

ORDINANCE 2017-11

ORDINANCE AMENDING TITLE 18, WATER AND SEWERS, OF THE MILLINGTON MUNICIPAL CODE

WHEREAS, The Charter of the City of Millington authorizes the Board of Mayor and Aldermen to operate water and sewer systems in order to promote and protect the public health, and to impose charges to cover the costs of such services; and

WHEREAS, State law requires that said charges cover the operating costs separately for the water and sewer systems; and

WHEREAS, The University of Tennessee Municipal Technical Advisory Service reviewed the historical financial performance of the water and sewer systems for FY11 to FY16, the forecast for FY17, the proposed budget for FY18 and projected costs including all plant and system improvements required through June 30, 2021 and determined necessary rates for FY18 through FY21; and

WHEREAS, MTAS identified necessary rate increases of:

Date of Increase	Water System	Sewer System
July 1, 2017	2%	4%
July 1, 2018	40%	7%
July 1, 2019	3%	3%
July 1, 2020	3%	3% ; and

WHEREAS, The Board has determined that citizens will be better served by spreading the required increases more evenly.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE, That Section 18-114 of Title 18 of the Millington Municipal Code is repealed in its entirety and replaced with:

18-114. Schedule of rates. Water supplied by the municipal water system will be charged to each customer based upon the following monthly rates:

Base Rate. First 2,000 gallons
Additional usage. Each additional 1,000 gallons or part thereof

Effective Date	Base Rate	Additional Use
July 1, 2016	\$ 10.50	\$ 3.52
July 1, 2017	\$ 11.85	\$ 3.97
July 1, 2018	\$ 13.21	\$ 4.43
July 1, 2019	\$ 14.56	\$ 4.88
July 1, 2020	\$ 15.91	\$ 5.33

Beginning July 1, 2021, the water rates shall be adjusted each year for bills issued at the end of July based on the percentage increase in the December Consumer Price Index over the December 2019 index and that such rate increase shall be posted on the City's website as soon as it is known.

BE IT FURTHER ORDAINED, That Section 18-116 of Title 18 of the Millington Municipal Code is repealed in its entirety and replaced with: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 into either the city's treatment systems or those of the City of Memphis. 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.

BE IT FURTHER ORDAINED, That Section 18-117 of Title 18 of the Millington Municipal Code is repealed in its entirety and replaced with:

18-117. Sewer Fee. 1. Customers connected to the Millington Wastewater Treatment Plant, who are provided and billed for water by the City of Millington in gallons, shall be charged based on the following monthly rates:

Base Rate.First 2,000 gallons
Additional usage. Each additional 1,000 gallons or part thereof

Effective Date	Base Rate	Additional Use
July 1, 2016	\$ 7.10	\$ 3.42
July 1, 2017	7.42	3.58
July 1, 2018	7.74	3.73
July 1, 2019	8.06	3.89
July 1, 2020	8.38	4.04

2. Customers connected to the Millington Wastewater Treatment Plant, who are provided and billed for water by MLGW in hundred cubic feet (CCF), shall be charged based on the following monthly rates:

Base Rate.First 3 CCF
Additional usage. Each additional CCF

Effective Date	Base Rate	Additional Use
July 1, 2016	\$ 7.97	\$ 2.5582
July 1, 2017	\$ 8.33	\$ 2.6700
July 1, 2018	\$ 8.69	\$ 2.7900
July 1, 2019	\$ 9.05	\$ 2.9000
July 1, 2020	\$ 9.41	\$ 3.0200

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 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. A flat monthly fee shall be charged for areas served by the City of Millington collection systems and treated by the City of Memphis as follows:

Effective Date	Fee
December 12, 2016	\$ 5.00
July 1, 2017	\$ 10.00
July 1, 2018	\$ 12.50
July 1, 2019	\$ 15.00

Customers in this category, whose wastewater is treated by the City of Memphis, shall pay the rate established by the City of Memphis in addition to the fee for the collection system.

4. Users metered by a separate wastewater meter in gallons shall have a fixed monthly sewer fee for each 1,000 gallons, or any part thereof, of metered wastewater as follows:

Effective Date	Rate
July 1, 2016	\$ 3.42
July 1, 2017	\$ 3.58
July 1, 2018	\$ 3.73
July 1, 2019	\$ 3.89
July 1, 2020	\$ 4.04

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.

BE IT FURTHER ORDAINED, That a new Part (4) shall be added to Section 18-127 of Title 18 of the Millington Municipal Code as follows:

(4) Notwithstanding any other provisions of Title 18 of the Millington Municipal Code, customers of city sewers, sanitation and/or storm water drainage (city services) who purchase water from Memphis Light, Gas and Water (MLGW), may be billed by MLGW for any city services received at that address and subject to MLGW terms on loss of service and late fees.

BE IT FURTHER ORDAINED, That Part (4) of Section 18-503 of Title 18 of the Millington Municipal Code is repealed in its entirety and replaced with:

(4) "Equivalent residential unit" or "ERU" means the average square footage of a detached single family residential property, which has been established as 3,000 square feet.

