Millersville Board of Commissioners
Regular Commission Meeting
AGENDA
For Tuesday, April 21, 2026, at 6:00 P.M.
At Millersville City Hall

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Approval of Minutes from the March 17, 2026, Regular Commission Meeting
4. Approval of Financial Report for March 2026
5. Discussion and Consideration of Ordinance 26-841 Administrative Officer Ordinance – Public Hearing
6. Discussion and Consideration of Ordinance 26-841 Administrative Officer Ordinance- Second Reading
7. Discussion and Consideration of Ordinance 26-842 Abandoned Vehicle Ordinance – First Reading
8. Discussion and Consideration of Ordinance 26-843 an Ordinance Amending Chapter 74 Streets, Sidewalks, and Public Places – First Reading
9. Discussion and Consideration of Ordinance 26-844 an Ordinance Amending the Solid Waste Ordinance – First Reading
10. Discussion and Consideration of Ordinance 26-845 Planning Commission Ordinance Amendment – First Reading
11. Discussion of the Fiscal Year 2027 Budget Draft
12. Discussion of City Policies
13. Discussion/Consideration of Website Recommendation
14. Discuss and decide if April 28th works for everyone to have the final Strategic Planning Session
15. Discuss scheduling a Budget Workshop
16. Discussion and Consideration of Shane Trucking Demand Letter
17. Planning Commission Member Change
18. BZA Member Change
19. Discussion and Consideration of Billing Policy Change
20. Citizens' Comments – A sign-up sheet is provided to be signed before the meeting
21. City Manager's Comments
22. Commissioners' Comments
23. Adjournment

City of Millersville

Board of Commissioners

1246 Louisville Hwy, Millersville, TN 37072

REGULAR COMMISSION MEETING MINUTES

Tuesday, March 17, 2026, at 6:00 PM

The Regular Commission Meeting of the Millersville, TN, Board of Commissioners was held on Tuesday, March 17, 2026, at 6:00 PM at City Hall. Those attending were Mayor Lincoln Atwood, Vice Mayor Dustin Darnall, Commissioner Jesse Powell, Commissioner David Gregory, City Attorney Rob Wheeler, City Manager Mike Housewright, and City Recorder Judy Florendo. Commissioner Carla McCain was not in attendance.

1. Call to Order, Invocation, and Pledge of Allegiance

Mayor Atwood called the meeting to order at 6:00 PM. **Commissioner Powell** led the invocation. and **Mayor Atwood** led the Pledge of Allegiance.

2. Approval of Minutes - February 17, 2026 Regular Commission Meeting

Vice Mayor Darnall made a motion to approve the minutes and it was seconded by **Commissioner Gregory**. One correction noted: Mr. Delk was present (finance director running video) while Miss Florendo (city recorder) was absent, contrary to what the minutes originally stated. Vice Mayor Darnall also commented positively on the new format of the minutes. **The motion passed with the correction.**

3. Approval of Minutes - February 26, 2026 Special Called Meeting

Vice Mayor Darnall moved to approve these minutes. **The motion was seconded by Commissioner Powell and passed without discussion**.

4. Approval of Financial Report - February 2026

Vice Mayor Darnall moved to approve the February 2026 financial report. **The motion was seconded by Commissioner Gregory and passed without discussion.**

5. Discussion and Consideration of ERP Software

City Manager Housewright presented the recommendation to select OpenGov over LocalGov for the city's new ERP system. **Joel Smith from OpenGov** attended to answer questions.

Key discussion points:

- **Cost Structure**: $38,000 initially with 5% annual increases, and totaling approximately $66,000 projecting out over 15 years.
- **Implementation**: 6-8 months for financial management, 5-7 months for utility billing thereafter
- **Professional services**: $109,000 not-to-exceed amount for implementation
- **Contract terms**: 5% annual increases locked in perpetuity; no savings available for multi-year contracts unless paid entirely upfront
- **Capabilities**: Cloud-based system including financial management, budgeting, performance measurement, and utility billing
- **Limitations**: Does not include website services or grant management (though grant management is available as an add-on)

Commissioner Powell asked about implementation timeline and training. **Vice Mayor Darnall** noted the system would pay for itself in about 5 years compared to current Tyler system costs.

Vice Mayor Darnall moved to approve the city manager's agreement to terms with OpenGov and execute the contract through SourceWell. **The motion was seconded by Commissioner Powell and passed by roll call vote.**

6. Discussion and Consideration of Resolution 26-R-5 - Fire Department Grant

Vice Mayor Darnall moved to approve the fire department grant resolution; motion was seconded by **Commissioner Gregory. Fire Chief Brad Williams** confirmed this was a Tennessee state grant from the governor's office ($20 million statewide program), not federal funds. The chief indicated he was ready to begin purchasing equipment immediately upon approval. **The motion passed, with commissioners thanking the chief for pursuing grants.**

7. Public Hearing - Ordinance 26-837 Mobile Home Parks

Mayor Atwood opened the public hearing. **No citizens spoke to the ordinance. The hearing was closed.**

8. Discussion and Consideration of Ordinance 26-837 Mobile Home Parks (Second Reading)

Vice Mayor Darnall moved to approve the ordinance with amendments to clarify inspection authority limits:

- **Amendment**: Modified section f(2) to specify building inspectors can enter "exterior private and all public property" without warrant
- **Addition**: New section f(3) allowing entry to interior private property only "with consent or a warrant"

His motion to approve with amendments was seconded by **Commissioner Powell**. **City Manager Housewright** supported the clarification to ensure proper authority while protecting Fourth Amendment rights. **The amendment and ordinance both passed by roll call vote.**

9. Public Hearing - Ordinance 26-840 BZA Board Size

Mayor Atwood opened the public hearing. **No citizens commented. The hearing was closed.**

