

# **Mt. Juliet, Tennessee**

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122



## **Agenda**

**Monday, April 14, 2025**

**6:30 PM**

**Commission Chambers**

**Board of Commissioners**

**1. Public Hearing 6:15 PM**

Citizens Comments limited to three (3) minutes per person - Ordinance 2023-15

**1.A. Public Hearing Notice - 4-14-25****1150**

**Attachments:** [Public Notice - 4-14-25](#)

**2. Call to Order & Declare a Quorum Present****3. Set Agenda****4. Invocation & Pledge of Allegiance****5. Approval of Minutes****5.A. Meeting Minutes for Approval****1170**

**Attachments:** [3-24-25 Meeting Minutes for Approval](#)

**6. Citizens Comments**

Citizens Comment Limited to three (3) minutes per person - Ordinance 2008-24

**7. Commissioner Reports & Comments****8. City Manager's Report****9. Unfinished Business Consent Agenda Items:****10. Unfinished Business - Annexation of 340 John Wright Rd****10.A. A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE PROPERTY KNOWN AS THE AGUILAR NAVA PROPERTY, LOCATED AT 340 JOHN WRIGHT ROAD MAP 076 PARCEL 054.00, IN WILSON COUNTY, TENNESSEE, LOCATED WITHIN THE CITY'S URBAN GROWTH BOUNDARY****1146**

**Sponsors:** Planning Commission Positive Recommendation

**Attachments:** [340 John Wright Rd - POS](#)

**10.B. AN ORDINANCE TO ANNEX INTO THE CORPORATE BOUNDARIES OF THE CITY OF MT. JULIET APPROXIMATELY 6.6 ACRES, PROPERTY LOCATED AT 340 JOHN WRIGHT ROAD, MAP 076, PARCEL 054.00 AND LOCATED WITHIN THE CITY'S URBAN GROWTH BOUNDARY****1062**

**Sponsors:** Planning Commission Positive Recommendation

**Attachments:** [340 John Wright Rd AX ORD](#)

[340 John Wright Rd AX SR](#)

[340 John Wright Rd Exhibit A Annexation 1-15-25](#)

[340 John Wright Rd PoS](#)

**Legislative History**

2/20/25 Planning Commission

\*\*Positive Recommendation to the Board of Commissioners

3/10/25 Board of Commissioners

recommended for approval to the Board of Commissioners

- 10.C.** A RESOLUTION IN MEMORANDUM OF ORDINANCE \_\_\_\_\_ **1145**  
RELATIVE TO THE ANNEXATION OF 340 JOHN WRIGHT RD

**Sponsors:** Planning Commission Positive Recommendation

**Attachments:** [Res in Memorandum Relative to Annexation - John Wright Rd](#)

**11. Unfinished Business - Annexation of Hayes Property**

- 11.A.** A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE **1148**  
PROPERTY KNOWN AS THE HAYES PROPERTY, LOCATED AT  
9385 LEBANON ROAD MAP 054D GROUP B PARCEL 001.00, IN  
WILSON COUNTY, TENNESSEE, LOCATED WITHIN THE  
CITY'S URBAN GROWTH BOUNDARY

**Sponsors:** Planning Commission Positive Recommendation

**Attachments:** [Hayes Property POS](#)

- 11.B.** AN ORDINANCE TO ANNEX INTO THE CORPORATE **1001**  
BOUNDARIES OF THE CITY OF MT. JULIET APPROXIMATELY  
0.5 ACRES OF PROPERTY LOCATED AT 9385 LEBANON  
ROAD, MAP 054D, GROUP B, PARCEL 001.00 AND LOCATED  
WITHIN THE CITY'S URBAN GROWTH BOUNDARY

**Sponsors:** Planning Commission Positive Recommendation

**Attachments:** [Hayes Property AX ORD](#)

[Hayes Property 9385 Lebanon Rd AX SR PD](#)

[9385 Lebanon Rd - Exhibit A- Annexation 12-16-24](#)

[Hayes Property POS](#)

**Legislative History**

2/20/25 Planning Commission

\*\*Positive Recommendation to the Board of Commissioners

3/10/25 Board of Commissioners

recommended for approval to the Board of Commissioners

- 11.C.** A RESOLUTION IN MEMORANDUM OF ORDINANCE \_\_\_\_\_ **1147**  
RELATIVE TO THE ANNEXATION OF A PROPERTY KNOWN AS  
THE HAYES PROPERTY, LOCATED AT 9385 LEBANON RD

**Sponsors:** Planning Commission Positive Recommendation

**Attachments:** [Res in Memorandum Relative to Annexation - Hayes Property](#)

**12. New Business**

- 12.A.** AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 12 - FIRE PREVENTION AND PROTECTION / EMERGENCY SERVICES / FIREWORKS, ARTICLES I, V, AND VI **1143**

**Sponsors:** Kenneth Martin, City Manager,

**Attachments:** [Ordinance re City Code Chapter 12 Amendments & Additions Chapter 12 - Art I, V, and VI - Amendments - Redline Version](#)

- 12.B.** AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 30 - UTILITIES, DIVISIONS 1 THROUGH 12 **1149**

**Sponsors:** Kenneth Martin, City Manager,

**Attachments:** [Ordinance re City Code Chapter 30 Amendments Chapter 30 - Amendments - Redline Version](#)

- 12.C.** AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 28 - TRAFFIC AND VEHICLES, ARTICLE II - TRAFFIC COMMISSION, SECTION 28-24 **1153**

**Sponsors:** Kenneth Martin, City Manager,

**Attachments:** [Ordinance re City Code Chapter 28 Amendments Amendment To Traffic Commission redline Code](#)

- 12.D.** AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 4 - ALCOHOLIC BEVERAGES, ARTICLE III - BEER AND ALCOHOLIC BEVERAGES AS DEFINED IN TCA 57-5-101, SECTION 4-56, SUBSECTION (A) **1155**

**Sponsors:** Kenneth Martin, City Manager,

**Attachments:** [Ordinance re City Code Chapter 4 Amendments Amendment to Sec. 4 56. Application Requirements and conditions. Executive Summary - Alcoholic Beverage Laws Amendment](#)

- 12.E.** AN ORDINANCE TO AMEND THE LAND USE PLAN FOR THE PROPERTY KNOWN AS PADDOCKS SENIOR - WELLER LIFE COMMUNITIES, LOCATED AT 535 PLEASANT GROVE ROAD, MAP 077, PARCELS 072.21 AND 072.25 FROM INTERSTATE-COMMERCIAL TO MULTI-FAMILY RESIDENTIAL **1072**

**Sponsors:** Planning Commission Positive Recommendation

**Attachments:** [Paddocks Senior LUA ORD 09 - LEGAL DESCRIPTION Paddocks - word doc WellerLife Exhibit A LUA 2-13-25](#)

**Legislative History**

2/20/25

Planning Commission

\*\*Positive Recommendation to the Board of Commissioners



- 12.F.** AN ORDINANCE TO REZONE APPROXIMATELY 33.52 ACRES OF PROPERTY AT 535 PLEASANT GROVE ROAD, MAP 077, PARCELS 072.21 AND 072.25 FROM RS-40 TO RM-16 PUD AND TO ADOPT THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR PADDOCKS SENIOR - WELLER LIFE COMMUNITIES **1074**

**Sponsors:** Planning Commission Positive Recommendation

**Attachments:** [Paddocks Senior PMDP PUD ORD](#)  
[Paddocks Senior - Weller Life @ MJ LUA PMDP SR](#)  
[09 - LEGAL DESCRIPTION Paddocks - word doc](#)  
[WellerLife Exhibit B PMDP PUD w Rezone 2-13-25](#)

**Legislative History**

2/20/25 Planning Commission \*\*Positive Recommendation to the Board of Commissioners

- 12.G.** AN ORDINANCE AMENDING THE FISCAL YEAR 2024/2025 BUDGET ORDINANCE 2024-25 TO APPROPRIATE FUNDS FOR THE PURCHASE OF VEHICLES FOR THE POLICE DEPARTMENT **1169**

**Sponsors:** Kenneth Martin, City Manager,

**Attachments:** [2025- Amend 24-25 budget to purchase PD vehicles](#)  
[2025- Exec Sum Amd Bud for PD Vehicle Replcmnts](#)

- 12.H.** A RESOLUTION AUTHORIZING AN ACTUARIAL STUDY OF THE COST ASSOCIATED WITH A HAZARDOUS DUTY SUPPLEMENTAL BENEFIT **1142**

**Sponsors:** Kenneth Martin, City Manager,

**Attachments:** [2025 - Res auth actuarial study for hazerdous pay TCRS](#)  
[09.2024 MTAS - TCRS HazDuty Retirement Supplement Act](#)

- 12.I.** A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY OF MT JULIET AND IMPACT PYRO INC. FOR A FOURTH OF JULY FIREWORKS SHOW AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT **1152**

**Sponsors:** Kenneth Martin, City Manager,

**Attachments:** [A RESOLUTION TO APPROVE THE AGREEMENT WITH IMPACT PYRO INC](#)  
[Impact Pyro Agreement REDLINE- Mt Juliet - Agreement \(city edits 03.18.25\)](#)  
[City of Mt. Juliet Standard Addendum To Agreement - IMPACT PYRO Agreement](#)  
[Impact Pyro Agreement - Mt Juliet - Show Summary](#)  
[Impact Pyro Agreement - Mt Juliet - Invoice](#)

- 12.J. A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF MT. JULIET AND AT&T FOR E911 HARDWARE AND MAINTENANCE SERVICE FOR THE POLICE DEPARTMENT [1156](#)

**Sponsors:** Kenneth Martin, City Manager,

**Attachments:** [2025 Res to sign contract for ATT E911 Service MT Julietaddpos](#)

13. **Appointments**

- 13.A. Second Central Business Improvement District (CBID) Appointment [1154](#)

**Attachments:** [2024-35](#)

14. **Adjournment**



# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1150

**Agenda Date:** 4/14/2025

**Agenda #:** 1.A.

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**Title:**

Public Hearing Notice - 4-14-25

## **Public Notice**

The Board of Commissioners of the City of Mt. Juliet will conduct a public hearing and consider the following on April 14, 2025 at 6:15PM, at City Hall located at 2425 N. Mt. Juliet Road.

- An ordinance to annex into the corporate boundaries of the City of Mt. Juliet approximately 6.6 acres, property located at 340 John Wright Road, Map 076, Parcel 054.00 and located within the city's urban growth boundary
- An ordinance to annex into the corporate boundaries of the City of Mt. Juliet approximately 0.5 acres of property located at 9385 Lebanon Road, Map 054D, Group B, Parcel 001.00 and located within the city's urban growth boundary
- An ordinance to amend the land use plan for the property known as Paddocks Senior - Weller Life Communities, located at 535 Pleasant Grove Road, Map 077, Parcels 072.21 and 072.25 from Interstate-Commercial to Multi-Family Residential

The public is invited to attend and comment.

Kenneth D. Martin, City Manager  
City of Mt. Juliet



# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1170

**Agenda Date:** 4/14/2025

**Agenda #:** 5.A.

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**Title:**

Meeting Minutes for Approval

# **Mt. Juliet, Tennessee**

*2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122*



## **Meeting Minutes**

**Monday, March 24, 2025**

**6:30 PM**

**Commission Chambers**

**Board of Commissioners**

**1. Workshop - Roadway Safety Action Plan 5:15 PM**

Mayor Maness opened the Work Session and asked for Citizen Comments, there were none. The presentation continued until 6:00pm.

**1.A. Workshop Public Notice 3-24-25**

**Attachments:** [Public Notice - Workshop 3-24-25](#)

**2. Public Hearing 6:15 PM**

Citizens Comments limited to three (3) minutes per person - Ordinance 2023-15

Citizen's Comments limited to three (3) minutes per person- Ordinance 2023-15

Mayor Maness called the Public Hearing to order at 6:15pm. There were no Citizen Comments.

**2.A. Public Hearing Notice 3-24-25**

**Attachments:** [Public Notice - 3-24-25](#)

**3. Call to Order & Declare a Quorum Present**

Mayor Maness called the regular meeting of the Board of Commissioners to order at 6:30pm and declared a quorum present.

**Present:** Commissioner Art Giles, Vice Mayor and Commissioner Bill Trivett,  
Mayor James Maness, Commissioner Jennifer Milele, and  
Commissioner Scott Hefner

**4. Set Agenda**

Mayor Maness set the agenda and removed Item 13.A (Traffic Commission Appointment) from the agenda, with no objections.

**5. Invocation & Pledge of Allegiance**

City Manager, Kenny Martin provided the invocation, while Boy Scout Troop 1204 provided a brief update on their recent activities and led the Pledge of Allegiance.

**6. Approval of Minutes****6.A. Meeting Minutes for Approval - 3-10-25**

**Attachments:** [Meeting Minutes 3-10-24](#)

A motion was made by Vice Mayor and Commissioner Trivett, seconded by Commissioner Milele, that this Minutes be approved. The motion carried by the following vote:

**RESULT:** APPROVED

**MOVER:** Bill Trivett

**SECONDER:** Jennifer Milele

**Aye:** Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner

**7. Citizens Comments**

Citizens Comment Limited to three (3) minutes per person - Ordinance 2008-24

Citizen's Comments limited to three (3) minutes per person- Ordinance 2023-15

Mayor Maness called the Public Hearing to order at 6:15pm. There were no Citizen Comments.

**8. Commissioner Reports & Comments**

Commissioner Art Giles: The kick off for Walk Across Wilson was this past Saturday, and he stated that he really appreciated everyone that came out. He shared the flyer and QR code with links to the application to join. He went over the stats from last year's events which were incredible. It's a great way to help our schools and local non-profits. He also wanted to share sentiments of Sheila and asked for prayers for her.

Vice Mayor Bill Trivett: Thanked everyone for coming out tonight and recognized Boy Scout Troop 1204 for coming out tonight. He sends his best to Sheila for a speedy recovery. He stated that there were lots of wonderful events coming up at our City Parks and noted that MJPd is having an event at the park this weekend.

Commissioner Scott Hefner: No report

Commissioner Jennifer Milele: Stated she will be sending newsletter out this week.

**9. City Manager's Report**

City Manager Kenny Martin: Thanked everyone for coming out tonight and wanted to recognize Barry Wilmore for his safe return to earth. He recognized the participants at the meeting from Boy Scout Troop 1204 and reminded them that no dream was out of reach and Barry Wilmore was a great example of that. He likened Mr. Wilmore to a superhero and stated that he was proud that Mr. Wilmore was from Mt. Juliet, TN. He also reminded everyone to Shop Local, we work hard to get unique businesses and it was up to us all to help keep them in business and encouraged everyone to patron local as much as possible. He also thanked Public Works Director, Matt White and the team for the putting in such a great effort on the work session. His work behind the scenes to capture grant funding, along with his other responsibilities does not go unnoticed. He reported that lots of new and exciting announcements will be forthcoming from the Economic Development Team, who are constantly working to bringing new businesses to our city.

**10. Unfinished Business Consent Agenda Items:**



**10.A. AN ORDINANCE AMENDING THE FISCAL YEAR 2024/2025 BUDGET ORDINANCE 2024-25 TO APPROPRIATE FUNDS FOR A PROFESSIONAL SERVICES AGREEMENT WITH THE ARCHITECT WORKSHOP**

**Attachments:** [2025- Amd buget for CH needs assess Architect Workshop](#)  
[Mt.Juliet City Hall Space Needs Assessment Agreement](#)

Commissioner Jennifer Milele made a motion to suspend the rules to further discuss this item. Mayor James Maness seconded. The motion to suspend the rules passed unanimously. Discussion ensued. Upon completion of the vote on the original motion, Mayor Maness declared the meeting back in regular session.

A motion was made by Vice Mayor and Commissioner Trivett, seconded by Commissioner Giles, that this Ordinance be adopted. The motion carried by the following vote:

**RESULT:** ADOPTED

**MOVER:** Bill Trivett

**SECONDER:** Art Giles

**Aye:** Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, and Commissioner Hefner

**Nay:** Commissioner Milele

**11. Unfinished Business**

**11.A. AN ORDINANCE REINSTATING ORDINANCE 2020-11 AND EXTENDING THE INITIAL VESTING PERIOD FOR THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR THE DISTRICT BEING LOCATED AT 108 STONEY CREEK ROAD, IN THE CITY OF MT. JULIET, TN**

**Attachments:** [Ordinance Reinstating and Extending The District PMDP Ordinance 2020-11](#)

A motion was made by Commissioner Milele, seconded by Mayor Maness, that this ordinance be adopted. The motion failed by the following vote:

**RESULT:** DENIED

**MOVER:** Jennifer Milele

**SECONDER:** James Maness

**Aye:** Mayor Maness, and Commissioner Milele

**Nay:** Commissioner Giles, Vice Mayor and Commissioner Trivett, and Commissioner Hefner

**11.B. AN ORDINANCE TO RECONSIDER THE CERTIFICATE OF OCCUPANCY CONDITIONS OF ORDINANCE 2020-11 WHICH ESTABLISHED THE ZONING AND PUD OVERLAY FOR THE DISTRICT BEING LOCATED AT 108 STONEY CREEK ROAD**

**Attachments:** [Ordinance to Reconsider Conditions of Ord 2020-11 \(updated\) 2020-11](#)  
[2020-11 Minutes](#)

Mayor James Maness made a motion to defer this item indefinitely. The motion passed without objection.

This Ordinance was deferred indefinitely.

**RESULT:** DEFERRED INDEFINITELY

**12. New Business**

**12.A. A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY OF MT. JULIET, TENNESSEE, AND R.J. CORMAN RAILROAD COMPANY/NASHVILLE AND EASTERN RAILROAD LINE FOR THE RAILROAD GRADE CROSSING IMPROVEMENTS ON N. MT. JULIET ROAD AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT**

**Attachments:** [2025-03-24, RJ Corman Contract Resolution](#)  
[2025-03-24, RJ Corman Contract Resolution Exec Summary](#)  
[Agreement NERR25006 Grade Crossing Rehab MP 17 2-28-25](#)

A motion was made by Vice Mayor and Commissioner Trivett, seconded by Commissioner Hefner, that this Resolution be adopted. The motion carried by the following vote:

**RESULT:** ADOPTED

**MOVER:** Bill Trivett

**SECONDER:** Scott Hefner

**Aye:** Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner

- 12.B.** A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN WHELEN ENGINEERING COMPANY, INC. AND THE CITY OF MT. JULIET POLICE DEPARTMENT REGARDING THE WHELEN CLOUD PLATFORM FOR REAL-TIME POLICE VEHICLE GPS MONITORING

**Attachments:** [RESOLUTION - PD - Whelen Cloud Platform Executive Summary - Police Department Vehicle Real-Time Location Tracking Vendor Contract Approval Whelen Cloud Platform 5YR MSA - MT JULIET PD \(final 03.18.25\)](#)

A motion was made by Vice Mayor and Commissioner Trivett, seconded by Commissioner Giles, that this Resolution be adopted. The motion carried by the following vote:

**RESULT:** ADOPTED

**MOVER:** Bill Trivett

**SECONDER:** Art Giles

**Aye:** Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner

- 12.C.** A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN FLOCK SAFETY AND THE CITY OF MT. JULIET POLICE DEPARTMENT FOR THE LICENSE PLATE READER PROGRAM

**Attachments:** [2025 - RES Amendment to Flock Contract Executive Summary - Continued License Plate Reader New Vendor, Flock, Approvals for Transition TN - Mt Juliet PD - Law Enforcement Agreement - \(7\) 67-2024](#)

A motion was made by Vice Mayor and Commissioner Trivett, seconded by Commissioner Giles, that this Resolution be adopted. The motion carried by the following vote:

**RESULT:** ADOPTED

**MOVER:** Bill Trivett

**SECONDER:** Art Giles

**Aye:** Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner

**12.D.** A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY OF MT. JULIET, TENNESSEE, AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR THE CENTRAL PIKE INTERCHANGE PROJECT AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT

**Attachments:** [2025-03-24, Resolution TDOT contract - Central Pike Interchange](#)  
[2025-03-24, TDOT contract - Central Pike Interchange Exec Summary](#)  
[PIN 124884.00 Mt Juliet Amnd 1 DRAFT 031725](#)

A motion was made by Vice Mayor and Commissioner Trivett, seconded by Commissioner Hefner, that this Resolution be adopted. The motion carried by the following vote:

**RESULT:** ADOPTED

**MOVER:** Bill Trivett

**SECONDER:** Scott Hefner

**Aye:** Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner

**13. Appointments**

**13.A.** Traffic Commission Appointment

**Attachments:** [Sec. 28 22. Membership.](#)

Mayor Maness removed this item while setting the agenda, it will be placed on a future agenda.

This Discussion Item was deferred by Mayor Maness when the agenda was set, and will be placed on a future agenda.

**13.B.** Central Business Improvement District (CBID) Appointment

**Attachments:** [CBID Appointment](#)

Mayor Maness made a motion to appoint Jeff Brown to this board. Mr. Brown is a former County Commissioner as well as former Planning Commission member. The motion passed without objection.

Mayor Maness made a motion to appoint Jeff Brown to this board. Mr. Brown is a former County Commissioner as well as former Planning Commission member. The motion passed without objection. The motion carried by the following vote:

**RESULT:** APPROVED

**Aye:** Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner

**13.C. Industrial Development Board (IDB) Appointment****Attachments:** [IDB Appointment](#)

Mayor Maness made a motion to appoint Tommy Hibbett to this board. The motions passed without objection.

Mayor Maness made a motion to appoint Tommy Hibbett to this board. The motions passed without objection.

**RESULT:** APPROVED

**Aye:** Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner

**14. Adjournment**

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Mayor James Maness

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City Recorder Sheila S. Luckett, MMC



# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1146  
10.A.

**Agenda Date:** 4/14/2025

**Agenda #:**

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**Title:**

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE PROPERTY KNOWN AS THE AGUILAR NAVA PROPERTY, LOCATED AT 340 JOHN WRIGHT ROAD MAP 076 PARCEL 054.00, IN WILSON COUNTY, TENNESSEE, LOCATED WITHIN THE CITY'S URBAN GROWTH BOUNDARY

## **RESOLUTION - 2025**

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE PROPERTY KNOWN AS THE AGUILAR NAVA PROPERTY, LOCATED AT 340 JOHN WRIGHT ROAD MAP 076 PARCEL 054.00, IN WILSON COUNTY, TENNESSEE, LOCATED WITHIN THE CITY'S URBAN GROWTH BOUNDARY:

**WHEREAS**, Tennessee Code Annotated Section 6-51-102 an amended requires the a Plan of Services be adopted by the governing body of a city prior of passage of an annexation ordinance of any territory which may be annexed within any 12 month period; and

**WHERAS**, the City of Mt. Juliet (herein referred to as "City") contemplates annexation of property known as Aguilar Nava Property located at 340 John Wright Road, In Wilson County, Tennessee, as described herein;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MT. JULIET, TENNESSEE THAT THE PROPERTY LOCATED AT 340 JOHN WRIGHT ROAD, IN WILSON COUNTY, TENNESSEE IS ADOPTED.**

### **A. Police:**

1. Patrolling, radio responses to calls, and all other calls, and other routine police services, using present personnel and equipment, will be provided beginning on the effective date of annexation.

### **B. Fire:**

1. The City of Mt. Juliet will assume primary responsibility for Fire Protection with automatic and mutual aid assistance from the Wilson County Emergency Management Agency.

### **C. Water:**

1. Water for domestic and commercial is already and will continue to be provided by the West Wilson Utility District.

### **D. Sanitary Sewers:**

1. Sanitary Sewer infrastructure exists at or near the subject property boundary. Any required extension of the public sanitary sewer infrastructure shall be the responsibility of the developer of the subject property.
2. The annexation of existing developed areas that are not presently on sanitary sewer will not have sewer extended to the properties until funding is appropriated for such extensions or another funding mechanism is approved.

## **RESOLUTION - 2025**

### **E. Refuse Collection:**

1. Refuse Collection is available from private companies in the area. The City of Mt. Juliet has no current plans to offer refuse collection or solid waste disposal services in any area of the City.

### **F. Public Streets:**

1. Emergency maintenance of streets designated as public streets, built to City of Mt. Juliet Standards and dedicated to the City of Mt. Juliet by recording of a final plat as public streets (repair of hazardous pot holes, measures necessary for traffic flows, etc.) will become available on the effective date of annexation.
2. Routine maintenance of streets designated, built and dedicated as public streets, on the same basis as in the present City, will become available in the annexed area when funds from the state gasoline tax based on the annexed population are received (usually July 1, following the effective date of annexation.)
3. Reconstruction and resurfacing of streets designated, built and dedicated as public streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements will be accomplished under current policies of the City or as funds are made available.
4. Cleaning of streets designated, built and dedicated as public streets having curbs and gutters will be considered after the effective date of annexation on the same basis as the cleaning of streets within the present City.
5. Traffic signals, traffic signs, street markings, and other traffic control devices will be installed on public streets as the need is established, by appropriate study and traffic standards.

### **G. Schools:**

1. The entire annex area is served by Wilson County Schools. This annexation will have no effect on school districts.

### **H. Inspection Services:**

1. Any inspection service now provided by the City (building, plumbing, electrical, gas, housing and City of Mt. Juliet by Ordinance, etc) will become available in the annexed area on the effective date of annexation.

### **I. Planning:**

1. The Planning Jurisdiction of the City already includes the annexed area. The property herein annexed is recommended to be zoned: RS-40.



## **RESOLUTION - 2025**

### **J. Street Lighting**

1. The City only installs streetlights on main thoroughfares (currently Mt. Juliet Road/SR171 and Lebanon Road/US Highway 70).

### **K. Recreation**

1. Residents of the annexed area may begin using all existing recreational facilities, parks, etc., on the effective date of annexation. The same standards and policies now used in the City will be followed in expanding the recreational program facilities in the enlarged City.

### **L. Electrical Service**

1. Electrical service for domestic and commercial uses is already and will continue to be provided by the Middle Tennessee Electric Membership Cooperative.

### **NOW THEREFORE BE IT RESOLVED:**

In case conflict between this resolution or any part hereof, and the whole or part of any existing resolution of the City, the conflicting resolution is repealed to the extent of the conflict but no further. If any section, clause, provision or portion of the resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of the resolution.

**This resolution shall take effect on the earliest date allowed by the law.**

PASSED:

FIRST READING:

\_\_\_\_\_  
James Maness, Mayor

ATTEST:

\_\_\_\_\_  
Sheila S. Lockett, MMC  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Kenny Martin, City Manager

\_\_\_\_\_  
Samantha A. Burnett, City Attorney



# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1062  
10.B.

**Agenda Date:** 4/14/2025

**Agenda #:**

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**Title:**

AN ORDINANCE TO ANNEX INTO THE CORPORATE BOUNDARIES OF THE CITY OF MT. JULIET APPROXIMATELY 6.6 ACRES, PROPERTY LOCATED AT 340 JOHN WRIGHT ROAD, MAP 076, PARCEL 054.00 AND LOCATED WITHIN THE CITY'S URBAN GROWTH BOUNDARY

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO ANNEX INTO THE CORPORATE BOUNDARIES OF THE CITY OF MT. JULIET APPROXIMATELY 6.6 ACRES, PROPERTY LOCATED AT 340 JOHN WRIGHT ROAD, MAP 076, PARCEL 054.00 AND LOCATED WITHIN THE CITY'S URBAN GROWTH BOUNDARY.**

**WHEREAS**, the City of Mt. Juliet Regional Planning Commission considered this request during their meeting of February 20, 2025, and forwarded a positive recommendation (Vote 6-0-3) for approval to the Board of Commissioners; and

**WHEREAS**, a public hearing before the City Commission of the City of Mt. Juliet was held on \_\_\_\_\_ and notice thereof published in the Chronicle of Mt. Juliet on \_\_\_\_\_; and

**WHEREAS**, the City of Mt. Juliet Board of Commissioners desires to annex the subject property of approximately 6.6 acre, into the corporate boundaries of the City of Mt. Juliet; and

**WHEREAS**, the property described herein is entirely within the Mt. Juliet Urban Growth Boundary; and

**WHEREAS**, a Plan of Services for this area was adopted by resolution of Board of Commissioners as required by Tennessee Code Annotated § 6-51-102; and

**WHEREAS**, it is in the best interests of the residents and property owners of the City of Mt. Juliet, Tennessee to include the property described herein within the corporate boundaries of the City of Mt. Juliet.

**NOW, THEREFORE, BE IT ORDAINED** BY THE BOARD OF COMMISSIONERS OF THE CITY OF MT. JULIET, TENNESSEE, WHILE IN REGULAR SESSION ON \_\_\_\_\_, 2025 as follows:

**SECTION 1.** – ANNEXATION. The property described herein below and as shown and further described on Exhibit A attached hereto, is hereby annexed into the City of Mt. Juliet. The annexed land will be subject to the provisions and requirements of Ordinance 2001-29 as amended (Mt. Juliet Zoning Ordinance) and all other applicable ordinances, rules and regulations of the City of Mt. Juliet.

**SECTION 2.** – PLANNING COMMISSION RECOMMENDATION – This matter was considered by the Planning Commission and received a positive recommendation with a vote of (6-0-3) in a regular meeting to be held on February 20, 2025.

**SECTION 3.** – PUBLIC HEARING – The annexation was the subject of a public hearing held on \_\_\_\_\_ at 6:15 p.m.

**BE IT FURTHER ORDAINED**

In case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further. If any section, clause, or provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this ordinance.

This ordinance shall take effect on the earliest date allowed by law.

PASSED:

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James Maness, Mayor

FIRST READING:\_\_\_\_\_

SECOND READING:\_\_\_\_\_

ATTEST:

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Sheila S. Luckett, MMC  
City Recorder

---

Kenny Martin, City Manager

APPROVED AS TO FORM:

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Samantha A. Burnett  
City Attorney



## MEMORANDUM

**Date:** February 20, 2025

**To:** Luke Winchester, Chairman  
and Planning Commission

**From:** Jon Baughman, City Planner  
Jill Johnson, Planner I

**Re:** 340 John Wright Rd.  
Annexation  
Map - 076  
Parcel(s) – 54.00

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**Request:** Submitted by the property owner Mr. Nava, the applicant is requesting annexation of property at 340 John Wright Road, potentially located in District 3.

