

**Millersville Board of Commissioners
Work Session Agenda**

Monday, January 7, 2019 at 5:00 P.M.

1. Call to Order.
2. Discussion with the Fire Chief regarding Fire Inspection Software and the Fee Schedule.
3. Discussion with the Fire Chief on painting curbs in subdivisions due to parking issues.
4. **Ordinance 18-710**, an ordinance to amend the Millersville Code of Ordinances, Chapter 18, Building and Building Regulations. (Passed 1st Reading 10/16/18.)
5. **Ordinance 18-713**, an ordinance to amend the Code of Ordinances, Chapter 82, Utilities, Article II, Sewers. (Passed 1st Reading 12/18/18.)
6. **Ordinance 18-714**, an ordinance to amend the Code of Ordinances, Chapter 82, Utilities, Article II, Sewers, Division 7, Rates and Charges, Section 82-206. (Passed 1st Reading 12/18/18.)
7. **Resolution 19-R-01**, a resolution to set certain fees charged by the City of Millersville, Tennessee for sewer related charges, fees and services.
8. General Discussion.
9. Adjournment.

CITY OF MILLERSVILLE, TENNESSEE
ORDINANCE 18-710

AN ORDINANCE AMENDING THE MILLERSVILLE CODE OF
ORDINANCES, CHAPTER 18, BUILDINGS AND BUILDING
REGULATIONS.

WHEREAS, the Governing Body of the City of Millersville reviews its Code of Ordinances from time to time to ensure that the laws of the City meet the requirements of the local, state and federal laws and the desires of the City Commission; and

WHEREAS, the Governing Body and staff for the City of Millersville have identified the need to correct content errors in adopted building codes and standards published by the International Code Council (ICC), National Fire Protection Association (NFPA), and other organizations as approved by Ordinance 18-689.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Millersville, Tennessee, that the content of Chapter 18 Buildings and building regulations of the Code of Ordinances be removed and replaced by *Exhibit A*.

THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

Passed First Reading: _____

Public Hearing: _____

Passed Second Reading: _____

BOARD OF COMMISSIONERS

By: _____
Timothy F. Lassiter, Mayor

Attest:

Approved as to Form and legality:

By: _____
Holly L. Murphy, City Recorder

By: _____
Robert G. Wheeler, Jr., City Attorney

Exhibit A

Chapter 18 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. GENERAL

Chapter 18 shall provide regulations for the safe construction, modification, and maintenance of structures located in the City. Adopted regulations shall be in compliance with Tennessee Code Annotated (T.C.A.) law and other City Ordinances. Where there is a conflict between this and other chapters of the Municipal Code, this Chapter shall take precedence.

Section 18-1. Building Permit Fees.

Fees for permits shall be in compliance with the City of Millersville fee schedule as approved by resolution by the City Commission.

ARTICLE II. BUILDING, FIRE, AND PROPERTY MAINTAINANCE CODES STANDARDS

The City shall adopt and enforce nationally recognized building codes and standards published by the International Code Council (ICC), National Fire Protection Association (NFPA), and other organizations referenced in those documents.

Section 18-2. International Building Code

The 2015 International Building Code is hereby adopted with the following amendments additions and deletions as follows:

- (a) Section 101.1 Insert City of Millersville
- (b) Section 103.1 is deleted and amended as follows:
103.1 Creation of enforcement agency. The Construction Services Division is hereby created and the official in charge thereof shall be known as the Chief Building Official (*building official*).
- (c) Section 105.5 is deleted and replaced as follows:
105.5 Expiration. [A] 105.5 Expiration. Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced.
105.5.1 Permit Extensions: The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
Exception:
 - 1. The first two building permit extensions shall be at no charge. Additional extensions shall be charged one-half of the building permit fee.

105.5.2 Indefinite Construction. *Indefinite construction.* If, through the expiration of a building permit and the apparent abandonment of a project, it is the opinion of the building official that a project will never be finished, will no longer comply with adopted codes, will not be finished in a time frame which would prevent an ongoing safety, health, or environmental hazard, including surrounding property devaluation, the city may move towards condemnation and/or abatement of the site in question.

(d) Section 107.6 is added as follows:

107.6 Fire Department Records. Upon project completion, the registered design professional shall submit PDF files to the building official which will be used for incident pre-planning purposes. Files shall contain the following information.

1. Building Site Plan
2. Building Elevations
3. Floor plans
4. Location of gas, electric, and water utility shutoffs
5. Location of fire service features including but not limited to fire hydrants, alarm panel, standpipes, PIVF, fire exits, and sprinkler control room.

(e) Section 1612.2 Establishment of flood hazard areas is amended to include:

1. Insert: City of Millersville
2. Insert: April 17, 2012

(f) Add Section 116.4 is deleted and replaced as follows:

116.4 Method of service. Such notices shall be deemed to be properly served if a copy thereof is

1. Delivered to the owner personally; or
2. Sent by first class mail, postage pre-paid, to the owner at the last known address; or
3. Sent by certified mail, postage pre-paid, addressed to the owner at the last known address with return receipt requested, if require by state law.

