for up to a one mile section of an existing street in the city upon the application meeting the following criteria:
 - (1) This method of honoring individuals is reserved for those having citywide impact or fame. Individual family tribute or commercial-related and corporate-related recognition does not qualify.
 - (2) The designation is limited to a one mile or less section of the requested city street and no more than one designation shall be made within any one mile road section.
 - (3) There will be only two designations per calendar year approved by the city. Requests will be reviewed in the order in which they are received and only one honorary street sign per designation will be installed.
 - (4) At least 70 percent of the number of owners of real property (as shown on the city tax records) adjoining the street or portion of street proposed for such honorary naming shall have signed a petition in favor of the designation.
 - (5) Requests for an honorary street designation shall be made in a letter form to the mayor or city planner. The letter of request must include the following:
 - a. The official name of the street being requested for honorary designation;
 - b. The portion of the street to receive the designation (beginning and ending 911 addresses);
 - c. The name of the person, group or organization that will be responsible for payment of the costs associated with the design, fabrication, installation and maintenance of the sign, if approved;
 - d. The requested location of the sign;
 - e. The name of the person to be honored;
 - f. The historical significance of the person whose name is proposed to be the secondary honorary name for the street;
 - g. Such person's history of contributions to the City of Millersville;
 - h. Such person's heroic service or personal sacrifice to the City of Millersville, State of Tennessee or United States of America;
 - i. Such person's history of residence in the city, including duration and location of such residence. The person whose name is proposed for such honorary naming shall have resided in the City of Millersville at least five years during his/her lifetime, during which time such person shall have preferably resided on the street in question;

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- j. History of the street, including its current and any prior name(s), official and prior honorary;
 - k. An attached copy of the petition of support; and
 - l. An attached drawing indicating the preferred appearance of the requested sign and the exact spelling of the name and any other words or abbreviations to be included on the sign. Note: Methods of fabrication, size, applicable laws and other factors may dictate the final appearance of the sign.
- (i) *Approval process.* Requests for an honorary sign shall be reviewed by a committee of city staff, including the police chief, fire chief, public works director, codes administrator, city planner, and city manager. The staff committee shall consider how the requested sign and location could impact public safety, road and right-of-way maintenance, current sign regulations and any other factors that may negatively affect the public or city. Staff review shall not apply to signs on state highways and under the control of TDOT. The letter of request, along with any staff findings or concerns shall then be sent to the planning commission for review. The planning commission shall consider the sign request based upon how it conforms to the criteria for nomination and how it impacts the general planning and development of the city and street in question. The planning commission shall forward the results of its vote to recommend approval or denial of the sign request to the city commission. After review of all information, the city commission shall approve or deny the sign request by majority vote of the entire commission.
 - (j) *State highways.* The honorary naming of Highway 31W and Bethel Road requires approval from the Tennessee State Legislature and Tennessee Department of Transportation. Upon request for the honorary naming of a state highway, the above criteria for nomination and the approval process shall be followed. If approved, a resolution of support shall be passed by the city commission and sent to the state legislature. City fees shall not apply to signs manufactured and placed at the expense of TDOT.

(Ord. No. 12-598, 2-21-2012)

Editor's note(s)—Ord. No. 12-598, adopted Feb. 21, 2012, was not specifically amendatory. For purposes of classification, and at the editor's discretion, these provisions have been included as § 74-4.

Sec. XX-XX – Gutters and Downspouts Restricted.

- (a) All gutters and downspouts which discharge upon or spatter persons passing upon the public ways are hereby declared to be public nuisances.
- (b) The city engineer shall notify the owner of gutters and downspouts constituting nuisances under this section, or their agents, in writing, to abate or remove such nuisances, within ten (10) days from service of such notice. Any person who shall fail to comply with such notice shall be guilty of a misdemeanor.
- (c) Upon the failure or refusal of any person to comply with any notice served pursuant to this section, the city engineer shall cause the gutters and downspouts constituting the nuisance to be altered or changed and such nuisance abated or removed at the expense of the city. The amount so expended shall be a lien upon the building or lot bearing such gutters and downspouts and shall be collectible in like manner as city taxes.