10. Discussion and Consideration of Ordinance 26-840 BZA Board Size (Second Reading)

Commissioner Powell moved to approve the ordinance with amendments to correct language copied from planning commission ordinance:

- Replace "planning commissioner" references with "board member"
- Replace "Planning Commission" references with "board of zoning appeals"

Motion to approve with amendments was seconded by **Commissioner Gregory. The amendment and ordinance both passed by roll call vote.**

11. Discussion and Consideration of Ordinance 26-841 Administrative Officer Ordinance (First Reading)

Vice Mayor Darnall moved to approve the first reading. Discussion centered on implementation:

- **Purpose**: Create administrative hearing officer position to handle code violations before they escalate to litigation
- **Structure**: Similar to municipal judge - appointed by commission, paid hourly rather than salary
- **Timeline**: Additional ordinance changes needed to create legal framework for citations and appeals process
- **Next steps**: Work session planned to review three related ordinance updates before implementation

Commissioner Powell seconded the motion and noted this would provide a remedial step between $50 daily fines and litigation. **Vice Mayor Darnall** expressed strong support for addressing ongoing issues with dirt on roads. **The motion passed by roll call vote**.

12. Discussion and Consideration of Debris Removal

City Manager Housewright presented a contract proposal for storm debris removal totaling approximately $825,000, with 85% FEMA reimbursement expected (leaving city responsible for about $123,000 upfront).

Concerns raised:

- **Timeline**: 6-month window for FEMA eligibility with no clear reimbursement timeline

- **Cost**: Significant upfront expense with uncertain reimbursement timing
- **Alternatives**: Current city **Public Works Director, Jerry Schrader's,** capabilities versus contracted services

Vice Mayor Darnall moved to defer the item to the April work session for further evaluation; it was seconded by **Commissioner Gregory. The motion passed.**

13. Discussion and Consideration of Assistant Chief/Captain Position

Chief Hale presented the request to change the captain's position to assistant police chief, with **City Manager Housewright** supporting the change for recruitment advantages.

Chief's rationale:

- Need for clear number two position to handle day-to-day operations
- Allow chief to focus on strategic planning, accreditation, community engagement
- Better recruitment potential with assistant chief title
- Cleaner chain of command structure

Commissioner concerns: **Commissioner Powell** requested written job duties and responsibilities, referencing past departmental structural problems. **Chief Hale** confirmed he had prepared job descriptions and emphasized his vision of fewer administrative positions and more patrol officers.

Position clarification: This maintains current headcount by converting the existing captain position rather than adding staff.

Vice Mayor Darnall moved to reclassify the captain position to assistant police chief with provided job description; **Commissioner Gregory** seconded the motion. **The motion passed.**

Evidence Custodian Discussion: Related discussion on need for evidence room management:

- Options: Part-time civilian position (~$35,000 annually) or convert officer position
- Current evidence room is manageable but needs modernization and professional audit
- No immediate budget availability for new position in current fiscal year
- Further discussion deferred for individual meetings with commissioners

14. Citizens' Comments

No citizens signed up for comments.

15. City Manager's Comments

City Manager Housewright noted:

- Will bring more debris removal information to workshop

- Appreciated ERP software approval as major step forward
- Website recommendation (GOV Stack) prepared, continuing to evaluate options
- Will continue entertaining proposals from other municipal website vendors

16. Commissioners' Comments

- **Commissioner Gregory**: No comments
- **Commissioner Powell**: No comments
- **Vice Mayor Darnall**: Raised issue with Planning Commission training requirements - two commissioners may not have completed required annual 4-hour training, which could disqualify them from membership. Working with city manager to verify compliance.

17. Adjournment

Mayor Atwood called for motion to adjourn. **Commissioner Gregory** made a motion to adjourn, and it was seconded by **Vice Mayor Darnall**. The meeting was adjourned at 7:254:30.

Respectfully submitted,

Judy Florendo

Judy Florendo
City Recorder
City of Millersville, TN

CITY OF MILLERSVILLE, TENNESSEE

ORDINANCE NO. 26-841

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

CITY OF MILLERSVILLE, TENNESSEE

ORDINANCE NO. 26-842

AN ORDINANCE AMENDING CHAPTER 78 OF THE MILLERSVILLE MUNICIPAL CODE, ARTICLE V, "ABANDONED MOTOR VEHICLES AND ACCESSORIES," BY REVISING DEFINITIONS, PROHIBITED ACTS, AND RELATED PROVISIONS; AND PROVIDING FOR CODIFICATION.

WHEREAS, the City Commission of the City of Millersville finds that abandoned and inoperable motor vehicles can constitute public nuisances detrimental to the health, safety, and welfare of the citizens of the City; and

WHEREAS, the City Commission desires to clarify and strengthen regulations governing abandoned motor vehicles and motor vehicle parts within the City; and

WHEREAS, amendments have been prepared to update Chapter 78 of the Millersville Municipal Code regulating abandoned motor vehicles and accessories.

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

SECTION 1
Section 78-141 – Definitions

Abandoned motor vehicle means
any motorized vehicle that:

1. Is incapable of being moved under its own power;
2. Does not display current license plates and registration;
3. Is over four (4) years old and left unattended on residential or commercial property not designated for vehicle repair or sales for more than ten (10) days;
4. Is in an obvious state of disrepair on public property for more than three (3) days;
5. Has remained illegally on public property for more than forty-eight (48) hours;
6. Has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours; or
7. Has been stored, parked, or left in a garage, trailer park, or any type of storage or parking lot for more than thirty (30) consecutive days without operation or movement.

Motor vehicle accessories means
any parts or components of any motor vehicle.

SECTION 2
Section 78-142 – Prohibited Acts; Removal Generally

Section 78-142 is amended as follows:

Subsection (1)

~~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.