(g) Section 2701.1.1 is hereby added as follows:

Section 2701.1.1 In addition to the requirements of the section, The City of Millersville shall enforce the most current electrical code adopted by the State of Tennessee.

(h) The following appendixes are hereby added to the code:

1. Appendix B, Board of Appeals
2. Appendix F, Rodent Proofing
3. Appendix G, Flood-Resistant Construction
4. Appendix I, Patio Covers
5. Appendix J, Grading

Section 18-3. International Existing Building Code

The 2015 International Existing Building Code is hereby adopted as follows:

- (a) Section 101.1 Insert, City of Millersville
- (b) Section 1301.2 Insert, January 5, 1982

Section 18-4. International Residential Code

The International Residential Code is hereby adopted as follows:

- (a) Section 101.1 Insert, City of Millersville
- (b) Section 105.5 is deleted and replaced as follows:

105.5 Expiration. [A] 105.5 Expiration. Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced.

105.5.1 Permit Extensions: The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Exception:

- 2. The first two building permit extensions shall be at no charge. Additional extensions shall be charged one-half of the building permit fee.

105.5.2 Indefinite Construction. If, through the expiration of a building permit and the apparent abandonment of a project, it is the opinion of the *building official* that a project will never be finished, will no longer comply with adopted codes, will not be finished in a time frame which would prevent an ongoing safety, health, or environmental hazard, including surrounding property devaluation, the city may move towards condemnation and/or abatement of the site in question.

- (c) Section P2603.5.1 Insert: (18 inches; a minimum of 18 inches below grade with all state rules and regulation requirements met.)
- (d) Section R313.2 One and two-family automatic sprinkler systems is deleted.
- (e) Section N1101 thru N1111 is hereby deleted and replaced with:
N1101 General. New residential construction shall comply with the 2015 International Energy Conservation code as adopted by the City of Millersville.
- (f) Delete Chapters 34-43 and replace with the National Electrical Code as adopted and enforced by the Tennessee State Fire Marshal's Office.

Section 18-5. International Energy Conservation Code

The International Energy Conservation Code is hereby adopted as follows:

- (a) Section 101.1 Insert, City of Millersville
- (b) Section 402.4.1.2 is deleted and replaced as follows:

402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding five air changes per hour. Testing shall be conducted and reported at a pressure of 0.2 inch w.g. (50 Pascals). Testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *building official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*.

Section 18-6. International Swimming Pool and Spa Code

The 2015 International Swimming Pool and Spa Code (ISPSC) is hereby adopted as follows:

- (a) Section 101.1 Insert, City of Millersville

Section 18-7. International Fuel Gas Code

The International Fuel Gas Code (IFGC) is hereby adopted as follows:

- (a) Section 101.1 Insert: City of Millersville
- (b) Section 108.4 Insert: (Civil Penalties) (\$50.00 per day) (the authority of the court of the City of Millersville)
- (c) Section 108.5 Insert: (less than \$50.00 or more than \$50.00 per day)

Section 18-8. International Mechanical Code

The 2015 International Mechanical Code is hereby adopted as follows:

- (a) Section 101.1 Insert, City of Millersville

Section 18-9. International Plumbing Code

The 2015 International Mechanical Code is hereby adopted as follows:

- (a) Section 101.1 Insert, City of Millersville

Section 18-10. International Property Maintenance Code

- (a) Section 101.1 Insert: City of Millersville.

- (b) Section 107.3 is deleted and replaced with:

107.3 Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered to the owner personally; or
2. Sent by first class mail, postage prepaid, to the owner at the last known address; or
3. Sent by certified mail, postage prepaid, addressed to the owner at the last known address with return receipt requested, if required by State law.

- (c) Section 109.1 is deleted and replaced as follows:

109.1 Imminent danger. When, in the opinion of the *building official*, there is *imminent danger* of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has

fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment or when the structure is unfit for human habitation, the *building official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *building official* shall cause to be posted at the primary entrance to such structure a notice of condemnation. It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(d) Section 110.1 is deleted and replaced as follows:

110.1 General. The *building official* shall order the *owner* of any *premises* upon which is located any structure, which in the *building official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to secure the structure and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *building official* shall order the *owner* to demolish and remove such structure, or secure the structure until future repair. Boarding the building up shall not extend—beyond 90 days, unless approved by the *building official*.