Sec. XX-XX - Use of streets, alleys, or sidewalks.

- (a) No person shall use or occupy any portion of any public street, alley, or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. The occupants of property abutting on a sidewalk may be permitted to display goods, wares, merchandise, or materials normally sold in the course of that property owner's business upon the portion of the public sidewalk abutting their property; provided however, that such usage of the sidewalk shall not interfere with ADA requirements or the normal course of

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pedestrian traffic, nor shall such usage be conducted in such a manner as to create a public nuisance. Such displays shall be limited to twenty (20) days per calendar year. The twenty (20) days per calendar year limitation shall not apply to restaurants offering sidewalk dining.

- (b) Any business using the sidewalks as allowed in section (a) shall furnish and maintain adequate liability insurance coverage for the protection of the general public in an amount and form satisfactory to the city attorney. The business owner shall also agree to hold the city harmless from any damages resulting from the placement of said tables, chairs, or merchandise. This shall be accomplished by a separate written agreement provided on forms approved by the city attorney binding upon the applicants, their heirs, personal representatives, assigns and successors.

Sec. XX-XX. - Trees projecting over streets, etc., regulated.

It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or out over any sidewalk at a height of less than eight (8) feet.

Sec. XX-XX. - Trees, etc., obstructing view at intersections prohibited.

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection.

Sec. XX-XX. - Signs and awnings, etc., over or across streets, etc., restricted.

- (a) Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the city zoning ordinance and applicable building codes. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except as expressly authorized by the zoning ordinance or city council.
- (b) It is further provided that any application to place any structure or device over any public way, alley, street or thoroughfare in the city must be accompanied by detailed plans and specifications and before approval is granted, the plans and specifications must meet all engineering requirements of the city and the same must be filed, with the application, with the administrator of building codes.
- (c) The building codes administrator and city engineers, after due study and consideration, shall make recommendations to the city council concerning the feasibility of the request, taking into consideration the general safety and welfare of the public, adjacent property owners and the aesthetic import upon the city as a whole.
- (d) In the event the application shall be approved, the applicant shall furnish and maintain adequate liability insurance coverage for the protection of the general public and shall hold the city harmless from any damages resulting from the placement and maintenance of said structure or device and this shall be accomplished by a separate written agreement binding upon the applicants, their heirs, personal representatives, assigns and successors.
- (e) The applicant, its servants, agents or employees, shall be fully and completely responsible for the repair and maintenance of said structure or device at all times.
- (f) The applicant shall, as a condition precedent to the issuance of any permit sought, by separate written agreement binding upon it, its heirs, personal representatives, successors or assigns, agree that in the event it becomes necessary to widen or relocate the public way, alley, street, or thoroughfare, the applicant, its personal representatives, successors and assigns, shall be required to bear the expense of the removal or relocation of the structure or device and without compensation from the city.
- (g) No structure or device shall be placed over or across any of the public ways, streets, alleys, or thoroughfares, without the express authority or consent of the city council, granted at special or regular meetings, and only

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upon said application receiving a favorable vote of the majority of the membership of said city council. Signs and awnings authorized in the city zoning ordinance shall not be required to obtain city council approval.

Sec. XX-XX. - Gates or doors opening over streets, alleys, or sidewalks prohibited.

It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute.

Sec. XX-XX. - Obstruction of drainage ditches.

It shall be unlawful for any person to cause the obstruction of (by any means) or to install pipes or culverts in any public right-of-way or easement without prior written approval by the city engineer. No requests will be approved unless a hardship can be demonstrated.

Requests for approval to install pipe within public right-of-way or easements must be submitted to the city engineer in writing. Requests should be accompanied by a sketch showing location of proposed pipe, proposed catch basins, and existing conditions.

Documentation prepared by a registered civil engineer, supporting the proposed hydraulic characteristics of the system, must be submitted if required by the city engineer.

Sec. XX-XX. - Abutting occupants to keep sidewalks clean, etc.

The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow or ice from the abutting sidewalk.