Subsection (2)

(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.

Subsection (3)

(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.

Subsection (4)

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

Subsection (5)

(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.

Subsection (6)

(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)

SECTION 3

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)

SECTION 4

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

SECTION 6

Secs. 78-146—78-170. Reserved

SECTION 7

ARTICLE VI. JUNKED VEHICLE

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.

(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 dissembled

(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 or 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)

SECTION 8

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)

SECTION 9
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 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

SECTION 10

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)

SECTION 11 – Codification

The codifier of the Millersville Municipal Code is directed to incorporate these amendments into **Chapter 78** and renumber sections as necessary.

SECTION 12 – Effective Date

This ordinance shall take effect upon final passage, the public welfare requiring it.

Passed this_____day of _____, 2026

First Reading:_____

Second Reading:_____

_____
Mayor Lincoln Atwood

Attest:

_____
Judy Florendo, City Recorder

CITY OF MILLERSVILLE, TENNESSEE

ORDINANCE NO. 26-843

AN ORDINANCE AMENDING CHAPTER 74 OF THE MILLERSVILLE MUNICIPAL CODE, "STREETS, SIDEWALKS AND PUBLIC PLACES," BY ADDING NEW SECTIONS REGULATING GUTTERS AND DOWNSPOUTS, USE OF STREETS AND SIDEWALKS, TREES AND OBSTRUCTIONS, SIGNS AND STRUCTURES OVER PUBLIC WAYS, DRAINAGE OBSTRUCTIONS, AND SIDEWALK MAINTENANCE; AND PROVIDING FOR CODIFICATION.

WHEREAS, the City Commission of the City of Millersville finds that additional regulations governing the use and maintenance of streets, sidewalks, and public rights-of-way are necessary to protect public safety and maintain the orderly use of public property; and

WHEREAS, the City Commission desires to adopt additional provisions regulating drainage obstructions, overhanging trees, projections over public ways, sidewalk displays, and related matters within Chapter 74 of the Millersville Municipal Code.

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

SECTION 1

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)

SECTION 2

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.

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

SECTION 3

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)

SECTION 4

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 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;

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)

SECTION 5

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.

SECTION 6

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 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.

SECTION 7

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.

SECTION 8

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.

SECTION 9

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 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.

SECTION 10

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.

SECTION 11

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.

SECTION 12

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.

SECTION 13

Codification

The Municipal Code codifier is directed to insert the new sections adopted herein into Chapter 74 and renumber them appropriately.

SECTION 14

Effective Date

This ordinance shall take effect upon final passage, the public welfare requiring it.

Passed this_____day of _____, 2026

First Reading:_____

Second Reading:_____

_____

Mayor Lincoln Atwood

Attest:

_____

Judy Florendo, City Recorder

Note: Ordinance 26-844, an Ordinance Amending the Solid Waste Ordinance is not yet available for inclusion in this packet, although the proposed amendments are in place as follows:

Chapter 70 SOLID WASTE[1]

ARTICLE I. IN GENERAL

Secs. 70-1—70-30. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

DIVISION 1. GENERALLY

Sec. 70-31. 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:

Back door pick-up. Service provided by the city for disabled, infirmed, or ill customers, lacking the physical ability to move their container to appropriate servicing point for city equipment. Service is provided as outlined and conditioned in the ESOSWD document.

Bulk item. Any item that will not fit in standard solid waste container, excluding building materials, hazardous waste, industrial waste, or other items or materials "that are not collected by standard city equipment.

Building materials. Any material such as lumber, brick, block, stone, plaster, concrete, asphalt, roofing shingles, gutters, flooring, carpet, or any other substances accumulated as the result of repairs or additions to existing buildings or structures, construction of new buildings or structures.

Container. A can, dumpster, or other storage vessel used for collection and storage of solid waste

Cuttings. All tree limbs, trimmings, shrubbery, etc.

Environmental services overview of solid waste disposal (ESOSWD document). Document published by the city environmental services department outlining the regulations, guidelines, policies, and procedures for city solid waste collection services.

Garbage. Putrescible animal and vegetable waste, liquid, or otherwise resulting from the handling, processing, preparation, cooking, and consumption of food and all cans, bottles, and other containers originally used for food stuffs.

Garden refuse. All accumulations of plants, stems, roots, vegetables, and fruits remaining after harvest.

Hazardous refuse. Any chemical, compounds, mixture, substances, or articles which may constitute a hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive, or otherwise harmful. The following is a list of substances which should not be placed with solid waste collected by the city.

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[1]Cross reference(s)—Buildings and building regulations, ch. 18; environment, ch. 32; health and sanitation, ch. 38; utilities, ch. 82.

(1) Flammable liquids, solids, or gases such as gasoline, benzine, alcohol, or other similar substances;

(2) Any material that could be hazardous or injurious to city employees or which could cause damage to city equipment and/or facilities;

(3) Hazardous waste as defined in T.C.A. § 68-212-104(9) and household hazardous waste as defined in T.C.A. § 68-211-802(a)(7);

(4) Construction waste consisting of materials from construction, demolition, remodeling, or construction site preparation including, but not limited to, rocks, bricks, dirt, debris, fill, plaster, guttering, and all types of scrap materials;

(5) Human or animal excrement;

(6) Hot materials such as ashes, cinders, etc.;

(7) Infectious waste including, but not limited to, those classified by the following:

a. Isolation wastes. Wastes contaminated by patients who are isolated due to communicable disease as provided in the U.S. Center for Disease Control Guidelines for Isolation Precautions in Hospitals (July 1983).

b. Cultures and stocks of infectious agents and associated biological cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, waste from the production of biological, discarded lice and attenuated vaccines;

c. Laboratory waste which has come into contact with cultures and stocks of etiologic agents or blood specimens. Such wastes include, but are not limited to, culture dishes, blood specimen tubes, devices used to transfer, inoculate and mix cultures, paper and cloth which has come into contact with cultures, and stock of etiologic agents;

d. Human blood and blood products. Waste human blood and blood products such as serum, plasma, and other blood components;

e. Pathological wastes. Pathological wastes such as tissues, organs, body parts, and body fluids that are removed during surgery and autopsy;

f. Discarded sharps. All discarded sharps, e.g., hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades, etc., used in patient care, medical research, or industrial laboratories;

g. Contaminated animal carcasses, body parts and bedding of animals that were intentionally exposed to pathogens in research, in the production of biological or in vitro testing of pharmaceuticals.