(e) Section 302.4 is deleted and replaced as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from grass, weeds or plant growth in excess of 8 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, vegetation, overgrowth, and underbrush other than trees or shrubs provided; however, this term shall not include cultivated crops, flowers and gardens. The City may pursue any or all of the remedies provided above in enforcement of this provision. When, overgrowth of grass, weeds or plants endangers the public health and safety or when there is actual or potential danger in the proximity of dwellings and/or the public right-of-way, the *building official* may cause the cutting of such weeds or plants, either through an available public agency or by contract or arrangement with private persons, and the cost of such cutting shall be charged against the real estate taxes upon which the weeds or plants are located.

(f) Section 302.7 is deleted and replaced as follows:

302.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, and retaining walls shall be maintained structurally sound and in good repair. All garages, where a garage door was intended or installed, must be provided with a functioning garage door.

- (g) Section 304.14 Insert: from first day of March to the last day of October
- (h) Section 602.3 Inset: from the first day of September to the last day of the following May
- (i) Section 602.4 Insert: from the first day of September to the last day of the following May

Section 18-11. International Fire Code

The 2015 International Fire Code is hereby adopted as follows:

- (a) Section 101.1 Insert, City of Millersville
- (b) Section 103.1 is deleted and replaced as follows:

103.1 General. The Department of Fire Prevention is established within the City of Millersville under the direction of the Fire Code Official. The Fire Code Official shall mean the Chief of the department, or his designee of the City of Millersville, Tennessee. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.
- (c) Section 109.2.1 is deleted and replaced as follows:

109.2.1. Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

 - 4. Delivered to the owner personally; or
 - 5. Sent by first class mail, postage prepaid, to the owner at the last known address; or
 - 6. Sent by certified mail, postage prepaid, addressed to the owner at the last known address with return receipt requested, if required by State law.
- (d) Section 109.4 Insert: "civil penalty", "\$50.00 per violation", "the authority of the court of the City of Millersville".
- (e) Appendix B "Fire Flow Requirements for Buildings" is added as part of this Code.
- (f) Appendix C "Fire Hydrant Locations" is added as part of this Code.
- (g) Appendix D "Fire Apparatus Roads" is added as part of this Code.
- (h) Appendix F "Hazard Ranking" is added as part of this Code.
- (i) Appendix H "Hazardous Materials Management Plan" is added as part of this Code.

Section 18-12. National Fire Protection Association 101 Life Safety Code

The 2015 National Fire Protection Association (NFPA) 101 Life Safety Code is hereby adopted and amended as follows:

- (a) Section 24.3.5 Extinguishment Requirements is deleted.

CITY OF MILLERSVILLE, TENNESSEE
ORDINANCE 18-713

AN ORDINANCE AMENDING THE MILLERSVILLE CODE OF
ORDINANCES CHAPTER 82 - UTILITIES, ARTICLE II - SEWERS.

WHEREAS, the Governing Body of the City of Millersville reviews its Code of Ordinances from time to time to ensure that the laws of the City meet the requirements of the local, state and federal laws and the desires of the City Commission; and

WHEREAS, the Governing Body for the City of Millersville has identified the need to amend various sections of Chapter 82 – Utilities, Article II - Sewers of the Code generally pertaining to residential sewer including the repair of grinder pumps and setting rates, charges and fees; and

WHEREAS, Ordinance 16-654, making changes to the City's responsibility for repairs to certain private sewer system infrastructure, was adopted by the Board of Commissioners but not codified into the City's Code of Ordinances; and

WHEREAS, Ordinance 18-698 was adopted by the Board of Commissioners setting sewer rates and future rate increases; and

WHEREAS, the Board of Commissioners shall adopt an ordinance and a resolution setting and restating sewer rates, charges, and fees immediately following adoption of this Ordinance; and

WHEREAS, the Board of Commissioners shall adopt by resolution other charges and fees associated with sewer including inspection fees as allowed by law.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Millersville, that:

SECTION 1. Ordinances 16-654 and 18-698 are hereby repealed.

SECTION 2. This amendment to Chapter 82 of its Code of Ordinances shall be made in accordance with *Exhibit A* attached hereto and made part of this Ordinance as if copied verbatim.

**THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON
PASSAGE, THE PUBLIC WELFARE REQUIRING IT.**

Passed First Reading: _____

Public Hearing: _____

Passed Second Reading: _____

BOARD OF COMMISSIONERS

By: _____
Timothy F. Lassiter, Mayor

Attest:

By: _____
Holly L. Murphy, City Recorder

Approved as to Form and legality:

By: _____
Robert G. Wheeler, Jr., City Attorney

Exhibit A

Chapter 82 – UTILITIES

ARTICLE II. - SEWERS

DIVISION 1. - GENERALLY

Sec. 82-31. - Purpose and policy.