**Description:** The subject property is on the east side of John Wright Road, north of Central Pike, and abuts Shiloh Baptist Church property (to the East on Pleasant Grove Road). The applicant is seeking annexation in order to connect to the City's sewer.

REQUEST SUMMARY	Land Use Map	Requested Classification	Current Zoning	Requested Zoning
340 John Wright Rd.	Medium Density Residential	N/A	Wilson Co. R-1	RS-40 Default

**Future Land Use Plan:** The City's future land use map identifies parcel as medium density residential. A change is not requested or required for RS-40 zoning.

**Zoning:** Current zoning is Wilson County R-1. The applicant has not asked for a rezone, just the annexation. The zoning will default to RS-40, low density residential.

**Annexation:** The property is located within the City's urban growth boundary and contiguous with current City limits. There are several parcels to the southeast and southwest along John Wright Road that are currently within the City limits that have annexed in recent years.

**Plan of Services:** A plan of services is included.

**Summary:** There is an existing single-family residence on this lot. New development is not proposed currently. The applicant has acknowledged that they are requesting annexation for sewer connectivity, City lines are in the vicinity. If the annexation is approved, the zoning will default to RS-40, low density residential.

**Recommendation:** Staff recommends the Planning Commission forward a positive recommendation for the annexation and plan of services to the Board of Commissioners for the property found at 340 John Wright Road, subject to the following conditions.

**Planning and Zoning:**

1. Property will default to RS-40, low density residential.

**Public Works:**

1. No Comments

**Wilson County Schools:**

1. No Comments Received

**West Wilson Utility District:**

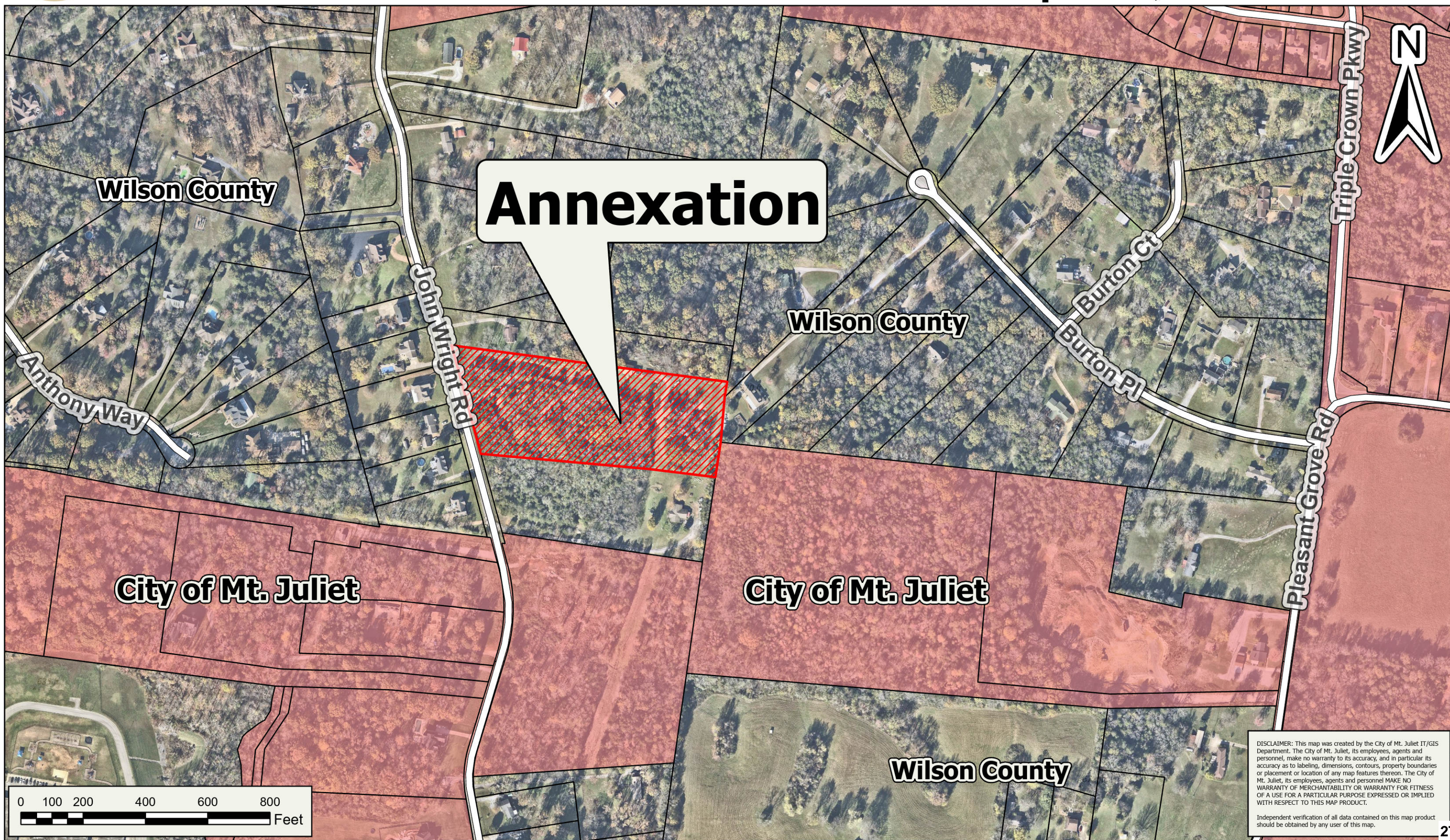
1. No Comments Received





# Exhibit A- Annexation

340 John Wright Rd.  
Map 076, Parcel 054.00





## RESOLUTION - 2025

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE PROPERTY KNOWN AS THE AGUILAR NAVA PROPERTY, **LOCATED AT 340 JOHN WRIGHT ROAD** MAP 076 PARCEL 054.00, IN WILSON COUNTY, TENNESSEE, LOCATED WITHIN THE CITY'S URBAN GROWTH BOUNDARY:

**WHEREAS**, Tennessee Code Annotated Section 6-51-102 an amended requires the a Plan of Services be adopted by the governing body of a city prior of passage of an annexation ordinance of any territory which may be annexed within any 12 month period; and

**WHERAS**, the City of Mt. Juliet (herein referred to as "City") contemplates annexation of property known as Aguilar Nava Property located at 340 John Wright Road, In Wilson County, Tennessee, as described herein;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MT. JULIET, TENNESSEE THAT THE PROPERTY LOCATED AT 340 JOHN WRIGHT ROAD, IN WILSON COUNTY, TENNESSEE IS ADOPTED.**

### **A. Police:**

1. Patrolling, radio responses to calls, and all other calls, and other routine police services, using present personnel and equipment, will be provided beginning on the effective date of annexation.

### **B. Fire:**

1. The City of Mt. Juliet will assume primary responsibility for Fire Protection with automatic and mutual aid assistance from the Wilson County Emergency Management Agency.

### **C. Water:**

1. Water for domestic and commercial is already and will continue to be provided by the West Wilson Utility District.

### **D. Sanitary Sewers:**

1. Sanitary Sewer infrastructure exists at or near the subject property boundary. Any required extension of the public sanitary sewer infrastructure shall be the responsibility of the developer of the subject property.
2. The annexation of existing developed areas that are not presently on sanitary sewer will not have sewer extended to the properties until funding is appropriated for such extensions or another funding mechanism is approved.



## **RESOLUTION - 2025**

### **E. Refuse Collection:**

1. Refuse Collection is available from private companies in the area. The City of Mt. Juliet has no current plans to offer refuse collection or solid waste disposal services in any area of the City.

### **F. Public Streets:**

1. Emergency maintenance of streets designated as public streets, built to City of Mt. Juliet Standards and dedicated to the City of Mt. Juliet by recording of a final plat as public streets (repair of hazardous pot holes, measures necessary for traffic flows, etc.) will become available on the effective date of annexation.
2. Routine maintenance of streets designated, built and dedicated as public streets, on the same basis as in the present City, will become available in the annexed area when funds from the state gasoline tax based on the annexed population are received (usually July 1, following the effective date of annexation.)
3. Reconstruction and resurfacing of streets designated, built and dedicated as public streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements will be accomplished under current policies of the City or as funds are made available.
4. Cleaning of streets designated, built and dedicated as public streets having curbs and gutters will be considered after the effective date of annexation on the same basis as the cleaning of streets within the present City.
5. Traffic signals, traffic signs, street markings, and other traffic control devices will be installed on public streets as the need is established, by appropriate study and traffic standards.

### **G. Schools:**

1. The entire annex area is served by Wilson County Schools. This annexation will have no effect on school districts.

### **H. Inspection Services:**

1. Any inspection service now provided by the City (building, plumbing, electrical, gas, housing and City of Mt. Juliet by Ordinance, etc) will become available in the annexed area on the effective date of annexation.

### **I. Planning:**

1. The Planning Jurisdiction of the City already includes the annexed area. The property herein annexed is recommended to be zoned: RS-40.

## **RESOLUTION - 2025**

### **J. Street Lighting**

1. The City only installs streetlights on main thoroughfares (currently Mt. Juliet Road/SR171 and Lebanon Road/US Highway 70).

### **K. Recreation**

1. Residents of the annexed area may begin using all existing recreational facilities, parks, etc., on the effective date of annexation. The same standards and policies now used in the City will be followed in expanding the recreational program facilities in the enlarged City.

### **L. Electrical Service**

1. Electrical service for domestic and commercial uses is already and will continue to be provided by the Middle Tennessee Electric Membership Cooperative.

### **NOW THEREFORE BE IT RESOLVED:**

In case conflict between this resolution or any part hereof, and the whole or part of any existing resolution of the City, the conflicting resolution is repealed to the extent of the conflict but no further. If any section, clause, provision or portion of the resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of the resolution.

**This resolution shall take effect on the earliest date allowed by the law.**

PASSED:

FIRST READING:

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James Maness, Mayor

ATTEST:

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Sheila S. Lockett, MMC  
City Recorder

APPROVED AS TO FORM:

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Kenny Martin, City Manager

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Samantha A. Burnett, City Attorney



# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1145  
10.C.

**Agenda Date:** 4/14/2025

**Agenda #:**

---

**Title:**

A RESOLUTION IN MEMORANDUM OF ORDINANCE \_\_\_\_ RELATIVE TO THE ANNEXATION OF  
340 JOHN WRIGHT RD

## **RESOLUTION -2025**

### **A RESOLUTION IN MEMORANDUM OF ORDINANCE \_\_\_\_ RELATIVE TO THE ANNEXATION OF 340 JOHN WRIGHT RD**

**WHEREAS**, on April 14, 2025, pursuant to Ordinance \_\_\_\_, the City of Mt. Juliet Board of Commissioners annexed the subject property into the corporate boundaries of the City of Mt. Juliet; and

**WHEREAS**, T.C.A. § 6-51-104 requires a resolution for the annexation proposed by a property owner; and

**WHEREAS**, this Resolution shall mirror the intent and effect of Ordinance \_\_\_\_ relative to the annexation of the subject property.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Mt. Juliet, Wilson County, Tennessee as follows:

**Section 1.** The City of Mt. Juliet Board of Commissioners hereby resolves to pass Ordinance \_\_\_\_ relative to the annexation of 340 John Wright Rd, Map 076, Parcel 054.00.

**Section 2.** In the event of conflict between this resolution or any part hereof, and the whole or part of any existing resolution of the City, the conflicting resolution is repealed to the extent of the conflict but no further.

**Section 3.** If any section, clause, provision, or portion of the resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of the resolution.

This resolution shall take effect immediately upon its adoption, the public welfare requiring it.

**PASSED:**

\_\_\_\_\_  
James Maness, Mayor

\_\_\_\_\_  
Kenneth D. Martin, City Manager

ATTEST:

\_\_\_\_\_  
Sheila Luckett, MMC  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Samantha A. Burnett  
City Attorney



# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1148  
11.A.

**Agenda Date:** 4/14/2025

**Agenda #:**

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**Title:**

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE PROPERTY KNOWN AS THE HAYES PROPERTY, LOCATED AT 9385 LEBANON ROAD MAP 054D GROUP B PARCEL 001.00, IN WILSON COUNTY, TENNESSEE, LOCATED WITHIN THE CITY'S URBAN GROWTH BOUNDARY

## **RESOLUTION - 2025**

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE PROPERTY KNOWN AS THE HAYES PROPERTY, LOCATED AT 9385 LEBANON ROAD MAP 054D GROUP B PARCEL 001.00, IN WILSON COUNTY, TENNESSEE, LOCATED WITHIN THE CITY'S URBAN GROWTH BOUNDARY:

**WHEREAS**, Tennessee Code Annotated Section 6-51-102 an amended requires the a Plan of Services be adopted by the governing body of a city prior of passage of an annexation ordinance of any territory which may be annexed within any 12 month period; and

**WHERAS**, the City of Mt. Juliet (herein referred to as "City") contemplates annexation of property known as Hayes Property located at 9385 Lebanon Road, In Wilson County, Tennessee, as described herein;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MT. JULIET, TENNESSEE THAT THE PROPERTY LOCATED AT 9385 LEBANON ROAD, IN WILSON COUNTY, TENNESSEE IS ADOPTED.**

### **A. Police:**

1. Patrolling, radio responses to calls, and all other calls, and other routine police services, using present personnel and equipment, will be provided beginning on the effective date of annexation.

### **B. Fire:**

1. The City of Mt. Juliet will assume primary responsibility for Fire Protection with automatic and mutual aid assistance from the Wilson County Emergency Management Agency.

### **C. Water:**

1. Water for domestic and commercial is already and will continue to be provided by the West Wilson Utility District.

### **D. Sanitary Sewers:**

1. Sanitary Sewer infrastructure exists at or near the subject property boundary. Any required extension of the public sanitary sewer infrastructure shall be the responsibility of the developer of the subject property.
2. The annexation of existing developed areas that are not presently on sanitary sewer will not have sewer extended to the properties until funding is appropriated for such extensions or another funding mechanism is approved.

## **RESOLUTION - 2025**

### **E. Refuse Collection:**

1. Refuse Collection is available from private companies in the area. The City of Mt. Juliet has no current plans to offer refuse collection or solid waste disposal services in any area of the City.

### **F. Public Streets:**

1. Emergency maintenance of streets designated as public streets, built to City of Mt. Juliet Standards and dedicated to the City of Mt. Juliet by recording of a final plat as public streets (repair of hazardous pot holes, measures necessary for traffic flows, etc.) will become available on the effective date of annexation.
2. Routine maintenance of streets designated, built and dedicated as public streets, on the same basis as in the present City, will become available in the annexed area when funds from the state gasoline tax based on the annexed population are received (usually July 1, following the effective date of annexation.)
3. Reconstruction and resurfacing of streets designated, built and dedicated as public streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements will be accomplished under current policies of the City or as funds are made available.
4. Cleaning of streets designated, built and dedicated as public streets having curbs and gutters will be considered after the effective date of annexation on the same basis as the cleaning of streets within the present City.
5. Traffic signals, traffic signs, street markings, and other traffic control devices will be installed on public streets as the need is established, by appropriate study and traffic standards.

### **G. Schools:**

1. The entire annex area is served by Wilson County Schools. This annexation will have no effect on school districts.

### **H. Inspection Services:**

1. Any inspection service now provided by the City (building, plumbing, electrical, gas, housing and City of Mt. Juliet by Ordinance, etc) will become available in the annexed area on the effective date of annexation.

### **I. Planning:**

1. The Planning Jurisdiction of the City already includes the annexed area. The property herein annexed is recommended to be zoned: RS-40.

## **RESOLUTION - 2025**

### **J. Street Lighting**

1. The City only installs streetlights on main thoroughfares (currently Mt. Juliet Road/SR171 and Lebanon Road/US Highway 70).

### **K. Recreation**

1. Residents of the annexed area may begin using all existing recreational facilities, parks, etc., on the effective date of annexation. The same standards and policies now used in the City will be followed in expanding the recreational program facilities in the enlarged City.

### **L. Electrical Service**

1. Electrical service for domestic and commercial uses is already and will continue to be provided by the Middle Tennessee Electric Membership Cooperative.

### **NOW THEREFORE BE IT RESOLVED:**

In case conflict between this resolution or any part hereof, and the whole or part of any existing resolution of the City, the conflicting resolution is repealed to the extent of the conflict but no further. If any section, clause, provision or portion of the resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of the resolution.

**This resolution shall take effect on the earliest date allowed by the law.**

PASSED:

FIRST READING:

---

James Maness, Mayor

ATTEST:

---

Sheila S. Lockett, MMC  
City Recorder

APPROVED AS TO FORM:

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Kenny Martin, City Manager

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Samantha A. Burnett, City Attorney





# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1001  
11.B.

**Agenda Date:** 4/14/2025

**Agenda #:**

---

**Title:**

AN ORDINANCE TO ANNEX INTO THE CORPORATE BOUNDARIES OF THE CITY OF MT. JULIET APPROXIMATELY 0.5 ACRES OF PROPERTY LOCATED AT 9385 LEBANON ROAD, MAP 054D, GROUP B, PARCEL 001.00 AND LOCATED WITHIN THE CITY'S URBAN GROWTH BOUNDARY

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO ANNEX INTO THE CORPORATE BOUNDARIES OF THE CITY OF MT. JULIET APPROXIMATELY 0.5 ACRES OF PROPERTY LOCATED AT 9385 LEBANON ROAD, MAP 054D, GROUP B, PARCEL 001.00 AND LOCATED WITHIN THE CITY'S URBAN GROWTH BOUNDARY.**

**WHEREAS**, the City of Mt. Juliet Regional Planning Commission considered this request during their meeting of February 20, 2025, and forwarded a positive recommendation (Vote 6-0-3) for approval to the Board of Commissioners; and

**WHEREAS**, a public hearing before the City Commission of the City of Mt. Juliet was held on \_\_\_\_\_ and notice thereof published in the Chronicle of Mt. Juliet on \_\_\_\_\_; and

**WHEREAS**, the City of Mt. Juliet Board of Commissioners desires to annex the subject property of approximately 0.5 acres, into the corporate boundaries of the City of Mt. Juliet; and

**WHEREAS**, the property described herein is entirely within the Mt. Juliet Urban Growth Boundary; and

**WHEREAS**, a Plan of Services for this area was adopted by resolution of Board of Commissioners as required by Tennessee Code Annotated § 6-51-102; and

**WHEREAS**, it is in the best interests of the residents and property owners of the City of Mt. Juliet, Tennessee to include the property described herein within the corporate boundaries of the City of Mt. Juliet.

**NOW, THEREFORE, BE IT ORDAINED** BY THE BOARD OF COMMISSIONERS OF THE CITY OF MT. JULIET, TENNESSEE, WHILE IN REGULAR SESSION ON \_\_\_\_\_, 2025 as follows:

**SECTION 1.** – ANNEXATION. The property described herein below and as shown and further described on Exhibit A attached hereto, is hereby annexed into the City of Mt. Juliet. The annexed land will be subject to the provisions and requirements of Ordinance 2001-29 as amended (Mt. Juliet Zoning Ordinance) and all other applicable ordinances, rules and regulations of the City of Mt. Juliet.

**SECTION 2.** – PLANNING COMMISSION RECOMMENDATION – This matter was considered by the Planning Commission and received a positive recommendation with a vote of (6-0-3) in a regular meeting to be held on February 20, 2025.

**SECTION 3.** – PUBLIC HEARING – The annexation was the subject of a public hearing held on \_\_\_\_\_ at 6:15 p.m.

**BE IT FURTHER ORDAINED**

In case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further. If any section, clause, or provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this ordinance.

This ordinance shall take effect on the earliest date allowed by law.

PASSED:

---

James Maness, Mayor

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

ATTEST:

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Sheila S. Luckett, MMC  
City Recorder

---

Kenny Martin, City Manager

APPROVED AS TO FORM:

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Samantha A. Burnett  
City Attorney



## MEMORANDUM

**Date:** February 20, 2025

**To:** Luke Winchester, Chairman  
and Planning Commission

**From:** Jon Baughman, City Planner  
Jill Johnson, Planner I

**Re:** Hayes Property 9385 Lebanon Road  
Annexation  
Map – 054D, Group B  
Parcel(s) – 001.00

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**Request:** Submitted by the Hayes', the applicant requests annexation of property at 9385 Lebanon Road, potentially located in District 1.

**Description:** The subject property is approximately one-half acre on the north side of Lebanon Road, immediately west of West Elementary School. There is a single-family home on the site, served by on-site septic, located in the front yard. TDOT is relocating utilities in this area and enough of the applicant's front yard will be taken for easements that the septic system will be destroyed. This annexation will allow the applicant to connect to City sewer.

REQUEST SUMMARY	Land Use Map	Requested Classification	Current Zoning	Requested Zoning
9385 Lebanon Road	Neighborhood Commercial	N/A	Wilson Co. A-1	RS-40 Default

**Future Land Use Plan:** The City's future land use map identifies parcel as neighborhood commercial. A change of land use is not requested or required for RS-40 zoning.

**Zoning:** Current zoning is Wilson County A-1. The applicant has not asked for a rezone, just the annexation. The zoning will default to RS-40, low density residential.

**Annexation:** The property is located within the City's urban growth boundary. Existing City limits exist south across Lebanon Pike and west across Terrace Hill Road.

**Plan of Services:** A plan of services is included.

**Summary:** There is an existing single-family home on this lot. New development is not proposed at this time, the applicant seeks annexation for sewer connectivity as TDOT will be taking property from the subject site for improvements, resulting in the destruction of the septic system currently serving the home. Zoning will default to RS-40.

**Recommendation:** Staff recommends the Planning Commission forward a positive recommendation for the annexation and plan of services to the Board of Commissioners for the property found at 9385 Lebanon Pike, subject to the following conditions:

**Planning and Zoning:**

1. Zoning will default to low density residential, RS-40, should the annexation be approved.

**Public Works:**

1. No Comments

**Wilson County Schools:**

1. No Comments Received

**West Wilson Utility District:**

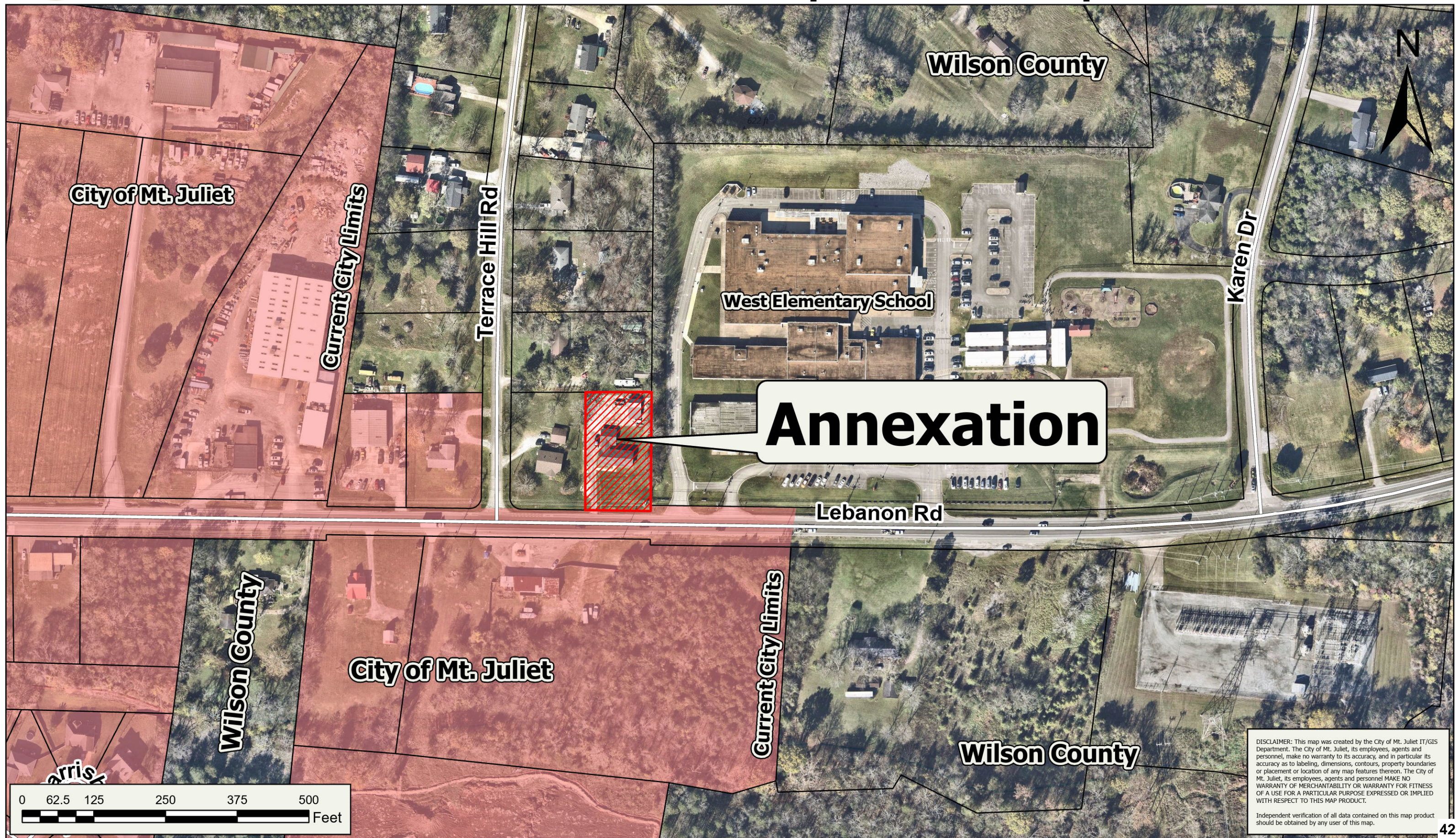
1. No Comments Received





# Exhibit A- Annexation

9385 Lebanon Rd  
Map 054D, Group B, Parcel 001.00





## RESOLUTION - 2025

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE PROPERTY KNOWN AS THE **HAYES PROPERTY, LOCATED AT 9385 LEBANON ROAD** MAP 054D GROUP B PARCEL 001.00, IN WILSON COUNTY, TENNESSEE, LOCATED WITHIN THE CITY'S URBAN GROWTH BOUNDARY:

**WHEREAS**, Tennessee Code Annotated Section 6-51-102 an amended requires the a Plan of Services be adopted by the governing body of a city prior of passage of an annexation ordinance of any territory which may be annexed within any 12 month period; and

**WHERAS**, the City of Mt. Juliet (herein referred to as "City") contemplates annexation of property known as Hayes Property located at 9385 Lebanon Road, In Wilson County, Tennessee, as described herein;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MT. JULIET, TENNESSEE THAT THE PROPERTY LOCATED AT 9385 LEBANON ROAD, IN WILSON COUNTY, TENNESSEE IS ADOPTED.**

### **A. Police:**

1. Patrolling, radio responses to calls, and all other calls, and other routine police services, using present personnel and equipment, will be provided beginning on the effective date of annexation.

### **B. Fire:**

1. The City of Mt. Juliet will assume primary responsibility for Fire Protection with automatic and mutual aid assistance from the Wilson County Emergency Management Agency.

### **C. Water:**

1. Water for domestic and commercial is already and will continue to be provided by the West Wilson Utility District.

### **D. Sanitary Sewers:**

1. Sanitary Sewer infrastructure exists at or near the subject property boundary. Any required extension of the public sanitary sewer infrastructure shall be the responsibility of the developer of the subject property.
2. The annexation of existing developed areas that are not presently on sanitary sewer will not have sewer extended to the properties until funding is appropriated for such extensions or another funding mechanism is approved.

## **RESOLUTION - 2025**

### **E. Refuse Collection:**

1. Refuse Collection is available from private companies in the area. The City of Mt. Juliet has no current plans to offer refuse collection or solid waste disposal services in any area of the City.

### **F. Public Streets:**

1. Emergency maintenance of streets designated as public streets, built to City of Mt. Juliet Standards and dedicated to the City of Mt. Juliet by recording of a final plat as public streets (repair of hazardous pot holes, measures necessary for traffic flows, etc.) will become available on the effective date of annexation.
2. Routine maintenance of streets designated, built and dedicated as public streets, on the same basis as in the present City, will become available in the annexed area when funds from the state gasoline tax based on the annexed population are received (usually July 1, following the effective date of annexation.)
3. Reconstruction and resurfacing of streets designated, built and dedicated as public streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements will be accomplished under current policies of the City or as funds are made available.
4. Cleaning of streets designated, built and dedicated as public streets having curbs and gutters will be considered after the effective date of annexation on the same basis as the cleaning of streets within the present City.
5. Traffic signals, traffic signs, street markings, and other traffic control devices will be installed on public streets as the need is established, by appropriate study and traffic standards.

### **G. Schools:**

1. The entire annex area is served by Wilson County Schools. This annexation will have no effect on school districts.

### **H. Inspection Services:**

1. Any inspection service now provided by the City (building, plumbing, electrical, gas, housing and City of Mt. Juliet by Ordinance, etc) will become available in the annexed area on the effective date of annexation.

### **I. Planning:**

1. The Planning Jurisdiction of the City already includes the annexed area. The property herein annexed is recommended to be zoned: RS-40.



## **RESOLUTION - 2025**

### **J. Street Lighting**

1. The City only installs streetlights on main thoroughfares (currently Mt. Juliet Road/SR171 and Lebanon Road/US Highway 70).

### **K. Recreation**

1. Residents of the annexed area may begin using all existing recreational facilities, parks, etc., on the effective date of annexation. The same standards and policies now used in the City will be followed in expanding the recreational program facilities in the enlarged City.

### **L. Electrical Service**

1. Electrical service for domestic and commercial uses is already and will continue to be provided by the Middle Tennessee Electric Membership Cooperative.