BE IT FURTHER ORDAINED, That Part (18) of Section 18-503 of Title 18 of the Millington Municipal Code is repealed in its entirety and replaced with:

(18) "User" or "Other User" shall mean the individual or business obtaining utilities for properties where utilities are active and does not apply to vacant or undeveloped properties.

BE IT FURTHER ORDAINED, That Part (2) of Section 18-508 of Title 18 of the Millington Municipal Code is repealed in its entirety and replaced with:

(2) Definition. The ERU is the average square footage of a detached single family residential property within the city, which has been established as 3,000 square feet.

BE IT FURTHER ORDAINED, That Part (2) of Section 18-510 of Title 18 of the Millington Municipal Code is repealed in its entirety and replaced with:

18-510. Base rate. The board shall, by ordinance, establish the base rate for the storm water user fee. The base rate shall be calculated to insure adequate revenues to fund the costs of storm water management and to provide for the operation, maintenance, and capital improvements of the storm water system in the city. The base rate, which is the rate for single family residential property and is the rate for each ERU on all other properties subject to this title, shall be as follows:

Effective Date	Fee
August 1, 2006	\$ 2.50
July 1, 2017	\$ 3.80

BE IT FURTHER ORDAINED, That Parts (1), (2) and (3) of Section 18-512 of Title 18 of the Millington Municipal Code is repealed in its entirety and replaced with:

18-512. Billing procedures and penalties for late payment. (1) Rate and collection schedule. The storm water user fees shall be billed on a utility bill issued by either the City of Millington or Memphis Light, Gas and Water (MLGW) for all properties with active utilities or on an invoice issued by the City of Millington for properties without active utilities. Such billings and due dates shall be based on the regular billing cycles and due dates for utility customers and shall be determined by the City Finance Director for all other properties subject to this title.

(2) Penalties for late payment. Storm water user fees shall be subject to the same late fee and terms established for other items on a utility bill and shall become delinquent ten days after the date of billing for other bills and shall pay the same late fee as established for City of Millington utility bills.

BE IT FURTHER ORDAINED, That Parts (4) and (5) of Section 18-512 of Title 18 of the Millington Municipal Code shall be renumbered as (3) and (4), respectively.

BE IT FURTHER ORDAINED, That the second paragraph of Part (1) of Section 18-606 of Title 18 of the Millington Municipal Code is amended by deleting the following wording:

The hauler (party who will clean and pump any grease trap) must notify the City of Millington at least two (2) business days prior to beginning the work. Such notice shall be sent by email to _____ or by telephone to 901-872-2211.

BE IT FURTHER ORDAINED, That the second paragraph of Part (1) of Section 18-606 of Title 18 of the Millington Municipal Code is amended by adding the following wording:

The hauler (party who will clean and pump any grease trap) must notify the City of Millington at least two (2) business days prior to

beginning the work. Such notice shall be sent by email to d.dunn@millingtontn.gov or by fax to 901-872-4113 or delivered to 7930 Nelson Road, Millington, TN.

BE IT FURTHER ORDAINED, That Part (5) of Section 18-606 of Title 18 of the Millington Municipal Code is repealed in its entirety and replaced with:

(5) Submittal of records. Each user shall submit all cleaning and maintenance records to the City of Millington twice each year. Such submittals shall be due March 1st and September 1st. The maintenance records shall include the following information:

- (a) Facility name, address, contact person, and phone number;
- (b) Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap;
- (c) Types of maintenance performed;
- (d) Dates maintenance was performed;
- (e) Date of next scheduled maintenance; and
- (f) Copies of haulers' manifests.

The records shall be submitted to:

City of Millington
Attn. Storm Water Manager
7930 Nelson Road
Millington, Tennessee 38053

BE IT FURTHER ORDAINED, That Part (6) of Section 18-606 of Title 18 of the Millington Municipal Code is amended by adding the following wording at the end of the current part:

Each food service facility shall pay a \$100.00 annual inspection fee that shall be due and payable to the City of Millington on August 1, 2017 and on August 1 of each year thereafter. Notice of the payment due date of said tax shall be mailed by the City to each facility, at the facility address, at least thirty (30) days prior to August 1.

BE IT FURTHER ORDAINED, That Part (2) (a) of Section 18-613 of Title 18 of the Millington Municipal Code is repealed in its entirety and replaced with:

(a) Issue a citation to city court, in which case the alleged violator, upon conviction, shall be subject to pay a civil penalty not to exceed fifty dollars (\$50.00) per day, plus payment to the city of all costs incurred to repair any damage to city property caused by the violation; or

BE IT FURTHER ORDAINED, That this Ordinance shall take effect upon its final passage, the public welfare requiring it.

Public Hearing: June 13, 2017
First Reading: May 8, 2017
Final Reading: June 13, 2017

Terry Jones, Mayor

Karen Findley, City Clerk