- (a) This article sets forth uniform requirements for the disposal of wastewater in the service area of the city, wastewater treatment system. The objectives of the article are to:
- (1) Protect the public health;
 - (2) Provide safe and economical problem-free wastewater collection, transmission and treatment service;
 - (3) Prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, will cause the city's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements will cause physical damage to the wastewater treatment system facilities;
 - (4) Provide for full and equitable distribution of the cost of the wastewater treatment system;
 - (5) Enable the city to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 CFR 403), and other applicable federal and state laws and regulations;
 - (6) Improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.
- (b) In meeting these objectives, this article provides that all persons in the service area of the city must have adequate wastewater treatment either in the form of a connection to the municipal wastewater conveyance and treatment system or, where the system is not available, an appropriate permitted private disposal system. This article also provides for the issuance of permits to system users; for the regulations of wastewater discharge volume and characteristics; for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established in this article.
- (c) This article shall apply to the city, and to persons outside the city who are, by contract or agreement with the city users of the municipal wastewater treatment system. Except as otherwise provided in this article, the sewer superintendent of the city shall administer, implement, and enforce the provisions of this article.

DIVISION 2. - USE OF PUBLIC SEWERS

Sec. 82-61. - When connections required.

~~Except as provided in section 82-62, the owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary sewer in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 30 days after the date a letter directing connection is mailed, provided that such public sewer is within 200 feet of the building drain.~~

Except as provided in section 82-62, the owner or developer of all new homes, new buildings and other facilities or improvements used for, or proposed to be used for, human occupancy, employment,

recreation, or other purposes situated within the service area and abutting on any street, alley, right-of-way, or easement in which there is now located or may in the future be located a public sanitary, is hereby required at his expense to install suitable toilet facilities therein. All new construction and development on parcels zoned as residential or used for residential purposes are required to connect such facilities directly with the proper public sewer system in accordance with the provisions of this article provided that such public sewer infrastructure is within 200 feet of the closest portion of the parcel or lot on which the building or facility is or will be located. All non-residential zoned parcels and for uses other than residential shall connect such facilities directly with the proper public sewer system in accordance with the provisions of this article provided that such public sewer infrastructure is within 500 feet of the closest portion of the parcel or lot on which the building or facility is or will be located.

The owner of all property with existing commercial and/or industrial buildings, and properties with other non-residential zoning designations or uses or purposes situated within the service area and abutting on any street, alley, right-of-way, or easement in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install and connect such facilities directly with the proper public sewer system in accordance with the provisions of this article provided that such public sewer infrastructure is within 500 feet of the closest portion of the parcel or lot on which the building is located. This installation and connection shall occur within 60 days after the postmark date of the notification letter from the sewer superintendent directing such connection be made.

All public sewer system installations and improvements shall be designed, permitted and constructed in accordance with the provisions to this article. Public system installations shall be made and extended along the entire length of the property abutting on any street, alley, or right-of-way to the next parcel boundary unless exempted in writing by the sewer superintendent.

DIVISION 4. - BUILDING SEWERS AND CONNECTIONS

Sec. 82-121. - Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent as required by division 6 of this article.

Sec. 82-122. - Owner responsible for costs and expenses.

All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 82-123. - Separate building sewer required for each building; exception.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 82-124. - Use of old building sewer.

Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent or by a state licensed plumber or engineer to meet all requirements of this article. All ~~others~~ independent examinations must be sealed to the specifications of

the superintendent with a copy of the report submitted to the sewer superintendent prior to issuance of the building's certificate of occupancy or use. Any required repair costs shall be the responsibility of the property owner.

Sec. 82-125. - Building sewer requirements.

Building sewers shall conform to the following requirements:

- (1) *Minimum size.* The minimum size of a building sewer shall be four inches.
- (2) *Depth.* The minimum depth of a building sewer shall be 18 inches.
- (3) *Grade.* Four-inch building sewers shall be laid on a grade greater than one-eighth of an inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet per second.
- (4) *Slope and alignment.* Slope and alignment of all building sewers shall be neat and regular.
- (5) *Materials.* Building sewers shall be constructed only of:
 - a. Concrete or clay sewer pipe using rubber or neoprene compression joints of approved type;
 - b. Cast iron soil pipe with leaded or compression joint;
 - c. Polyvinyl chloride pipe with solvent welded or with rubber compression joints;
 - d. ABS composite sewer pipe with solvent welded or rubber compression joints of approved type;
 - e. Such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.
- (6) *Cleanouts.* A cleanout shall be located five feet outside of the building, one as it taps on to the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than 75 feet apart in horizontal building sewers of four-inch nominal diameter and not more than 100 feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and one-eighth-inch bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches on a four-inch pipe.
- (7) *Connection specifications.* Connections of building sewers to the public sewer system shall be made the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gastight and watertight.
- (8) *Pipe elevation; lifters.* The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of one-eighth of an inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.
- (9) *Code specifications.* The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described in this section shall conform to the requirements of the building and plumbing

code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9 materials must be approved by the superintendent before installation.

(10) *Gastight and watertight.* An installed building sewer shall be gastight and watertight.