ARTICLE V. ABANDONED MOTOR VEHICLES AND ACCESSORIES

ARTICLE V. ABANDONED MOTOR VEHICLES AND ACCESSORIES

Sec. 78-141. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means any motorized vehicle that is incapable of being moved under its own power; does not display current licenses and registration; is over 4 years old and left unattended on a residential or commercial property not designated for vehicle repair or sales for more than 10 days; is in an obvious state of disrepair on public property for more than 3 days; has remained illegally on public property for more than 48 hours; has remained on private property without the consent of the owner or person in control of the property for more than 48 hours; has been stored, parked, or left in a garage, trailer park, or any type of storage or parking lot more than 30 consecutive days without operation or moving.

Motor vehicle accessories means any parts of any motor vehicle.

(Ord. No. 90-143, § 2, 4-2-1990)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 78-142. Prohibited acts; removal generally.

~~It shall be unlawful for the owner or occupant of a building, structure, or property to utilize the premises of such property for the open storage of any abandoned motor vehicle or any motor vehicle accessories. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such abandoned motor vehicles and motor vehicle accessories upon notice from the city manager, building inspector, or their designees.~~

(1) Except as provided for in the zoning code, no inoperable or currently unregistered motor vehicle shall be openly parked or stored on any premises within the City of Millersville. Furthermore, no vehicle shall be at any time in a state of major disassembly or disrepair, nor shall it be in the process of being stripped or dismantled, nor shall it undergo a major overhaul, including body work, on any private property within the City of Millersville. This section shall not apply to a motor vehicle on the premises of a business enterprise involved solely in the repair, renovation or servicing of motor vehicles, or a vehicle inside a structure or similarly enclosed area designed and approved for such purposes.

(2) Except as provided in subsection (1), the parking, storage, or accumulation of an inoperable or unregistered motor vehicle on any premises within the City of Millersville, the disassembly, stripping, dismantling, or major overhaul, including body work, of any motor vehicle, or the parking or storage of any motor vehicle in a state of major disrepair on any private property within the City of Millersville shall constitute a public nuisance detrimental to the health, safety and welfare of the inhabitants of the area of the City of Millersville. It shall be the duty of the registered owner of the motor vehicle, the owner of record of the property, or the person in possession of the private property upon which the motor vehicle is located, to abate the nuisance through the removal of the motor vehicle from the City of Millersville, or to have the motor vehicle stored inside a fully enclosed structure or similarly enclosed area designed and approved for such purposes.

(3) Every motor vehicle located on private property shall be either stored inside a fully enclosed structure or similarly enclosed area designed and approved for such purposes, or parked or stored in a safe manner on a paved or graveled area, other than a sidewalk. Such paved or graveled parking area for private residential property shall not exceed 25 percent of the total lot area. In any case where this provision is found to be in conflict with any

provision included in the zoning, of the Millersville Municipal Code, the zoning provision shall prevail. This section shall not be applicable to any vehicle for which a valid disabled driver license plate or placard has been issued pursuant to T.C.A. § 55-21-101 et seq., and is visibly displayed on or in the vehicle.

(4) Painting of motor vehicles is prohibited unless conducted inside an approved spray booth.

(5) Every motor vehicle parked or stored on a paved or graveled area of any residentially-zoned property pursuant to subsection (3) of this section must contain an engine, radiator, hood, all doors, trunk lid, bumpers, fenders, four wheels with inflated tires, all windows, both front and rear windshields, a battery, a gas cap, and a complete exhaust system. An exception to citation for violation of this subsection shall be made if a vehicle is missing no more than two of the aforementioned parts.

(6) Every motor vehicle parked or stored on a paved or graveled lot of any commercial business which operates in the sale, lease or exchange of new or used motor vehicles within the City of Millersville, must be maintained in operating condition, start and operate without mechanical assistance. Motor vehicles shall be parked in spaces not less than ten feet by 20 feet.

(Ord. No. 90-143, § 3, 4-2-1990)

Sec. 78-143. Inspections; notice of violation; abatement deadline; abatement by city; expenses.