(8) Human and/or animal remains.

Industrial waste. All wastes peculiar to industrial, manufacturing, or processing plants.

Litter. All garbage, refuse, and trash and all other waste material which, if thrown, deposited, or left unattended as herein prohibited, tends to create a danger or nuisance to public health, safety, and welfare.

Nonresidential establishment. Any dwelling, building, or facility that is not a home for an individual family unit, as allowed by the current zoning ordinance. Nonresidential establishments as defined in this chapter also include multi-use, multi-family, and mixed use dwellings, buildings, and facilities.

Producer. Person or entity responsible for generation of solid waste.

Public place. Area, publicly or privately owned, to which the public have access by right or invitation, expressed or implied.

Refuse ~~means garbage, rubbish, leaves, brush, and refuse as those terms are generally defined, except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith.~~ All putrescible and nonputrescible solid wastes (except body waste) including garbage, trash, industrial waste, ashes, street cleanings, dead animals, and abandoned automobiles.

Trash. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, boxes, cloth, wrappings, crates, grass clippings, cuttings, leaves, glass, and similar material. It shall not include bulky refuse meaning stoves, refrigerators, water tanks, washing machines, furniture, automotive parts, tires, bedding, furnaces, or similar bulky material having weight greater than fifty (50) pounds and/or a volume greater than thirty (30) gallons. Trash shall be divided into three (3) categories:

(1) Household trash. Waste accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

(2) Yard trash. Cuttings, leaves, grass clippings, etc., resulting from normal maintenance and care of landscaped, manicured grounds and lawns but does not include cuttings and leaves from that portion of grounds that have been left in its natural state without annual maintenance.

(3) Business trash. Any waste accumulation of dust, paper, cardboard, excelsior, rags, or other accumulations other than garbage, household trash, or industrial waste which are usually attendant to the operation of stores, offices, and similar businesses.

Solid waste. Garbage, building materials, cuttings, refuse, waste, litter, trash or any solid material needing disposal and as defined in T.C.A. § 68-211-103.

(Ord. No. 90-145, ch. 2, § 1, 4-17-1990)

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

Sec. 70-32. Premises to be kept clean.

All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this article.

(Ord. No. 90-145, ch. 2, § 2, 4-17-1990)

Sec. 70-33. Storage.

Each owner, occupant, or other responsible person using or occupying any building or other premises within this municipality where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodentproof and insectproof. They shall each have a capacity of not less than 20 nor more than 32 gallons, except that this maximum capacity shall not apply to larger containers owned or maintained by the city or commercial disposal companies. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids.

No person shall place any solid waste in any street, alley, or other public place or upon any private property, whether owned by such person or not, within the city except it be in proper containers for collection or under express approval granted by the superintendent of public works. Nor shall any person throw or deposit any solid waste in any stream, drainageway, or body of water.

Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste shall be deemed a violation of this chapter and subject to enforcement as set out in this Code.

All persons within the city are required to keep their premises in a clean and sanitary condition, free from the accumulation of solid waste except when stored as provided in this chapter.

It shall be the duty of every person in possession, charge, or control of any premises or establishment, where solid waste is created or accumulated to keep or cause to be kept at all times containers, specified herein, for the deposit of solid waste on the premises.

(Ord. No. 90-145, ch. 2, § 3, 4-17-1990)

New Section. Solid Waste Movement.

The owner, lessee, or operator of every vehicle engaged in hauling any sand, gravel, dirt, stone, rock, brick, coal, limestone, limestone dust, asphalt, garbage, trash, solid waste, or any material which may, as a result of such vehicle's movement, be likely to blow, fall, or be scattered on or along city streets and alleys shall maintain such a vehicle in a secure condition and shall direct and supervise the loading of said vehicle in such a manner as to prevent any portion of such materials, products, or substances from falling, blowing, or being scattered on city streets or alleys. Nor shall garbage or other materials offensive to the sight or smell be removed or carried on or along the streets and alleys of the city unless it be in trucks having appropriate encapsulation, sealing, and proper cover.

No person shall cast, place, sweep, or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, drainageway, sewer, parkway, or other public place, or into any occupied premises within the city. Any such actions will be treated as a public nuisance. Violations of these provisions shall be treated as violation of section **XX-XX** of the City of Millersville Municipal Code.

Sec. 70-34. Disturbing containers.

No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose.

(Ord. No. 90-145, ch. 2, § 4, 4-17-1990)

Sec. 70-35. Collection vehicles.

(a) The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys.

(b) It shall be unlawful for any person, firm, corporation, institution or organization to transport any loose cargo by truck or other motor vehicle within the corporate limits of the city unless such cargo is covered and secured in such manner as to prevent depositing of litter or refuse on public and private property.

(c) The duty and responsibility imposed by subsections (a) and (b) of this section shall be applicable alike to the owner of the truck or other vehicle, the operator thereof, and the person, firm, corporation, institution or organization from whose residence or establishment the cargo originated.

(Ord. No. 90-145, ch. 2, § 5, 4-17-1990)

Sec. 70-36. Disposal.