### **NOW THEREFORE BE IT RESOLVED:**

In case conflict between this resolution or any part hereof, and the whole or part of any existing resolution of the City, the conflicting resolution is repealed to the extent of the conflict but no further. If any section, clause, provision or portion of the resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of the resolution.

**This resolution shall take effect on the earliest date allowed by the law.**

PASSED:

FIRST READING:

---

James Maness, Mayor

ATTEST:

---

Sheila S. Lockett, MMC  
City Recorder

APPROVED AS TO FORM:

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Kenny Martin, City Manager

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Samantha A. Burnett, City Attorney



# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1147  
11.C.

**Agenda Date:** 4/14/2025

**Agenda #:**

---

**Title:**

A RESOLUTION IN MEMORANDUM OF ORDINANCE \_\_\_ RELATIVE TO THE ANNEXATION OF A PROPERTY KNOWN AS THE HAYES PROPERTY, LOCATED AT 9385 LEBANON RD

## **RESOLUTION -2025**

### **A RESOLUTION IN MEMORANDUM OF ORDINANCE \_\_\_\_ RELATIVE TO THE ANNEXATION OF A PROPERTY KNOWN AS THE HAYES PROPERTY, LOCATED AT 9385 LEBANON RD**

**WHEREAS**, on April 14, 2025, pursuant to Ordinance \_\_\_\_, the City of Mt. Juliet Board of Commissioners annexed the subject property into the corporate boundaries of the City of Mt. Juliet; and

**WHEREAS**, T.C.A. § 6-51-104 requires a resolution for the annexation proposed by a property owner; and

**WHEREAS**, this Resolution shall mirror the intent and effect of Ordinance \_\_\_\_ relative to the annexation of the subject property.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Mt. Juliet, Wilson County, Tennessee as follows:

**Section 1.** The City of Mt. Juliet Board of Commissioners hereby resolves to pass Ordinance \_\_\_\_ relative to the annexation of the property known as the Hayes Property, located at 9385 Lebanon Rd, Map 054D, Group B, Parcel 001.00.

**Section 2.** In the event of conflict between this resolution or any part hereof, and the whole or part of any existing resolution of the City, the conflicting resolution is repealed to the extent of the conflict but no further.

**Section 3.** If any section, clause, provision, or portion of the resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of the resolution.

This resolution shall take effect immediately upon its adoption, the public welfare requiring it.

**PASSED:**

---

James Maness, Mayor

---

Kenneth D. Martin, City Manager

ATTEST:

---

Sheila Luckett, MMC  
City Recorder

APPROVED AS TO FORM:

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Samantha A. Burnett  
City Attorney



# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1143  
12.A.

**Agenda Date:** 4/14/2025

**Agenda #:**

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**Title:**

AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 12 - FIRE PREVENTION AND PROTECTION / EMERGENCY SERVICES / FIREWORKS, ARTICLES I, V, AND VI

## ORDINANCE -2025

### AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 12 - FIRE PREVENTION AND PROTECTION / EMERGENCY SERVICES / FIREWORKS, ARTICLES I, V, AND VI

**WHEREAS**, the Board of Commissioners of the City of Mt. Juliet desires to amend and add to the City of Mt. Juliet Code of Ordinances, Chapter 12, Articles I, V, and VI; and

**WHEREAS**, the amendments and additions to Chapter 12 will help ensure safety as it relates to meeting places, commercial buildings, burning, and fireworks; and

**WHEREAS**, Chapter 12 of the Code of Ordinances is desired to be amended and added to as follows:

ARTICLE	SECTION	SECTION TITLE	ACTION
Article I	Section 12-1	Monitored fire alarms required	Amended
Article I	Section 12-2	Monitored fire alarms required in new commercial construction and when existing commercial structures are renovated	Amended
Article I	Section 12-3	Non-combustible material buffer required	Added
Article V	Section 12-89	Commercial burning	Added
Article V	Section 12-90	Bon fires	Added
Article VI	Section 12-102	Permits, regulations; fees	Amended
Article VI	Section 12-105	Sale of fireworks	Amended
Article VI	Section 12-106	Unlawful sale and use of fireworks	Amended
Article VI	Section 12-110	Firework display or shows	Amended

;and

**WHEREAS**, the specific amendments and additions desired to be made to Chapter 12 of the Code of Ordinances are exhibited in redline form in the attached.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Mt. Juliet Board of Commissioners, the City of Mt. Juliet Code of Ordinances is amended and added to as follows:

**Section 1.** Article I, Section 12-1, Monitored fire alarms required, is amended to read in its entirety as follows:

All clubhouses/common buildings, that contain meeting/gathering space or kitchen areas, being built in subdivisions and communities inside the City of Mt. Juliet are required to install a monitored fire alarm for the safety of the property and residents. The system hardware will consist of a minimum of one to two pull stations, one to four strategically placed smoke detectors, one to three horn/strobe appliances, and a strobe light alert in each restroom.

**Section 2.** Article I, Section 12-2, Monitored fire alarms required in new commercial construction and when existing commercial structures are renovated, is amended to read in its entirety as follows:

All commercial structures located inside the City of Mt. Juliet shall be required to have a monitored fire alarm system. All existing commercial structures when renovated will be required to have a monitored fire alarm system. These requirements are in addition to the other fire prevention/protection currently being required.

**Section 3.** Article I, Section 12-3, Non-combustible material buffer required, is titled and added to read in its entirety as follows:

All commercial structures located inside the City of Mt. Juliet shall be required to maintain a three-foot buffer of non-combustible material around the entire structure. This buffer shall consist of decorative landscape rock, concrete, or other materials as permitted by Mt. Juliet Planning and Zoning. Organic mulch, rubber mulch, plastics, or any other type of combustible material are prohibited within three feet of the structure.

**Section 4.** Article V, Section 12-89, Commercial burning, is titled and added to read in its entirety as follows:

Commercial burning may be permitted for the purposes of site clearance of natural materials and materials must meet the requirements of Sec. 12-84. A permit must be obtained prior to initiating a commercial burn. A permit is valid for only the particular site and is valid for the entire term of land clearance so long as conditions do not change. The following requirements must be met:

- (a) Site inspection by the Mt. Juliet Fire Marshal or his/her designee;
- (b) Burn pit may be required; and
- (c) Air Curtain Destructor or Pit Blower units may be required.

**Section 5.** Article V, Section 12-90, Bon fires, is titled and added to read in its entirety as follows:

Bon fires are not permitted within the city limits of Mt. Juliet unless said fire fully meets the requirements of Sec. 12-84 and Sec. 12-85.

**Section 6.** Article VI, Section 12-102(d) and (e), Permits, regulations; fees, is amended to read as follows:<sup>1</sup>

(d) The city shall charge a fee of \$1.00 per square foot, minimum of \$1,500.00 for the issuance of each semiannual permit provided for in this section. No single tent shall exceed 4,000 square feet and must adhere to all setback requirements as noted within the ordinance.

(e) Application for a permit to sell fireworks in the city shall be submitted to the fire marshal within the following timeframe:

- (1) Fourth of July: April 1 to May 31
- (2) New Year's Eve: October 1 to November 30

**Section 7.** Article VI, Section 12-105, Sale of fireworks, is amended to read in its entirety as follows:

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<sup>1</sup> The language contained in subsections (d) and (e) is not added or changed. The original subsection (d) is removed, which resulted in the renumbering of Section 12-102(d) and (e).

Fireworks and related legal accessories may be sold within the city during the dates and timeframes listed in subsection 12-102(c). All signs must comply with article 11, sign regulations, of the city zoning ordinance.

At the point of sales, a display shall be visible, and a handout shall be provided to each person purchasing fireworks stating the provisions of Sec. 12-106(c) through (f). An approved template for the display and handout shall be obtained from the City at the time of permitting.

**Section 8.** Article VI, Section 12-106(e) and (f), Unlawful sale and use of fireworks, is amended to read as follows:

(e) It shall be unlawful to discharge or use fireworks except for the following dates and times:

(1) Fourth of July: On the dates provided in the chart below from 5:00 p.m. to 10:00 p.m.

<b>If July 4<sup>th</sup> occurs on:</b>	<b>The permissible fireworks discharge or use days are:</b>		
Sunday	Friday July 2	Saturday July 3	Sunday July 4
Monday	Saturday July 2	Sunday July 3	Monday July 4
Tuesday	Saturday July 1	Monday July 3	Tuesday July 4
Wednesday	Saturday June 30	Tuesday July 3	Wednesday July 4
Thursday	Thursday July 4	Friday July 5	Saturday July 6
Friday	Thursday July 3	Friday July 4	Saturday July 5
Saturday	Thursday July 2	Friday July 3	Saturday July 4

(2) New Year's Eve: December 29th and 30th from 5:00 p.m. to 10:00 p.m. and December 31st from 5:00 p.m. to 1:00 a.m. on January 1st.

(3) Fireworks displays and shows are permitted pursuant to Sec. 12-110.

(f) It shall be unlawful to discharge or use fireworks during a burn ban declared by the fire marshal or his/her designee. If one of the listed days for discharging fireworks is determined to be unlawful due to a burn ban, a makeup day for discharging fireworks may be determined and advertised by the fire department.

**Section 9.** Article VI, Section 12-110, Firework display and shows, is amended to read in its entirety as follows:

Any organized firework display being promoted by or for a neighborhood, homeowners association, organization, group, or individual, that will be utilizing residential grade fireworks, will need to notify the fire marshal's office with the Mt. Juliet Fire Department a minimum of two weeks in advance. The organizer will need to provide the fire marshal with a site plan showing the location of the discharge area, the fallout zone and the designated area for spectators.

For displays or shows utilizing commercial grade fireworks, the organizer will need to utilize a certified fireworks operator who must make application for a permit through the Tennessee State Fire Marshal's Office.

**BE IT FURTHER ORDAINED**



**Section 10.** In case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further.

**Section 11.** If any section, clause, or provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this ordinance.

**Section 12.** This ordinance shall take effect on the earliest date allowed by law.

PASSED:

FIRST READING:

SECOND READING:

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James Maness, Mayor

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Kenny Martin, City Manager

ATTEST:

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Sheila S. Lockett, MMC  
City Recorder

APPROVED AS TO FORM:

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Samantha A. Burnett  
City Attorney

## **ARTICLE I. IN GENERAL**

### **Sec. 12-1. Monitored fire alarms required.**

All clubhouses/common buildings, ~~that contain meeting/gathering space or kitchen areas,~~ being built in subdivisions and communities inside the City of Mt. Juliet ~~will be~~ are required to install a monitored fire alarm for the safety of the property and residents. The system hardware will consist of a minimum of one to two pull stations, one to four strategically placed smoke detectors, one to three horn/strobe appliances, and a strobe light alert in each restroom.

~~It is required that the system be monitored by an approved National Fire Protection Association (NFPA) 72 Chapter 3 Off-Site Alarm Monitored/Transmitted Company.~~

(Ord. No. 2017-37, § 1, 6-12-2017; Ord. No. 2023-49, 11-27-2023)

### **Sec. 12-2. Monitored fire alarms required in new commercial construction and when existing commercial structures are renovated.**

~~For a~~ All commercial structures located inside the City of Mt. Juliet shall be required to have a monitored fire alarm systems. All existing commercial structures when renovated will be required to have a monitored fire alarm system. These requirements are in addition to the other fire prevention/protection currently being required.

~~It is required that the system be monitored by an approved National Fire Protection Association (NFPA) 72 Chapter 3 Off-Site Alarm Monitored/Transmitted Company.~~

(Ord. No. 2017-42, § 1, 7-10-2017)

### **Sec. 12-3. Non-combustible material buffer required.**

All commercial structures located inside the City of Mt. Juliet shall be required to maintain a three-foot buffer of non-combustible material around the entire structure. This buffer shall consist of decorative landscape rock, concrete, or other materials as permitted by Mt. Juliet Planning and Zoning. Organic mulch, rubber mulch, plastics, or any other type of combustible material are prohibited within three feet of the structure.

### **Secs. 12-~~34~~—12-20. Reserved.**

## ***ARTICLE V. BURNING***

### **Sec. 12-82. Noxious or toxic fumes prohibited.**

No person shall burn matter in a manner which causes a health hazard or generates noxious or toxic fumes.

(Code 1997, § 7-4-101; Ord. No. 95-13, 8-14-1995)

### **Sec. 12-83. Ash.**

No person shall burn materials in such a manner which will deposit ash on adjoining property.

(Code 1997, § 7-4-102)

### **Sec. 12-84. Materials.**

The only materials permitted to be burned are natural vegetation and untreated wood products. No person shall burn plastics, shingles, tires, laminated or glued wood products, wiring, metal, or insulation. No person shall burn natural vegetation the is known to cause allergic reactions or other health issues, such as poison ivy, poison oak, etc.

(Code 1997, § 7-4-103; Ord. No. 2023-49, 11-27-2023)

Ord. No. 2023-49, adopted November 27, 2023, changed the title of section 12-84 from "Burning plastics" to "Materials." The historical notation has been preserved for reference purposes.

### **Sec. 12-85. Location, size, and weather conditions.**

No person shall burn matter in the open (outside a container) within 50 feet of any structure.

Except for permitted commercial burning, all materials shall be burned in a commercially manufactured or constructed container such as a fire pit, fireplace, burn barrel, outdoor stove, etc. Residential open burning of approved materials is permitted so long as the size of the pile of materials does not exceed 36 square feet and no more than four feet in height.

No person shall burn when wind conditions reach ten miles per hour or more, nor when a burn ban has been issued by the fire marshal or his/her designee.

(Code 1997, § 7-4-104; Ord. No. 2023-49, 11-27-2023)

Ord. No. 2023-49, adopted November 27, 2023, changed the title of section 12-85 from "Structures" to "Location, size, and weather conditions." The historical notation has been preserved for reference purposes.

### **Sec. 12-86. Supervision.**

An adult shall attend any fire from the time it is set until it is extinguished.

(Code 1997, § 7-4-105)

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**Sec. 12-87. State and federal laws.**

No person shall burn matter in a manner which violates state or federal law.

(Code 1997, § 7-4-106)

**Sec. 12-88. Importing materials.**

No person shall burn, in the city, materials obtained from clearing land or trash collection or demolition operations which occur outside of the city.

(Code 1997, § 7-4-107)

**Sec. 12-89. Commercial burning.**

Commercial burning may be permitted for the purposes of site clearance of natural materials and materials must meet the requirements of Sec. 12-84. A permit must be obtained prior to initiating a commercial burn. A permit is valid for only the particular site and is valid for the entire term of land clearance so long as conditions do not change. The following requirements must be met:

- (a) Site inspection by the Mt. Juliet Fire Marshal or his/her designee;
- (b) Burn pit may be required; and
- (c) Air Curtain Destructor or Pit Blower units may be required.

**Sec. 12-90. Bon fires.**

Bon fires are not permitted within the city limits of Mt. Juliet unless said fire fully meets the requirements of Sec. 12-84 and Sec. 12-85.

**Secs. 12-9~~0~~1—12-99. Reserved.**

## **ARTICLE VI. FIREWORKS<sup>1</sup>**

### **Sec. 12-100. 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:

*Approved* means acceptable to the code official or authority having jurisdiction.

*DOT Class C common fireworks* means all articles of fireworks as are now or hereafter classified as DOT Class C common fireworks in the regulations of the United States Department of Transportation.

*Permit* means the written authority of the city codes director issued under the authority of this article.

*Retailer* means any person engaged in the business of making retail sales of fireworks.

*Sale* means an exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer thereof and each such transaction made by any person, whether as principal, proprietor, salesperson, agent, association, co-partnership, or one or more individuals.

*State fire marshal permit* means the appropriate fireworks permit issued by the state fire marshal under the authority of T.C.A. § 68-104-101 et seq.

(Ord. No. 2012-01, § 1, 1-23-2012; Ord. No. 2023-32, 8-14-2023; Ord. No. 2023-49, 11-27-2023; Ord. No. 2023-50, 11-27-2023)

### **Sec. 12-101. Penalty for violations.**

All individuals that violate any provision of this article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$50.00 plus costs. Each rule violation or transaction shall be considered a separate violation. Employers of fireworks vendors and permit holders shall also be guilty of violations by persons in their employment and persons under their supervision.

(Ord. No. 2012-01, § 1, 1-23-2012; Ord. No. 2023-49, 11-27-2023; Ord. No. 2023-50, 11-27-2023)

### **Sec. 12-102. Permits, regulations; fees.**

- (a) It shall be unlawful for any person to sell, offer for sale, ship, or cause to be shipped, into the city any item of fireworks without first having secured a state fire marshal permit, and a permit issued by the city, which permit shall not issue without the applicants first providing satisfactory proof of obtaining a sales tax number for each location at which fireworks sales will be had and they will provide proof that annual sales tax returns have been filed for each location located inside the city within 15 days of filing sales tax returns.
- (b) Permits are not transferable.

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<sup>1</sup>Editor's note(s)—Inasmuch as Ord. No. 2023-49, adopted November 27, 2023, redesignated the former chapter 10, article VI, sections 10-185—10-195 as chapter 12, article VI, sections 12-100—12-110, the historical notation of the prior sections has been preserved for reference purposes.

(c) A permit shall be valid only from June 20th through July 4th for the Fourth of July season or December 20th through December 31st for the New Year's Eve season. It shall be unlawful to sell fireworks in the city except June 20th through July 4th and December 20th through December 31st. Hours of operation for retail sales are from 8:00 a.m. until 10:00 p.m.

~~(d) It shall be unlawful to discharge or use fireworks except for the following dates and times:~~

~~Fourth of July: July 3rd and 4th from 5:00 p.m. to 10:00 p.m. and the preceding Saturday from noon to 10:00 p.m.~~

~~New Year's Eve: December 29th and 30th from 5:00 p.m. to 10:00 p.m. and December 31st from 5:00 p.m. to 1:00 a.m. on January 1st.~~

~~If for some reason one of the listed days for discharging is determined to not be a day to discharge fireworks (Ex: burn ban, rain out, etc.), a makeup day for discharging of fireworks shall be determined and advertised by the fire department.~~

~~It shall be unlawful to discharge or use fireworks during a burn ban declared by the fire marshal or his/her designee.~~

(ed) The city shall charge a fee of \$1.00 per square foot, minimum of \$1,500.00 for the issuance of each semiannual permit provided for in this section. No single tent shall exceed 4,000 square feet and must adhere to all setback requirements as noted within the ordinance.

(e) Application for a permit to sell fireworks in the city shall be submitted to the fire marshal within the following timeframe.

(1) Fourth of July: April 1 to May 31

(2) New Year's Eve: October 1 to November 30

(f) An application must be filed for each location and shall contain the following:

- (1) Name, address, and telephone number of applicant. The applicant must be the natural person who will be responsible for sales. The applicant's name or company name shall also be the same as the name on the state fire marshal permit. Names of all partners or persons sharing more than ten percent of the profit shall be disclosed on the application. The applicant shall be liable for all violations of this article by persons under their supervision. The application must also contain the names and contact numbers of the tent operators.
- (2) A copy of the state fire marshal permit.
- (3) Evidence that general liability insurance has been obtained by applicant naming the City of Mt. Juliet, Tennessee as additional insured for at least \$1,000,000.00 for each occurrence, whether in respect to bodily injury liability or property damage liability or bodily injury and property damage liability combined.
- (4) The location where the applicant will conduct the business of selling fireworks must include permission of the property owner or copy of the lease.
- (5) Cleanup deposits of \$750.00 per location shall be paid by applicant, which shall be refunded after the fireworks season post-season inspection, or used by the city to clean up the retail fireworks site, if needed. All fireworks must be removed from the site and the entire site must be cleaned of boxes, garbage, and debris within 48 hours following the expiration of the permit. The tent must be removed within ten business days following the expiration of the permit, or the cleanup deposit will be forfeited. All debris including cardboard boxes, etc., shall be stored in an enclosed structure for the duration of the sales period.
- (6) A copy of the tent flame retardant letter on all tents must be provided.

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- (7) Evidence of working fire extinguishers, which must be easily accessible and in plain view, must have a minimum of two 10-lb. ABC fire extinguishers and one water-based fire extinguisher on site.
  - (8) Site plan including:
    - a. Dimension of the lot;
    - b. Dimension and location of tent;
    - c. Location of adjacent structures;
    - d. Location of parking and number of spaces provided.
  - (9) Assurance of a 20-foot setback from extreme outer edge of the lane of travel to the tent or signage. To be measured from the edge of the tent side or overhang of the top, not to include ropes, tie-downs or other appendages used to secure tents.
  - (10) Temporary event permit and signage application as approved by the planning and zoning department in accordance with land development code section 3-106.
  - (g) Generators must be kept a minimum of 20 feet away from the extreme outer edge of the tent.
  - (h) No overnight sleeping or accommodation is allowed within the firework tents.
  - (i) All tents must be a minimum of 200 feet from any fuel dispensing location if unimpeded, and a minimum of 100 feet from any fuel dispensing location if impediments are present. Allowances based on impediments are to be determined by the fire marshal or his/her designee.
  - (j) All charcoal grills, gas grills, open flame burners or fire pits, are strictly prohibited.
  - (k) No parking within ten feet of the extreme outer edge of the tent.
  - (l) During non-business hours, all fireworks must be secured in locked storage or security for the tent and site must be provided.
  - (m) Tents meeting the currently adopted International Building Code, International Fire Code and Life Safety Code (NFPA 101) may be used for the retail sale of fireworks. Ground fault interrupter protection must be used for power cords that supply power to tents and other outdoor structures. Electrical wiring inside tents and other outdoor locations shall be securely installed, without splices, and lamps shall be protected from accidental breakage by a suitable fixture or guard.
- (Ord. No. 2012-01, § 1, 1-23-2012; Ord. No. 2023-32, 8-14-2023; Ord. No. 2023-49, 11-27-2023; Ord. No. 2023-50, 11-27-2023)

### **Sec. 12-103. Permit revocation.**

The fire marshal or code official shall be authorized to revoke any permit upon failure to correct any of the following conditions within 24 hours after notification:

- (1) In the event that the permittee or the permittee's operator violates any lawful rule, regulation, or order of the codes director of the city.
- (2) In the event that the permittee's application contains any false or untrue statements.
- (3) In the event the permittee fails to timely file and/or pay any report, tax, fee, fine or charge.
- (4) In the event the permittee or the permittee's operator violates this article or statute.

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- (5) In the event the permittee or the permittee's operator incurs multiple city or state offenses, the city may not grant approval for said company to operate at any location within the corporate city limits and possibly withhold approval not to exceed two years from fireworks' season in which violation occurred.
  - (6) In the event of an infraction, the city reserves the right to issue a minimum fine of \$50.00 per infraction.

(Ord. No. 2012-01, § 1, 1-23-2012; Ord. No. 2023-32, 8-14-2023; Ord. No. 2023-49, 11-27-2023; Ord. No. 2023-50, 11-27-2023)

### **Sec. 12-104. Permissible fireworks.**

It is unlawful for any individual to possess, sell, or use within the city, or ship into the city, except as provided in this article, any pyrotechnics commonly known as fireworks other than the following permissible items:

- (1) Those items now or hereafter classified as DOT Class C common fireworks; or
- (2) Those items that comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under its regulations.

(Ord. No. 2012-01, § 1, 1-23-2012; Ord. No. 2023-49, 11-27-2023; Ord. No. 2023-50, 11-27-2023)

### **Sec. 12-105. Sale of fireworks.**

Fireworks and related legal accessories may be sold within the city ~~within~~ during the dates and timeframes listed in subsection 12-102(ec). All signs must comply with article 11, sign regulations, of the city zoning ordinance.

At the point of sales, a display shall be visible, and a handout shall be provided to each person purchasing fireworks stating the ~~following: provisions of Sec. 12-106(c) through (f). An approved template for the display and handout shall be obtained from the City at the time of permitting.~~

~~\*City of Mt. Juliet Laws and Regulations Regarding the Use or Discharge of Fireworks~~

~~Permissible dates and times to use or discharge fireworks:~~

~~Fourth of July: July 3<sup>rd</sup> and 4<sup>th</sup> from 5 p.m. to 10 p.m. and the preceding Saturday from noon to 10 p.m.~~

~~New Year's Eve: December 29<sup>th</sup> and 30<sup>th</sup> from 5 p.m. to 10 p.m. and December 31<sup>st</sup> from 5 p.m. to 1 a.m. January 1<sup>st</sup>.~~

~~Fireworks Use and Discharge Regulations:~~

~~It shall be unlawful to explode or ignite fireworks within 600 feet of any church, hospital, funeral home, public or private school, or within 200 feet of where fireworks are stored, sold, or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle or at or near any person or group of persons.~~

~~It shall be unlawful for a user of fireworks to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property. Fireworks shall not be launched or fired onto the property of persons who have not given permission.~~

~~It is unlawful for fireworks to be used or discharged at any time except for the permissible times listed above.~~



~~Violations may result in fines or criminal charges. Additionally, the unlawful use or discharge of fireworks may result in the violating party being liable for injuries to persons and/or damage to property.\*~~

(Ord. No. 2012-01, § 1, 1-23-2012; Ord. No. 2023-32, 8-14-2023; Ord. No. 2023-49, 11-27-2023; Ord. No. 2023-50, 11-27-2023)

## **Sec. 12-106. Unlawful sale and use of fireworks.**

- (a) It shall be unlawful to offer for sale or to sell any fireworks to children under the age of 18 years. Advisory signs shall be posted in plain view regarding minimum age to purchase fireworks.
- (b) It shall be unlawful to offer for sale or to sell any fireworks to any intoxicated or seemingly irresponsible person.
- (c) It shall be unlawful to explode or ignite fireworks within 600 feet of any church, hospital, funeral home, public or private school, or within 200 feet of where fireworks are stored, sold, or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of persons.
- (d) It shall be unlawful for a user of fireworks to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property. Fireworks shall not be launched or fired onto the property of persons who have not given permission.

~~(e) It shall be unlawful to discharge or use fireworks except for the following dates and times:~~

~~(1) Fourth of July: On the dates provided in the chart below from 5:00 p.m. to 10:00 p.m.~~

<del>If July 4<sup>th</sup> occurs on:</del>	<del>The permissible fireworks discharge or use days are:</del>		
<del>Sunday</del>	<del>Friday July 2</del>	<del>Saturday July 3</del>	<del>Sunday July 4</del>
<del>Monday</del>	<del>Saturday July 2</del>	<del>Sunday July 3</del>	<del>Monday July 4</del>
<del>Tuesday</del>	<del>Saturday July 1</del>	<del>Monday July 3</del>	<del>Tuesday July 4</del>
<del>Wednesday</del>	<del>Saturday June 30</del>	<del>Tuesday July 3</del>	<del>Wednesday July 4</del>
<del>Thursday</del>	<del>Thursday July 4</del>	<del>Friday July 5</del>	<del>Saturday July 6</del>
<del>Friday</del>	<del>Thursday July 3</del>	<del>Friday July 4</del>	<del>Saturday July 5</del>
<del>Saturday</del>	<del>Thursday July 2</del>	<del>Friday July 3</del>	<del>Saturday July 4</del>

~~(2) New Year's Eve: December 29th and 30th from 5:00 p.m. to 10:00 p.m. and December 31st from 5:00 p.m. to 1:00 a.m. on January 1st.~~

~~(3) Fireworks displays and shows are permitted pursuant to Sec. 12-110.~~

~~(f) It shall be unlawful to discharge or use fireworks during a burn ban declared by the fire marshal or his/her designee. If one of the listed days for discharging fireworks is determined to be unlawful due to a burn ban, a makeup day for discharging fireworks may be determined and advertised by the fire department.~~

(Ord. No. 2012-01, § 1, 1-23-2012; Ord. No. 2023-49, 11-27-2023; Ord. No. 2023-50, 11-27-2023)

## **Sec. 12-107. Storing, locating, and structures.**

No person shall smoke within 50 feet of an area where fireworks are sold. No person selling fireworks shall permit the presence of lighted cigars, cigarettes, or pipes within 50 feet of where fireworks are offered for sale. At all places where fireworks are stored or sold, there must be posted signs with the words "Fireworks—No Smoking" in letters not less than four inches high. A workable fire extinguisher must be present at each retail fireworks site.

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Fireworks sold at retail shall only be sold from an approved structure only selling fireworks and accessories for use of fireworks and shall be no closer than 40 feet to any other structure.

(Ord. No. 2012-01, § 1, 1-23-2012; Ord. No. 2023-49, 11-27-2023; Ord. No. 2023-50, 11-27-2023)

#### **Sec. 12-108. Limitations on structures.**

Approved tents may be used for the retail sale of fireworks. As a minimum, two unobstructed exits, consistent with local fire codes, shall be provided and maintained at all times during operations. Fireworks may not be stored in a permanent building unless the building is constructed of nonflammable materials such as metal or concrete block. Tents shall be separated by 50 feet.

(Ord. No. 2012-01, § 1, 1-23-2012; Ord. No. 2023-32, 8-14-2023; Ord. No. 2023-49, 11-27-2023; Ord. No. 2023-50, 11-27-2023)

#### **Sec. 12-109. Parking for retail fireworks sales site.**

The site for a temporary fireworks retailer shall be improved to provide off-street customer parking as follows: one customer parking space per 100 square feet of tent area, with a minimum of 12 spaces, in addition to employee parking. In addition, the retail fireworks site must provide for an on-site turnaround area so that backing of vehicles onto the street will not be necessary. The site for a permanent fireworks retail sales facility shall conform to the Mt. Juliet Zoning Ordinance pertaining to all parking regulations.

(Ord. No. 2012-01, § 1, 1-23-2012; Ord. No. 2023-49, 11-27-2023; Ord. No. 2023-50, 11-27-2023)

#### **Sec. 12-110. Firework displays or shows.**

Any organized firework display being promoted by or for a neighborhood, homeowners association, organization, group, or individual, that will be utilizing residential grade fireworks, will need to notify the fire marshal's office with the Mt. Juliet Fire Department a minimum of two weeks in advance. The organizer will need to provide the fire marshal with a site plan showing the location of the discharge area, the fallout zone and the designated area for spectators.