(11) Sewer grinder tank and pump equipment. The sewer supervisor shall establish the specifications, manufacturer, and minimum standards for all materials and equipment connecting to the POTW. These specifications and standards shall be available to the public at city hall.

Sec. 82-126. - Safeguards for excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

Sec. 82-127. - Connection to surface runoff sources.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec. 82-128. - Inspection of connections and building sewer system.

- (a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered by the superintendent or his authorized representative.
- (b) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.
- (c) When a grinder pump system is required, the applicant for discharge shall be responsible for the purchase and installation of all components of the system. These systems shall be inspected when installed and before the underground portion is covered or backfilled. A second inspection shall be required prior to the system being placed into operation. Fees for each inspection shall be set by the board of commissioners.

Sec. 82-129. - Maintenance and repair of building sewers.

Effective for building permits issued on or after February 1, 2017, all new residential structures and uses including replacement structures connecting to Each individual property owner or user of the POTW shall be entirely responsible for the maintenance, repair and clean outs of the building sewer including grinder tanks and pumps located on private property. For permits issued or building sewers installed prior to February 1, 2017, the city may repair or clean out portions of the residential building sewer including grinder pumps as determined by the board of commissioners. All other structures connecting to the POTW shall be entirely responsible for the maintenance and repair of the building sewer including grinder tanks and pumps located on private property. Any residential property owner or user whose sewer service account is inactive for more than 6 months shall be entirely responsible for the maintenance and repair of the building sewer including grinder tanks and pumps located on private property. This maintenance may will include repair or replacement of the service line as deemed necessary by the superintendent to meet specifications of the city.

Secs. 82-130—82-150. - Reserved.

DIVISION 5. - PRIVATE DISPOSAL FACILITIES

Sec. 82-151. - When required; when connection to public system required.

- (a) Where a public sanitary sewer is not available under the provisions of section 82-61, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section and sections 82-152—82-158.
- (b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to one-eighth inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in division 4 of this article, the owner shall provide a private sewage pumping station as provided in section 82-125(8).
- (c) Where a public sewer becomes available as provided in section 82-61, the building sewer shall be connected to such sewer within 30 days after the date a letter directing connection is mailed.

Sec. 82-152. - Certificate of inaccessibility of public system prerequisite to construction.

A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the city and the Sumner-County Health Department in which the construction is proposed.

Sec. 82-153. - Permit required.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the city and the Sumner-County Health Department in which the construction is proposed. The owner shall supply any plans, specifications, and other information as are deemed necessary by the city and the Sumner-County Health Department in which the construction is proposed.

Sec. 82-154. - Approval of system; inspections.

A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the city and the Sumner-County Health Department in which the construction is proposed. They shall be allowed to inspect the work at any stage of construction and in any event, the owner shall notify the city and the Sumner-County Health Department in which the construction is proposed when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the city and the Sumner-County Health Department in which the construction is proposed.

Sec. 82-155. - Registration and records of septic tank cleaners.

Every person who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, and other sewage disposal installations on private or public property must register with the building inspector and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer.

Sec. 82-156. - Type, capacity, location and layout specifications.

The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the state department of public health and the city and ~~the Sumner~~-County Health Department in which the construction is proposed. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 82-157. - Owner to operate and maintain in sanitary manner.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

Sec. 82-158. - Additional requirements.

No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the city and ~~the Sumner~~-County Health Department in which the construction is proposed.

Sec. 82-159. - Regulation of holding tank waste disposal.

- (a) *Permit.* No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the superintendent to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, such permit shall be issued by the superintendent when the conditions of this article have been met, and provided that the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.
- (b) *Fees.* For each permit issued under the provisions of this article, an annual service charge therefor shall be paid to the city to be set as specified in division 7 of this article. Any such permit granted shall be for one full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted under this section shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted under this section.
- (c) *Designated disposal locations.* The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit provided for in this section, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated.
- (d) *Revocation of permits.* Failure to comply with all the provisions of this article shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the city.

Secs. 82-160—82-180. - Reserved.

DIVISION 7. - RATES AND CHARGES

Sec. 82-201. - Purpose.

It is the purpose of this article to provide for the equitable recovery of costs from users of the city's wastewater treatment system, including costs of operation, maintenance, administration, bond service cost, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

Sec. 82-202. - Types of charges and fees.

The charges and fees as established in the city's schedule of charges and fees and set by the board of commissioners may include, but not be limited to:

- (1) Inspection fee and tapping fee including connection privilege charges;
- (2) Fees for applications for discharge;
- (3) Sewer use charges;
- (4) Surcharge fees;
- (5) Industrial wastewater discharge permit fees;
- (6) Fees for industrial discharge monitoring; and
- (7) Other fees as the city may deem necessary to carry out the requirements of this article.

Sec. 82-203. - Fees for applications for discharge.

A fee may be charged when a user or prospective user makes application for discharge as required by division 6 of this article.

