

ORDINANCE 2006-9
ORDINANCE SETTING AMOUNTS OF STORM WATER UTILITY USER FEES
AND LATE FEES

WHEREAS, the Board of Mayor and Aldermen of the City of Millington have enacted Ordinance 2006-8, Ordinance Creating Storm Water Utility; Imposing Storm Water Users Fees and Permit and Inspection Fees in Amounts to Be Set By Ordinance; and Establishing Storm Water Utility Special Revenue Fund; and

WHEREAS, Section 7 of Ordinance 2006-8, Storm water user fees established, as authorized by Tennessee Code Annotated § 66-221-1107, empowers the Board of Mayor and Aldermen to impose a storm water user fee on developed property in the City, except exempt property, which fees are to be set from time to time by ordinance; and

WHEREAS, Section 13, Billing procedures and penalties for late payment, of Ordinance 2006-8 authorizes the Board to establish a late fee to be charged when any payment of storm water user fee is not paid when due; and

WHEREAS, the Board of Mayor and Aldermen desires to adopt and impose the storm water users' fees on developed property in the City, except exempt property, and to establish a late fee, as set out herein;

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

Section 1. Setting of ERU and base rate. For purposes of this Ordinance, the ERU (Equivalent Residential Unit) of each single residential property as defined in Ordinance 2006-8 shall be 3,000 square feet. The base rate shall be \$2.50 per month.

Section 2. Imposition of residential user fee. There is hereby imposed a monthly storm water user fee on all developed residential property within the City of Millington at the base rate of \$2.50 per single family residential property; provided, however, that the fee imposed by this section shall not apply to zoning districts R-4 Residential District (High Density) and R-5 Residential Mobile Home Park District. Where two single family residences are joined by a party wall, whether under common or separate ownership, the owner of each such residence shall be liable for the fee imposed by this Section.

Section 3. Imposition of other developed property fee. There is hereby imposed a storm water user fee on all other developed property within the City of Millington as defined in Ordinance 2006-8, including office buildings, shopping centers, apartment buildings and other multi-use properties, and including all property zoned R-4 Residential District (High Density) and R-5 Residential Mobile Home Park District, except exempt property, which fee shall be calculated pursuant to Ordinance 2006-8, as follows: The monthly other developed property user fee shall be \$2.50 per 3,000 square feet or fraction thereof.

Section 4. Adjustment. Any property within the City may be eligible for adjustment to the storm water user fee, either upward or downward, in accordance with Ordinance 2006-8.

Section 5. Payment of fees. The storm water user fees imposed by this Ordinance shall be due and payable, as follows:

a. Residential fees shall be billed monthly, in the same manner as water, sewer and/or sanitation charges are billed. Storm water utility bills for unoccupied property shall be the responsibility of and will be billed to the property owner.

b. Commercial/industrial fees may be paid in advance for the entire year, with a due date of July 1st of each year, or may be paid quarterly or monthly, at the option of the person responsible for payment.

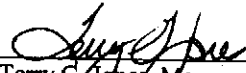
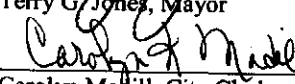
c. This Ordinance takes effect as of November 1, 2006. For the first fiscal year this Ordinance is in effect, payments of the storm water user fees shall be due for eight (8) months, beginning as of November 1, 2006. Payments made in advance for the entire year and the first monthly or quarterly payments for this fiscal year shall be due and payable on November 1, 2006. If payments are to be made quarterly, the first such payment shall be for two months (November and December) rather than three. This Section 5.(c) shall apply only to the City's fiscal year that began on July 1, 2006.

Section 6. Delinquent payments / late fee. Any unpaid storm water user fee shall become delinquent as of ten (10) days following the date of billing. There shall be a late fee in the amount of ten percent (10%) of the user fee due for any payment of storm water user fee that is not received by the date that is ten (10) days following the billing. A remittance by mail shall be accepted as made on the date of the postmark. The City shall have the right to collect any unpaid storm water user fee and late fee as set out in Ordinance 2006-8 or state law.

Section 7. Appeal. Any owner of other developed property who disagrees with calculation of the storm water user fee for his property shall have the right to appeal as set out in Ordinance 2006-8.

Section 8. Effective date. This Ordinance shall take effect as of November 1, 2006, the public welfare requiring it.

First Reading: June 12, 2006
Second Reading: July 10, 2006
Third Reading: July 20, 2006


Terry G. Jones, Mayor

Carolyn Madill, City Clerk