For displays or shows utilizing commercial grade fireworks, the organizer will need to utilize a certified fireworks operator who must make application for a permit through the Tennessee State Fire Marshal's Office.

For residential shows utilizing commercial grade fireworks or commercial firework displays, the organizer will need to obtain and provide the information required in the commercial grade fireworks display packet to the fire marshal's office a minimum of four weeks in advance.

All firework displays and shows are only allowed for the following holidays and time frames—Memorial Day (last weekend in May, Friday through actual Monday holiday). Fourth of July (June 28th—July 5th), and New Year's Eve (December 26th through January 1st).

(Ord. No. 2023-32, 8-14-2023; Ord. No. 2023-49, 11-27-2023; Ord. No. 2023-50, 11-27-2023)



# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1149  
12.B.

**Agenda Date:** 4/14/2025

**Agenda #:**

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**Title:**

AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 30 - UTILITIES, DIVISIONS 1 THROUGH 12

## ORDINANCE -2025

### AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 30 - UTILITIES, DIVISIONS 1 THROUGH 12

**WHEREAS**, the Board of Commissioners of the City of Mt. Juliet desires to amend the City of Mt. Juliet Code of Ordinances, Chapter 30, Divisions 1 through 12; and

**WHEREAS**, the amendments to Chapter 30 will update the code primarily related to department reorganization within the City, prior City budget approvals, and typographical errors; and

**WHEREAS**, the following Divisions/Sections of Chapter 30 of the Code of Ordinances are desired to be amended:

DIVISION	SECTION	SECTION TITLE
Division 1	Section 30-19	Purpose and policy
	Section 30-20	Definitions
Division 2	Section 30-44	Connection with sanitary sewer required
	Section 30-46	Right to enter and inspect connection
	Section 30-47	Demolished buildings
	Section 30-50	Grase, grit, oil, and lint interceptors or traps
Division 3	Section 30-76	Installation, maintenance, repair of sewer service lines
	Section 30-77	Service line to enter sewer at junctions; exceptions
	Section 30-78	Application for discharge of domestic wastewater
	Section 30-79	Acceptance of work
Division 4	Section 30-102	Availability
	Section 30-103	Requirements
Division 5	Section 30-135	Purpose and policy
	Section 30-141	Limitations on radioactive waste
	Section 30-144	Restrictions on wastewater strength
	Section 30-145	Storm drainage, ground, unpolluted and contaminated stormwater
	Section 30-146	Use of garbage disposals
Division 6	Section 30-181	Plans and Specifications
	Section 30-182	Prevention of accidental discharges
	Section 30-183	Oil and grease control program
	Section 30-184	Slug discharge control program
	Section 30-185	Prohibition of bypass
	Section 30-186	Exceptions to wastewater limitations

Division 7	Section 30-212	Application and permit requirements
	Section 30-213	Report requirements
	Section 30-214	Incomplete applications
	Section 30-215	Evaluation of application
	Section 30-216	Notification of proposed permit conditions
	Section 30-217	Board to establish permit conditions
	Section 30-221	Duration of permits
	Section 30-222	Transfer of permit
Division 8	Section 30-251	Inspection, monitoring, and entry
	Section 30-252	Reports
	Section 30-253	Monitoring facilities
	Section 30-255	Dangerous discharge notification
	Section 30-257	Notification of hazardous waste and discharge
	Section 30-258	Notification of changed discharge
	Section 30-262	Reporting of all monitoring
	Section 30-263	Notice of bypass
	Section 30-265	Records retention period
	Section 30-266	Confidential information
Division 9	Section 30-296	Hearings
	Section 30-297	Civil penalty
	Section 30-298	Assessment of noncompliance and significant noncompliance
	Section 30-299	Judicial proceedings and relief
	Section 30-300	Administrative enforcement remedies
Division 10	Section 30-324	Wastewater volume
	Section 30-325	Estimated wastewater volume
Division 11	Section 30-358	Application charge
	Section 30-359	Base charge
	Section 30-360	Capacity charge
	Section 30-365	Tap fee
	Section 30-366	Use charges
	Section 30-367	Outside city customer
	Section 30-369	Waiving sign-up fee for sewer activation fee for active-duty military personnel
	Section 30-370	Processing fee and other charges for utility customers paying with credit or debit cards
Division 12	Section 30-395	Wastewater hearing authority board
	Section 30-396	Utilities director

**WHEREAS**, the specific amendments desired to be made to Chapter 30 of the Code of Ordinances are exhibited in redline form in the attached document.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Mt. Juliet Board of Commissioners, the City of Mt. Juliet Code of Ordinances is amended as follows:

**Section 1.** Division 1, Section 30-19 Purpose and policy, Subsection (b), is amended to read in its entirety as follows:

- (b) Application and administration. This article shall apply to the City of Mt. Juliet and to persons outside the city limits who are, by contract or agreement with the City of Mt. Juliet, users of the Mt. Juliet publicly owned treatment works. Except as otherwise provided herein, the Mt. Juliet Utilities Director shall administer, implement, and enforce the provisions of this article.

**Section 2.** Division 1, Section 30-20 Definitions, Subsection (a), is amended to read as follows for each definition:

*City* means City of Mt. Juliet, TN; Mt. Juliet Utilities Department.

*Director or director of utilities* means the person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this article. The term also means a duly authorized representative of the director.

*Superintendent* means the person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative. The Mt. Juliet Director of Utilities shall also be the "superintendent" as the term is used in this Code unless the city manager designates someone else as superintendent.

**Section 3.** Division 2, Section 30-44 Connection with sanitary sewer required, is amended to read in its entirety as follows:

Every building having plumbing fixtures installed and intended for human habitation, occupancy, or use on premises abutting a street, alley, or easement in which segment there is a sanitary sewer which is within 200 feet of the building drain of the parcel shall be considered as being served by the city's sanitary sewer system.

All buildings hereafter constructed on property which is served by the publicly owned treatment works shall not be occupied until connected to the public sewer. The owner or occupant of each lot or parcel of land which is now served or which may hereafter be served by the Mt. Juliet sewer system feeding into a publicly owned treatment works shall cease to use any other method for the disposal of sewage except as provided for direct discharge by the Tennessee Department of Environment and Conservation or by discharge to a properly functioning and approved septic tank. Septic tanks shall not be used where sewers are available unless the user is exempt under the following provisions. The engineering director shall decide whether sewers are available using the criteria established herein. All premises served by the publicly owned treatment works are subject to sewer use charges as described in [sections 30-356 through 30-370] unless exempt under the following exemptions.

Natural persons meeting all of the following conditions are exempt from mandatory hookup and use charges:

- (1) *Original or annexed owners:* Owners of residential property who have owned and occupied the property continuously since September 30, 1987, or who were or are annexed into the city thereafter are exempt from mandatory connection and from payment of mandatory use charges and mandatory connection (but not the availability charge) if:
  - a. They have not transferred the property or any ownership interest therein; and
  - b. Their private system is not defective and does not hereafter become defective for a continuous ten-day period; and
  - c. They have not constructed a new dwelling or workplace on the property since September 30, 1987; and
  - d. They have not voluntarily purchased a tap other than pursuant to a condemnation settlement or as a part of a settlement about sewer right-of-way acquisition by the city; and
  - e. The property is used only as the home of the owner.
- (2) *Owners of property to which sewers become available:* Owners of residential property to which sewers become available, and who do not meet the criteria of paragraph (1) above, shall pay the same charge which they would pay if connected to the sewer. They shall be required to pay connection and tap fees and shall connect to the sewer system when the first of the following events occur:
  - a. The day they sell the property; or
  - b. The occurrence of failure or defect of their septic or other alternative sewer system for a continuous period of ten days; or
  - c. The date of completion of a new dwelling.
- (3) *Purchasers of property to which sewer is available:* Any purchaser of property containing a habitable structure, who does not meet the exemptions contained in the preceding two paragraphs, shall immediately pay any unpaid tap or connection fees and connect the property to the sewer system. The seller of property shall be responsible to the buyer for paying the tap fee and connection charges unless they agree otherwise in writing. Both the buyer and seller shall be responsible to the city for the tap fee and all connection charges.
- (4) *People totally exempt:* People who have owned and occupied their homes since October 31, 1984, are exempt from the availability charge and from any minimum charge on the home unless they are connected to the system or have purchased a tap or their alternative septic system is failing. This exemption is granted because it was the promise made to them at the time the system was proposed (see Ord. 87-10 Sec. 2 et. al.) and bought their acquiescence in the construction of the system, without which the system may have never been built.
- (5) *Water not entering the sewer system.* To the extent feasible sewer use charges are based upon water placed in the sewer system by the user. The amount of water used by an owner or occupant of property shall be the amount used to establish the amount of water entering the sewer system. Any person using an unmetered source of water such as a well, shall install a meter and notify the director of utilities. Adjustments for use of water during warm weather and peak use months shall be provided for by totaling the charges billed in the months of December, January, February and March and obtaining the average of these bills by dividing the total of the four months bills by four.

The amount derived shall be the amount billed during the months of June, July, August, September, October and November. The remaining months will be billed for actual use.

If a sewer user can prove to the satisfaction of the utilities director that a specific amount of water is not going to the system, and is not adjusted, the public works director is authorized, subject to approval of the city manager, to adjust the bill. If such adjustments are recurring the public works director may require the user to obtain a separate meter and system, for measuring water not going to the sewer system, as a requirement to consideration of further adjustments. (Amended by Ordinance 98-46 dated 12-7-98).

- (b) *Unconnected sewer service lines prohibited.* Except for discharge to a properly functioning septic tank system or discharges permitted by an National Pollutant Discharge Elimination System permit issued by the Tennessee Department of Environment and Conservation, the discharge of sewage into places other than the publicly owned treatment works is prohibited.
- (c) *Insufficient capacity, connection moratorium.* In those parts of the sewer system where no additional capacity exists and a sewer moratorium has been established pursuant to orders of the Tennessee Department of Environment and Conservation, no new or additional sewer connections shall be permitted. Permits issued prior to the date of the moratorium may be completed. No new plumbing permits shall be issued for new buildings in a moratorium area after the effective date of the moratorium. A moratorium shall continue to be in effect until capacity restriction has been corrected.

**Section 4.** Division 2, Section 30-46 Right to enter and inspect connection, is amended to read in its entirety as follows:

The utilities director, building inspector, or their representative shall have free and unobstructed access to any part of the premises where house drains or other drains connected with or draining into the sanitary sewer are laid for the purpose of examining the construction, condition, and method of use of the same, upon cause of reasonable suspicion that there may be inadequate facilities, the facilities present may not be properly functioning, there is an improper discharge, or upon a periodic systematic inspection of a particular drainage basin or other large segment of the system through those facilities at any time of the day between the hours of 7:00 a.m. and 6:00 p.m. or at any other time in the event of an emergency. If such entry is refused, the sewer service may be disconnected upon reasonable notice and an opportunity for a hearing. The service may be suspended immediately in the event of an emergency if there is reasonable cause to suspect that the discharge will endanger the public health or the environment, shall have the potential to disrupt the treatment process, or shall damage the publicly owned treatment work's lines or facilities, and a hearing shall thereafter be afforded the user as soon as possible.

**Section 5.** Division 2, Section 30-47 Demolished buildings, is amended to read in its entirety as follows:

When a building is demolished, it shall be the responsibility of the owner to have the sewer service line plugged securely so that extraneous water will not enter the sewer. The owner of the premises or his representative shall notify the utilities director of the plug and have the plug inspected prior to covering any work. Before reusing a plugged line, it must first be inspected by the utilities director and be in conformity with the existing standards.



**Section 6.** Division 2, Section 30-50 Grase, grit, oil, and lint interceptors or traps, is amended to read in its entirety as follows:

Restaurants, laundries, wash racks, service stations, private multi-user systems, engine or machinery repair shops, veterinarian facilities, and other facilities that produce grease, grit, oil, lint, or other materials which accumulate and cause or threaten to cause stoppages or impair the efficiency of the publicly owned treatment works sewers or threaten the safety of its employees, shall install and maintain a grease interceptor or trap, grit trap, lint trap, oil interceptor, or other appropriate device of standard design and construction to prevent excess discharges of such materials. The design and construction of any such device shall be subject to prior approval of the utilities director and constructed in accordance with applicable building codes. All food service establishments, including but not limited to, restaurants, cafes, grocery stores, hospitals, quick stop markets, nursing homes, retirement centers, prisons, mobile food units, schools and other food preparation facilities must meet the requirements of the Mt. Juliet FOG Program Operational Division Policy No. 2008-02.

**Section 7.** Division 3, Section 30-76 Installation, maintenance, repair of sewer service lines, Subsections (b), (d), and (j), are amended to read in their entirety as follows:

(b) *Installation of sewer service lines.*

*Gravity.* Four-inch building sewers shall be laid on a grade greater than one-eighth-inch per foot (at least one percent). Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet per second. The slope and alignment of all building sewers shall be neat and regular. The landowner shall be responsible for hiring a licensed plumber to install gravity lines.

*Pressure.* The city shall install all pressure lines between the trunk and a grinder pot. The city shall install the grinder pot. The director of utilities reserves the right to require the owner to perform the installation of pressure lines and grinder pot. The owner shall be responsible for plumbing from the structure to the grinder pot. On new construction the owner shall dig all the ditch required for installation.

Building sewers shall be constructed only of one of the following approved materials: (1) cast iron soil pipe using rubber compression joints of approved type; (2) polyvinyl chloride pipe with rubber compression joints; or (3) similar materials of equal or superior quality following public works director approval. Under no circumstances will cement mortar joints be acceptable. Each connection to the sewer system must be made at a wye, or service line stubbed out, or in the absence of any other provision, by means of a saddle attached to the sewer. The city must approve the type and manner of all connections. No person may connect to the sewer by breaking into an existing sewer and inserting the service line.

The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sewer is at a grade of one percent or more. In cases where basement or floor levels are lower than the ground levels at the point of connection to the sewer the owner shall install a check valve or other back flow prevention device adequate to prevent flooding. In all buildings in which any building drain is too low to permit gravity flow to the sewer, wastes carried

by such building drain shall be lifted by an approved means and discharged into the publicly owned treatment works sewer.

- (d) *Fees.* All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The city reserves the right to impose a sewer service line charge for every sanitary sewer service line installed where a lateral sewer connection has been provided for use by the applicant. The rate of charge will be established by the utilities director.

Any person constructing lines for a subdivision shall pay an inspection fee of ten percent of the cost of constructing the sewer system. They shall sign a comprehensive contract provided by the engineering director and shall pay the inspection fee and the capacity fee and post the letter of credit and do the other things required in the contract prior to commencing construction. A sample contract is [available in the office of public works and engineering].

- (j) *Methods of installation.* The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction or repair of a building sewer which have not been described in this section shall conform to the requirements of the building or plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federation manuals. Any deviation from the prescribed procedures must be approved by the utilities director.

**Section 8.** Division 3, Section 30-77 Service line to enter sewer at junctions; exceptions, is amended to read in its entirety as follows:

No service lines shall enter the sanitary sewer at any point except where a junction has been made unless special permission has been given by the utilities director. In any case where such permission has been given, the work shall be done under the inspection of the public works director or his representative and at the risk and expense of the party making the connection.

**Section 9.** Division 3, Section 30-78 Application for discharge of domestic wastewater, is amended to read in its entirety as follows:

All users or prospective users which generate domestic wastewater shall make an application to the engineering director for written authorization to discharge to the sanitary sewer. Applications shall be required from all new dischargers as well as for existing dischargers desiring additional service. Connection to the sanitary sewer shall not be made until the application is received and approved by the utilities director, the building sewer is installed in accordance with applicable rules and regulations of the city and an inspection has been performed by the utilities director or his representative.

Connections made without an approved application may be severed by order of the utilities director. Such unapproved connection may be allowed to remain active if inspected and accepted; however, the owner shall be required to pay an alternative fee in lieu of the normal fees, but in an amount double the normal fees.

The receipt by the city of a prospective customer's application for service shall in no way obligate the city to render the service. If the service applied for cannot be supplied in accordance with this article and the city's rules and regulations, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers may be granted for additional services by the engineering director for interim periods if compliance may be assured within a reasonable period of time.

**Section 10.** Division 3, Section 30-79 Acceptance of work, is amended to read in its entirety as follows:

All sewer construction involving interceptor lines, pump stations, metering stations, and appurtenances which shall become part of the city's sewer system shall not be constructed until the plans are approved and the construction inspected and approved by the utilities director. Any construction work where sewers are opened, uncovered, or undercut must also have the prior approval of the utilities director.

**Section 11.** Division 4, Section 30-102 Availability, is amended to read in its entirety as follows:

Where a public sanitary sewer is not available under the provisions of section [30-44], the building sewer shall be connected to a private wastewater disposal system complying with the requirements of this section.

Where a public sewer shall become available, the building sewer shall be connected to the sewer within 60 days after official notification by the utilities director or his representative to do so.

**Section 12.** Division 4, Section 30-103 Requirements, Subsection (a), is amended to read in its entirety as follows:

- (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the engineering director stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing sub-surface oil absorption facilities where the area of the lot is less than that specified by the City of Mt. Juliet and the Wilson County Health Department.

**Section 13.** Division 5, Section 30-135 Purpose and policy, is amended to read in its entirety as follows:

This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be legally discharged to the publicly owned treatment works. Pretreatment of some wastewater discharges will be required to achieve the goals established by this section and the Clean Water Act. The specific limitations set forth in this section are subject to change as necessary to enable the city to provide efficient wastewater treatment, to protect the public health and environment, to enable the city to meet requirements contained in its National Pollutant Discharge Elimination System permit, or other jurisdictional wastewater permits. The utilities director shall review the limitations from time to time to ensure that they are sufficient to protect the health and safety of publicly owned treatment works personnel and the operation of the treatment works to enable the facility to comply with its National Pollutant Discharge Elimination System permit, other jurisdictional wastewater permits, provide for a cost effective means of operating the treatment works, and protect the public health and environment. The public works director shall recommend changes or modifications as necessary.

**Section 14.** Division 5, Section 30-141 Limitations on radioactive waste, Subsection (3) is amended to read in its entirety as follows:

- (3) When a copy of permits received from regulatory agencies has been filed with the utilities director.

**Section 15.** Division 5, Section 30-144 Restrictions on wastewater strength, is amended to read in its entirety as follows:

No person or user shall discharge wastewater in excess of the pollutant concentrations identified in the Mt. Juliet Local Limits Operational Division Policy No. 2008-01 (Table A). The city shall monitor the wastewater to Metro Water Services, City of Nashville collection system for each pollutant in Table A of the Mt. Juliet Local Limits Operational Division Policy No. 2008-01. Industrial users shall be subject to reporting and monitoring requirements as set forth in this article and the Mt. Juliet Local Limits Operational Division Policy No. 2008-01. In the event that the discharge to the Metro Water Services, City of Nashville collection system reaches or exceeds the levels set forth in this table, the utilities director shall initiate technical studies to determine the cause of the exceedance and shall recommend to the city the necessary remedial measures. The utilities director may also recommend changes to these criteria, or establish new local limits, in the event that the City of Mt. Juliet permit limits are changed, there are changes in applicable laws or regulations, or changes are needed for more effective operation of the publicly owned treatment works.

The city may develop best management practices (BMPs) by policy, or in individual wastewater discharge permits, or general permits, to implement local limits and the requirements of ordinance. All users subject to BMP requirements must provide documentation to show compliance with BMPs. Any categorical industrial user or significant industrial user subject to BMP requirements must submit documentation to the city to show compliance with BMPs. The BMP documentation must be retained by the user for at least four years.

**Section 16.** Division 5, Section 30-145 Storm drainage, ground, unpolluted and contaminated stormwater, Subsection (a), is amended to read in its entirety as follows:

- (a) No stormwater, ground water, rain water, street drainage, rooftop drainage, basement drainage, subsurface drainage, foundation drainage, yard drainage, swimming pool drainage, process water drainage, cooling water, or other unpolluted or minimally polluted water shall be discharged into the city's sewer unless no other reasonable alternative is available, except with permission from the utilities director. Reasonable conditions shall be prescribed, and a sewer service charge will be issued based upon the quantity of water discharged as measured by a flow meter or a reasonable estimate accepted by the utilities director. All users shall be required to maintain their private sewer lines so as to prevent infiltration of ground or stormwater as a condition of use of the system and shall immediately replace or repair any leaking or damaged lines.

**Section 17.** Division 5, Section 30-146 Use of garbage disposals, is amended to read in its entirety as follows:

No waste from garbage disposals shall be discharged into the publicly owned treatment work's sewers except from private garbage disposals used in an individual residence or upon permit issued by the utilities director for preparation of food consumed on premises, and then only when applicable fees are

paid. It shall be unlawful for any person to use a garbage disposal grinder connected to the sewer system for the purpose of grinding and discharging plastic, paper products, inert materials, or anything other than the waste products from normal food preparation and consumption.

**Section 18.** Division 6, Section 30-181 Plans and Specifications, is amended to read in its entirety as follows:

Plans and specifications for wastewater monitoring and pretreatment facilities shall be prepared, signed, and dated by a competent environmental professional, and be submitted to the engineering director for review in accordance with accepted practices. The engineering director shall review the plans within 30 days of receipt and recommend to the user any appropriate changes. Prior to beginning construction of a monitoring or pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the utilities director. Prior to beginning construction, the industrial user shall also secure all necessary permits.

The user shall construct the pretreatment facility within the time frame specified in the compliance schedule of the wastewater discharge permit. Following completion of construction, the user shall provide the utilities director with as-built drawings to be maintained by the utilities director. The review of such plans and specifications will in no way relieve the user from the responsibility of modifying the facilities as necessary to produce effluent complying with the provisions of this article. Any subsequent changes in the pretreatment facilities or methods of operations shall be reported to and approved by the engineering director prior to implementation.

All new food service establishments, or existing food service establishments that are being upgraded or remodeled, must meet the requirements of the Mt. Juliet FOG Program Operational Division Policy No. 2008-02.

**Section 19.** Division 6, Section 30-182 Prevention of accidental discharges, is amended to read in its entirety as follows:

All users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the publicly owned treatment works of waste regulated by this article from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this article. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of regulated waste shall be subject on a case by case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for accidental discharge. Plans, specifications, and operating procedures shall be developed by the user and submitted to the engineering director for review. Section [30-184] includes slug discharge control program requirements.

**Section 20.** Division 6, Section 30-183 Oil and grease control program, is amended to read in its entirety as follows:

Disposal of oil by discharge to the sewer system is not permitted. Oils include automotive lubricating oils, transmission fluid, coolants, including anti-freeze, brake fluid, cutting oils, other industrial oils, pure

vegetable oils, and yellow grease (oils or greases that can be recycled) used in a restaurant or food processing facility.

All food service establishments, including but not limited to, restaurants, cafes, grocery stores, hospitals, quick stop markets, nursing homes, retirement centers, prisons, mobile food units, schools and other food preparation facilities must meet the requirements of the Mt. Juliet FOG Program Operational Division Policy No. 2008-02.

Oil and grease waste pretreatment shall be required to provide an equivalent of primary treatment based on gravity separation of visible and floating oil and grease sludge from wastewater discharges. Such treatment processes shall be subject to best management practices and approved by the utilities director. Discharges shall also be subject to monitoring, entry, inspection, reporting, and other requirements as determined by the utilities director. These dischargers may be required to apply for industrial waste discharge permits if it is determined that the dischargers are a source of prohibited pollutants, toxic pollutants, or are otherwise controlled by federal or state regulations. All dischargers of oil and grease as listed above are subject to all enforcement and penalty provisions of this article.

**Section 21.** Division 6, Section 30-184 Slug discharge control program, Subsection (b), is amended to read in its entirety as follows:

- (b) Certain users will be required to prepare spill response plans showing facilities and procedures for providing this protection. These plans shall be submitted to the utilities director for review and approval. All users required to have such a plan shall submit it within 30 days of notification by the utilities director and complete implementation within 90 days of notification.

**Section 22.** Division 6, Section 30-185 Prohibition of bypass, Subsections (a) and (b), are amended to read in their entirety as follows:

- (a) Except as allowed in paragraph (c) below, bypass is prohibited, and the utilities director may take enforcement action against an industrial user for a bypass, unless:
  - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
  - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed.
  - (3) The user submitted notices as required in section [30-263].
- (b) The utilities director may approve an anticipated bypass after considering its adverse effect if the utilities director determines that it will meet the three conditions listed in paragraph (a) of this section.

**Section 23.** Division 6, Section 30-186 Exceptions to wastewater limitations, Subsections (b) through (f), are amended to read in their entirety as follows:

- (b) *Time of application.* Applicants shall apply for a temporary exemption when they are required to apply for a wastewater discharge permit or renewal provided that the utilities director allows

applications at any time unless the applicant has submitted the same or substantially similar application within the preceding year that was denied by the board.

- (c) *Written applications.* All applications for an exception shall be in writing and shall contain sufficient information for evaluation of each of the factors to be considered by the utilities director pursuant to paragraph (d) of this section.
- (d) *Review by the utilities director.* All applications for an exception shall be reviewed by the utilities director. If the application does not contain sufficient information for complete evaluation, the utilities director shall notify the applicant of the deficiencies and request additional information. The applicant shall have 30 days following notification by the utilities director to correct such deficiencies. This 30-day period may be extended by the utilities director upon application and for just cause. Upon receipt of a complete application, the utilities director shall evaluate it within 30 days and approve or deny the application based upon the following factors:
  - (1) The utilities director shall consider if the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in sections [30-144 and 30-145] and grant an exception only if such exception is within limitations of applicable federal regulations.
  - (2) The utilities director shall consider if the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act, or similar state regulation, and then grant an exception only if such exception may be granted within the limitations of federal and state regulations.
  - (3) The utilities director shall consider if the exception would create conditions or a hazard to city personnel that would reduce the effectiveness of the publicly owned treatment works taking into consideration the concentration of the pollutant in the treatment works' influent and the design capability of the treatment works.
  - (4) The utilities director shall consider the possibility of the exception causing the publicly owned treatment works to violate its National Pollutant Discharge Elimination System permit.
  - (5) The utilities director shall consider if the exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by the publicly owned treatment works or which would cause the publicly owned treatment works to violate any regulation promulgated by Environmental Protection Agency under the provisions of Section 405 of the Act or similar state regulatory measure.
  - (6) The utilities director may consider the cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception.
  - (7) The utilities director may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.
  - (8) The utilities director may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.
  - (9) The utilities director may consider the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.
  - (10) utilities director may consider an application for exception based upon the fact that water conservation measures instituted or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount

of mass pollutants discharged. To be eligible for an exception under this subparagraph, the applicant must show that except for wastewater conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in section [30-144]. No such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have significant adverse impact upon the operation of the publicly owned treatment works.

- (e) *Review by wastewater hearing authority board.* The board shall review any appeal to a denial by the utilities director of an application for an exception and shall take into account the same factors considered by the utilities director. At such a hearing, the applicant and the utilities director shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in section [30-296] shall be applicable to such a hearing. The applicant shall bear the burden of proof in an appeal hearing.
- (f) *Best management practices.* The utilities director or board shall not grant an exception unless the applicant demonstrates to the board that best management practices are being employed to reduce or prevent the contribution of pollutants to the publicly owned treatment works. Best management practices include, but are not limited to, preventive operating and maintenance procedures, schedule of activities, process changes, prohibiting activities, and other management practices to reduce the quantity or increase the quality of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage.

**Section 24.** Division 7, Section 30-212 Application and permit requirements, is amended to read in its entirety as follows:

Prior to discharging non-domestic waste into the publicly owned treatment works, all significant industrial users of the publicly owned treatment works shall obtain a wastewater discharge permit. The industrial user shall request that the public works director determine if the proposed discharge is significant as defined in section [30-20]. If the discharge is determined not to be significant, the utilities director may still establish appropriate discharge conditions for the user. Any uncategorized industrial user designated as significant may petition the public works director to be deleted from the list as significant on the grounds that there exists no potential for adverse effect on the publicly owned treatment work's operation or violation of any pretreatment standard or requirement.

All significant industrial users shall obtain an industrial wastewater discharge permit and shall complete such forms as required by the utilities director, pay appropriate fees, and agree to abide by the provisions of this article and any specific conditions or regulation established by the utilities director. All original applications shall be accompanied by a report containing the information specified in section [30-213]. All original applications shall also include a site plan, floor plan, and mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location, and elevation. The industrial user shall also submit revised plans to the utilities director when alterations or additions to the user's premises affect the plans.

**Section 25.** Division 7, Section 30-213 Report requirements, is amended to read in its entirety as follows:

The report required for all significant industrial users by section [30-212] or other provisions of this article shall contain in units and terms appropriate for evaluation the information listed in subparagraphs (a)



through (e) below. Industrial users subject to national pretreatment standards shall submit to the utilities director a report which contains the information listed in subparagraphs (a) through (f) below within 180 days after the promulgation by the Environmental Protection Agency of a National Pretreatment Standard under Section 307(b) or (c) of the Act. This report is called the baseline monitoring report (BMR). Industrial users who are unable to achieve a discharge limit set forth in sections [30-135 through 30-148] without improved operation and maintenance procedures or pretreatment shall submit a report which contains the information listed in subparagraphs (a) through (g) of this section.

As specified, the report shall contain the following:

- (1) The name and address of the industrial user.
- (2) The location of the industrial user.
- (3) The nature, average rate of production, and standard industrial classification of the operation(s) carried out by the industrial user.
- (4) The average and maximum flow in gallons per day of discharge from the industrial user to the publicly owned treatment works.
- (5) The nature and concentration of pollutants in the discharge from each regulated process from the industrial user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard and as approved by standard methods approved by the utilities director. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the utilities director for approval.
- (6) A statement that has been reviewed by an authorized representative of the industrial user and certified by an environmental professional indicating if pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to achieve compliance.
- (7) If additional pretreatment or operation and maintenance procedures will be required to meet the pretreatment standards, the report shall contain the shortest schedule by which the industrial user will provide the additional pretreatment. The completion date in the schedule shall be no later than the compliance date established for the applicable pretreatment standard.
- (8) The location for monitoring all wastes covered by the permit.
- (9) Measurement of pollutants: (a) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources. (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the city, of regulated pollutants in the discharge from each regulated process. (c) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section [30-254] of this article. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard.
- (10) Any other information as may be deemed necessary by the city to evaluate the permit application.