The city manager or building inspector or those persons they may designate, shall inspect any property within the city suspected of being in violation of section 78-142. If the city manager, building inspector, or any of their designees determine that a violation of this article exists, the city manager or building inspector will cause a notice to be sent to the property owners as shown upon the tax book of the city. The notice shall advise the owners that a violation of this article exists and that if compliance is not effected within seven calendar days from the date of mailing of such notice, the city will cause removal of the condition to be accomplished, and the expense thereof charged to the property and the owners thereof. The notice shall be forwarded to the last known address of all owners of the subject property by registered or certified mail, return receipt requested. If the removal of the offending condition is not completed in the time allowed in the notice, the city manager is further authorized and directed to cause the removal to be done at the expense of the city. The city manager shall then notify the owners of the property of the amount of such expense in the same manner as provided in this section, and shall further notify such owners that reimbursement of such expense is required within ten days from the date of such notice.

(Ord. No. 90-143, § 4, 4-2-1990)

Sec. 78-144. Failure to reimburse city; lien; penalties and interest; litigation.

The city, after notification of the property owners as set out in section 78-143, shall have authority to abate the conditions described in section 78-142 by removing from the property the condition or substance or thing causing the violation as set forth in this article. All owners of property shall be liable jointly and separately for the expense of removal of the condition from their property, and the property itself shall be subject to suit for reimbursement of such expenses. If the expense of such removal shall not have been paid within the ten-day period allowed following notice as provided in section 78-143, then the expenses shall be entered upon the tax books of the city as a lien against such parcel of property whereon such expense was incurred. If such expense shall not have been reimbursed by the date upon which taxes are due and payable for the year in which the same was incurred, then the city manager shall cause to be added to such amounts penalty and interest as are applicable to delinquent assessments which shall constitute a lien on such property. If litigation is necessary to

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collect any of the amounts provided in this section, there shall be added thereto all costs of such litigation and reasonable attorney fees.

(Ord. No. 90-143, § 5, 4-2-1990)

Sec. 78-145. Penalty for violation of article.

Any person found to be in violation of this article shall be guilty of a misdemeanor and subject to punishment as provided in section 1-9 of this Code upon conviction of such offense in the municipal court.

(Ord. No. 90-143, § 6, 4-2-1990)

Secs. 78-146—78-170. Reserved.

ARTICLE VI. JUNKED VEHICLES

Sec. 78-171. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Codes administrator and *building inspector* shall mean the individuals employed by the city to act on behalf of the city in carrying out the duties and responsibilities as described in the applicable job descriptions for each position.

Hobby cars shall mean vehicles used for the purpose of a hobby, i.e. racecars and car restoration activities.

Junked vehicle shall mean a vehicle of any age that does not display a current license plate and vehicle registration and/or is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled or while being towed or pushed, if not self-propelled:

- (1) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels.
- (2) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to engine, transmission, transaxle, drive shaft, differential or axle.
- (3) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield or windows.
- (4) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake or gear shift lever.
- (5) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs or radiator.
- (6) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle.
- (7) Lying on the ground (upside down, on its side, or at another extreme angle), sitting on block or suspended in the air by any other method.

(Supp. No. 14)

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(8) General environment in which the vehicle sits, including but not limited to vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

(9) Is abandoned or partially disassembled

(10) Has been burned or flooded throughout

(11) Cannot be legally driven upon the streets or highways under city ordinance or laws of the state

(12) Is otherwise incapable of moving under its own power

Person shall mean any natural person, or any firm, partnership, association, corporation or other organization of and kind and description.

Private property shall include all property that is not public property, regardless of how the property is zoned or used.

Traveled portion of any public street or highway shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

Vehicle shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, earth moving equipment and any part of the same.

(Ord. No. 07-505, § 1, 2-20-2007)

Sec. 78-172. Violations.

It shall be unlawful and a civil offense, and considered a public nuisance, for a person to:

- (1) Park or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.
- (2) Park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than 48 continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.
- (3) Park, store, keep and/or maintain on private property a junk vehicle for more than ten days.

(Ord. No. 07-505, § 2, 2-20-2007)

Sec. 78-173. Exceptions.