Sec. 82-204. - Inspection fee and tapping fee.

An inspection fee and tapping fee for a building sewer installation shall be paid to the city's sewer department at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing sewer infrastructure to the limits of the plumbing within subject building establishments. An inspection fee and tapping fee shall be set by the board of commissioners.

Sec. 82-205. - Procedure for establishing sanitary charges.

- (a) *Purpose of charges and fees.* A schedule of charges and fees shall be adopted by the city, which will enable it to comply with the revenue requirements of section 204 of the Clean Water Act. Charges and fees shall be determined in a manner consistent with regulations of the Federal Grant Program to ensure that sufficient revenues are collected to defray the cost of operating and maintaining, including replacement, adequate wastewater collection and treatment systems. Specific charges and fees shall be adopted by ~~a separate ordinance~~ and resolution, this section describes the procedure to be used in calculating the charges and fees. Additional charges and fees to recover funds for capital outlay, bond service costs, and capital improvements may be assessed by the city. These charges and fees shall be recovered through the user classification established in subsection (b) of this section.

- (b) *Classification of user.* All users shall be classified by the superintendent either by assigning each one to a user classification category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics.
- (c) *Types of charges and sewer fees.* The charges and fees as established in treatment works schedule of charges and fees, may include, but not be limited to:
- (1) User classification charges;
 - (2) Fees for monitoring requested by user;
 - (3) Fees for permit applications;
 - (4) Appeal fees;
 - (5) Charges and fees based on wastewater constituents and characteristics;
 - (6) Fees for use of garbage grinders;
 - (7) Fees for holding tank wastes.
- (d) *Changes in building occupancy; application fees.* Any change in the occupancy of any building or residence connected to the city's sanitary sewer system shall require the completion of an application for sewer service by the new occupant, unless the owner has previously completed such application, and shall continue to be liable for payment of all sewer service charges. The application fee shall be set by the board of commissioners, as follows:
- ~~(1) — Owner of residential and commercial property \$30.00~~
- ~~(2) — Tenant of residential and commercial property 50.00~~
- (e) *Basis of determination of charges.* Charges and fees may be based upon a minimum basic charge for each premises, computed on the basis of normal wastewater from a domestic premises with the following characteristics:

BOD ₅	300 milligrams per liter
COD	600 milligrams per liter
TXN	60 milligrams per liter
NH ₃ -N	30 milligrams per liter
Suspended solids	300 milligrams per liter
Fats, oil, and grease	100 milligrams per liter

The charges and fees for all classifications of users other than the basic domestic premises shall be based upon the relative difference between the average wastewater constituents and characteristics of that classification as related to those of a domestic premises. The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, COD, SS, NH₃ as N, chlorine demand, and volume.

- (f) *User charges.* Each user shall be levied a charge for payment of bonded indebtedness of the treatment system and for that user's proportionate share of the operations and maintenance costs of the system. A surcharge will be levied against those users with wastewater that exceeds the strength of normal wastewater. The user charge will be computed from a base charge plus a surcharge. The base charge will be the user's proportionate share of the costs of operation and maintenance (O&M) including replacement for handling its periodic volume of normal wastewater.

- (1) *Operation and maintenance user charges.* Each user's share of operation and maintenance costs will be computed by the following formula:

$$C_u = C_t / V_t \times (V_u)$$

Where:	C_u	=	User's charge for O&M per unit of time.
	C_t	=	Total O&M cost per unit of time.
	V_t	=	Total volume contribution from all users per unit of time.
	V_u	=	Volume contribution from a user per unit of time.

Operation and maintenance charges may be established on a percentage of water use charge only if water use charges are based on a constant cost per unit of consumption.

- (2) *Surcharges.* The surcharge will be the user's proportionate share of the O&M costs for handling its periodic volume of wastewater which exceeds the strength of BOD₅ suspended solids, and/or other elements in normal wastewater, including toxic wastes. The amount of the surcharge shall be determined by the following formula:

$$C_s = (B_c \times B) + (S_c \times S) + (P_c \times P) V_u$$

Where:	C_s	=	Surcharge for wastewaters exceeding the strength or normal wastewater expressed in dollars per billing period.
	B_c	=	O&M cost for treatment of a unit of BOD ₅ expressed in dollars per pound.
	B	=	Concentration of BOD ₅ from a user above the base level of 2.50 pounds/1,000 gallons expressed in pounds per 1,000 gallons.
	S_c	=	O&M costs for treatment of a unit of suspended solids expressed in dollars per pound.
	S	=	Concentration of suspended solids from a user above the base level of 2.50 pounds/1,000 gallons expressed in pounds per 1,000 gallons.
	P_c	=	O&M cost for treatment of a unit of any pollutant which the publicly owned treatment works is committed to treat by virtue of an NPDES permit or other regulatory requirement expressed in dollars per pound.
	P	=	Concentration of any pollutant from a user above base level. Base levels for pollutants subject to surcharges will be established by the superintendent.
	V_u	=	Volume contribution of a user per billing period (expressed in thousands of gallons).