For purposes of this paragraph when the context so indicates, the phrase "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the industrial user's discharging any incompatible pollutant regulated by sections [30-135 through 30-148].

For purposes of this paragraph, the term "pollutant" shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in sections [30-135 through 30-148].

**Section 26.** Division 7, Section 30-214 Incomplete applications, is amended to read in its entirety as follows:

The utilities director will act only on applications that are accompanied by a report which lists all the information required in section [30-213]. Industrial users who have filed incomplete applications will be notified by the utilities director that the application is deficient and the nature of the deficiency and will be given 30 days to correct such. If the deficiency is not corrected within that period or with such extended time as allowed by the utilities director, the utilities director shall deny the application and notify the applicant in writing of such action.

**Section 27.** Division 7, Section 30-215 Evaluation of application, is amended to read in its entirety as follows:

Upon receipt of completed applications, the utilities director shall review and evaluate the applications and shall propose such special permit conditions as the utilities director deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this article and all other applicable laws and regulations. The utilities director may also propose that the wastewater discharge permit be subject to one or more special conditions in regard to any of the following:

- (1) Pretreatment requirements.
- (2) The average and maximum wastewater constituents.
- (3) Limits on rate and time of discharge for flow equalization.
- (4) Requirements for installation of inspection and sampling facilities.
- (5) Specifications for self-monitoring procedures.
- (6) Requirements for submission of technical or discharge reports.
- (7) Requirements for records maintenance.
- (8) Average and maximum mass emission rates, or other appropriate limits when toxic pollutants are proposed or present in the industrial user's wastewater discharge.
- (9) Other conditions deemed appropriate by the utilities director to ensure compliance with the ordinance or other applicable law or regulation.
- (10) A reasonable compliance schedule, as determined by the utilities director, up to one year in duration or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the industrial user's compliance with pretreatment requirements or improved methods of operation and maintenance.
- (11) Requirements for the installation of facilities to prevent and control accidental discharges or spills at the user's premises.
- (12) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer.

**Section 28.** Division 7, Section 30-216 Notification of proposed permit conditions, Subsections (b) and (c), are amended to read in their entirety as follows:

- (b) The applicant shall have 45 days from and after the date of the utilities director's recommendations for special permit conditions to review same and file written objections with the utilities director in regard to any special permit conditions recommended. The utilities may, but is not required, to schedule a meeting with applicant's authorized representative within 15 days following receipt of

the applicant's objections, to attempt to resolve disputed issues concerning special permit conditions.

- (c) If applicant files no objection to special permit conditions proposed by the utilities director or a subsequent agreement is reached concerning same, the utilities director shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein.

**Section 29.** Division 7, Section 30-217 Board to establish permit conditions, Subsections (a), (c), and (d), are amended to read in their entirety as follows:

- (a) In the event that the utilities director cannot issue a permit pursuant to section [30-216] above, the public works director shall submit to the board the proposed permit conditions and the applicant's written objections at the next regularly scheduled meeting of the board or at a specially convened meeting.
- (c) The utilities director shall notify the applicant of the date, time, place, and purpose of the hearing scheduled by the board. The applicant and the utilities director shall have the right to participate in the hearing and present any relevant evidence to the board concerning proposed special permit conditions or other matters being considered by the board.
- (d) Following the hearing or additional hearings deemed necessary and advisable by the board, the board shall establish special permit conditions deemed advisable to ensure the applicant's compliance with this article or other applicable laws or regulations and direct the utilities director to issue a wastewater discharge permit to the applicant accordingly.

**Section 30.** Division 7, Section 30-221 Duration of permits, is amended to read in its entirety as follows:

Wastewater discharge permits shall be issued for a time period not to exceed five years. Permits issued to industrial users pursuant to section [30-186] may be issued for a period of one year.

Industrial users subject to a national pretreatment standard shall apply for new permits on the effective date of such standards. The utilities director shall notify in writing any industrial user whom the utilities director has cause to believe is subject to a national pretreatment standard of the promulgation of such regulations, but any failure of the utilities director in this regard shall not relieve the user of the duty of complying with such standards. An industrial user must apply in writing for a renewal permit within a period of time not more than 90 days and not less than 30 days prior to expiration of the current permit.

Limitations or conditions of a permit are subject to modification or change as such changes become necessary due to changes in applicable water quality standards, changes in the city's National Pollutant Discharge Elimination System permit, changes in section [30-144 or 30-145], changes in other applicable law or regulation, or for other just cause. Users will be notified of any proposed changes in their permit by the utilities director at least 30 days prior to the effective date of the change. Any change or new condition in the permit shall include a provision for a reasonable time schedule for compliance. The user may appeal the decision of the utilities director in regard to any changed permit conditions as otherwise provided for in this article.

**Section 31.** Division 7, Section 30-222 Transfer of permit, is amended to read in its entirety as follows:

Wastewater discharge permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation, unless as approved by the utilities director.

**Section 32.** Division 8, Section 30-251 Inspection, monitoring, and entry, Subsections (b) through (e), are amended to read in their entirety as follows:

- (b) The utilities director shall require any industrial user to: (1) establish and maintain records; (2) make reports; (3) install, use, and maintain monitoring equipment or methods, including biological monitoring methods when appropriate; (4) sample effluent in accordance with these methods, at such locations and intervals and in such a manner as the utilities director shall prescribe; (5) provide such other information as the utilities director may reasonably require.
- (c) Specific requirements under the provisions of paragraph (b) of this section shall be established by the utilities director, or the board as applicable, for each industrial user, and such requirements shall be included as a condition of the industrial user's wastewater discharge permit. The nature of any requirement under this provision shall depend on the nature of the user's discharge, the impact of the discharge upon the publicly owned treatment works, the volume of water discharged, and the technical feasibility of an economic reasonableness of any such requirement.
- (d) The utilities director or his authorized representative, employees of the State of Tennessee, and employees of the Environmental Protection Agency shall, upon presentation of credentials:
  - (1) Have a right of entry to, upon, or through any user's premises in which an effluent source is located or in which any records are required to be maintained under this article are located.
  - (2) Have access at reasonable times to copy any records, inspect any monitoring equipment or method required of the user, and sample any discharge which the owner or operator of such source is required to sample.
- (e) In the event any user denies the right of entry for inspection, sampling, inspecting and copying records, or verifying that a user is not discharging industrial wastes or performing other duties as shall be imposed upon the utilities director by this article, the utilities director shall seek a warrant or use such other legal procedures as advisable and reasonably necessary to perform the duties of this article.

**Section 33.** Division 8, Section 30-252 Reports, is amended to read in its entirety as follows:

- (a) *Progress reports.* No later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the utilities director, including as a minimum, whether it complied with the increment of progress to be met on such a date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the utilities director.
- (b) *90-day compliance report.* Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the publicly owned treatment works, any industrial user subject to

pretreatment standards and requirements shall submit to the utilities director a report containing the information described in section [30-213(4)—(6)].

(c) *Self-monitoring reports.*

- (1) All significant industrial users shall submit to the utilities director during the months of June and December, unless required more frequently in the pretreatment standard or in the industrial user's permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by their permit. In addition, this report shall include a record of average and maximum daily flows. At the discretion of the utilities director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the utilities director may agree to alter the months during which the above reports are submitted.
  - (2) The utilities director, as applicable, may impose limitations on industrial users employing dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by paragraph (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.
- (d) The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration or production rates and mass limits where requested by the utilities director, as applicable, of pollutants contained therein which are limited by the applicable pretreatment standards or industrial permit. For industrial users subject to equivalent mass or concentration limits established by the utilities director as alternative standards, the report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measured operation), the report shall include the user's actual average production rate for the reporting period. The frequency of monitoring shall be prescribed in the applicable treatment standard.

**Section 34.** Division 8, Section 30-253 Monitoring facilities, Subsections (a) and (d), are amended to read in their entirety as follows:

- (a) All significant industrial users shall install a monitoring station of a standard design or one satisfactory to the utilities director.

All users who propose to discharge or who in the judgment of the publicly owned treatment works could now or in the future discharge wastewater with constituents and characteristics different from that produced by a domestic premise may be required to install a monitoring facility.

- (d) The industrial user shall be required to design any necessary facility and to submit according to the permit compliance schedule an engineering report, including detailed design plans and operating procedures to the utilities director for review in accordance with accepted engineering practices. The utilities director shall review the plans and other documents within 30 days and shall recommend any change deemed appropriate.

**Section 35.** Division 8, Section 30-255 Dangerous discharge notification, Subsections (a) and (b), are amended to read in their entirety as follows:

- (a) *Telephone notification.* Any person or user causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to human health and welfare or the environment, or which is likely to cause interference with the publicly owned treatment works, shall notify the utilities director immediately (within 30 minutes of becoming aware of the discharge) by telephone. In the absence of the utilities director, notification shall be given to the publicly owned treatment works employee then in charge of the treatment works. Such notification will not relieve the user from any expense, loss, liability, fines, or penalty which may be incurred as a consequence of the discharge.
- (b) *Written report.* Within five days following such an occurrence, the user shall provide the utilities director with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the publicly owned treatment works, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

**Section 36.** Division 8, Section 30-257 Notification of hazardous waste and discharge, Subsection (a), is amended to read in its entirety as follows:

- (a) The industrial user shall notify the city (department of utilities), the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and type of discharge. Additional notification requirements may apply as required by 40 CFR 403.12(p).

**Section 37.** Division 8, Section 30-258 Notification of changed discharge, Subsection (1), is amended to read in its entirety as follows:

- (1) The permittee shall notify the City of Mt. Juliet Department of Utilities on any of the following changes to the system no later than 180 days prior to change of discharge;
  - a. New introduction into such works of pollutants from any source which would be a new source, if such source were discharging pollutants.
  - b. New introduction of pollutants into such works from a source which would be subject to the Sewer Use Ordinance - Title 30 if it were discharging such pollutants.
  - c. A substantial change in the volume or character of pollutants being discharged into such works at the time the permit is issued.

**Section 38.** Division 8, Section 30-262 Reporting of all monitoring, is amended to read in its entirety as follows:

If an industrial user subject to the reporting requirements in section [30-213] of this article monitors any pollutant more frequently than required by the utilities director using approved procedures prescribed in this article, the results of this monitoring shall be included in the report.

**Section 39.** Division 8, Section 30-263 Notice of bypass, Subsection (b), is amended to read in its entirety as follows:

- (b) An industrial user shall submit oral notice to the utilities director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The utilities director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

**Section 40.** Division 8, Section 30-265 Records retention period, is amended to read in its entirety as follows:

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of four years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make these records available for inspection and copying by the utilities director, Tennessee Department of Environment and Conservation Director of the Division of Water Pollution Control, and Environmental Protection Agency. The retention period shall be extended during the course of any unresolved litigation regarding the user or upon request from the utilities director, the director, or the Environmental Protection Agency.

**Section 41.** Division 8, Section 30-266 Confidential information, is amended to read in its entirety as follows:

Any records, reports, or information obtained under this section shall (1) in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or permit condition, and (2) be available to the public to the extent provided by 40 Code of Federal Regulations, part 232. If, upon showing to the utilities director by any person that, if made public, records, reports, information, or particular parts (other than effluent data) to which the utilities director has access under this section, would divulge methods or processes entitled to protection as trade secrets of such person, the utilities director shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of this article. Such record, report, or information may be disclosed to officers, employees, or authorized representatives of the United States or the State of Tennessee concerned with carrying out the provisions of the Act or when relevant in any proceeding under this article or other applicable laws.

**Section 42.** Division 9, Section 30-296 Hearings, Subsection (a), is amended to read in its entirety as follows:

- (a) Any hearing or re-hearing brought before the board, as defined in section [30-395], shall be conducted in accordance with following:
  - (1) Upon receipt of a written petition from the alleged violator pursuant to this section, the utilities director shall give the petitioner ten days written notice of the time and place of the hearing.
  - (2) The hearing provided may be conducted by the board at a regular or special meeting. A quorum (two members) of the board must be present at the regular or special meeting in order to conduct the hearing.

- (3) A verbatim record of the proceedings of the hearings shall be made and filed with the board in conjunction with the findings of fact and conclusions of law made pursuant to subsection [(a)(6) of this section]. The transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the utilities director to cover preparation fees.
- (4) In connection with the hearing, the chairperson of the board shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In the case of refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Wilson County shall have the jurisdiction upon the application of the utilities director to issue an order requiring such person to appear and testify or produce evidence as the case may require. Failure to obey such an order of the court is punishable by the court as contempt.
- (5) On the basis of the evidence produced at the hearing, the board shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than 30 days following the close of the hearing by the person or persons designated by the chairperson.
- (6) The decision of the board shall become final and binding on all parties unless appealed to the courts as provided in [this section and section 30-297].
- (7) Any person to whom an emergency order is directed shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible, but in no case shall such a hearing be held later than three days from the receipt of such a petition by the board.
- (8) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairperson to rule on such matters as would require a ruling by the court under the rules.
- (9) The utilities director shall first call witnesses, which shall be followed by witnesses called by the other party. Rebuttal witnesses shall be called in the same order. The chairperson shall rule on any evidentiary questions arising during such hearing and shall make other rulings necessary or advisable to facilitate an orderly hearing subject to approval of the board. The board, the utilities director, his representative, and all parties shall have the right to examine any witness. The board shall not be bound by or limited to rules of evidence applicable to legal proceedings.
- (10) Any person aggrieved by an order or determination of the utilities director where an appeal is not otherwise provided by this section may appeal the order or determination to the board. A written notice of appeal shall be filed with the utilities director, and the notice shall set forth with particularity the action or inaction of the utilities director complained of and the relief being sought by the person filing the appeal. A special meeting of the board may be called by the chairperson upon the filing of such an appeal, and the board may, at member's discretion, suspend the operation of the order or determination of the utilities director on which is based the appeal until such time as the board has acted upon the appeal.

**Section 43.** Division 9, Section 30-297 Civil penalty, Subsection (a)(2) and (a)(3), are amended to read in their entirety as follows:



- (2) Any civil penalty shall be assessed in the following manner:
- a. The utilities director may issue an assessment against any person or user responsible for the violation.
  - b. Any person or user against whom an assessment has been issued may secure a review of such assessment by filing with the utilities director a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter involved before the board. If a petition for review of the assessment is not filed within 30 days of the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.
  - c. When any assessment becomes final because of a person's failure to appeal the utilities director's assessment, the utilities director may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment. Civil penalties will be assessed based on the following criteria:
    1. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity.
    2. Damages to the publicly owned treatment works, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, which also includes any penalties, costs, and attorney's fees incurred by the publicly owned treatment works as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damage.
    3. Cause of the discharge or violation.
    4. The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters.
    5. Effectiveness of action taken by the violator.
    6. The technical and economic feasibility of reducing or eliminating the discharge.
    7. The economic benefit gained by the violator.
  - d. The utilities director may institute proceedings for assessment in the name of the City of Mt. Juliet in the chancery court of the county in which all or part of the violation occurred.
- (3) The board may establish by regulation a schedule of the amount of civil penalty which can be assessed by the utilities director for certain specific violations or categories of violations.

**Section 44.** Division 9, Section 30-298 Assessment of noncompliance and significant noncompliance, Subsections (a) through (d), are amended to read in their entirety as follows:

- (a) The utilities director may assess the liability of any polluter or violator for damages to the pretreatment agency resulting from any person(s) or user(s) pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program. To assure fair, consistent and impartial enforcement, the utilities director will use the Mt. Juliet Enforcement Response Plan as a reference to make enforcement action decisions.
- (b) If an appeal from such assessment is not made to the utilities director by the polluter or violator within 30 days of notification of such assessment, he shall be deemed to have consented to such assessment and it shall become final.

- (c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or any other sections of the ordinance, in removing, correcting, and terminating any pollution, and also compensation for actual damages caused by the violation to the publicly owned treatment works. The utilities director shall assess the expenses and damages incurred by the publicly owned treatment works to clear the obstruction, repair damage to the publicly owned treatment works, and otherwise rectify any impairment caused by the violation.
- (d) Whenever any assessment has become final because of a person's failure to appeal within 30 days, the utilities director shall bill the person responsible for the damage for reimbursement of all expenses and damages suffered by the publicly owned treatment works. If the person responsible refuses to pay, the utilities director may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of assessment.

**Section 45.** Division 9, Section 30-299 Judicial proceedings and relief, is amended to read in its entirety as follows:

The utilities director may initiate proceedings in the chancery court of Wilson County against any person or user who is alleged to have violated or is about to violate the pretreatment program, its industrial user permit, any article of this article, or any order of the utilities director or board. In such action, the utilities director may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

**Section 46.** Division 9, Section 30-300 Administrative enforcement remedies, is amended to read in its entirety as follows:

- (a) *Notification of violation.* When the utilities director finds that any user has violated or is violating this article, or a wastewater permit or order issued hereunder, the utilities director or his agent may serve upon the user a written notice of violation (NOV). Within ten days of receipt of the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the utilities director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.
- (b) *Consent orders.* The utilities director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time frame also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraph (d) below.
- (c) *Show-cause hearing.* The utilities director may order any user which causes or contributes to a violation of this article, its wastewater permit, or any order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return

receipt requested) at least ten days prior to the hearing. Such notice may be served on any principle executive, general partner, or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

- (d) *Compliance order.* When the utilities director finds that a user has violated or continues to violate this article or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements deemed reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.
- (e) *Cease and desist orders.* When the utilities director finds that a user has violated or continues to violate this article or any permit or order issued hereunder, the utilities director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do one of the following:
  - (1) Comply with the order.
  - (2) Take the appropriate remedial or preventive action needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- (e) *Emergency termination of service.* When the utilities director finds that an emergency exists in which immediate action is required to protect public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or the facilities of the publicly owned treatment works, the utilities director may, without prior notice, issue an order reciting the existence of such an emergency and requiring that certain action(s) be taken as the utilities director deems necessary to meet the emergency.

If the violator fails to respond or is unable to respond to the utilities director's order, the utilities director may take such emergency action as deemed necessary or contract with a qualified person to carry out the emergency measures. The utilities director may assess the person(s) responsible for the emergency condition for actual costs incurred by the utilities director in meeting the emergency.

If the emergency action adversely affects the user, the utilities director shall provide the user an opportunity for a hearing as soon as possible thereafter to consider restoration of service upon abatement of the condition or other reasonable conditions. Following the hearing, the utilities director may take any such authorized should the proof warrant such action.

**Section 47.** Division 10, Section 30-324 Wastewater volume, is amended to read in its entirety as follows:

When charges and fees based upon water usage or discharge and where, in the opinion of the publicly owned treatment works, a significant portion of the water received from any metered source does not flow into the sewer because of the principle activity of the user or removal by other means, the charges and fees will be applied only against the volume of water discharged from such premises into the sanitary sewer. Written notification and proof of the diversion of water must be provided by the user and approved by the city. The users may install a meter of a type and at a location approved by the city to measure either the amount of sewage discharged or the amount of water diverted. Such meters shall

be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the utilities director.

**Section 48.** Division 10, Section 30-325 Estimated wastewater volume, is amended to read in its entirety as follows:

For users where, in the opinion of the city, it is unnecessary or impractical to install meters, charges and fees may be based upon an estimate of the volume to be discharged. The estimate shall be prepared by the user and approved by the utilities director or his representative. The number of fixtures, seating capacity, population equivalent, annual production of goods and services, and other such factors as deemed rational by the publicly owned treatment works shall be used to estimate the wastewater discharge volume.

**Section 49.** Division 11, Section 30-358 Application charge, is deleted in its entirety.

**Section 50.** Division 11, Section 30-359 Base charge, is amended to read in its entirety as follows:

There is hereby established a base use charge, of \$11.76 per month for all, nonexempt, habitable structures to which sewers are available. The new rate shall take effect with the July 31, 2024 bill as follows:

TYPE OF SERVICE		RATE
<b>Residential</b>		
	<b>Inside city</b>	
	<i>Minimum base rate charge</i>	
	First 2,000 gallons	\$ 16.39
	Per 1,000 gallons thereafter	\$ 8.03
	<b>Outside city</b>	
	<i>Minimum base rate charge for service requested on or prior to June 9, 2019</i>	
	First 2,000 gallons	\$ 20.49
	Per 1,000 gallons thereafter	\$ 10.05
	<i>Minimum base rate charge for service requested after June 9, 2019</i>	
	First 2,000 gallons	\$ 32.78
	Per 1,000 gallons thereafter	\$ 16.06
	<b>Customers prior to 1984</b>	
	Flat rate	\$ 16.39
<b>Commercial</b>		
	<b>Inside city</b>	
	<i>Minimum base rate charge</i>	
	First 2,000 gallons	\$ 23.12
	Per 1,000 gallons thereafter	\$ 11.19
	<b>Outside city</b>	
	<i>Minimum base rate charge for service requested on or prior to June 9, 2019</i>	
	First 2,000 gallons	\$ 28.90
	Per 1,000 gallons thereafter	\$ 13.99
	<i>Minimum base rate charge for service requested after June 9, 2019</i>	

	First 2,000 gallons	\$ 46.24
	Per 1,000 gallons thereafter	\$ 22.38
<b>Special Discharge Fees</b>		
	Billing Fee	\$ 21.00
	Plus 160% of Discharge Per 1,000 gallons	\$ 13.99

**Section 51.** Division 11, Section 30-360 Capacity charge, Subsection (a) and (d), are amended to read in their entirety as follows:

- (a) The city has purchased a certain amount of capacity in the Metropolitan Nashville sewer plant. To reimburse the city the cost of this capacity which was purchased by the residents of the city as the city limits were constituted on October 31, 1984, there is hereby established a capacity charge on all new lots created by subdivision if the lots will utilize sewers. The minimum capacity charge shall be \$1,340.00 per lot. Sewer capacity charges are adjusted as follows:

Residential Classifications	Per Unit
RS-40	\$1,340.00
RS-30	1,590.00
RS-20	1,840.00
RS-15	2,090.00
RS-10	2,340.00
All other residential classifications	2,590.00
Outside city limits capacity fee	3,910.00

- (d) New commercial and industrial users shall pay a capacity fee based on the size of the domestic use water meter. See chart below:

<b>SANITARY SEWER CAPACITY FEES</b>	
Commercial Capacity Fees Water Tap Size	Capacity Fees
5/8"	\$1,340.00
1"	2,145.00
1½"	3,575.00
2"	7,865.00
3"	16,445.00
4"	29,315.00
5"	45,760.00
6"	65,780.00
7"	89,375.00
8"	116,545.00
9"	146,540.00
10"	181,610.00
11"	219,505.00
12"	260,975.00
13"	306,735.00
14"	355,355.00

Rate change as per City of Mt. Juliet Ordinance 2024-25 effective July 31, 2024.

**Section 52.** Division 11, Section 30-365 Tap fee, Subsection (a), is amended to read in its entirety as follows:

(a) Residential single-family dwelling.

(1) There shall be a tap fee or equivalent applicable to all properties that hook to the sewer or to which sewers are available per single-family unit (SFU) for residents:

- a. Inside the city limits of \$1,500.00; and
- b. Outside the city limits of \$4,000.

The tap fee shall be paid before the property is hooked to the sewer system. A separate tap fee is required for each connection to the sewer system. Taps and tap fee payments run with the land. No owner shall be required to pay a tap fee for a connection if a previous owner has paid a tap fee for the same connection and same use.

(2) Sanitary sewer tap fees for existing single-family dwellings:

- a. Which are within the city limits of the city;
- b. Occupied by the owner as recorded by the county tax assessor; and

(3) Multifamily dwelling. The tap fee for multifamily dwellings shall be \$1,500.00 per unit for locations within the city limits and \$4,000.00 per unit for locations outside the city limits.

- a. Commercial and industrial. The tap fee for commercial and industrial users shall be calculated by taking the area of the cross section of the new user's water meter tap and dividing it by 0.31 (the tap area of a five-eighths-inch meter), rounding up to the nearest whole number and multiplying the resulting number by \$1,250.00.

The chart below provides calculated values for tap and capacity fees based on various water meter sizes.

Residential Tap Fees	
Inside city limits gravity tap fee	\$1,500.00
Inside city limits grinder, additional	3,000.00
Outside city limits tap fee	4,000.00
Inspection fee	100.00

Commercial Tap Fees		
Water Tap Size	Fee	Inspection Fees
5/8"	\$1,250.00	\$100.00
1"	3,750.00	100.00
1½"	6,250.00	100.00
2"	13,750.00	100.00
3"	28,750.00	100.00
4"	51,250.00	100.00
5"	80,000.00	100.00
6"	115,000.00	100.00
7"	156,250.00	100.00
8"	203,750.00	100.00
9"	257,000.00	100.00
10"	317,000.00	100.00

11"	383,750.00	100.00
12"	456,250.00	100.00
13"	536,250.00	100.00
14"	621,250.00	100.00

Rate change as per City of Mt. Juliet Ordinance 2024-25 effective July 31, 2024

Commercial and industrial users who exceed 25,000 square feet of heated and cooled structures and who are required to contribute or construct any off-site improvements, extensions, or upgrades to the city sewer system shall be allowed to use 50 percent of their financial contributions as a credit towards the payment of future tap fees for the site served by such improvements. Commercial and industrial users whose approved site plans include at least 25,000 square feet of heated and cooled structures and who are required to advance contributions for the costs of relocation of any natural gas transmission pipeline done in order to facilitate the relocation or improvement of any city or state road or highway, shall be allowed to use 50 percent of said financial contributions up to a maximum of \$207,000.00 as a credit towards the payment of future tap fees for the site served by such improvements; provided, however, that such 50 percent financial contribution shall be calculated only on expenditures for which there is no reimbursement to the commercial or industrial user. This is not retroactive and applies from this day forward of passage of the ordinance from which this section is derived.

**Section 53.** Division 11, Section 30-366 Use charges, Subsections (b) through (d), are amended to read in their entirety as follows:

- (b) *Waste characteristics.* Waste water exceeding the following characteristics shall bear additional charges set by the director of utilities.

Biochemical oxygen demand (5-day)	300 mg/l
Chemical oxygen demand	600 mg/l
Suspended solids -	325 mg/l
Ammonia-nitrogen -	30 mg/l
Oil and grease -	100 mg/l

- (c) *Method of setting use charges.* Annually, on November 1 each year, the director of utilities shall calculate the cost of providing sewer services and calculate a new base charge and a new use charge for the following year. Calculations shall be based on actual costs in the previous fiscal year. The base charge shall be the same as the use rate for 2,000 gallons of wastewater. The new charges shall take effect on January 1 of the following calendar year.
- (d) *Constituents of use charge.* The user charge will be computed from operating costs and depreciation. The user charge will be the user's share of the costs of operation, maintenance, and replacement for handling its periodic volume of normal wastewater plus the user's share of any bond amortization costs of the city.
- (1) *Operation, maintenance, and replacement user charges.* Each user's share of operation, maintenance and repair costs will be computed by the following formula:

u =	$\frac{C_t}{V_t}$	(V <sub>u</sub> )



Where:

$C_u$  = User's charge for operation, maintenance and repair per unit time.

$C_t$  = Total operation, maintenance and repair costs per unit of time, less costs recovered from surcharges.

$V_t$  = Total volume contribution from all users per unit time.

$V_u$  = Volume contribution from individual user per unit time.

- (2) *Bonded indebtedness charges.* Each user's share of bonded indebtedness costs will be based on a schedule which reflects the user's volumetric and waste strength contribution to the system.
- (3) *User surcharges.* The surcharge will be the user's proportionate share of the operation, maintenance and repair costs for handling its periodic volume of wastewater which exceeds the strength of biochemical oxygen demand (five-day), suspended solids, or other pollutants in normal wastewater as listed in section 30-358. The amount of surcharge will be determined by the following formula:

$$C_s = (B_c \times B + S_c \times S + P_c \times P) 8.34 V_u$$

Where:

$C_s$  = Surcharge for wastewater exceeding the strength of normal wastewater expressed in dollars per billing period.

$B_c$  = Operation, maintenance and repair cost for treatment of a unit of biochemical oxygen demand (five-day) expressed in dollars per pound.

$B$  = Concentration of BOD<sub>5</sub> (biochemical oxygen demand - 5-day) from a user above the base level of 300 mg/l expressed in mg/l.

$S_c$  = Operation, maintenance and repair costs for treatment of a unit of suspended solids expressed in dollars per pound.

$S$  = Concentration of suspended solids from a user above the base level of 300 mg/l, expressed in mg/l.

$P_c$  = Operation, maintenance and repair costs for treatment of a unit of any pollutant which the publicly owned treatment works is committed to treat by virtue of a National Pollutant Discharge Elimination System permit or other regulatory requirement, expressed in dollars per pound.

$P$  = Concentration of any pollutant from a user above a base level. Base levels for pollutants subject to surcharge will be established by the director of utilities.

$V_u$  = Volume contribution of a user per billing period in million gallons based on a 24-hour average for a billing period.

The values of parameters used to determine user charges may vary from time to time. Therefore, the publicly owned treatment works is authorized to modify any parameter or value as often as is necessary. Review of all parameters and values shall be undertaken at least annually.

- (4) *Commercial, industrial and pretreatment program charges.* All commercial and industrial users shall pay all regular charges and a surcharge equal to 43 percent of the standard charges. Industrial users, veterinary and animal care establishments, food preparation

business and others suspected of generating wastewater with contaminants per liter exceeding the normal contaminants per liter for a single-family home shall be required to pay a separate pretreatment program charge for evaluation of their wastewater and pretreatment inspection if necessary. This charge will be based on the user's proportional share of the costs of administering the publicly owned treatment works pretreatment program, which includes costs incurred by the publicly owned treatment works for verification monitoring, analysis, and reporting. Each user's share of the pretreatment program costs will be computed by the following formula:

$u =$	$\frac{C_t}{V_t}$	$(V_u)$
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$C_u$  = User's charge for publicly owned treatment works pretreatment program per unit time.

