

**ORDINANCE 2016-20**

**AN ORDINANCE TO AMEND TITLE 18, CHAPTER 1 OF THE MILLINGTON  
MUNICIPAL CODE SETTING WATER AND SEWER FEES**

**WHEREAS**, Section 9 of said Charter of the City of Millington authorizes the Board to provide for the operation and maintenance of public utilities, including water and sewer services; and

**WHEREAS**, The Board of Mayor and Alderman desire to operate both the water and sewer systems in a fiscally responsible manner and to comply with the requirements of the Water and Wastewater Financing Board of the State of Tennessee as required by T.C.A. Section 68-221-1010 and that requires a regular review of rates in order to have the system revenues to cover all of the expenses of the system as recorded in accordance with generally accepted accounting standards; and

**WHEREAS**, Effective July 1, 2016, the city assumed responsibility from Shelby County for all sewers in the Lucy area of the City and that area flows to a City of Memphis Wastewater Treatment Plant; and

**WHEREAS**, The City must establish a separate zone and rates for that area to cover its cost of operation; and

**WHEREAS**, MLGW provides water to some residents of the City and they bill water in hundred cubic feet (ccf) and are billing the related sewer fees for the City when those residents have city sewers and the city needs to establish sewer fees in hundred cubic feet (ccf) for those billings; and

**WHEREAS**, City Hall staff continues to be questioned on re-connection charges in Code section 18-129 and revised wording has been developed for the existing fees; and

**WHEREAS**, City staff prepared and the Board of Mayor and Alderman adopted the Drought Management Plan for the City Water System on October 10, 2016; and

**WHEREAS**, The Plan provides for surcharges and fines to enforce reductions in use during announced drought conditions and it is necessary to amend this title of the code to establish such amounts; and

**WHEREAS**, The Board of Mayor and Alderman has reviewed all rates in relation to expenses and determined that Water and Sewer System rates for our historical service area do not presently require changes except for those Sewer System customers billed in hundred cubic feet (ccf) as previously described.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE** that:

**SECTION 1: SEWER SERVICE CHARGES - APPLICABILITY** - Section 18-116 of the Millington Municipal Code is amended by deleting the current section in its entirety and replacing it upon adoption of this ordinance with:

**“18-116. Sewer Service Charges--Applicability.** The sewer service charges imposed in this chapter 1 of title 18 are applicable to every person, firm, partnership, association or corporation inside or outside of the corporate limits of the City of Millington, Tennessee, whose sewage and waste water empties into the city's collection systems and either the treatment systems of the City of Millington or the City of Memphis. Sewer service charges for treatment by the City of Memphis shall be those adopted by the City of Memphis and the City of Millington shall charge a separate fee for the related collection system. No sewer service charges shall apply to water used solely to manufacture ice, soft drinks or other similar products composed mainly of water, where the water is incorporated into the product and is not emptied into the city's collection and treatment systems in connection with the manufacturing process, and provided that such water is metered separately from water used for all other purposes in the same facility.

**SECTION 2: SEWER FEE** - Section 18-117 of the Millington Municipal Code is amended by deleting the current section in its entirety and replacing it upon adoption of this ordinance with:

**"18-117. Sewer Fee.** 1. There is hereby fixed a monthly sewer fee in the amount of \$7.10 for the first 2,000 gallons of water metered to any water user, who is billed for water by the City in gallons and treated by the City of Millington as described in Section 18-116 and \$3.42 for each 1,000 gallons after the first 2,000 gallons. The sewer fee for additional usage in excess of the first 2,000 gallons of water metered to any water user will be calculated using the formula described in Section 18-114 of the Millington Municipal Code.

2. There is hereby fixed a monthly sewer fee in the amount of \$7.97 for the first 3 hundred cubic feet (ccf) of water metered to any water user, who is billed for water by MLGW in hundred cubic feet (ccf) and treated by the City of Millington as described in Section 18-116 and \$2.5582 for each hundred cubic feet (ccf) after the first 3 hundred cubic feet (ccf).

