

ORDINANCE NO. 135

AN ORDINANCE AMENDING ORDINANCE NO. 124 REGARDING
SEWER RATES AND CHARGES FOR THE USE OF AND SERVICE
RENDERED BY THE MT. CARMEL PUBLIC UTILITIES BOARD

WHEREAS, TENN. CODE ANNO. §7-35-414(a) provides that the Board of Mayor and Aldermen of the Town of Mt. Carmel has the power and the duty by ordinance to establish and maintain just and equitable rates and charges for the use of and the service rendered by the wastewater treatment system which is to be paid by the beneficiaries of such service; and,

WHEREAS, TENN. CODE ANNO. §7-35-201 authorizes the Town to require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay the charges pay for the services furnished by the wastewater treatment system to make a reasonable deposit in advance to insure the payment of such charges; and,

WHEREAS, TENN. CODE ANNO. §68-13-209 makes provisions similar to T.C.A. §7-35-201 granting the same authority; and,

WHEREAS, TENN. CODE ANNO. §9-21-101, et seq. provides all local governments have the power and are authorized to "fix, levy and collect fees, rents, tolls or other charges for the use of or in connection with any public works project;" and,

WHEREAS, the sewage disposal system operated by the Town of Mt. Carmel Board of Public Utilities is a public works project and sewage disposal system within the terms and meanings of the afore-noted Tennessee Code sections; and,

WHEREAS, such rates and charges to be assessed by the Board of Public Utilities must be adjusted so as to provide funds sufficient to pay all reasonable expenses of operation, repair, and maintenance; provide for a sinking fund for the payment of principal and interest of bonds when due; and to maintain an adequate depreciation account; and,

WHEREAS, the Board of Mayor and Aldermen makes the finding that the adjustments appearing hereinafter are reasonable and justified;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Mt. Carmel, that Mt. Carmel Municipal Code Title 18, "Waters and Sewers," Chapter 2 "Sewer Rates and Charges" be and is hereby amended as follows:

1. To MCC §18-202 the following shall be added: "For trailer parks, apartment houses, motels/hotels, and all other multiple unit structures, in addition to the system user fee of Thirteen Hundred Dollars (\$1,300.00) for the first unit, there shall be assessed Three Hundred Fifty Dollars (\$350.00) for each additional unit. For car washes the Thirteen Hundred Dollar (\$1,300.00) system user fee includes up to four (4) bays, but there shall be assessed an additional One Hundred Fifty Dollars (\$150.00) for each additional bay. The system user fee shall be Four Hundred Dollars (\$400.00) per lot in newly developing subdivisions wherein the developer installs at his own expense, in accordance with the specifications of the Public Utilities Board and the Town of Mt. Carmel, all the sewer lines within said development and said developer pays the Four Hundred Dollar (\$400.00) per lot system user fee prior to the marketing and sale of any lot in such subdivision."

2. MCC §18-204 "Sewer Service Charge" is amended by adding at the end of the existing section the following: "At the request of any lessor, the Sewer Service Charge will be billed on a regular monthly basis to the lessor's lessee(s) but lessor shall be responsible for any and all unpaid lessees' bills and shall be responsible for minimum monthly bills when rental property is unoccupied unless the water to such property has been disconnected. Should any customer provide evidence to the Public Utilities Board that the water to any structure has been turned off, a dry tap fee may be approved on such unoccupied structures without the service of water at the rate of Twelve Dollars (\$12.00) annually."

3. There shall be added the following new sections:

"MCC §118-206 - Septic Tank Trucks. Persons wishing to empty septic tank trucks directly into the wastewater treatment system must have a permit to do so and shall be charged a minimum fee of Twenty Dollars (\$20.00) for the discharge of up to two thousand (2,000) gallons and an additional fee of

Twenty Dollars (\$20.00) for each additional two thousand (2,000) gallons discharged into the system.

MCC §18-207 - Extra Strength Surcharge. Users who discharge or cause to be discharged extra strength wastewater who possess an appropriate permit will be subject to a surcharge to compensate for above-normal operating and maintenance expenses incurred in treating and disposing of their discharge, not to exceed one hundred percent (100%) of the monthly sewer service charge which would normally be assessed.

MCC §18-208 - Sampling and Flow Monitoring Charges. Customers who are required by the Board to have sampling and flow monitoring devices installed either temporarily or permanently or who choose to have flow monitoring devices installed in order to measure actual amounts of waste water discharge should be charged the reasonable cost necessary to compensate for operating and maintaining equipment and for performing analytical test on their discharge.

MCC §18-209 - Connection Permits. Initial connection permits are free but expire within fourteen (14) days. Any subsequent connection permits shall be Seven and 50/100 Dollars (\$7.50).

MCC §18-210 - Late Fees and Interest Charges. For those persons paying system user fees by monthly installments, a late charge of Five Dollars (\$5.00) per month is established for all payments received after the tenth day of each month. The Public Utilities Board is granted the authority to set other late fees and interest charges not inconsistent with state law."

LEGAL STATUS PROVISIONS

A. Conflict With Other Ordinances

In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mt. Carmel, the most restrictive shall in all cases apply.

B. Validity

If any section, clause, provision or portion of this ordinance shall be held to be in doubt or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

C. Effective Date

This ordinance shall take effect and be in force from and after its passage, the public welfare requiring.

Passed 1st Reading 8-27-92

Passed 2nd Reading 9-24-92

Passed 3rd Reading 10-22-92

Ronnie L. Davis
MAYOR

Rita Jones
CITY RECORDER

APPROVED AS TO FORM:
Michael A. Fank
CITY ATTORNEY