The values of parameters used to determine user charges may vary from time to time. Therefore, the superintendent is authorized to modify any parameter or value as often as necessary. Review of all parameters and values shall be undertaken whenever necessary; but in no case less frequently than annually.

(g) *Industrial users.*

- (1) In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 USC 1251 et seq.), and with the provisions of the Metropolitan Sewer Use Ordinance, (Bill No. 80-343, Metropolitan Government of Nashville and Davidson County, Tennessee), all significant

industrial users, as defined in division 4 of this article, shall obtain an industrial user's permit before discharging any industrial/commercial wastewater into the city sanitary sewer system. All industrial users shall comply with the terms and provisions of the industrial user's permit, which is attached hereto as Exhibit A and incorporated in this subsection (g) by reference.

(2) Significant industrial user is hereby defined as:

- a. All categorical industrial users as defined in 40 CFR 122 and 403.
- b. Any noncategorical industrial user which:
 1. Discharges 25,000 gallons per day or more of process wastewater (process wastewater excludes sanitary, noncontact cooling and boiler blowdown wastewaters);
 2. Contribute a process wastewater which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant; or
 3. Has a reasonable potential in the opinion of the control or approval authority, to adversely affect POTW treatment plant (inhibition, pass through of pollutants, sludge contamination, or endangering of POTW workers).

(3) Any violation of this article shall be punishable under section 1-9 of this Code. Each day a violation continues shall constitute a separate offense.

(h) *Notification.* Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(i) *Biennial review of operation and maintenance charges.* The city shall review not less often than every two years the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works and its approved user charge system. The city shall revise the charges for users or user classes to accomplish the following:

- (1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required in this section;
- (2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance, including replacement, of the treatment works; and
- (3) Apply excess revenues collected from a class of users to the costs of operational and maintenance attributable to that class for the next year and adjust the rate accordingly.

Sec. 82-206. - Specific fees and charges.

(a) The charges and fees for users of the city's sanitary sewer system shall be adopted by ordinance.

Residential users:	0—1,500-gallons	\$14.12 minimum bill
	All-gallons-over 1,500	—5.84 per 1,000-gallons
Commercial users:	0—1,500-gallons	—14.12 minimum bill
	All-gallons-over 1,500	—5.84 per 1,000-gallons
Hotel/motel and campgrounds:	All-gallons-used	—9.27 per 1,000-gallons

(b) All households on wells will be charged a flat-rate set by the board of commissioners. of ~~\$31.68.~~

(c) The City of Millersville will allow adjustments for leaks no more than two times in a calendar year. All adjustments will be based on the average bill for the previous six months.

- (d) All bills not paid by the due date shall be subject to a late fee of ten percent of the original amount billed. All legal fees, collection fees and other expenses incurred in the collection of an unpaid balance shall be added to the balance due.
- (e) Dry sewer taps will not be charged a minimum fee. A property shall be considered to have a "dry tap" if a tapping fee has been paid but the connection to the sewer system has not been made or if the water to the property has been permanently turned off and the water meter removed.
- (f) All new user connections to the system, requested or required, shall be required to pay a tap fee and any other charges as set by the board of commissioners. of \$1,525.00 plus applicable new customer fees. The new user shall be responsible for the purchase of and installation of all equipment and materials necessary to connect with the tap. New connections to the system shall be inspected and approved by the city before activating the connection.
- (g) Grinder tanks and pumps eligible for repair including cleaning as provided in section 82-129 shall be charged a service call fee set by the board of commissioners plus the cost of any parts required for the repair or replacement due to the misuse of the building sewer by the property owner or user. The service call fee shall be charged for service calls occurring more than two times for the same owner or user for similar issues causing failure of any part of the building sewer.

Sec. 82-207. - Industrial wastewater discharge permit fees.

A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with division 6 of this article.

Sec. 82-208. - Fees for industrial discharge monitoring.

Fees may be collected from the industrial users having pretreatment or other discharge requirements to compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program.

Sec. 82-209. - Billing.

The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the city, subject to net and gross rates.

Sec. 82-210. - Responsibility for payment of fees.

- (a) The owner of a building or other premises, or the owner of land leased or rented by the owner of a building or other premises placed on said land, shall be responsible for payment of all sewer fees incurred in servicing that property. If the owner authorizes or directs a tenant, occupant or other responsible person to open an account and make payment of the fees to the city, such agreement is exclusive of the city and the owner shall remain responsible for all incurred fees.
- (b) The city may refuse to provide sewer services to any property having past due fees that are unpaid. Refusal of service shall entail the disconnection of water service to the property. The city shall make reconnection of service upon payment of all fees, late charges, legal and collection expenses, reconnection fees and all other fees due on the account, subject to the reconnection policies and procedures utilized. A disconnection and reconnection processing fee as set by the board of commissioners shall be added to the account.
- (c) The city may secure a past due account by recording a lien against the property in the respective county.