The disposal of refuse in any quantity by any person or entity in any place, public or private, within the corporate limits of the city is expressly prohibited and shall constitute a violation of this article.

(Ord. No. 90-145, ch. 2, § 6, 4-17-1990)

Sec. 70-37. 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. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this article.

(Ord. No. 90-145, ch. 2, § 7, 4-17-1990)

Sec. 70-38. Violation of article; notice; abatement; expenses; reimbursement of city.

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 70-32, 70-33, 70-34 or 79-36. 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. 90-145, ch. 2, § 8, 4-17-1990)

Sec. 70-39. Failure to reimburse city; lien; penalties and interest; litigation.

The city, after notification of the property owners as set out in section 70-37, shall have authority to abate the conditions described in sections 70-32, 70-33, 70-34 and 70-36 by removing from the property the condition or substance or thing causing the violation as set forth in section 70-38. 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 70-38, 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 expense 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 the property. If litigation is necessary to 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. 90-145, ch. 2, § 9, 4-17-1990)

Secs. 70-40—70-45. Reserved.

DIVISION 2. COLLECTION BY CITY

Sec. 70-46. Definitions.

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

Ashes includes burned or incinerated material such as wood, coal, and other debris, but does not include any materials considered hazardous.

Commercial user means the owner or operator of a city licensed commercial business that contracts with the city for refuse collection.

Construction means building materials and solid waste resulting from construction, remodeling, repair, cleanup, or demolition operations that are not hazardous. This term includes, but is not limited to, asphalt, concrete, Portland cement concrete, brick, lumber, gypsum wallboard, cardboard and other associated packaging, roofing material, ceramic tile, carpeting, plastic pipe and steel.

Hazardous materials means any materials having properties that may result in risk or injury to health, destruction of life or facilities. Hazardous materials, as defined, include toxic, flammable, infectious, corrosive, asphyxiating, and explosive materials.

Household means, for the purpose of this division, as a residential living unit within the City of Millersville, whether occupied or not, to which garbage and refuse pickup service is furnished by the City of Millersville, and available for use, whether utilized or not, and for which pick up service is not otherwise provided for under sections of this division.

Industrial waste means a type of solid waste generated by manufacturing or industrial operations.

Infectious material means waste capable of producing an infectious disease because it contains pathogens of sufficient virulence and quantity so that exposure to the waste by a susceptible human host could result in an infectious disease.

Refuse means and include garbage, rubbish, leaves, grass clippings, brush, and white goods, as those terms are generally defined except that dead animals, body wastes, hot ashes, rocks, concrete, bricks, hazardous materials, infectious materials, industrial waste, construction materials, agricultural waste, and similar materials are expressly excluded and shall not be stored therewith.

Residential user means the owner of any building or other premises, or the owner of land leased or rented to the owner of a building or other premises placed on said land, that is used in full or part as a residential household, including single-family homes, mobile homes, multifamily units, apartment units, travel trailers, or any dwelling used for residential occupancy for more than 30 days at the same physical address or location.

White goods means any household appliance, including stoves, washing machines, dryers, window air conditioners, freezers and refrigerators.

(Ord. No. 02-420, §§ 1—10, 6-3-2003)

Sec. 70-47. Premises to be kept clean.

All persons within the municipality are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this division.

(Ord. No. 02-420, § 11, 6-3-2003)

Sec. 70-48. Storage—Residential generally.

Each owner of a residential premises within the city where refuse accumulates or is likely to accumulate, unless otherwise exempted within this division, shall be provided by the city, free of charge, one refuse container for storage of refuse for collection by the city as follows:

(1) Each owner shall be responsible for keeping the refuse container clean and sanitary in compliance with health and sanitation requirements and shall keep container lids closed at all times.

(2) Any potentially infectious materials generated by the household, including hypodermic syringes, shall be sealed in packaging that prevents leaking and/or puncturing prior to being placed in the refuse container.

(3) All refuse placed in the container shall be in plastic garbage bags having a sufficient thickness and strength as to prevent rupture during the normal handling of the bags.

(4) The container will remain the property of the city and must not be painted, abused, mutilated, altered or modified in any manner. Each owner shall be responsible for replacing the refuse container if it is damaged or destroyed by the resident or as a result of negligence, by payment of the replacement price set forth by the city in the most current schedule of charges and fees.

(5) The city shall replace any refuse container that is worn out by normal wear and tear or if it is stolen or damaged though vandalism. If the container is stolen or vandalized, the owner must notify the police department and the public works department. Leaving the container street side for an unnecessary period of time after being emptied shall be considered negligence in the event of theft or vandalism and the owner may be responsible for its replacement.

(6) The container shall not be filled to overflowing. Residents may purchase additional refuse containers, if such is needed for extraordinary amounts of refuse. The price and fees for additional containers shall be set forth in the most current schedule of charges and fees.

(7) In the event that an owner or occupant should move, the refuse container is to remain at the original assigned location and the owner is responsible for the container and shall notify the public works department of the move out date.

(8) If the owner delegates or directs an occupant or another responsible person to make payment of fees and assume the responsibility for the container, such agreement is exclusive of the city and the owner shall remain responsible for the container and payment of all incurred fees.

(Ord. No. 02-420, § 12, 6-3-2003)

Sec. 70-49. Same—Apartment buildings and multifamily buildings.

Each apartment unit or multifamily unit shall be considered a residential household and participate in the city wide solid waste collection program as follows:

(1) Each residential unit within an apartment or multifamily building shall be provided an individual refuse container and shall comply with the provisions set forth under section 70-48 of this division. The public works department will designate the placement of the containers.

(2) The owners of the buildings shall be responsible for the containers and for payment of the solid waste collection fee.