$C_t$  = Total publicly owned treatment works pretreatment program costs per unit time.

$V_t$  = Total volume contribution of permitted industrial users per unit of time.

$V_u$  = Volume contribution from a permitted industrial user per unit of time.

In cases where a user would otherwise qualify as a residential user but is metered for water service on a meter measuring multi-family dwellings, the director of utilities may require, as a prerequisite for extending residential rates, an agreement from all users and or a hold harmless agreement from the owner of the meter to pay the billing collectively from one meter without recourse and may require that any improvements to or alterations of the sanitary sewer service lines for the real property be made in compliance with standards of the City of Mt. Juliet and at the expense of the property owner.

- (5) *Review of operation, maintenance and repair charges.* Mt. Juliet shall review at least annually the wastewater contribution by users, the total costs of operation, maintenance and repair of the treatment works, and its approved user charge system. The publicly owned treatment works shall revise the user charges to accomplish the following:
  - a. Maintain the proportionate distribution of operation, maintenance and repair costs among users or classes of users.
  - b. Generate sufficient revenue to pay the total operation, maintenance and repair costs of the treatment works.
  - c. Apply any excess revenues collected to the costs of operation, maintenance and repair for the next year and adjust rates accordingly.

**Section 54.** Division 11, Section 30-367 Outside city customer, Subsections (b), (e), (f), and (h), are amended to read in their entirety as follows:

- (b) All users who begin receiving sewer service after June 9, 2019 will pay the fee in subsection (a) and are located outside the city, but within the city's urban growth boundary, shall pay all regular charges and fees for out of city users set forth in subsection (a) plus a monthly fee equal to one-twelfth of the Mt. Juliet City property taxes that would be owed to the city if the user was annexed into the city. The monthly fee shall be calculated based upon the most recent tax appraisal. The user reverts to out-of-city rates upon requesting annexation into the City of Mt. Juliet, so long as annexation into the City of Mt. Juliet is legally permitted at the time of the request. If the city annexes the property, the user reverts to in-city sewer rates.

- (e) Any developer or landowner who anticipates undertaking any project outside the city limits of the city which would require a connection to the city sewer system shall first obtain the approval of the city planning commission and the city commission prior to any engineering design work concerning the sewer system. Out of city sewer service application and fee shall be submitted to the utilities department prior to any request for service being heard by the city planning commission and city commission.
- (f) After receiving approvals necessary for the connection, final approval will be granted by the utilities director or his/her designee. The developer and the developer's engineer shall work closely with the engineer for the city sewer system during the design, construction and inspection stages of the development. Such systems shall also have the approval of the engineer for the city regarding the as-built system prior to connection.
- (h) To the extent any rate or fee set out herein is determined to be unenforceable as applied to out-of-city users, the city intends the provisions set forth above to be severable, resulting in the charging of the rate for all services provided, in the past and prospectively, that would have been charged but for the unenforceable provision.

**Section 55.** Division 11, Section 30-369 Waiving sign-up fee for sewer activation fee for active-duty military personnel, is retitled as provided and Subsection (a) is amended to read in its entirety as follows:

- (a) The director of finance hereby has authority to waive the sewer activation fee of \$25.00 for an active-duty member of the United States Military or National Guard.

**Section 56.** Division 11, Section 30-370 Processing fee and other charges for utility customers paying with credit or debit cards, Subsection (a) and (c), are amended to read in their entirety as follows:

- (a) The City of Mt. Juliet is hereby empowered to contract with a third-party vendor or will arrange for city sewer service credit or debit cards as the method of payment for monthly and other utility charges.
- (c) The third-party vendor may establish the convenience fee not to exceed 3.5 percent of the payment.

**Section 57.** Division 12, Section 30-395 Wastewater hearing authority board, Subsection (c)(2) is amended to read in its entirety as follows:

- (2) To hold hearings upon appeals from orders of actions of the utilities director as may be provided under the provisions of this article.

**Section 58.** Division 12, Section 30-396 Utilities director, is retitled and amended to read in its entirety as follows:

- (a) *Director of utilities and staff.* The director of utilities and staff shall be responsible for the administration of the parts of this section, as defined herein.

- (b) *Authority of the director of utilities.* The director of utilities shall have the authority to enforce all sections of this article as defined herein. The director of utilities shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances of the publicly owned treatment works. The director of utilities shall be responsible for the preparation of operating budgets subject to the normal budgetary processes of the city.
- (c) *Records.* The director of utilities shall keep in his office or at an appropriate storage facility all applications required under this article a complete record thereof, including a record of all wastewater discharge permits.
- (d) *Notice of national pretreatment standard.* The director of utilities shall notify users identified in 40 Code of Federal Regulations, Part 403.8(f)(2) of any applicable pretreatment standards or other applicable requirements promulgated by the Environmental Protection Agency under the provisions of Section 204(b) of the Act (33 U.S.C. 1284), Section 405 of the Act (33 U.S.C. 1345), or under the provisions of Sections 3001, 3304, or 4004 of the Solid Waste Disposal Act. Failure of the director of utilities to notify users shall not relieve the users from the responsibility of complying with these regulations.
- (e) *Public participation notice and significant non-compliance notice.* The director of utilities shall comply with the public participation requirements of 40 Code of Federal Regulations, Part 425 in the enforcement of National Pretreatment Standards. The director of utilities shall at least annually provide public notification in the largest local newspaper of all significant industrial users which, during the previous 12 months, were in significant non-compliance of applicable pretreatment standards or other pretreatment requirements, as defined at sections [30-298 and 30-300].
- (f) *Regulations and standards.* The director of utilities may promulgate rules, regulations, and design criteria not inconsistent with this article and have them printed for distribution. These rules may include requirements for performing wastewater characterizations, analysis, and other measurements by standard methods approved by the director of utilities.
- (g) *Sewer credits.* The director of utilities shall approve secondary meters and determine other kinds of sewer use charge credits.
- (h) *Approves new construction.* The director of utilities shall give approval in acceptance of newly constructed sanitary sewer lines, pump stations, and other appurtenances.

## **BE IT FURTHER ORDAINED**

**Section 59.** In case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further.

**Section 60.** If any section, clause, or provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this ordinance.

**Section 61.** This ordinance shall take effect on the earliest date allowed by law.

PASSED:

FIRST READING:

SECOND READING:

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James Maness, Mayor

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Kenny Martin, City Manager

ATTEST:

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Sheila S. Lockett, MMC  
City Recorder

APPROVED AS TO FORM:

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Samantha A. Burnett  
City Attorney

## ***ARTICLE II. SEWER SERVICE***

### ***DIVISION 1. GENERALLY***

#### **Sec. 30-19. Purpose and policy.**

(a) The purpose of this article is to set uniform requirements for all users of the city's wastewater collection system and treatment works to enable the city to comply with all applicable state, federal, and local laws, including the state pretreatment requirements (Tennessee Rule 1200-4-14), the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.), the general pretreatment regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403), and the Metro Water Services (Nashville, TN) wastewater discharge requirements (including Chapters 15.04 and 15.60). The objectives of this article are:

- (1) To prevent the introduction of pollutants into the publicly owned treatment works (POTW) that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- (3) To protect both POTW's personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the POTW;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW.

This article establishes conditions for connection to the sanitary sewer system. Certain acts which may be detrimental to the sewer system are prohibited. This article provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of individual wastewater discharge permits or general permits. This article also establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the POTW and meet the objectives of this article. This article provides measures for the enforcement of its provisions and abatement of violations.

(b) Application and administration. This article shall apply to the City of Mt. Juliet and to persons outside the city limits who are, by contract or agreement with the City of Mt. Juliet, users of the Mt. Juliet publicly owned treatment works. Except as otherwise provided herein, the Mt. Juliet ~~Public Works~~Utilities Director shall administer, implement, and enforce the provisions of this article.

(Ord. No. 2012-75, § 1, 12-10-2012)

#### **Sec. 30-20. Definitions.**

(a) Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

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*Act or the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

*Approval authority* means Metro Water Services (Nashville, TN) and the Tennessee Division of Water Pollution Control Director or his/her representative(s).

*Approved pretreatment program* means a program administered by a publicly owned treatment works that meets the criteria established in Chapter 40 of the Code of Federal Regulations (40 Code of Federal Regulations) 403.8 and 403.9, and which has been approved by the regional administrator or state director in accordance with 40 Code of Federal Regulations 403.11.

*Authorized or duly authorized representative of the user* means:

- (1) If the user is a corporation:
  - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs (1) through (3), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to city.

*Availability charge* means a charge to all non-exempt habitable structures, to which sewers are available, regardless of whether they actually connect to the sewer or not. The first 2,000 gallons of use is provided without charge to those who pay the availability charge. This charge was formerly called the "minimum bill" or "minimum use charge". The name was changed to reflect that this charge is also paid by people who do not use the system but could use the system. In this Code the charge is called "base charge" or service line charge.

*Best management practices* or *BMPs* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section [30-136] [Tennessee Rule 1200-4-14-.05(1)(a) and (2)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Also, BMPs include alternative means (i.e. management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

*Board* means the elected mayor and board of commissioners for the City of Mt. Juliet.



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*BOD<sup>5</sup>* means biochemical oxygen demand (five-day). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

*Building sewer* means a sewer conveying wastewater from the premises of a user to a community sanitary sewer.

*Bypass* means the intentional diversion of waste streams from any portion of a treatment facility.

*Capacity charge* means Mt. Juliet has purchased a certain amount of capacity in the Metro Nashville sewer plant. To reimburse Mt. Juliet the cost of this capacity which was purchased by the residents of Mt. Juliet as the city limits were constituted on October 31, 1984, this and prior ordinances impose a charge per single-family unit (SFU) on all new development of land utilizing sewers. Building lots in existence and in Mt. Juliet on October 31, 1984, are exempt as they participated in the original purchase of the capacity. New lots created by subdivision of existing lots are subject to the capacity charge.

*Categorical industrial user, or CIU* means an industrial user subject to a categorical pretreatment standard or categorical standard.

*Categorical standards or categorical pretreatment standard* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

*City* means City of Mt. Juliet, TN; Mt. Juliet ~~Public Works~~Utilities Department.

*Combined sewer* means a sewer which has been designed to carry both sanitary sewage and stormwater runoff.

*Commercial (commercial user)* means commercial and commercial user shall apply to any non-residential use or user.

*Composite sample* means sample consisting of several sample portions collected during a specified period (usually 24 hours) and combined to form a representative sample. Composite samples can be collected on a flow proportional or timed basis, depending on the nature of the discharge.

*Connection charge* is a fee to pay for the cost of connection and inspection of the connection to the sewer system. It includes the cost of the grinder pump, if used, and other materials and supplies used by the city.

*Control authority* means City of Mt. Juliet, TN.

*Conventional pollutant* means biochemical oxygen demand (BOD), total suspended solids (TSS), pH, fecal coliform, and oil and grease.

*Daily maximum* means the arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

*Daily maximum limit* means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

*Direct discharge* means the discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

*Director or director of ~~public works~~utilities* means the person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this article. The term also means a duly authorized representative of the director.

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*Discharge monitoring report* means a report submitted by an industrial user to the public works director containing information regarding the nature and concentration of pollutants and flow characteristics of a discharge by the user to the publicly owned treatment works.

*Environmental protection agency or EPA* means the U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, the regional administrator, or other duly authorized official of said agency.

*Existing source* means any source of discharge that is not a "new source."

*Fats, oils and grease or FOG* means any fats, oils or grease residues, products, or by-products used in food preparation or manufacturing; usually organic, polar compounds derived from vegetable, or plant, and animal sources that are composed of long chain triglycerides; but monoglycerides and diglycerides may be considered FOG as well.

*Food service establishment* means an establishment engaged in production/clean-up of non-residential food and/or drink. Any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.

*Grab sample* means a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

*Habitable structures* means structures used as dwellings or workplaces or which contain facilities for the disposal of human waste. Barns or other agricultural buildings with dirt floors shall not be considered habitable structures.

*Holding tank waste* means any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks. This specifically includes wastewater from industrial users conveyed to the publicly owned treatment works by any means other than by a standard sewer tie-on.

*Indirect discharge or discharge* means the introduction of pollutants into the POTW from any nondomestic source (including any holding tank waste discharge).

*Industrial user or user* means a source of indirect discharge. For the purposes of this article, an industrial user is a source of non-domestic wastes.

*Infiltration* means water other than wastewater that enters a sewer system from the ground through such means as defective pipes, pipe joints, connections, or manholes.

*Inflow* means water other than wastewater that enters a sewer system from sources such as roof leaders, cellar drains, yard drains, area drains, fountain drains, drains from springs and swamp areas, manhole covers, cross connections between storm and sanitary sewers, catch basins, stormwater, surface runoff, street wash water, and drainage.

*Instantaneous limit* means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

*Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the publicly owned treatment works, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system; or contributes to a violation of any requirement of a NPDES permit, or other jurisdictional agreement or permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those

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contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

*Local limit* means specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in section [30-136].

*Mass discharge rate* means the weight of material discharged to community sewer during a given time interval, normally given in pounds per day.

*Medical wastes* means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes. mg/l - milligrams per liter.

*Monthly average* means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

*Monthly average limit* means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

*National Pollutant Discharge Elimination System (NPDES)* means the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Act.

*National pretreatment standard* means any regulations containing pollutant discharge limits promulgated by Environmental Protection Agency in accordance with Sections 307(b) and (c) of the Act which applies to industrial users. These terms also include prohibited discharges promulgated in 40 Code of Federal Regulations 403.5 and local limits adopted as part of the city's pretreatment program.

*New source* means:

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)b. or c. above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - a. Begun, or caused to begin, as part of a continuous onsite construction program
    - (i) any placement, assembly, or installation of facilities or equipment; or

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- (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

*Noncontact cooling water* means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

*Pharmaceuticals* means a substance used in the treatment of disease: drug, medicament, medication, medicine. Pharmaceuticals are drugs or medicine that is prepared or dispensed in pharmacies and used in medical treatment.

*Pass through* means a discharge which exits the publicly owned treatment works into waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, is a cause of a violation of any requirement of the publicly owned treatment work's National Pollutant Discharge Elimination System permit, including an increase in the magnitude or duration of a violation.

*Person* means any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, or public or private corporations or officers thereof, organized or existing under the laws of this or any state or country.

*pH* means a measure of the acidity or alkalinity of a solution, expressed in standard units.

*Pollution* means the manmade or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works. The reduction or alteration may be obtained by physical, chemical, or biological processes; process change or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard. Pretreatment requirements — Any substantive or procedural requirement related to pretreatment other than a pretreatment standard.

*Pretreatment standards or standards* means pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

*Prohibited discharge standards or prohibited discharges* means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 30-136.

*Publicly owned treatment works* means a treatment works as defined by Section 212 of the Act (33 U.S.C. section 1292), which is owned by Mt. Juliet or to which Mt. Juliet connects its sewer lines. This definition includes any sewers that convey wastewater to such a treatment works and any devices and systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or liquid industrial waste.

*Residential (residential user)* means residential use, residential user and residential occupant is defined as and shall apply to all users of the sanitary sewer service for a residential zoned property permitted for and used primarily for residential occupants where the end user and occupant has a legal fee ownership interest in the real property or dwelling and is subject to a property tax. Residential use is subject to verification as set forth in [this article] below as amended and shall include all single-family and duplex homes.

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*Sewers are available* means when a sewer line, to which the property owner could connect, is no further than 200 feet from any part of the property line along an easement or public right-of-way.

*Shall* is mandatory; *may* is permissive.

*Significant industrial user.* Except as provided in paragraphs (3) and (4) of this section, a significant industrial user is:

- (1) An industrial user subject to categorical pretreatment standards; or
- (2) An industrial user that:
  - a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
  - b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - c. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) The city may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
  - a. The industrial user, prior to the city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
  - b. The industrial user annually submits the certification statement required in section [30-224] [see Tennessee Rule 1200-4-14-.12(17)], together with any additional information necessary to support the certification statement; and
  - c. The industrial user never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a user meeting the criteria in subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 1200-4-14-.08(6)(f), determine that such user should not be considered a significant industrial user.

*Significant noncompliance* means the director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the area served by the Mt. Juliet Public Works Department, a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (3), (4) or (8) of this section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in section [30-144] and the Mt. Juliet Local Limits Operational Division Policy No. 2008-01;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by section [30-144], multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

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- (3) Any other violation of a pretreatment standard or requirement as defined by section [30-144] (Daily maximum, long-term average, instantaneous limit, or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
  - (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of its emergency authority to halt or prevent such a discharge;
  - (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
  - (6) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - (7) Failure to accurately report noncompliance; or
  - (8) Any other violation(s), which may include a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

*Single-family unit (SFU)* means a single-family unit is a unit of measure for the average amount of water used by an average family. The capacity or tap charge for all users is based upon the number of SFUs. No user is charged for less than one SFU and others are charged based upon the ration of their anticipated use as compared to a SFU. A SFU is assumed to use 350 gallons of water per day.

*Slug discharge or slug load* means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section [30-136] of this article. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions, or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

*Standard industrial classification* means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

*Superintendent* means the person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative. The Mt. Juliet Director of ~~Public Works~~Utilities shall also be the "superintendent" as the term is used in this Code unless the city manager designates someone else as superintendent.

Tap fee is the charge levied against a new sewer connection to partially pay for the cost of the overall cost of the system to which the new user is connecting. The tap fee is a privilege charge.

*Total suspended solids or suspended solids* means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

*Toxic pollutants* means any pollutant or combination of pollutants listed as toxic in 40 Code of Federal Regulations part 401 as promulgated by the Administrator of the Environmental Protection Agency under the provisions of the Act.

*Usage charge* is a fee based upon water volume to pay for the cost of processing the sewage, operation and depreciation of the system.

*User or industrial user* means a source of indirect discharge.

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*Wastewater* means the liquid and water borne industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the publicly owned treatment works.

*Wastewater constituents and characteristics* means the individual chemical, physical, bacteriological, and radiological parameters, including toxicity, volume, and flow rate and such other parameters that serve to classify, define, or measure the contents, quality, quantity, and strength of wastewater.

*Waters of the State of Tennessee* means any water, surface or underground, within the boundaries of the state.

*Workplace* means any nonresidential building used as a place of work for more than six hours per day for more than 200 days per year.

(b) *Abbreviations.* The following abbreviations, when used in this article, shall have the designated meanings:

BOD — Biochemical oxygen demand

BMP — Best management practice

BMR — Baseline monitoring report

CFR — Code of Federal Regulations

CIU — Categorical industrial user

COD — Chemical oxygen demand

EPA — U.S. Environmental Protection Agency

FOG — Fats, oils and grease

gpd — gallons per day

IU — Industrial user

mg/l — milligrams per liter

NPDES — National pollutant discharge elimination system

NSCIU — Non-significant categorical industrial user

POTW — Publicly owned treatment works

RCRA — Resource Conservation and Recovery Act

SIU — Significant industrial user

SNC — Significant noncompliance

TSS — Total suspended solids

U.S.C. — United States Code

(Ord. No. 2012-75, § 1, 12-10-2012)

**Secs. 30-21—30-43. Reserved.**



## *DIVISION 2. USE OF PUBLIC SEWERS*

### **Sec. 30-44. Connection with sanitary sewer required.**

Every building having plumbing fixtures installed and intended for human habitation, occupancy, or use on premises abutting a street, alley, or easement in which segment there is a sanitary sewer which is within 200 feet of the building drain of the parcel shall be considered as being served by the city's sanitary sewer system.

All buildings hereafter constructed on property which is served by the publicly owned treatment works shall not be occupied until connected to the public sewer. The owner or occupant of each lot or parcel of land which is now served or which may hereafter be served by the Mt. Juliet sewer system feeding into a publicly owned treatment works shall cease to use any other method for the disposal of sewage except as provided for direct discharge by the Tennessee Department of Environment and Conservation or by discharge to a properly functioning and approved septic tank. Septic tanks shall not be used where sewers are available unless the user is exempt under the following provisions. The ~~public works~~engineering director shall decide whether sewers are available using the criteria established herein. All premises served by the publicly owned treatment works are subject to sewer use charges as described in [sections 30-356 through 30-370] unless exempt under the following exemptions.

Natural persons meeting all of the following conditions are exempt from mandatory hookup and use charges:

- (1) *Original or annexed owners:* Owners of residential property who have owned and occupied the property continuously since September 30, 1987, or who were or are annexed into the city thereafter are exempt from mandatory connection and from payment of mandatory use charges and mandatory connection (but not the availability charge) if:
  - a. They have not transferred the property or any ownership interest therein; and
  - b. Their private system is not defective and does not hereafter become defective for a continuous ten-day period; and
  - c. They have not constructed a new dwelling or workplace on the property since September 30, 1987; and
  - d. They have not voluntarily purchased a tap other than pursuant to a condemnation settlement or as a part of a settlement about sewer right-of-way acquisition by the city; and
  - e. The property is used only as the home of the owner.
- (2) *Owners of property to which sewers become available:* Owners of residential property to which sewers become available, and who do not meet the criteria of paragraph (1) above, shall pay the same charge which they would pay if connected to the sewer. They shall be required to pay connection and tap fees and shall connect to the sewer system when the first of the following events occur:
  - a. The day they sell the property; or
  - b. The occurrence of failure or defect of their septic or other alternative sewer system for a continuous period of ten days; or
  - c. The date of completion of a new dwelling.

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- (3) *Purchasers of property to which sewer is available:* Any purchaser of property containing a habitable structure, who does not meet the exemptions contained in the preceding two paragraphs, shall immediately pay any unpaid tap or connection fees and connect the property to the sewer system. The seller of property shall be responsible to the buyer for paying the tap fee and connection charges unless they agree otherwise in writing. Both the buyer and seller shall be responsible to the city for the tap fee and all connection charges.
- (4) *People totally exempt:* People who have owned and occupied their homes since October 31, 1984, are exempt from the availability charge and from any minimum charge on the home unless they are connected to the system or have purchased a tap or their alternative septic system is failing. This exemption is granted because it was the promise made to them at the time the system was proposed (see Ord. 87-10 Sec. 2 et. al.) and bought their acquiescence in the construction of the system, without which the system may have never been built.
- (5) *Water not entering the sewer system.* To the extent feasible sewer use charges are based upon water placed in the sewer system by the user. The amount of water used by an owner or occupant of property shall be the amount used to establish the amount of water entering the sewer system. Any person using an unmetered source of water such as a well, shall install a meter and notify the director of ~~public works~~utilities. Adjustments for use of water during warm weather and peak use months shall be provided for by totaling the charges billed in the months of December, January, February and March and obtaining the average of these bills by dividing the total of the four months bills by four. The amount derived shall be the amount billed during the months of June, July, August, September, October and November. The remaining months will be billed for actual use.

If a sewer user can prove to the satisfaction of the ~~public works~~utilities director that a specific amount of water is not going to the system, and is not adjusted, the public works director is authorized, subject to approval of the city manager, to adjust the bill. If such adjustments are recurring the public works director may require the user to obtain a separate meter and system, for measuring water not going to the sewer system, as a requirement to consideration of further adjustments. (Amended by Ordinance 98-46 dated 12-7-98).

- (b) *Unconnected sewer service lines prohibited.* Except for discharge to a properly functioning septic tank system or discharges permitted by an National Pollutant Discharge Elimination System permit issued by the Tennessee Department of Environment and Conservation, the discharge of sewage into places other than the publicly owned treatment works is prohibited.
- (c) *Insufficient capacity, connection moratorium.* In those parts of the sewer system where no additional capacity exists and a sewer moratorium has been established pursuant to orders of the Tennessee Department of Environment and Conservation, no new or additional sewer connections shall be permitted. Permits issued prior to the date of the moratorium may be completed. No new plumbing permits shall be issued for new buildings in a moratorium area after the effective date of the moratorium. A moratorium shall continue to be in effect until capacity restriction has been corrected.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-45. Adequate and minimum fixtures.**

- (a) *Minimum number of fixtures.* A dwelling shall have at least one commode, one bathtub or shower, one lavatory, one kitchen-type sink, and an adequate source of hot water for each family unit to meet minimum basic requirements for health, sanitation, and personal hygiene. All other buildings, structures, or premises intended for human occupancy or use shall be provided with adequate sanitary facilities as may be required by any other law or regulation, but not less than one commode and one hand washing lavatory.

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- (b) *Adequate water for disposal of waste.* It shall be unlawful for any person in possession of premises into which a pipe or other connection with the sanitary sewers and drains have been laid to permit the building to remain without adequate fixtures attached to allow sufficient quantity of water to be so applied as to properly carry off all waste matter and keep the same unobstructed.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-46. Right to enter and inspect connection.**

The public works utilities director, building inspector, or their representative shall have free and unobstructed access to any part of the premises where house drains or other drains connected with or draining into the sanitary sewer are laid for the purpose of examining the construction, condition, and method of use of the same, upon cause of reasonable suspicion that there may be inadequate facilities, the facilities present may not be properly functioning, there is an improper discharge, or upon a periodic systematic inspection of a particular drainage basin or other large segment of the system through those facilities at any time of the day between the hours of 7:00 a.m. and 6:00 p.m. or at any other time in the event of an emergency. If such entry is refused, the sewer service may be disconnected upon reasonable notice and an opportunity for a hearing. The service may be suspended immediately in the event of an emergency if there is reasonable cause to suspect that the discharge will endanger the public health or the environment, shall have the potential to disrupt the treatment process, or shall damage the publicly owned treatment work's lines or facilities, and a hearing shall thereafter be afforded the user as soon as possible.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-47. Demolished buildings.**

When a building is demolished, it shall be the responsibility of the owner to have the sewer service line plugged securely so that extraneous water will not enter the sewer. The owner of the premises or his representative shall notify the public works utilities director of the plug and have the plug inspected prior to covering any work. Before reusing a plugged line, it must first be inspected by the public works utilities director and be in conformity with the existing standards.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-48. Discharges into manholes.**

No person shall discharge any substance directly into a manhole. Any holding tank waste, including septage, portable toilets, grease interceptor or trap waste, and other non-domestic waste, must be disposed at an approved location and facility.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-49. Vehicle wash racks.**

All gasoline stations, garages, self-service vehicle washers, and other public wash racks where vehicles are washed shall install catch basins in conformity with the plumbing code in accordance with a permit obtained from the building official. In the event any existing premises does not have a catch basin and the sewer line servicing the facility stops up due to grit or slime in the sewer lines, then the owner or operator of such premises shall be required to modify these facilities to construct a catch basin as a condition of continuing use of the system. If such users are industrial users as defined in [division 7 of this article], a permit as specified therein will be required.

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(Ord. No. 2012-75, § 1, 12-10-2012)

**Sec. 30-50. Grease, grit, oil, and lint interceptors or traps.**

Restaurants, laundries, wash racks, service stations, private multi-user systems, engine or machinery repair shops, veterinarian facilities, and other facilities that produce grease, grit, oil, lint, or other materials which accumulate and cause or threaten to cause stoppages or impair the efficiency of the publicly owned treatment works sewers or threaten the safety of its employees, shall install and maintain a grease interceptor or trap, grit trap, lint trap, oil interceptor, or other appropriate device of standard design and construction to prevent excess discharges of such materials. The design and construction of any such device shall be subject to prior approval of the ~~public works~~utilities director and constructed in accordance with applicable building codes. All food service establishments, including but not limited to, restaurants, cafes, grocery stores, hospitals, quick stop markets, nursing homes, retirement centers, prisons, mobile food units, schools and other food preparation facilities must meet the requirements of the Mt. Juliet FOG Program Operational Division Policy No. 2008-02.

(Ord. No. 2012-75, § 1, 12-10-2012)

**Sec. 30-51. Multi-use private sewer systems.**

Excluding those industrial waste facilities with a permit issued pursuant to [division 7], the owner or operator of a private sewer system such as, but not limited to, multi-tenant buildings, building complexes, strip malls, and shopping centers shall be responsible for the quality of wastewater discharged at the point of connection to the publicly owned treatment work's sanitary sewer system and shall be responsible for any violations of the provisions of this article, including liability for the damage or injury caused to the publicly owned treatment works as a result of any discharge through the private system. All strip malls and shopping centers must meet the requirements of the Mt. Juliet FOG Program Operational Division Policy No. 2008.02.

(Ord. No. 2012-75, § 1, 12-10-2012)

**Secs. 30-52—30-75. Reserved.**

### *DIVISION 3. BUILDING SEWERS, CONNECTIONS, AND PERMITS*

#### **Sec. 30-76. Installation, maintenance, repair of sewer service lines.**

(a) *Definition.* The minimum size of a standard sanitary sewer service line shall be a four-inch pipe. A standard sanitary sewer service line shall extend from the sewer main or trunk location in a street, alley, or easement to the building served by the sewer system.

(b) *Installation of sewer service lines.*

*Gravity.* ~~Four-inch~~Four-inch building sewers shall be laid on a grade greater than one-eighth-inch per foot (at least one percent). Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet per second. The slope and alignment of all building sewers shall be neat and regular. The ~~land~~owner/andowner shall be responsible for hiring a licensed plumber to install gravity lines.

*Pressure.* The city shall install all pressure lines between the trunk and a grinder pot. The city shall install the grinder pot. The director of utilities reserves the right to require the owner to perform the installation of pressure lines and grinder pot. The owner shall be responsible for plumbing from the structure to the grinder pot. On new construction the owner shall dig all the ditch required for installation.

Building sewers shall be constructed only of one of the following approved materials: (1) cast iron soil pipe using rubber compression joints of approved type; (2) polyvinyl chloride pipe with rubber compression joints; ~~(3) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type;~~ or (34) similar materials of equal or superior quality following public works director approval. Under no circumstances will cement mortar joints be acceptable. Each connection to the sewer system must be made at a wye, or service line stubbed out, or in the absence of any other provision, by means of a saddle attached to the sewer. The city must approve the type and manner of all connections. No person may connect to the sewer by breaking into an existing sewer and inserting the service line.