- (a) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:
 - (1) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance and other regulations governing the building in which such vehicle is enclosed.
 - (2) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any

(Supp. No. 14)

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such business from any other zoning, building, fencing, property maintenance and other regulations governing business engaged in wrecking, junking or repairing vehicles.

- (3) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of the citizens of the city.
- (b) Hobby cars and stored in one of the following methods or a combination thereof:
 - (1) Inside an enclosed building.
 - (2) Behind a privacy fence where neither the vehicle nor any part of it is visible from the street or the abutting property. The fence must be in compliance with all current zoning regulations.
 - (3) Hobby cars may be stored inside an enclosed vehicle trailer.
 - (4) Hobby cars may be stored outdoors if covered with a well maintained and properly fitting fabric car cover or tied down tarpaulin that is designed to cover all sides of the vehicle. Plastic sheeting and unsecured tarpaulins are not acceptable covers. Grass, shrubbery and other growth under or surrounding the vehicle shall be well trimmed at all times. Hobby cars stored outside shall be limited to two vehicles on the property and shall be stored on a driveway or in the side or rear yard of the property and closer to the principle structure than the property line of any adjacent property.
 - (5) All materials and items associated with the keeping, maintaining, or using of a hobby car, including, but not limited to, car parts, tires, tools, fuel and fluid storage containers, jacks, and ramps, shall be enclosed within a building or within the hobby vehicle where such materials and items are not visible from the street or from any other abutting property.
 - (6) Storage and maintenance areas must not create excessive noise or the accumulation of spare vehicle parts about the property.
 - (7) Vehicle fluids must be properly handled in accordance with all city, state, EPA and storm water regulations.

(Ord. No. 07-505, § 3, 2-20-2007)

Sec. 78-174. Enforcement.

Any person in violation of the provisions of this article shall be alleged to be guilty of a strict liability offense, and shall be cited into the city court for disposition. The maximum fine per day for violation of this article shall be \$50.00 plus the cost of the cause. Each day the violation continues after due notice has been served may be deemed a separate offense. In addition thereto, or in lieu thereof, the codes enforcement officer may commence corrective or clean up actions to abate the unlawful conditions that constitute a violation of this Code. Costs of any corrective or clean up action taken by the city shall be charged against the real estate upon which the violation occurs and continues, and shall be a lien upon such real estate.

(Ord. No. 07-505, § 4, 2-20-2007)

CITY OF MILLERSVILLE, TENNESSEE

ORDINANCE NO. -

AN ORDINANCE OF THE CITY OF MILLERSVILLE, TENNESSEE, ESTABLISHING THE POSITION OF ADMINISTRATIVE HEARING OFFICER; PROVIDING FOR APPOINTMENT, AUTHORITY, PROCEDURES, AND APPEALS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Millersville, Tennessee (“City”) is a municipal corporation organized and existing under the laws of the State of Tennessee and is authorized pursuant to Tennessee Code Annotated §§ 6-2-201, 6-54-401, and other applicable provisions of law to enact ordinances necessary for the health, safety, and welfare of the public; and

WHEREAS, the City Commission has adopted ordinances providing for administrative and civil enforcement of municipal code violations in lieu of or in addition to criminal prosecution; and

WHEREAS, the City Commission finds that the establishment of an Administrative Hearing Officer will promote efficient, fair, and impartial resolution of administrative citations while ensuring due process and reducing reliance on the City Court system; and

WHEREAS, the City Commission desires to provide a clear administrative appeal process consistent with Tennessee law for persons cited with civil or administrative violations of the Millersville Municipal Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MILLERSVILLE, TENNESSEE:

SECTION 1. Establishment of Administrative Hearing Officer.

There is hereby established the position of Administrative Hearing Officer for the City of Millersville, Tennessee.

SECTION 2. Appointment and Qualifications.

The Administrative Hearing Officer shall be appointed by resolution of the City Commission. The Hearing Officer shall be an attorney licensed to practice law in the State of Tennessee, licensed building, plumbing or electrical inspector, architect, engineer, or an administrative law judge with the Administrative Procedures Division of the Secretary of State’s office.