3. There is hereby fixed a monthly sewer fee in the amount of \$5.00 for areas using City of Millington collection systems and treated by the City of Memphis.

4. Users metered by a separate wastewater meter in gallons shall have a fixed monthly sewer fee in the amount of \$3.42 for each 1,000 gallons, or any part thereof, of metered wastewater.

5. Users with a swimming pool may apply for a credit against sewer fees for the filling of the pool once in each calendar year. The credit shall be calculated based on the average usage for the previous six (6) months and validated by the size of the pool. The amount of the credit shall be approved by the committee established in § 18-127(3).

6. Users with a Millington water bill exceeding the previous month by at least twenty percent (20%) and who can document the repair of broken plumbing resulting in leakage not going into the sewer system may apply for a credit on the sewer portion of the bill once in each calendar year. The credit shall be calculated based on the average usage for the previous six (6) months. The amount of the credit shall be approved by the committee established in § 18-127(3). Users on the Millington sewer system with water provided by MLGW may not receive a sewer bill credit based on this provision but may receive a credit in accordance with MLGW policies for credits from a water leak.

7. Non-residential customers with significant water usage that does not flow to the sewer system may elect with the approval of the city to have a meter installed, at the customer's cost, to measure inflows to the sewer system. A customer who installs such a meter shall be billed based on the metered inflows rather than on water purchased.

**SECTION 3: RE-CONNECTION CHARGE** - Section 18-129 of the Millington Municipal Code is amended by deleting the current section in its entirety and replacing it upon adoption of this ordinance with:

**18-129. Service charge.** Whenever service has been discontinued as provided for in this chapter or is scheduled for discontinuance for nonpayment as provided for in Code Section 18-127, there shall be a \$25.00 service charge, for both residential and commercial service. All amounts due, including extra charges, shall be paid before service is restored.

In the event that connection or reconnection of services is requested between 5 PM and 8 AM weekdays or on weekends, an additional amount shall be charged as follows:

Time of service	Applicable charge
Weekday, 5 PM - 9 PM	\$25.00
Weekday, 9 PM - 8 AM	\$50.00
Friday, 9 PM – Monday, 8 AM	\$50.00

**SECTION 4: DROUGHT MANAGEMENT** - Section 18-144 of the Millington Municipal Code is created to read:

**18-144. Drought Management Fees and Fines.** Whenever the use restriction levels in the Drought Management Plan for the City of Millington Water system is invoked, the following fees and fines, as defined in the Plan, shall become effective:

- (1) Mandatory Water Restrictions implemented:
  - (a) A \$25.00 surcharge will be assessed to all residential customers and small businesses whose water usage was over 3,300 gallons during the billing cycle.
  - (b) The following will be used to enforce violations of restrictions:
    - (i.) First Offense - A written warning will be issued
    - (ii.) Second Offense - A minimum \$100.00 fine
    - (iii.) Third Offense - Customer's water service will be discontinued for a minimum of 5 days. A reconnection service fee will be required to have service restored.
- (2) Emergency Water Management Restrictions implemented:
  - (a) A \$50.00 surcharge will be assessed to all residential customers and small businesses whose water usage was over 3,000 gallons during the billing cycle.
  - (b) The following will be used to enforce violations of restrictions:
    - (iv.) First Offense - A minimum \$500.00 fine
    - (v.) Second Offense - Customer's water service will be discontinued for a minimum of 15 days. A reconnection service fee will be required to have service restored.

**SECTION 5: WATER FEE** - Section 18-114 of the Millington Municipal Code is confirmed with no change in rates.

**SECTION 6: SEVERABILITY** -- All Ordinances heretofore passed in conflict herewith are hereby repealed insofar as they are in conflict with this Ordinance.

**BE IT FURTHER ORDAINED**, That this Ordinance shall take effect upon its second and final passage.

Public Hearing: November 14, 2016  
First Reading: November 14, 2016  
Final Reading: December 12, 2016

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Terry Jones, Mayor

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Karen Findley, City Clerk