The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sewer is at a grade of one percent or more. In cases where basement or floor levels are lower than the ground levels at the point of connection to the sewer the owner shall install a check valve or other back flow prevention device adequate to prevent flooding. In all buildings in which any building drain is too low to permit gravity flow to the sewer, wastes carried by such building drain shall be lifted by an approved means and discharged into the publicly owned treatment works sewer.

(c) *Cleanouts.* A cleanout shall be located five feet outside of the building, one as it taps on to the utility laterally and one at each change of direction of the building sewer greater than 45 degrees. Additional cleanouts shall be placed not more than 75 feet apart in horizontal building sewers of four-inch diameter and not more than 100 feet apart for larger pipes. Cleanouts shall extend to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and one-eighth bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches on a four-inch pipe.

(d) *Fees.* All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The city reserves the right to impose a sewer service line charge for every sanitary sewer service line installed where a lateral sewer connection has been provided for use by the applicant. The rate of charge will be established by the ~~public works~~utilities director.

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Any person constructing lines for a subdivision shall pay an inspection fee of ~~five~~ten percent of the cost of constructing the sewer system. They shall sign a comprehensive contract provided by the ~~public-works director~~engineering director and shall pay the inspection fee and the capacity fee and post the ~~bond~~letter of credit and do the other things required in the contract prior to commencing construction. A sample contract is [available in the office of ~~the city clerk~~public works and engineering].

- (e) *Title and maintenance.* When a property owner ties into a sanitary sewer service line and pays the appropriate sewer service line fees, the city shall retain ownership of the grinder pump and pot and lines between them and the trunk lines. For gravity systems the city shall own only the trunk line. The property owner shall pay for all repairs and maintenance of the sanitary sewer service line between the user and the trunk line.
- (f) *Location of sewer stub-out.* The plumbing contractor is responsible for locating the sewer stub-out, publicly owned treatment works personnel will provide whatever information is available for this purpose. If no "Y" or tee exists within three feet of either side of the location shown on the sewer plats, then a tap will be provided by the publicly owned treatment works when the sewer main is exposed. If a manhole needed for locating a service line has been lost, then the publicly owned treatment works shall be responsible for locating the manhole.
- (g) *Taps on utility sewers.* All taps made directly into the city's sewer lines shall be made by sewer maintenance personnel. The plumbing contractor shall excavate to the city's sewer and expose the pipe in preparation for the tap. Only one service line shall be allowed to be installed in a trench. New taps shall be made using a "Y"-type connection.
- (h) *Manhole requirements.* A new manhole will be required whenever a sewer service line larger than six inches is needed to tie into the city's sewer. The plumbing contractor shall excavate to the sewer and sufficiently expose the pipe for installation of the manhole. The user's licensed plumber shall install the manhole. The user shall pay for the cost of the manhole and the inspection fee and vacuum test prior to commencing construction.
- (i) *Maintenance of service lines.* All repairs and maintenance of the sewer service line to include correction of excessive inflow or infiltration shall be the responsibility of the property owner or user of the sewer. The city shall be responsible for the maintenance of collector lines only up to the point where the owner's service line connects to the city's lines.
- (j) *Methods of installation.* The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction or repair of a building sewer which have not been described in this section shall conform to the requirements of the building or plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federation manuals. Any deviation from the prescribed procedures must be approved by the ~~public-works~~utilities director.
- (k) *Public safety.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from potential hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner acceptable to the city.
- (l) *Prohibitions.* No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains, or other sources of surface run-off or groundwater to a building sewer or drain which in turn is connected either directly or indirectly to the sanitary sewer.

(Ord. No. 2012-75, § 1, 12-10-2012)

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### **Sec. 30-77. Service line to enter sewer at junction; exceptions.**

No service lines shall enter the sanitary sewer at any point except where a junction has been made unless special permission has been given by the ~~public works~~utilities director. In any case where such permission has been given, the work shall be done under the inspection of the public works director or his representative and at the risk and expense of the party making the connection.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-78. Application for discharge of domestic wastewater.**

All users or prospective users which generate domestic wastewater shall make an application to the ~~public works~~engineering director for written authorization to discharge to the sanitary sewer. Applications shall be required from all new dischargers as well as for existing dischargers desiring additional service. Connection to the sanitary sewer shall not be made until the application is received and approved by the ~~public works~~utilities director, the building sewer is installed in accordance with applicable rules and regulations of the city ~~[this division]~~ and an inspection has been performed by the ~~public works~~utilities director or his representative.

Connections made without an approved application may be severed by order of the ~~public works~~utilities director. Such unapproved connection may be allowed to remain active if inspected and accepted; however, the owner shall be required to pay an alternative fee in lieu of the normal fees, but in an amount double the normal fees.

The receipt by the city of a prospective customer's application for service shall in no way obligate the city to render the service. If the service applied for cannot be supplied in accordance with this article and the city's rules and regulations, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers may be granted for additional services by the ~~public engineering works~~ director for interim periods if compliance may be assured within a reasonable period of time.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-79. Acceptance of work.**

All sewer construction involving interceptor lines, pump stations, metering stations, and appurtenances which shall become part of the city's sewer system shall not be constructed until the plans are approved and the construction inspected and approved by the ~~public works~~utilities director. Any construction work where sewers are opened, uncovered, or undercut must also have the prior approval of the ~~public works~~utilities director.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Secs. 30-80—30-101. Reserved.**



***DIVISION 4. PRIVATE DOMESTIC WASTEWATER DISPOSAL***

**Sec. 30-102. Availability.**

Where a public sanitary sewer is not available under the provisions of section [30-44], the building sewer shall be connected to a private wastewater disposal system complying with the requirements of this section.

Where a public sewer shall become available, the building sewer shall be connected to the sewer within 60 days after official notification by the ~~public works director~~city manager or his representative to do so.

(Ord. No. 2012-75, § 1, 12-10-2012)

**Sec. 30-103. Requirements.**

- (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the ~~public works~~engineering director stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing sub-surface oil absorption facilities where the area of the lot is less than that specified by the City of Mt. Juliet and the Wilson County Health Department.
- (b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the city and the Wilson County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the city and the Wilson County Health Department.
- (c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the city and Wilson County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the city and Wilson County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the city and Wilson County Health Department.
- (d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all the recommendations of the Tennessee Department of Environment and Conservation, the Wilson County Health Department, and the City of Mt. Juliet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- (f) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the city or the Wilson County Health Department.

(Ord. No. 2012-75, § 1, 12-10-2012)

**Secs. 30-104—30-134. Reserved.**

## ***DIVISION 5. PROHIBITIONS AND LIMITATIONS***

### **Sec. 30-135. Purpose and policy.**

This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be legally discharged to the publicly owned treatment works. Pretreatment of some wastewater discharges will be required to achieve the goals established by this section and the Clean Water Act. The specific limitations set forth in this section are subject to change as necessary to enable the city to provide efficient wastewater treatment, to protect the public health and environment, to enable the city to meet requirements contained in its National Pollutant Discharge Elimination System permit, or other jurisdictional wastewater permits. The ~~public~~ works ~~utilities~~ director shall review the limitations from time to time to ensure that they are sufficient to protect the health and safety of publicly owned treatment works personnel and the operation of the treatment works to enable the facility to comply with its National Pollutant Discharge Elimination System permit, other jurisdictional wastewater permits, provide for a cost effective means of operating the treatment works, and protect the public health and environment. The public works director shall recommend changes or modifications as necessary.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-136. Prohibited pollutants.**

*General prohibitions.* No person shall introduce into the publicly owned treatment works any pollutant(s) which cause pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

*Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works, including but not limited to, pollutants with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade), using the test methods specified in 40 CFR 261.21, or pollutants which cause an exceedance of ten percent of the lower explosive limit (LEL) at any point within the publicly owned treatment works.
- (2) Pollutants which cause corrosive structural damage to the publicly owned treatment works, but in no case discharges with a pH lower than 5.0 standard units or higher than 10.0 standard units.
- (3) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which may cause damage to the publicly owned treatment works, including fats, oils, greases, waxy or other materials which tend to clog or coat a sewer line or other related appurtenances.
- (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength (slug) so as to cause interference in the publicly owned treatment works or individual unit operations or cause adverse effects on its workers or the environment.

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- (5) Heat in amounts which will inhibit biological activity in the publicly owned treatment works resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds 104 degrees Fahrenheit (40 degrees Centigrade).

Unless a higher discharge temperature is specified in the user's wastewater discharge permit, no user shall discharge into a sewer line or other appurtenance of the publicly owned treatment works wastewater with a temperature exceeding 150 degrees Fahrenheit (65.5 degrees Centigrade).

- (6) Pollutants which result in the presence of toxic gases, vapors, or fumes within the publicly owned treatment works in a quantity that may cause acute worker health and safety problems.
- (7) Any trucked or hauled pollutants, except at discharge points specified by the publicly owned treatment works.
- (8) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that cause interference or pass-through.
- (9) Any pollutant which causes a discoloration of the wastewater treatment plant effluent, or at the discharge point to another wastewater jurisdiction, which may result in a degradation of receiving water quality or National Pollutant Discharge Elimination System permit violation. Wastewater discharges that impart color at the city's discharge point, including but are not limited to, dye wastes, ink wastes, and vegetable tanning solutions.
- (10) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
- (12) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the city.
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (14) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
- (15) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW.
- (16) Unused or out-dated pharmaceuticals.
- (17) Antifreeze or antifreeze mixtures.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. The foresaid pollutants represent a general description of harmful or dangerous conditions and are in addition to such specific pollutants as may be identified and added from time to time to section [30-144], or the industrial user's permit.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-137. Affirmative defenses.**

A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in section [30-136] of this article where the user can demonstrate one of the following:

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- (1) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass-through or interference.
  - (2) A local limit designed to prevent pass through or interference, as the case may be, was developed pursuant to sections [30-144 and 30-145] of this article for each pollutant in the user's discharge that caused pass-through or interference and the user was in compliance with each such local limit directly prior to and during the pass-through or interference.
  - (3) If a local limit designed to prevent pass-through or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass-through or interference and the user's discharge directly prior to and during the pass-through or interference did not change substantially in nature of constituents from the user's prior discharge activity when the publicly owned treatment works was regularly in compliance with its National Pollutant Discharge Elimination System permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-138. Wastewater constituent evaluation.**

The wastewater of every industrial user shall be evaluated using the following criteria:

- (1) Wastewater containing any element or compound which is known to be an environmental hazard and which is not adequately removed by the treatment works.
- (2) Wastewater causing a pass-through, discoloration, foam, floating oil and grease, or any other condition in the quality of the treatment works effluent such that receiving water quality requirements established by law cannot be met or the city's National Pollutant Discharge Elimination System permit requirements are violated.
- (3) Wastewater causing conditions at or near the city's treatment works which violate any statute, rule, or regulation of any public agency of Tennessee or the United States.
- (4) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance.
- (5) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge, or scum causing them to be unsuitable for reclamation, reuse, causing interference with the reclamation process, or causing them to be unsuitable for disposal.
- (6) Wastewater discharged at a point in the collection system that is upstream of any overflow, bypass, or combined sewer overflow and which may thereby cause special environmental problems or specific discharge limitations.
- (7) Wastewater having constituents and concentrations which cause an exceedance of the limits in Mt. Juliet Local Limits Operational Division Policy No. 2008-01, referenced at section [30-144].
- (8) The capacity of existing sewer lines to carry the anticipated wastewater flow, particularly with respect to any problems, overflows, or overloads caused by heavy rain infiltration.
- (9) The toxicity of each wastewater shall be evaluated by an appropriate biomonitoring technique to determine if a specific discharge may significantly affect the overall toxic level of the publicly owned treatment works influent.

The public works director shall establish reasonable limitations, prohibitions, or monitoring requirements in addition to the limits established pursuant to sections [30-139 and 30-144] of this article in the wastewater discharge permit of any industrial user that discharges wastewater violating any of the above criteria, or that has

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processes that generate wastewater that could violate any of the above criteria, as shall be reasonably necessary to achieve the purpose and policy of this section.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-139. National pretreatment standards.**

Certain industrial users are now or hereafter shall become subject to National Pretreatment Standards promulgated by the Environmental Protection Agency specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the publicly owned treatment works. All industrial users subject to such a standard shall comply with all requirements and with any additional or more stringent limitations contained in the General Pretreatment Regulations (40 CFR Part 403), the Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, in this article, in their permit, or this article. Compliance with national pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three years following promulgation of the standards unless a shorter compliance time is specified in the standard. Compliance with national pretreatment standards for new sources shall be required upon promulgation of the standard. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-140. Dilution.**

Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with any local, state or federal standard.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-141. Limitations on radioactive waste.**

No person shall discharge or permit to be discharged any radioactive waste into a community sewer, except as follows:

- (1) When the person is authorized to use radioactive materials by the Tennessee Department of Environment and Conservation or the Nuclear Regulatory Commission (NRC).
- (2) When the waste is discharged in strict conformity with applicable laws and regulations of the agencies having jurisdiction.
- (3) When a copy of permits received from regulatory agencies has been filed with the ~~public-works~~utilities director.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-142. Septic tank hauling, pumping, and discharge.**

No person owning vacuum, or cesspool pump trucks, or grease waste trucks, or other liquid waste transport trucks shall discharge sewage directly or indirectly into the publicly owned treatment works. The operator of such trucks shall haul the wastes to Metropolitan Nashville, or other approved hauled waste facilities.

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(Ord. No. 2012-75, § 1, 12-10-2012)

**Sec. 30-143. Other holding tank wastes.**

No user shall discharge any other holding tank wastes, including hauled industrial waste, into the publicly owned treatment works.

(Ord. No. 2012-75, § 1, 12-10-2012)

**Sec. 30-144. Restrictions on wastewater strength.**

No person or user shall discharge wastewater in excess of the pollutant concentrations identified in the Mt. Juliet Local Limits Operational Division Policy No. 2008-01 (Table A). The city shall monitor the wastewater to Metro Water Services, City of Nashville collection system for each pollutant in Table A of the Mt. Juliet Local Limits Operational Division Policy No. 2008-01. Industrial users shall be subject to reporting and monitoring requirements as set forth in this article and the Mt. Juliet Local Limits Operational Division Policy No. 2008-01. In the event that the discharge to the Metro Water Services, City of Nashville collection system reaches or exceeds the levels set forth in this table, the ~~public works~~utilities director shall initiate technical studies to determine the cause of the exceedance and shall recommend to the city the necessary remedial measures. The ~~public works~~utilities director may also recommend changes to these criteria, or establish new local limits, in the event that the City of Mt. Juliet permit limits are changed, there are changes in applicable laws or regulations, or changes are needed for more effective operation of the publicly owned treatment works.

The city may develop best management practices (BMPs) by policy, or in individual wastewater discharge permits, or general permits, to implement local limits and the requirements of ordinance. All users subject to BMP requirements must provide documentation to show compliance with BMPs. Any categorical industrial user or significant industrial user subject to BMP requirements must submit documentation to the city to show compliance with BMPs. The BMP documentation must be retained by the user for at least four years.

(Ord. No. 2012-75, § 1, 12-10-2012)

**Sec. 30-145. Storm drainage, ground, unpolluted and contaminated stormwater.**

- (a) No stormwater, ground water, rain water, street drainage, rooftop drainage, basement drainage, subsurface drainage, foundation drainage, yard drainage, swimming pool drainage, process water drainage, cooling water, or other unpolluted or minimally polluted water shall be discharged into the city's sewer unless no other reasonable alternative is available, except with permission from the ~~public works~~utilities director. Reasonable conditions shall be prescribed, and a sewer service charge will be issued based upon the quantity of water discharged as measured by a flow meter or a reasonable estimate accepted by the ~~public works~~utilities director. All users shall be required to maintain their private sewer lines so as to prevent infiltration of ground or stormwater as a condition of use of the system and shall immediately replace or repair any leaking or damaged lines.
- (b) The publicly owned treatment works will accept discharge of contaminated stormwater if the following criteria are met: (1) all known and available technology will not prevent contamination or treat contaminated water to meet state standards for discharge to receiving waters or will cause unreasonable financial burden; (2) the contaminated stormwater meets the publicly owned treatment work's discharge limits and all state and federal pretreatment requirements; and (3) the volume of discharge will not exceed the hydraulic loading in the collection system or the treatment plant.

(Ord. No. 2012-75, § 1, 12-10-2012)

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### **Sec. 30-146. Use of garbage disposals.**

No waste from garbage disposals shall be discharged into the publicly owned treatment work's sewers except from private garbage disposals used in an individual residence or upon permit issued by the ~~public~~ worksutilities director for preparation of food consumed on premises, and then only when applicable fees are paid. It shall be unlawful for any person to use a garbage disposal grinder connected to the sewer system for the purpose of grinding and discharging plastic, paper products, inert materials, or anything other than the waste products from normal food preparation and consumption.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-147. Human blood and tissue waste.**

It shall be unlawful for any person to dispose of human blood or tissue in excess of nine ounces per four-hour period into the sewer. Any such waste shall be diluted by water of 20 times the volume of the waste.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-148. Obstruction or damage to sewer.**

It shall be unlawful for any person to deposit or cause to be deposited any waste which may obstruct or damage storm or sanitary sewer lines or which may inhibit, disrupt, or damage either system, including the sewage treatment process and operations. This prohibition includes all substances, whether liquid, solid, gaseous, or radioactive and whether associated with human habitation, of human or animal origin, or from any producing, manufacturing, or processing. It shall be unlawful to block or obstruct any catch basin, sewer line, or other appurtenance; or to break, injure, or remove any portion from any part of a sewer, drain, or catch basin, including plates covering manholes.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-149. State pretreatment standards.**

Industrial users must comply with state pretreatment requirements (Tennessee Rule 1200-4-14).

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-150. Additional pretreatment requirements.**

- (a) Whenever deemed necessary, the city may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.
- (b) The city may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit, or a general permit, may be issued solely for flow equalization.

(Ord. No. 2012-75, § 1, 12-10-2012)

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**Secs. 30-151—30-179. Reserved.**



## ***DIVISION 6. CONTROL OF PROHIBITED POLLUTANTS***

### **Sec. 30-180. Pretreatment requirements.**

Industrial users of the publicly owned treatment works shall design, construct, operate, and maintain wastewater pretreatment facilities when necessary to reduce or modify the user's wastewater composition to achieve compliance with the limitations in wastewater strength set forth in sections 30-144 and 30-145] of this article, to meet applicable national pretreatment standards, to prevent slug discharges or to meet any other wastewater condition or limitation contained in the industrial user's wastewater discharge permit.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-181. Plans and specifications.**

Plans and specifications for wastewater monitoring and pretreatment facilities shall be prepared, signed, and dated by a competent environmental professional, and be submitted to the ~~public works engineering~~ director for review in accordance with accepted practices. The ~~public works engineering~~ director shall review the plans within 30 days of receipt and recommend to the user any appropriate changes. Prior to beginning construction of a monitoring or pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the ~~public works utilities~~ director. Prior to beginning construction, the industrial user shall also secure all necessary permits.

The user shall construct the pretreatment facility within the time frame specified in the compliance schedule of the wastewater discharge permit. Following completion of construction, the user shall provide the ~~public works utilities~~ director with as-built drawings to be maintained by the ~~public works utilities~~ director. The review of such plans and specifications will in no way relieve the user from the responsibility of modifying the facilities as necessary to produce effluent complying with the provisions of this article. Any subsequent changes in the pretreatment facilities or methods of operations shall be reported to and approved by the ~~public works engineering~~ director prior to implementation.

All new food service establishments, or existing food service establishments that are being upgraded or remodeled, must meet the requirements of the Mt. Juliet FOG Program Operational Division Policy No. 2008-02.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-182. Prevention of accidental discharges.**

All users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the publicly owned treatment works of waste regulated by this article from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this article. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of regulated waste shall be subject on a case by case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for accidental discharge. Plans, specifications, and operating procedures shall be developed by the user

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and submitted to the ~~public-works~~engineering director for review. Section [30-184] includes slug discharge control program requirements.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-183. Oil and grease control program.**

Disposal of oil by discharge to the sewer system is not permitted. Oils include automotive lubricating oils, transmission fluid, coolants, including anti-freeze, brake fluid, cutting oils, other industrial oils, pure vegetable oils, and yellow grease (oils or greases that can be recycled) used in a restaurant or food processing facility.

All food service establishments, including but not limited to, restaurants, cafes, grocery stores, hospitals, quick stop markets, nursing homes, retirement centers, prisons, mobile food units, schools and other food preparation facilities must meet the requirements of the Mt. Juliet FOG Program Operational Division Policy No. 2008-02.

Oil and grease waste pretreatment shall be required to provide an equivalent of primary treatment based on gravity separation of visible and floating oil and grease sludge from wastewater discharges. Such treatment processes shall be subject to best management practices and approved by the ~~public-works~~utilities director. Discharges shall also be subject to monitoring, entry, inspection, reporting, and other requirements as determined by the ~~public-works~~utilities director. These dischargers may be required to apply for industrial waste discharge permits if it is determined that the dischargers are a source of prohibited pollutants, toxic pollutants, or are otherwise controlled by federal or state regulations. All dischargers of oil and grease as listed above are subject to all enforcement and penalty provisions of this article.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-184. Slug discharge control program.**

- (a) For the purposes of this section, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this permit from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, from diked areas or holding ponds. The permittee shall notify the POTW immediately (within 30 minutes of becoming aware of the slug discharge) by telephone, or in person, of any slug loadings, spills, bypasses, upsets, etc., and a follow up written notification within five days, as prescribed in 40 CFR 403.8(f)(2)(v).

\*Significant industrial users are required to notify the city immediately of any changes at its facility affecting the potential for a slug discharge. The city must evaluate all SIUs for the need for a slug control plan or other actions at least one time. Should the city decide that a slug control plan is needed by the industrial user, the plan shall contain, at a minimum, the following elements;

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5 (b), with procedures for follow-up written notification within five days;
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations,

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control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

- (b) Certain users will be required to prepare spill response plans showing facilities and procedures for providing this protection. These plans shall be submitted to the ~~public works~~utilities director for review and approval. All users required to have such a plan shall submit it within 30 days of notification by the ~~public works~~utilities director and complete implementation within 90 days of notification.
- (c) In the case of a slug discharge, it is the responsibility of the user to immediately (within 30 minutes of becoming aware of the slug discharge) notify the publicly owned treatment works of the incident by telephone or in person. Information concerning the location of the discharge, type of waste, concentration and volume, and corrective action shall be provided by the user.

Within five days following a slug discharge, the user shall submit a detailed written report describing the cause of the discharge and the measures being taken by the user to prevent future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the publicly owned treatment works, fish kills, or any other damage to persons or property, nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

- (d) A notice shall be permanently posted on the user's premises advising employees of a contact to call in the event of a slug discharge. The user shall ensure that all employees who may cause or allow such slug discharge to occur are advised of the proper emergency notification procedure.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-185. Prohibition of bypass.**

- (a) Except as allowed in paragraph (c) below, bypass is prohibited, and the ~~public works~~utilities director may take enforcement action against an industrial user for a bypass, unless:
  - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
  - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed.
  - (3) The user submitted notices as required in section [30-263].
- (b) The ~~public works~~utilities director may approve an anticipated bypass after considering its adverse effect if the ~~public works~~utilities director determines that it will meet the three conditions listed in paragraph (a) of this section.
- (c) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation. These bypasses are not subject to the reporting provisions of section [30-263].

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-186. Exceptions to wastewater limitations.**

- (a) *Applicability.* This section provides a method for industrial users subject to the limitation on wastewater pollutants listed in sections [30-144 and 30-145] to apply for and receive a temporary exemption to the discharge level for one or more pollutants or parameters.

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- (b) *Time of application.* Applicants shall apply for a temporary exemption when they are required to apply for a wastewater discharge permit or renewal provided that the ~~public works~~utilities director allows applications at any time unless the applicant has submitted the same or substantially similar application within the preceding year that was denied by the board.
- (c) *Written applications.* All applications for an exception shall be in writing and shall contain sufficient information for evaluation of each of the factors to be considered by the ~~utilities~~public works director pursuant to paragraph (d) of this section.
- (d) *Review by the ~~utilities~~public works director.* All applications for an exception shall be reviewed by the ~~utilities~~public works director. If the application does not contain sufficient information for complete evaluation, the ~~public works~~utilities director shall notify the applicant of the deficiencies and request additional information. The applicant shall have 30 days following notification by the ~~utilities~~public works director to correct such deficiencies. This 30-day period may be extended by the ~~utilities~~public works director upon application and for just cause. Upon receipt of a complete application, the ~~utilities~~public works director shall evaluate it within 30 days and approve or deny the application based upon the following factors:
- (1) The ~~public works~~utilities director shall consider if the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in sections [30-144 and 30-145] and grant an exception only if such exception is within limitations of applicable federal regulations.
  - (2) The ~~public works~~utilities director shall consider if the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act, or similar state regulation, and then grant an exception only if such exception may be granted within the limitations of federal and state regulations.
  - (3) The ~~public works~~utilities director shall consider if the exception would create conditions or a hazard to city personnel that would reduce the effectiveness of the publicly owned treatment works taking into consideration the concentration of the pollutant in the treatment works' influent and the design capability of the treatment works.
  - (4) The ~~public works~~utilities director shall consider the possibility of the exception causing the publicly owned treatment works to violate its National Pollutant Discharge Elimination System permit.
  - (5) The ~~public works~~utilities director shall consider if the exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by the publicly owned treatment works or which would cause the publicly owned treatment works to violate any regulation promulgated by Environmental Protection Agency under the provisions of Section 405 of the Act or similar state regulatory measure.
  - (6) The ~~public works~~utilities director may consider the cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception.
  - (7) The ~~public works~~utilities director may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.
  - (8) The ~~public works~~utilities director may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.
  - (9) The ~~public works~~utilities director may consider the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

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- (10) ~~The public works~~utilities director may consider an application for exception based upon the fact that water conservation measures instituted or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass pollutants discharged. To be eligible for an exception under this subparagraph, the applicant must show that except for wastewater conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in section [30-144]. No such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have significant adverse impact upon the operation of the publicly owned treatment works.
- (e) *Review by wastewater hearing authority board.* The board shall review any appeal to a denial by the ~~public works~~utilities director of an application for an exception and shall take into account the same factors considered by the ~~public works~~utilities director. At such a hearing, the applicant and the ~~public works~~utilities director shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in section [30-296] shall be applicable to such a hearing. The applicant shall bear the burden of proof in an appeal hearing.
- (f) *Best management practices.* The ~~public works~~utilities director or board shall not grant an exception unless the applicant demonstrates to the board that best management practices are being employed to reduce or prevent the contribution of pollutants to the publicly owned treatment works. Best management practices include, but are not limited to, preventive operating and maintenance procedures, schedule of activities, process changes, prohibiting activities, and other management practices to reduce the quantity or increase the quality of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage.

(Ord. No. 2012-75, § 1, 12-10-2012)

**Secs. 30-187—30-210. Reserved.**

## ***DIVISION 7. WASTEWATER DISCHARGE PERMITS***

### **Sec. 30-211. Applicability.**

The provisions of this article are applicable to all industrial users of the publicly owned treatment works. The city has an "approved publicly owned treatment works pretreatment program" as that term is defined in 40 Code of Federal Regulations, Part 403(c)(d) and any permits issued hereunder to industrial users who are subject to or who become subject to a National Categorical Pretreatment Standard shall be conditioned upon the industrial user also complying with all applicable substantive and procedural requirements promulgated by the Environmental Protection Agency or the State of Tennessee regarding such categorical standards unless an exception for the city's program or for the specific industrial categories is authorized.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-212. Application and permit requirements.**

Prior to discharging non-domestic waste into the publicly owned treatment works, all significant industrial users of the publicly owned treatment works shall obtain a wastewater discharge permit. The industrial user shall request that the public works director determine if the proposed discharge is significant as defined in section [30-20]. If the discharge is determined not to be significant, ~~the public works~~the utilities director may still establish appropriate discharge conditions for the user. Any uncategorized industrial user designated as significant may petition the public works director to be deleted from the list as significant on the grounds that there exists no potential for adverse effect on the publicly owned treatment work's operation or violation of any pretreatment standard or requirement.

All significant industrial users shall obtain an industrial wastewater discharge permit and shall complete such forms as required by the ~~public works~~utilities director, pay appropriate fees, and agree to abide by the provisions of this article and any specific conditions or regulation established by the ~~public works~~utilities director. All original applications shall be accompanied by a report containing the information specified in section [30-213]. All original applications shall also include a site plan, floor plan, and mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location, and elevation. The industrial user shall also submit revised plans to the utilities ~~public works~~ director when alterations or additions to the user's premises affect the plans.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-213. Report requirements.**

The report required for all significant industrial users by section [30-212] or other provisions of this article shall contain in units and terms appropriate for evaluation the information listed in subparagraphs (a) through (e) below. Industrial users subject to national pretreatment standards shall submit to the utilities~~public works~~ director a report which contains the information listed in subparagraphs (a) through (f) below within 180 days after the promulgation by the Environmental Protection Agency of a National Pretreatment Standard under Section 307(b) or (c) of the Act. This report is called the baseline monitoring report (BMR). Industrial users who are unable to achieve a discharge limit set forth in sections [30-135 through 30-148] without improved operation and

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maintenance procedures or pretreatment shall submit a report which contains the information listed in subparagraphs (a) through (g) of this section.