Administrative hearing officers must also complete initial training through MTAS (Municipal Technical Advisory Service) within six months of appointment and six hours of annual continuing education. The Hearing Officer shall serve at the pleasure of the City Commission and may be removed at any time by resolution.

SECTION 3. Jurisdiction and Authority.

The Administrative Hearing Officer is authorized to hear and decide appeals of administrative citations, notices of violation, and other civil enforcement actions issued pursuant to the Millersville Municipal Code. The Hearing Officer shall have the authority to administer oaths, receive testimony and evidence, regulate the conduct of hearings, issue written findings and decisions, affirm, modify, or dismiss citations, assess civil penalties and costs as authorized by ordinance or resolution, and impose reasonable compliance deadlines. The Hearing Officer shall have no authority to impose incarceration or criminal penalties.

SECTION 4. Hearing Procedures.

Any person receiving an administrative citation or notice of violation that provides for an administrative appeal may request a hearing before the Administrative Hearing Officer in the manner and within the time specified on the citation or notice. Hearings shall be informal in nature. The Tennessee Rules of Evidence and the Tennessee Rules of Civil Procedure shall not strictly apply; however, fundamental fairness and due process shall be observed. The City shall bear the burden of proving the violation by a preponderance of the evidence. The Hearing Officer shall issue a written decision within a reasonable time following the hearing.

SECTION 5. Effect of Decision; Finality.

The decision of the Administrative Hearing Officer shall constitute a final administrative decision of the City. Any civil penalties, costs, or fees affirmed or imposed by the Hearing Officer shall be due and payable in accordance with the decision and may be collected in the same manner as other debts owed to the City.

SECTION 6. Judicial Review.

Any person aggrieved by a final decision of the Administrative Hearing Officer may seek judicial review as provided by Tennessee law. Nothing in this ordinance shall be construed to expand or restrict any right of judicial review beyond that allowed by law.

SECTION 7. Compensation.

The Administrative Hearing Officer shall be compensated in an amount established by resolution of the City Commission.

SECTION 8. Severability.

If any section, subsection, clause, or provision of this ordinance is declared invalid or unenforceable, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

SECTION 9. Effective Date.

This Ordinance shall take effect immediately upon its passage and adoption, the public welfare requiring it.

Passed this _____ day of _____, 2026

First Reading: _____

Second Reading: _____

Mayor Lincoln Atwood

Attest:

Judy Florendo, City Recorder

MTAS MORe - Administrative Hearing Officer Programs



Municipal Technical Advisory Service
INSTITUTE for PUBLIC SERVICE

02/27/2026

Published on MTAS - Serving Tennessee City Officials (<https://www.mtas.tennessee.edu>)

Administrative Hearing Officer Programs

Dear Reader:

The following document was created from the Municipal Technical Advisory Services website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website shares information relative to Tennessee municipal government. We hope this information will be useful to you and that it will assist you with questions that arise in your tenure in municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

The Municipal Technical Advisory Service (MTAS) was created in 1949 to provide technical assistance to elected and appointed municipal officials in Tennessee. We are a resource for Tennessee municipal officials in areas of municipal government, human resources, finance, fire, legal, police, public works, water, and wastewater. We provide personal and professional knowledge growth opportunities on current issues within municipal government.

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
www.mtas.tennessee.edu

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MTAS MORE - Administrative Hearing Officer Programs

Administrative Hearing Officer Programs

Reference Number: MTAS-70

Reviewed Date: 09/19/2025

T.C.A. Title 6, Chapter 54, Part 10 authorizes a municipality to create, via ordinance, an administrative hearing officer program to hear locally-adopted building and property maintenance code violations. Adopting ordinance must reference specific code sections subject to administrative jurisdiction. Administrative hearing officers are not authorized to hear violations of codes adopted by the state fire marshal pursuant to T.C.A. § 68-120-101(a) enforced by a deputy building inspector pursuant to T.C.A. § 68-120-101(f).