(3) Apartment buildings and multifamily buildings having four or more units per building and comprising a complex of 12 or more residential units may make application to the public works department for exemption from use of the individual containers and, upon approval, utilize a dumpster(s) for the storage and collection of refuse. The city may, at its option, require the use of a city provided and serviced dumpster(s) or permit the owner to contract with a private dumpster service which conforms to the requirements and regulations of the city.

(Ord. No. 02-420, § 13, 6-3-2003)

Sec. 70-50. Same—Mobile home parks.

Mobile homes shall fall under the residential provisions set forth in section 70-48 of this division. Each mobile home shall be provided a container. Mobile home parks shall not be exempt from participating in the solid waste program by use of private dumpsters. Mobile home parks that utilize a dumpster(s) and are obligated under a private contract for refuse collection and disposal at the time the city activates the solid waste collection program, shall be exempt from the program for the duration of the private contract, not to exceed 60 days.

(Ord. No. 02-420, § 14, 6-3-2003)

Sec. 70-51. Same—Residential exemptions.

Exemption from the city provided waste collection service will be considered only upon written application by the owner. No households shall be exempted from the city provided waste collection service or fees based upon the use of a private collector, access to a dumpster or other disposal facility, disposal of solid waste on the property, or on the basis of sharing a container, unless otherwise provided for in this division. Those residential units that may be exempt from the city collection service and fees are as follows:

(1) Homes that are vacant shall not be subject to payment of a collection fee. If a home is occupied for part of a monthly billing cycle, the monthly fee will be pro-rated. If a home is vacant but continues to require the collection of refuse, as the result of cleaning, yard work or other activity, the normal monthly fee shall apply. For exclusion from the fee, the owner shall make application for exclusion with the public works department prior to the date of vacancy. The owner must secure the container assigned to the home until public works picks up the container or until the home is occupied.

(2) Empty lots within a mobile home park shall not be subject to payment of a collection fee. If a lot is occupied for part of a monthly billing cycle, the monthly fee will be pro-rated. For exclusion from the fee, the park owner shall make application for exclusion with the public works department prior to the time the lot is vacated. The park owner must secure the container assigned to the lot until public works picks up the container or until the lot is occupied.

(3) Residential property utilizing an approved dumpster, as determined by the regulations stated in section 70-52 of this division, may make application for exclusion from the use of the standard residential refuse cart and have a reduction in the monthly fee, as

set forth in fee schedule. The resident must provide proof that a dumpster is placed on the property and serviced in accordance with the regulations set forth in this division.

(4) All other exemptions shall be at the direction of the city commission.

(Ord. No. 02-420, § 15, 6-3-2003)

Sec. 70-52. Residential dumpsters.

Other than for the temporary use during construction or remodeling of a residence, dumpsters shall not be permitted on residential properties of less than two acres. Multiple dumpsters or a dumpster in excess of eight cubic yards may not be located on any residentially zoned property without authorization from the Millersville Board of Zoning Appeals. Dumpsters on residential property shall be located at the rear of the premise and screened from public view by fence or landscaping. All dumpsters shall have the location and screening approved by the public works department. To help control odors, insects, and other vermin, dumpsters used in conjunction with the storage of household refuse must be kept covered and may be required to be emptied as often as once per week.

(Ord. No. 02-420, § 16, 6-3-2003; Ord. No. 04-447, § 1, 7-20-2004; Ord. No. 04-451, § 1, 10-19-2004)

Sec. 70-53. Disturbing containers.

No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended use.

(Ord. No. 02-420, § 17, 6-3-2003)

Sec. 70-54. Residential refuse collection.

The city will service the refuse container once a week. The city shall not pick up refuse left on or around the container on a regular basis. An occasional over-run of household refuse, because of visitors, holidays, etc., shall be handled with the normal weekly pick-up. Households experiencing an over-run more often than once per month, as determined by the public works department, shall be required to purchase additional containers, in accordance with the most current schedule of charges and fees. Residential refuse accumulations other than normal weekly container collection of household garbage, such as debris, routine yard waste, shrub trimmings, tree limbs, grass clippings, and white goods, will be picked up on an occasional basis. All refuse placed at the street for pickup must be separated for disposal. Brush, leaves, limbs, white goods, etc. must be stacked in separate piles. Trees, limbs, brush and other debris generated by commercial tree trimmers, landscape contractors, building contractors or other businesses generating refuse shall be removed by the contractor or business. Commercial businesses that deliver and install new appliances are required to remove the old appliance from the premises (if no longer wanted by the owner) and insure proper disposal.

(Ord. No. 02-420, § 18, 6-3-2003)

Sec. 70-55. Location of containers—Standard.

All households, except those approved for special assistance due to age, handicap or illness or approved under special circumstances specified in this division, shall place their wheeled container at curbside or street side at such times as shall be scheduled by the public works department. Containers shall not be placed in the street. The public works department may specify the exact placement of the container. As soon as practicable after the container has been emptied, it shall be removed by the owner or occupant to within, or to the rear of, the premises and away from the street line until the next scheduled time for collection.

(Ord. No. 02-420, § 19, 6-3-2003)

Sec. 70-56. Same—Special exceptions.

Those residents that have a documented hardship that would make transporting the container to the curb or street unusually difficult, including handicap, age, illness, or extreme distance, may make application to the public works department for authorization to use an off street pickup location. The public works department must approve the application and, if approved, the public works department shall designate the alternate pickup location and scheduled pickup time. Additional fees may be assessed for off street pickup, as stated on the application and schedule of charges and fees.

(Ord. No. 02-420, § 20, 6-3-2003)

Sec. 70-57. Commercial refuse collection.

Commercial establishments shall store and remove refuse in such a manner as to maintain a clean and sanitary environment. Commercial establishments may contract with a private collector that is approved by the city. The city may, upon request and at its option, service standard city refuse carts for commercial businesses in accordance with the rates set forth by the city commission and in the most current schedule of charges and fees.