**CITY OF MILLERSVILLE, TENNESSEE
ORDINANCE 18-714**

**AN ORDINANCE AMENDING THE MILLERSVILLE CODE OF
ORDINANCES, CHAPTER 82 - UTILITIES, ARTICLE II – SEWERS,
DIVISION 7, RATES AND CHARGES, SECTION 82-206.**

WHEREAS, the Governing Body of the City of Millersville reviews its sewer rates, charges, and fees annually and may adjust said rates and charges accordingly; and

WHEREAS, certain sewer rates and charges shall be adopted by ordinance and other sewer associated charges and fees may be adopted by resolution, neither of which need to be codified in the Code of Ordinances; and

WHEREAS, Ordinance 18-698 was adopted by the Board of Commissioners establishing the current sewer rates and charges with automatic annual increases.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Millersville, that:

SECTION 1. Ordinance 18-698 is hereby repealed.

SECTION 2. The sewer rates and charges of the City of Millersville referenced in Sections 82-206(a) and 206(b) shall be set as follows:

Section 82-206(a) The rates and charges for users of the city's sanitary system shall be:

Residential users:	0 – 1,200 gallons	\$15.98 minimum charge
	All gallons over 1,200	\$ 7.32 per 1,000 gallons
Commercial users:	0 – 1,000 gallons	\$16.48 minimum charge
	All gallons over 1,000	\$ 7.82 per 1,000 gallons
Hotels/Motels & Campgrounds	All gallons	\$11.04 per 1,000 gallons

Section 82-206(b) All households connected to the city's sewer system and on wells will be charged a monthly rate of \$ 32.68.

SECTION 3. Effective July 1, 2019, and for each following year on July 1, there shall be an automatic increase of 2% to the above rates and charges.

**THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON
PASSAGE, THE PUBLIC WELFARE REQUIRING IT.**

Passed First Reading: _____

Public Hearing: _____

Passed Second Reading: _____

BOARD OF COMMISSIONERS

By: _____
Timothy F. Lassiter, Mayor

Attest:

By: _____
Holly L. Murphy, City Recorder

Approved as to Form and legality:

By: _____
Robert G. Wheeler, Jr., City Attorney

RESOLUTION 19-R-01

A RESOLUTION TO SET CERTAIN FEES CHARGED BY THE CITY OF MILLERSVILLE, TENNESSEE FOR SEWER RELATED CHARGES, FEES AND SERVICES.

WHEREAS, The City of Millersville provides certain sewer related services to its residents, businesses, and property owners as identified in Chapter 82 – Utilities, Article II. - Sewers; and

WHEREAS, the City of Millersville is empowered by state law to charge fees to recover some of the cost of providing certain services; and

WHEREAS, the Governing Body of the City of Millersville reviews its sewer related charges and fees periodically and may adjust said charges accordingly; and

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Millersville, Tennessee that fees shall be adopted or amended as follows in *Exhibit A* attached and that they may be amended occasionally by Resolution.

RESOLVED on this 15th day of January, 2019

BOARD OF COMMISSIONERS

By: _____
Timothy F. Lassiter, Mayor

Attest:

By: _____
Holly L. Murphy, City Recorder

Exhibit A

**Millersville Code of Ordinances
Chapter 82 - Utilities
Article II. - Sewers**

Section 82-124. - Use of old building sewer.

Old building sewer examination and test fee: \$ 150.00

Section 82-128. - Inspection of connections and building sewer systems.

(a) Inspect connections fee: \$ 75.00

(c) Inspect initial grinder tank and pump installation fee: \$ 125.00

Inspect and verify system prior to operation fee: \$ 100.00

Section 82-154. - Approval of system; inspections.

Inspect private sewage disposal system fee: \$ 75.00

Section 82-203. - Fees for applications for discharge.

Initial / new construction building sewer application fee: \$ 30.00

Section 82-205. - Procedure for establishing sanitary charges.

Section 82-205(d) *Changes in building occupancy; application fees.*

- | | |
|--|----------|
| (1) Owner of residential and commercial property: | \$ 30.00 |
| (2) Tenant of residential and commercial property: | \$ 50.00 |

Section 82-206. - Specific fees and charges.

Section 82-206(f) All new user connections tap fee including connection privilege fee	\$1525.00
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Section 82-206(g) Service call fee (not including parts)	\$ 150.00
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Section 82-210. - Responsibility for payment of fees.

Section 82-210(b) Disconnection processing fee: \$ 45.00

*The Millersville Board of Commissioners will review the sewer rates, fees and charges annually during the Budgeting Process and may adjust rates accordingly.