Administrative hearing officers are not subject to the \$50.00 fine limitation imposed by the Tennessee Constitution Art. VI, Section 14. Administrative hearing officers may levy a penalty of up to \$500.00 per offense per day for violations on commercial properties and up to \$500.00 cumulatively for violations on residential properties. Administrative hearing officer must provide alleged violator a reasonable period of time before levied fine is imposed.

Administrative hearing officer must be either a licensed building, plumbing or electrical inspector; licensed attorney, architect or engineer; or an administrative law judge with the Administrative Procedures Division of the Secretary of State's office. Administrative hearing officers must also complete initial training within six months of appointment and six hours of annual continuing education.

AG Opinion: Administrative Hearing Officer Act

Reference Number: MTAS-1108

Reviewed Date: 09/19/2025

An opinion by the Tennessee Attorney General addresses the due process concerns expressed by cities waiting to implement an administrative hearing officer program. The crux of opinion, No. 12-78, can be found in its last paragraph where the Attorney General states:

[I]n the absence of actual bias being demonstrated in a particular case, an alleged violator's due process rights are not violated merely because an administrative hearing officer reviews the citation, makes a determination that a violation exists, and then conducts a hearing on the citation. ^[1]

The Municipal Administrative Hearing Officer Act (the Act) was passed in 2010 as Public Chapter No. 1128 and subsequently codified at Tennessee Code Annotated, Title 6, Chapter 54, Part 10, now codified at T.C.A. § 6-54-1001. This TML-sponsored legislation was passed to offer municipalities another tool in enforcing building and property maintenance codes. As the Tennessee Constitution limits judicial fines to \$50 where no jury is sitting, cities were severely limited in code enforcement efforts, especially in large commercial projects. The Act, relying on cases suggesting that the \$50 fine limitation did not apply to administrative bodies, created an administrative hearing procedure that cities can adopt by ordinance. Such programs grant cities the authority to levy fines of up to \$500 per day.

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MTAS MORe - Administrative Hearing Officer Programs

Pursuant to the Act, a municipal employee such as a building inspector issues a citation to the alleged violator. The citation is then remitted to the administrative hearing officer who makes an initial determination as to whether a violation exists and, when applicable, levies a fine and sets a time period for remediation. The alleged violator can then pay the fine, correct the violation within the allotted time frame, or request an administrative hearing on the matter. It is the latter option that gave rise to concern – specifically, whether the same hearing officer making the initial determination also conducting the subsequent administrative hearing is, in and of itself, a violation of due process.

Due process, the opinion says, is essentially “the opportunity of the party charged to be heard at a meaningful time and in a meaningful manner, before an impartial tribunal.”^[2] A tribunal does not have to be completely uninformed of the matter at hand to be impartial. In fact, it is common for an administrative tribunal to serve in an investigatory and an adjudicative role. This dual role poses no problem unless “the risk of actual bias is intolerably high.”^[3] Such a threshold is high and only met in extraordinary circumstances such as a hearing officer with a financial interest in the outcome or direct participation in the matters at hand. The Act, however, contains numerous procedural safeguards to guard against bias or the appearance thereof. Furthermore, the outcome of the hearing has no bearing on the hearing officer’s compensation.

In light of these procedural safeguards, an alleged violator must demonstrate an actual bias to make a successful due process claim against a municipal hearing officer program.

This opinion should provide cities so inclined to move forward with an administrative hearing officer program, the confidence to do so. However, it should also be fair warning to participating cities that strict compliance with the statutory safeguards is imperative to keeping a hearing officer program impartial and constitutionally sound.

A copy of the attorney general opinion is available on the State of Tennessee website.

^[1] Op. Tenn. Atty. Gen., No. 12-78 (July 27, 2012)

^[2] *Id.* quoting *Cooper v. Williamson County Bd. Of Educ.*, 803 S.W.2d 200, 202 (Tenn. 1990)

^[3] *Id.* citing *Withrow v. Larkin*, 421 U.S. 35 and *Martin v. Sizemore*, 78 S.W.3d 249

Source URL: <https://www.mtas.tennessee.edu/reference/administrative-hearing-officer-programs>