(Ord. No. 02-420, § 21, 6-3-2003)

Sec. 70-58. Private refuse collectors.

Private refuse collectors may engage in the collection and disposal of refuse from any nonresidential properties within the city. All private refuse collectors operating within the city must be approved by the city manager. Such approval may be denied or revoked should it be determined that the collector has a history of or is presently operating as a hazard to the community through unsafe vehicle operation, leakage or spillage of refuse from the vehicles, or improper disposal practices. Only the city shall engage in the normal collection of refuse from residential households. This shall not preclude the removal of residential refuse by building contractors, carpet installers, landscapers, tree trimmers and other businesses generating refuse in the operation of their business.

(Ord. No. 02-420, § 22, 6-3-2003)

Sec. 70-59. City wide refuse collection.

Except as otherwise herein provided, all households in the city shall be included in the city's solid waste collection system. Choosing not to use the city service for waste collection and disposal shall not release the household from responsibility for the payment of the collection fee.

(Ord. No. 02-420, § 23, 6-3-2003)

Sec. 70-60. Establishing charges and fees.

A refuse collection fee shall be charged to and collected from each residential and commercial user, in accordance with the terms of this division. The Millersville Board of Commissioners shall establish the fee for refuse collection and disposal services. The fee shall be billed in calendar month increments on a schedule set by the city manager. The public works department, with the approval of the city manager, shall set charges, fees and deposits for the purchase, lease or replacement of containers and dumpsters.

(Ord. No. 02-420, § 24, 6-3-2003)

Sec. 70-61. Collection and disposal fee.

(a) The monthly fee for collection and disposal services shall be as follows:

Residential user, standard street side collection. An automatic four percent increase annually will occur on July 1 of each year as of July 1, 2018.$15.60

Residential user, approved special exception off street collection. An automatic four percent increase annually will occur on July 1 of each year as of July 1, 2018.15.60

Residential user, requested off street collection. An automatic four percent increase annually will occur on July 1 of each year as of July 1, 2018.23.40

Each additional container, residential (*)8.00

Apartment user, utilizing city serviced dumpsters (per unit)13.00

Residential user, dumpster exclusion per section 70-51(c)6.00

Commercial user, designated pick-up location. An automatic four percent increase annually will occur on July 1 of each year as of July 1, 2018.15.60

Each additional container, commercial16.00

(*) Residential users engaged in a home occupation may be billed the commercial rate for additional containers and the public works department may place limitations on the materials eligible for collection.

(b) Group billing monthly collection rates for mobile homes and apartment units.

(1) The homes must be part of a bona fide mobile home park or apartment complex with a minimum of ten occupied homes or units per billing group.

(2) All users must be serviced by standard street side collection.

(3) All homes in the mobile home park or complex must be included in the group billing.

(4) Bills not paid by the due date will be assessed a $2.00 penalty per residence.

(5) Penalties for nonpayment of fees, as described in section 70-63, shall apply individually to each residence in a billing group.

(6) A minimum of ten users will be billed on any group billing, regardless of occupancy.

(7) All other provisions of this division shall apply.

(c) A non-refundable administrative fee of $30.00 shall be charged for the following solid waste department actions:

(1) Activation of a new solid waste account.

(2) Assignment of an additional refuse container. (If more than one additional container is assigned, the fee shall be charged for each additional container.)

(3) Cancellation of the use an additional container made within 12 months of container delivery.

(Ord. No. 02-420, § 25, 6-3-2003; Ord. No. 08-539, §§ 1, 2, 7-15-2008; Ord. No. 16-663, Exh. A, 1-17-2017)

Sec. 70-62. Responsibility for payment of fees.

The owner of the building or other premises, or the owner of land leased or rented to the owner of a building or other premises placed on said land, shall be responsible for payment of all fees. If the owner authorizes or directs a tenant, occupant or other responsible person to 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. The city may place a lien against the property as security for any unpaid fees, including late charges, penalties, court costs, legal expenses associated with collecting the fees, inclusive of attorney fees, and lien recording fees. If the city utilizes an independent fee collection service, the commissions and expense of such service shall be added to the amount due.

(Ord. No. 02-420, § 26, 6-3-2003; Ord. No. 03-439, 1-20-2003; Ord. No. 08-539, § 3, 7-15-2008)

Sec. 70-63. Penalty for nonpayment of fees.

It is unlawful to refuse or neglect to pay the collection fee when billed. Each user shall be given ten days from the billing date to make payment to the city. The city may assess late fees on all past due accounts. Accounts more than 30 days past due may subject the user to a $50.00 fine and a $50.00 fine for each additional 30-day period that the collection fee remains unpaid. The user shall be responsible for all collection and court costs resulting from the collection of unpaid fees.

(Ord. No. 02-420, § 27, 6-3-2003)

Sec. 70-64. Rules and regulations.

The city manager is authorized and directed to institute collection mechanisms, rules, and regulations as shall be deemed by the city manager to be efficient, appropriate and expedient to affect refuse and fee collections.

(Ord. No. 02-420, § 28, 6-3-2003)

Sec. 70-65. Implementation.

For the purpose of an orderly and efficient transition between the method of refuse collection utilized prior to passage of this division and the method provided for within this division, residents shall continue to use private collectors or other means to have refuse removed until this program is implemented. The provisions set forth herein shall be implemented in one or more phases, over a time period not to exceed 12 months. The city shall notify the users of the service at least 30 days prior to the beginning of city provided refuse collection.

(Ord. No. 02-420, § 29, 6-3-2003)

Secs. 70-66—70-70. Reserved.

ARTICLE III. LITTERING AND ILLEGAL DUMPING

Sec. 70-71. Definitions.

See Section 70-31. ~~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:~~

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter means garbage, refuse, rubbish and all other waste materials.

Refuse means all putrescible and nonputrescible solid wastes.

Rubbish means nonputrescible solid wastes consisting of both combustible and noncombustible wastes.

(Ord. No. 82-26, § 1, 4-16-1982)

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

Sec. 70-72. Throwing, dumping, or depositing litter.

It shall be unlawful and a violation of this article for a person to throw, dump, deposit, or cause to be thrown, dumped or deposited litter on property owned by another person without the permission of the owner or occupant of such property or on any public highway, street or road or upon any other public property except that property designated for that use. Any such action will be treated as a public nuisance.

Further, it shall be unlawful for any person to cause or permit the tracking or deposit of mud, dirt, grass clippings, limbs or debris of any kind onto any of the public roads and highways of the city, or on any streets or alleys, or while on the premises of any shopping center, trailer park, or apartment house complex, or any other premises that is generally frequented by the public at large. Drivers shall ensure that the wheels of all vehicles and equipment are free of excess mud, dirt, and debris prior to entering any streets, sidewalks or public right-of-way.

(Ord. No. 82-26, § 2, 4-16-1982; Ord. No. 23-789, § 1, 4-18-2023)

Sec. 70-73. Evidence against driver of motor vehicle.

If the throwing, dumping or depositing of litter was done from a motor vehicle, it shall be prima facie evidence that the throwing, dumping or depositing was done by the driver of the motor vehicle.

(Ord. No. 82-26, § 3, 4-16-1982)

Cross reference(s)—Traffic and vehicles, ch. 78.

Sec. 70-74. Objects bearing name as evidence.

If an object of litter is discovered on another's property without his permission, on any public highway, street or road, or upon any other public property except that property designated for that use, bearing a person's name, it shall be prima facie evidence that the person whose name appears on the object threw, dumped, deposited or caused it to be thrown dumped or deposited there.

(Ord. No. 82-26, § 4, 4-16-1982)

Sec. 70-75. Prosecution by peace officer or private citizen.

Prosecution for a violation of this article may be initiated by a peace officer who witnessed an offense in violation of this article or who discovered an article bearing a person's name on the property of another, or any public highway, street or road, or upon any other public property except that designated for that use, or by any private citizen, who witnessed an offense or discovered incriminating evidence, who is willing to make the initial charge and testify for the city.

(Ord. No. 82-26, § 5, 4-16-1982)

CITY OF MILLERSVILLE, TENNESSEE

ORDINANCE 26-845

AN ORDINANCE AMENDING ORDINANCES 25-817 AND 20-744 OF THE CITY OF MILLERSIVLLE

THE CITY OF MILLERSIVLLE PLANNING COMMISSION

WHEREAS, the Board of Commissioners of the City of Millersville, Tennessee find it necessary to amend and update Millersville's Ordinances 25-817 and 20-744 pertaining to the city's Planning Commission

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Millersville, Tennessee as follows:

Ordinances 25-817 and 20-744 are amended by inserting the below highlighted text.

102. Membership Qualifications. The Planning Commission members must be bona fide residents of the city at the time of appointment and must have been a bona fide resident of the city for a minimum of one year (365 days) prior to the appointment. Each planning commissioner shall, within one (1) year of initial appointment and each calendar year thereafter, or within the grace period, attend a minimum of four (4) hours of training and continuing education in one (1) or more of the subjects listed in subsection 106 of this ordinance in order to maintain qualification for membership.

104. Removal of Members. The Board of Commissioners shall have the authority to remove the Board of Commissioners Member of the Planning Commission and the Mayor shall have the authority to remove all other Members of the Planning Commission ~~may be removed~~ for the following reasons:

a. If a planning commissioner fails to complete the requisite number of hours of training and continuing education within the time allotted or fails to file their statement of training completion

b. If the planning commissioner has a change in residency out of the city (ie. no longer a bona-fide resident)

c. If a planning commissioner is convicted of felony while serving on the Planning Commission

d. If a planning commissioner fails to attend three (3) Planning Commission meetings in a calendar year without prior approval from the Planning Commission Chairperson

e. If a planning commissioner has a direct or indirect conflict of interest on any property, which is the subject matter of, or affected by a decision of the commission, the member shall be disqualified from participating in the discussion, decision, and proceedings of that property. The burden for revealing any such conflict rests with the individual members of the commission and failure to reveal such conflict shall constitute grounds for immediate removal from the commission

106. Training Procedures

a. Each planning commissioner shall, within one (1) year of initial appointment and each calendar year thereafter, attend a minimum of four (4) hours of training and continuing education. Members of the American Institute of Certified Planners (AICP) are exempt from this training requirement. Each planning commissioner has a one time three (3) month grace period to complete the training. If training is completed within this grace period, the planning commissioner shall maintain qualification for membership. Grace period training shall be credited only to the previous calendar year and not the calendar year in which it was taken.

108. Organization

d. City Planner: The duties and responsibilities of the City Planner shall be as follows,
   1. Shall keep the minutes and records of the Planning Commission
   2. Prepare the agenda for all regular and special meetings with the Chairperson
   3. Provide notice of meetings to Planning Commission members
   4. Arrange proper legal notice of hearings and/or meetings in accordance with the Tennessee Open Meetings Act through coordination with the City Recorder and City Manager
   5. Attend to official correspondence of the Planning Commission
   6. Shall, before the November regular meeting of the Board of Commissioners, provide a report to the City Manager and Board of Commissioners detailing the training status of each Planning Commissioner for the current year.
   7. Shall, before the January regular meeting of the Board of Commissioners, provide a report to the City Manager and Board of Commissioners detailing the training status of each Planning Commissioner for the prior year.

Passed this_____day of _____, 2026

First Reading:_____

Second Reading:_____

_____

Mayor Lincoln Atwood

Attest:

_____

Judy Florendo, City Recorder