As specified, the report shall contain the following:

- (1) The name and address of the industrial user.
- (2) The location of the industrial user.
- (3) The nature, average rate of production, and standard industrial classification of the operation(s) carried out by the industrial user.
- (4) The average and maximum flow in gallons per day of discharge from the industrial user to the publicly owned treatment works.
- (5) The nature and concentration of pollutants in the discharge from each regulated process from the industrial user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard and as approved by standard methods approved by the ~~utilities~~public works director. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the ~~public works~~utilities director for approval.
- (6) A statement that has been reviewed by an authorized representative of the industrial user and certified by an environmental professional indicating if pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to achieve compliance.
- (7) If additional pretreatment or operation and maintenance procedures will be required to meet the pretreatment standards, the report shall contain the shortest schedule by which the industrial user will provide the additional pretreatment. The completion date in the schedule shall be no later than the compliance date established for the applicable pretreatment standard.
- (8) The location for monitoring all wastes covered by the permit.
- (9) Measurement of pollutants: (a) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources. (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the city, of regulated pollutants in the discharge from each regulated process. (c) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section [30-254] of this article. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard.
- (10) Any other information as may be deemed necessary by the city to evaluate the permit application.  
  
For purposes of this paragraph when the context so indicates, the phrase "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the industrial user's discharging any incompatible pollutant regulated by sections [30-135 through 30-148]. For purposes of this paragraph, the term "pollutant" shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in sections [30-135 through 30-148].

(Ord. No. 2012-75, § 1, 12-10-2012)

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### Sec. 30-214. Incomplete applications.

The ~~public works~~utilities director will act only on applications that are accompanied by a report which lists all the information required in section [30-213]. Industrial users who have filed incomplete applications will be notified by the ~~public works~~utilities director that the application is deficient and the nature of the deficiency and will be given 30 days to correct such. If the deficiency is not corrected within that period or with such extended time as allowed by the ~~public works director~~utilities director, the ~~public works~~utilities director shall deny the application and notify the applicant in writing of such action.

(Ord. No. 2012-75, § 1, 12-10-2012)

### Sec. 30-215. Evaluation of application.

Upon receipt of completed applications, the ~~utilities~~public works director shall review and evaluate the applications and shall propose such special permit conditions as the ~~utilities~~public works director deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this article and all other applicable laws and regulations. The ~~utilities~~public works director may also propose that the wastewater discharge permit be subject to one or more special conditions in regard to any of the following:

- (1) Pretreatment requirements.
- (2) The average and maximum wastewater constituents.
- (3) Limits on rate and time of discharge for flow equalization.
- (4) Requirements for installation of inspection and sampling facilities.
- (5) Specifications for self-monitoring procedures.
- (6) Requirements for submission of technical or discharge reports.
- (7) Requirements for records maintenance.
- (8) Average and maximum mass emission rates, or other appropriate limits when toxic pollutants are proposed or present in the industrial user's wastewater discharge.
- (9) Other conditions deemed appropriate by the ~~utilities~~public works director to ensure compliance with the ordinance or other applicable law or regulation.
- (10) A reasonable compliance schedule, as determined by the ~~utilities~~public works director, up to one year in duration or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the industrial user's compliance with pretreatment requirements or improved methods of operation and maintenance.
- (11) Requirements for the installation of facilities to prevent and control accidental discharges or spills at the user's premises.
- (12) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer.

(Ord. No. 2012-75, § 1, 12-10-2012)

### Sec. 30-216. Notification of proposed permit conditions.

- (a) Upon completion of the evaluation, the public works director shall notify the applicant of any special permit conditions proposed for inclusion in the wastewater discharge permit.



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- (b) The applicant shall have 45 days from and after the date of the ~~utilitiespublic works~~ director's recommendations for special permit conditions to review same and file written objections with the ~~utilitiespublic works~~ director in regard to any special permit conditions recommended. The ~~utilities public works director~~ may, but is not required, to schedule a meeting with applicant's authorized representative within 15 days following receipt of the applicant's objections, to attempt to resolve disputed issues concerning special permit conditions.
  - (c) If applicant files no objection to special permit conditions proposed by the ~~utilitiespublic works~~ director or a subsequent agreement is reached concerning same, the ~~utilitiespublic works~~ director shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-217. Board to establish permit conditions.**

- (a) In the event that the ~~utilitiespublic works~~ director cannot issue a permit pursuant to section [30-216] above, the public works director shall submit to the board the proposed permit conditions and the applicant's written objections at the next regularly scheduled meeting of the board or at a specially convened meeting.
- (b) The board shall schedule a hearing within 30 days following the meeting referred to above unless such time is extended for just cause shown to resolve any disputed matters relevant to such permit.
- (c) The ~~utilitiespublic works~~ director shall notify the applicant of the date, time, place, and purpose of the hearing scheduled by the board. The applicant and the ~~utilitiespublic works~~ director shall have the right to participate in the hearing and present any relevant evidence to the board concerning proposed special permit conditions or other matters being considered by the board.
- (d) Following the hearing or additional hearings deemed necessary and advisable by the board, the board shall establish special permit conditions deemed advisable to ensure the applicant's compliance with this article or other applicable laws or regulations and direct the ~~utilitiespublic works~~ director to issue a wastewater discharge permit to the applicant accordingly.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-218. Individual wastewater discharge permits.**

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Individual wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date. No permit is to exceed a five-year duration;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the city, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including best management practices, based on applicable pretreatment standards, local limits, state or local law;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be

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monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.

- (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge.
- (6) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
- (7) Requirements to control slug discharge, if determined by the director to be necessary. All SIU permits must contain immediate notification requirements of any changes affecting potential to slug as per 40 CFR 403.8(f)(2)(v).
- (8) Any grant of the monitoring waiver by the director must be included as a condition in the user's permit.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-219. General wastewater discharge permits.**

At the discretion of the director, general permits may be used to control SIU, industrial user, or commercial user discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

- (1) Involve the same or substantially similar types of operations;
- (2) Discharge the same types of wastes;
- (3) Require the same effluent limitations;
- (4) Require the same or similar monitoring; and
- (5) In the opinion of the director are more appropriately controlled under a general permit than under individual wastewater discharge permits.
  - a. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the director has provided written notice to the SIU that such a waiver request has been granted.
  - b. The director will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in this section and applicable state regulations, and a copy of the user's written request for coverage for three years after the expiration of the general permit.
  - c. General permits will contain the same required information as listed in section [30-218].

The city may not control an SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined wastestream formula or net/gross calculations.

(Ord. No. 2012-75, § 1, 12-10-2012)

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## Sec. 30-220. Compliance schedule and reporting requirements.

*SIU compliance monitoring reports:* All significant industrial users must, at a frequency determined by city submit no less than twice per year, on dates specified, reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the user.

All periodic compliance reports must be signed and certified in accordance with section [30-244].

The following conditions shall apply to the schedules required by section [30-215] of this article:

- (1) *Schedule components.* The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment requirements for the industrial user to meet the applicable pretreatment standards.
- (2) *Schedule intervals.* No such increment shall exceed nine months.

(Ord. No. 2012-75, § 1, 12-10-2012)

## Sec. 30-221. Duration of permits.

Wastewater discharge permits shall be issued for a time period not to exceed five years. Permits issued to industrial users pursuant to section [30-186] may be issued for a period of one year.

Industrial users subject to a national pretreatment standard shall apply for new permits on the effective date of such standards. The ~~utilities~~~~public works~~ director shall notify in writing any industrial user whom the ~~utilities~~~~public works~~ director has cause to believe is subject to a national pretreatment standard of the promulgation of such regulations, but any failure of the ~~utilities~~~~public works~~ director in this regard shall not relieve the user of the duty of complying with such standards. An industrial user must apply in writing for a renewal permit within a period of time not more than 90 days and not less than 30 days prior to expiration of the current permit.

Limitations or conditions of a permit are subject to modification or change as such changes become necessary due to changes in applicable water quality standards, changes in the city's National Pollutant Discharge Elimination System permit, changes in section [30-144 or 30-145], changes in other applicable law or regulation, or for other just cause. Users will be notified of any proposed changes in their permit by the ~~utilities~~~~public works~~ director at least 30 days prior to the effective date of the change. Any change or new condition in the permit shall include a provision for a reasonable time schedule for compliance. The user may appeal the decision of the ~~utilities~~~~public works~~ director in regard to any changed permit conditions as otherwise provided for in this article.

(Ord. No. 2012-75, § 1, 12-10-2012)

## Sec. 30-222. Transfer of permit.

Wastewater discharge permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation, unless as approved by the ~~utilities~~~~public works~~ director.

(Ord. No. 2012-75, § 1, 12-10-2012)

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### Sec. 30-223. Revocation of a permit.

Any permit issued under the provisions of this article is subject to modification, suspension, or revocation in whole or in part during its term for cause, including but not limited to, the following:

- (1) Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulation.
- (2) Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts.
- (3) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection and monitoring.

(Ord. No. 2012-75, § 1, 12-10-2012)

### Sec. 30-224. Application signatories and certifications.

- (a) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the following certification statement:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

- (b) Annual certification for non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user by the director must annually submit the following certification statement signed by an authorized representative of the user.

*Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_ to \_\_\_\_\_, \_\_\_\_ [months, days, year]:*

- (a) *The facility described as \_\_\_\_\_ [facility name] met the definition of a non-significant categorical industrial user.*
  - (b) *The facility complied with all applicable pretreatment standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.*
  - (c) *This compliance certification is based on the following information.*
- (c) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the city prior to or together with any reports to be signed by an authorized representative.

(Ord. No. 2012-75, § 1, 12-10-2012)

### Secs. 30-225—30-250. Reserved.

*DIVISION 8. INSPECTIONS, MONITORING, AND ENTRY*

**Sec. 30-251. Inspections, monitoring, and entry.**

- (a) When required to carry out the objective of this article, including but not limited to: (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, standard of performance, or permit condition under this article; (2) determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, standard of performance, or permit condition; (3) any requirement established under this section.
- (b) The ~~utilities~~public works director shall require any industrial user to: (1) establish and maintain records; (2) make reports; (3) install, use, and maintain monitoring equipment or methods, including biological monitoring methods when appropriate; (4) sample effluent in accordance with these methods, at such locations and intervals and in such a manner as the ~~utilities~~public works director shall prescribe; (5) provide such other information as the ~~utilities~~public works director may reasonably require.
- (c) Specific requirements under the provisions of paragraph (b) of this section shall be established by the ~~public works~~utilities director, or the board as applicable, for each industrial user, and such requirements shall be included as a condition of the industrial user's wastewater discharge permit. The nature of any requirement under this provision shall depend on the nature of the user's discharge, the impact of the discharge upon the publicly owned treatment works, the volume of water discharged, and the technical feasibility of an economic reasonableness of any such requirement.
- (d) The ~~public~~utilities works director or his authorized representative, employees of the State of Tennessee, and employees of the Environmental Protection Agency shall, upon presentation of credentials:
  - (1) Have a right of entry to, upon, or through any user's premises in which an effluent source is located or in which any records are required to be maintained under this article are located.
  - (2) Have access at reasonable times to copy any records, inspect any monitoring equipment or method required of the user, and sample any discharge which the owner or operator of such source is required to sample.
- (e) In the event any user denies the right of entry for inspection, sampling, inspecting and copying records, or verifying that a user is not discharging industrial wastes or performing other duties as shall be imposed upon the ~~public works~~utilities director by this article, the ~~public works~~utilities director shall seek a warrant or use such other legal procedures as advisable and reasonably necessary to perform the duties of this article.
- (f) Any user failing or refusing to perform any duty imposed upon the user under the provisions of this section, or who denies the right to enter the user's premises for purposes of inspection, sampling, inspecting and copying records, or other such duties as may be imposed upon the user by this section, shall be deemed to have violated the conditions of the wastewater discharge permit and such permit shall be subject to modification, suspension, or revocation under the procedures established in this article. A user who does not have an industrial waste discharge permit and denies the right to inspect as described herein is subject to having the sewer service in question terminated.

(Ord. No. 2012-75, § 1, 12-10-2012)

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## Sec. 30-252. Reports.

- (a) *Progress reports.* No later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the public-worksutilities director, including as a minimum, whether it complied with the increment of progress to be met on such a date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the public-worksutilities director.
- (b) *90-day compliance report.* Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the publicly owned treatment works, any industrial user subject to pretreatment standards and requirements shall submit to the public-worksutilities director a report containing the information described in section [30-213(4)—(6)].
- (c) *Self-monitoring reports.*
  - (1) All significant industrial users shall submit to the public-worksutilities director during the months of June and December, unless required more frequently in the pretreatment standard or in the industrial user's permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by their permit. In addition, this report shall include a record of average and maximum daily flows. At the discretion of the public-worksutilities director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the public-worksutilities director may agree to alter the months during which the above reports are submitted.
  - (2) The public-worksutilities director, as applicable, may impose limitations on industrial users employing dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by paragraph (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.
- (d) The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration or production rates and mass limits where requested by the public-worksutilities director, as applicable, of pollutants contained therein which are limited by the applicable pretreatment standards or industrial permit. For industrial users subject to equivalent mass or concentration limits established by the public-worksutilities director as alternative standards, the report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measured operation), the report shall include the user's actual average production rate for the reporting period. The frequency of monitoring shall be prescribed in the applicable treatment standard.

(Ord. No. 2012-75, § 1, 12-10-2012)

## Sec. 30-253. Monitoring facilities.

- (a) All significant industrial users shall install a monitoring station of a standard design or one satisfactory to the public-worksutilities director.

All users who propose to discharge or who in the judgment of the publicly owned treatment works could now or in the future discharge wastewater with constituents and characteristics different from that produced by a domestic premise may be required to install a monitoring facility.

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- (b) Installation. Required monitoring facilities shall be constructed, operated, and maintained at the user's expense. The purpose of the facility is to allow inspection, sampling, and flow measurement of wastewater. If sampling or metering equipment is also required by the publicly owned treatment works, it shall be provided, installed, and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside the building. The publicly owned treatment works may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.
  - (c) Access. If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for publicly owned treatment works, State of Tennessee, or Environmental Protection Agency personnel. There shall be ample room in or near such a facility to allow accurate sampling and compositing of samples for analysis. The entire facility and any sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user.
  - (d) The industrial user shall be required to design any necessary facility and to submit according to the permit compliance schedule an engineering report, including detailed design plans and operating procedures to the ~~public~~ works~~utilities~~ director for review in accordance with accepted engineering practices. The ~~public~~ works~~utilities~~ director shall review the plans and other documents within 30 days and shall recommend any change deemed appropriate.
  - (e) Upon approval of plans and other documents, the industrial user shall secure all building, electrical, plumbing, and other permits required and proceed to construct any necessary facility and establish required operating procedures within the time provided in the industrial user's wastewater discharge permit.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-254. Sampling and analysis.**

All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by Metro, using the procedures prescribed in this section, the results of this monitoring shall be included in the report submitted to the city. Where the categorical pretreatment standard, local limit, or permit requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard.

- (1) *Sample collection and analyses.* Samples and measurements taken in compliance with the monitoring requirements of this permit shall be representative of the volume and nature of the monitored discharge during a normal production day and shall be taken as follows:
  - a. Be performed on composite and if applicable, grab samples, representative of the total wastewater flow discharged to the POTW with the maximum time interval between samples no longer than 60 minutes.
  - b. Be conducted in accordance with the U.S. Environmental Protection Agency protocol. The results must be reported to the lowest detectable limit of the methodology. Samples are to be analyzed by a laboratory, certified by Metro Water Services (Nashville, TN) for the required parameters.
  - c. Provide the flow rate for which the results are indicative to the nearest 100 gallons per day.

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- d. Except as indicated in subsection (1)e. below or if designated different in the user's permit, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period, upon approval from the director, may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.
  - e. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
  - f. For sampling required in support of baseline monitoring and 90-day compliance reports [40 CFR 403.12(g)(4) and Tennessee Rule 1200-4-14-.12(2) and (4)], a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the city may authorize a lower minimum. For the reports required by section [30-220] [40 CFR 403.12(g)(4) and Tennessee Rule 1200-4-14-.12(5) and (8)], the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.
- (2) *Sample location.* All approved sampling shall be collected from the sample collection point as designated in the industrial user's permit as issued by the city.
- (3) *Test procedures.*
- a. Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(h) of the Clean Water Act of 1977, under which such procedures may be required.
  - b. Unless otherwise noted in the permit, all pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the city or other parties approved by EPA.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-255. Dangerous discharge notification.**

- (a) *Telephone notification.* Any person or user causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to human health and welfare or the environment, or which is likely to cause interference with the publicly owned treatment works, shall notify the ~~public-works~~utilities director immediately (within 30 minutes of becoming aware of the discharge) by telephone. In the absence of the ~~public-works~~utilities director, notification shall be given to the publicly



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owned treatment works employee then in charge of the treatment works. Such notification will not relieve the user from any expense, loss, liability, fines, or penalty which may be incurred as a consequence of the discharge.

- (b) *Written report.* Within five days following such an occurrence, the user shall provide the ~~public works~~utilities director with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the publicly owned treatment works, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- (c) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of a contact in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-256. Slug reporting.**

The industrial user shall notify the publicly owned treatment works immediately (within 30 minutes of becoming aware of the discharge) by telephone of any slug loading, as defined by section [30-184], by the industrial user.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-257. Notification of hazardous waste discharge.**

- (a) The industrial user shall notify the city (department of ~~public works~~utilities), the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and type of discharge. Additional notification requirements may apply as required by 40 CFR 403.12(p).
- (b) Discharges are exempt from the requirements of this paragraph during a calendar month in which they generate no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 Code of Federal Regulations 261(e)(2), (f), (g), and (j). Generation of more than 15 kilograms of hazardous waste do not require additional notification, except for the acute hazardous wastes specified in 40 Code of Federal Regulations 261.5(3), (f), (g), and (j).
- (c) In the case of new regulations under Section 3001 of Resource Conservation and Recovery Act identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the publicly owned treatment works of the discharge of such substance within 90 days of the effective date of such regulations, except for the exemption in paragraph (b) of this section.
- (d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage, or disposal currently available which minimizes the present and future threat to human health and the environment.

(Ord. No. 2012-75, § 1, 12-10-2012)

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### **Sec. 30-258. Notification of changed discharge.**

All industrial users shall promptly notify the publicly owned treatment works in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes, for which the user has submitted initial notification under section [30-257].

- (1) The permittee shall notify the City of Mt. Juliet Department of ~~Public Works~~Utilities on any of the following changes to the system no later than 180 days prior to change of discharge;
  - a. New introduction into such works of pollutants from any source which would be a new source, if such source were discharging pollutants.
  - b. New introduction of pollutants into such works from a source which would be subject to the Sewer Use Ordinance - Title 30 if it were discharging such pollutants.
  - c. A substantial change in the volume or character of pollutants being discharged into such works at the time the permit is issued.
- (2) This notice will include information on the quality and quantity of the wastewater introduced by the new source into the publicly owned treatment works, and on any anticipated impact on the effluent discharged from such works.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-259. Provisions governing fraud and false statements.**

The reports required to be submitted under this section shall be subject to the provisions of 18 U.S.C. 1001 relating to fraud and false statements and the provisions of Sections 309(c)(4) and (6) of the Act, as amended, governing false statements, representation, or certifications in reports required by the Act.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-260. Signatory requirements.**

The reports required by this section shall include a certification statement as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The reports shall be signed as follows:

- (1) If the user is a corporation:
  - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term

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environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs (1) through (3), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to city.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-261. Reporting of violation and repeat sampling.**

If sampling performed by a user indicates a violation, the user must notify the city within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city within 30 days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user. If the city performed the sampling and analysis in lieu of the industrial user, the city will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-262. Reporting of all monitoring.**

If an industrial user subject to the reporting requirements in section [30-213] of this article monitors any pollutant more frequently than required by the ~~public works~~utilities director using approved procedures prescribed in this article, the results of this monitoring shall be included in the report.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-263. Notice of bypass.**

- (a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the public works director.
- (b) An industrial user shall submit oral notice to the ~~public works~~utilities director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and, if the bypass has not been corrected, the

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anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The ~~public-works~~utilities director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(Ord. No. 2012-75, § 1, 12-10-2012)

#### **Sec. 30-264. Maintenance of records.**

Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (1) The date, exact place, method, and time of sampling and the names of the persons taking the samples.
- (2) The dates analyses were performed.
- (3) Who performed the analyses.
- (4) The analytical techniques/methods.
- (5) The results of the analyses.

(Ord. No. 2012-75, § 1, 12-10-2012)

#### **Sec. 30-265. Records retention period.**

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of four years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make these records available for inspection and copying by the ~~public-works~~utilities director, Tennessee Department of Environment and Conservation Director of the Division of Water Pollution Control, and Environmental Protection Agency. The retention period shall be extended during the course of any unresolved litigation regarding the user or upon request from the ~~public-works~~utilities director, the director, or the Environmental Protection Agency.

(Ord. No. 2012-75, § 1, 12-10-2012)

#### **Sec. 30-266. Confidential information.**

Any records, reports, or information obtained under this section shall (1) in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or permit condition, and (2) be available to the public to the extent provided by 40 Code of Federal Regulations, part 232. If, upon showing to the ~~public~~worksutilities director by any person that, if made public, records, reports, information, or particular parts (other than effluent data) to which the ~~public-works~~utilities director has access under this section, would divulge methods or processes entitled to protection as trade secrets of such person, the ~~public-works~~utilities director shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of this article. Such record, report, or information may be disclosed to officers, employees, or authorized representatives of the United States or the State of Tennessee concerned with carrying out the provisions of the Act or when relevant in any proceeding under this article or other applicable laws.

(Ord. No. 2012-75, § 1, 12-10-2012)

#### **Secs. 30-267—30-295. Reserved.**

## *DIVISION 9. ENFORCEMENT*

### **Sec. 30-296. Hearings.**

- (a) Any hearing or re-hearing brought before the board, as defined in section [30-395], shall be conducted in accordance with following:
- (1) Upon receipt of a written petition from the alleged violator pursuant to this section, the ~~public works~~utilities director shall give the petitioner ten days written notice of the time and place of the hearing.
  - (2) The hearing provided may be conducted by the board at a regular or special meeting. A quorum (two members) of the board must be present at the regular or special meeting in order to conduct the hearing.
  - (3) A verbatim record of the proceedings of the hearings shall be made and filed with the board in conjunction with the findings of fact and conclusions of law made pursuant to subsection [(a)(6) of this section]. The transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the ~~public works~~utilities director to cover preparation fees.
  - (4) In connection with the hearing, the chairperson of the board shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In the case of refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Wilson County shall have the jurisdiction upon the application of the ~~public works~~utilities director to issue an order requiring such person to appear and testify or produce evidence as the case may require. Failure to obey such an order of the court is punishable by the court as contempt.
  - (5) On the basis of the evidence produced at the hearing, the board shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than 30 days following the close of the hearing by the person or persons designated by the chairperson.
  - (6) The decision of the board shall become final and binding on all parties unless appealed to the courts as provided in [this section and section 30-297].
  - (7) Any person to whom an emergency order is directed shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible, but in no case shall such a hearing be held later than three days from the receipt of such a petition by the board.
  - (8) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairperson to rule on such manners as would require a ruling by the court under the rules.
  - (9) The ~~public works~~utilities director shall first call witnesses, which shall be followed by witnesses called by the other party. Rebuttal witnesses shall be called in the same order. The chairperson shall rule on any evidentiary questions arising during such hearing and shall make other rulings necessary or advisable to facilitate an orderly hearing subject to approval of the board. The board, the ~~public~~

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~~works~~utilities director, his representative, and all parties shall have the right to examine any witness. The board shall not be bound by or limited to rules of evidence applicable to legal proceedings.

- (10) Any person aggrieved by an order or determination of the ~~utilities~~public-works director where an appeal is not otherwise provided by this section may appeal the order or determination to the board. A written notice of appeal shall be filed with the ~~utilities~~ public-works director, and the notice shall set forth with particularity the action or inaction of the ~~utilities~~public-works director complained of and the relief being sought by the person filing the appeal. A special meeting of the board may be called by the chairperson upon the filing of such an appeal, and the board may, at member's discretion, suspend the operation of the order or determination of the ~~utilities~~ public-works director on which is based the appeal until such time as the board has acted upon the appeal.
- (b) An appeal may be taken from any final order or other final determination of the public works director or board by any party who is or may be adversely affected thereby to the Wilson County Chancery Court pursuant to the common law writ of certiorari set in Tennessee Code Annotated (T.C.A.) § 27-8-101, within 60 days from the date such order or determination is made.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-297. Civil penalty.**

- (a) (1) Any person or user who does any of the following acts or omissions shall be subject to a civil penalty of up to \$10,000.00 per day for each day during which the act or omission continues or occurs:
- a. Violates any effluent standard or limitation imposed by a pretreatment program.
  - b. Violates the terms or conditions of a permit issued pursuant to a pretreatment program.
  - c. Fails to complete a filing requirement of a pretreatment program.
  - d. Fails to allow or perform an entry, inspection, monitoring, or reporting requirement of a pretreatment program.
  - e. Fails to pay user or cost recovery charges imposed by a pretreatment program.
  - f. Violates a final determination or order of the board.
- (2) Any civil penalty shall be assessed in the following manner:
- a. The ~~utilities~~public-works director may issue an assessment against any person or user responsible for the violation.
  - b. Any person or user against whom an assessment has been issued may secure a review of such assessment by filing with the ~~utilities~~ public-works director a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter involved before the board. If a petition for review of the assessment is not filed within 30 days of the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.
  - c. When any assessment becomes final because of a person's failure to appeal the ~~utilities~~ public-works director's assessment, the ~~public-works director~~utilities director may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment. Civil penalties will be assessed based on the following criteria:
    1. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity.

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2. Damages to the publicly owned treatment works, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, which also includes any penalties, costs, and attorney's fees incurred by the publicly owned treatment works as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damage.
  3. Cause of the discharge or violation.
  4. The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters.
  5. Effectiveness of action taken by the violator.
  6. The technical and economic feasibility of reducing or eliminating the discharge.
  7. The economic benefit gained by the violator.
- d. The utilities public works director may institute proceedings for assessment in the name of the City of Mt. Juliet in the chancery court of the county in which all or part of the violation occurred.
- (3) The board may establish by regulation a schedule of the amount of civil penalty which can be assessed by the utilities public works director for certain specific violations or categories of violations.
- (b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner of environment and conservation for violations of T.C.A. § 69-3-115(a)(F). Provided, however, the sum of the penalties imposed by this section and by [T.C.A. §] 69-3-115(a) shall not exceed \$10,000.00 per day for each day during which the act or omission continues to occur. For violation of any provision of this article for which the civil penalty of up to \$10,000.00 does not apply there shall be assessed a fine of up to \$500.00 per violation. Each act and each day shall be considered a separate violation. Maintaining a violation or failing to correct a violation or maintaining an unapproved line shall be a separate violation for each day it is connected or maintained.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-298. Assessment of noncompliance and significant noncompliance.**

- (a) The utilities public works director may assess the liability of any polluter or violator for damages to the pretreatment agency resulting from any person(s) or user(s) pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program. To assure fair, consistent and impartial enforcement, the utilities public works director will use the Mt. Juliet Enforcement Response Plan as a reference to make enforcement action decisions.
- (b) If an appeal from such assessment is not made to the utilities public works director by the polluter or violator within 30 days of notification of such assessment, he shall be deemed to have consented to such assessment and it shall become final.
- (c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or any other sections of the ordinance, in removing, correcting, and terminating any pollution, and also compensation for actual damages caused by the violation to the publicly owned treatment works. The utilities public works director shall assess the expenses and damages incurred by the publicly owned treatment works to clear the obstruction, repair damage to the publicly owned treatment works, and otherwise rectify any impairment caused by the violation.
- (d) Whenever any assessment has become final because of a person's failure to appeal within 30 days, the utilities public works director shall bill the person responsible for the damage for reimbursement of all expenses and damages suffered by the publicly owned treatment works. If the person responsible refuses to

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pay, the ~~utilities public works~~ director may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of assessment.

(e) Significant noncompliance includes:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the city determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of their emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit, or a general permit, or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-299. Judicial proceedings and relief.**

The ~~utilities public works~~ director may initiate proceedings in the chancery court of Wilson County against any person or user who is alleged to have violated or is about to violate the pretreatment program, its industrial user permit, any article of this article, or any order of the ~~utilities public works~~ director or board. In such action, the ~~utilities public works~~ director may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-300. Administrative enforcement remedies.**

- (a) *Notification of violation.* When the ~~utilities public works~~ director finds that any user has violated or is violating this article, or a wastewater permit or order issued hereunder, the ~~utilities public works~~ director or his agent may serve upon the user a written notice of violation (NOV). Within ten days of receipt of the NOV,



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an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the utilitiespublic-works director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.

- (b) *Consent orders.* The utilitiespublic-works director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time frame also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraph (d) below.
- (c) *Show-cause hearing.* The utilitiespublic-works director may order any user which causes or contributes to a violation of this article, its wastewater permit, or any order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any principle executive, general partner, or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.
- (d) *Compliance order.* When the utilitiespublic-works director finds that a user has violated or continues to violate this article or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements deemed reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.
- (e) *Cease and desist orders.* When the utilitiespublic-works director finds that a user has violated or continues to violate this article or any permit or order issued hereunder, the utilitiespublic-works director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do one of the following:
  - (1) Comply with the order.
  - (2) Take the appropriate remedial or preventive action needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- (f) *Emergency termination of service.* When the utilitiespublic-works director finds that an emergency exists in which immediate action is required to protect public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or the facilities of the publicly owned treatment works, the utilitiespublic-works director may, without prior notice, issue an order reciting the existence of such an emergency and requiring that certain action(s) be taken as the utilitiespublic-works director deems necessary to meet the emergency.

If the violator fails to respond or is unable to respond to the utilitiespublic-works director's order, the utilitiespublic-works director may take such emergency action as deemed necessary or contract with a qualified person to carry out the emergency measures. The utilitiespublic-works director may assess the person(s) responsible for the emergency condition for actual costs incurred by the utilitiespublic-works director in meeting the emergency.

If the emergency action adversely affects the user, the utilitiespublic-works director shall provide the user an opportunity for a hearing as soon as possible thereafter to consider restoration of service upon abatement of the condition or other reasonable conditions. Following the hearing, the utilitiespublic-works director may take any such authorized should the proof warrant such action.

(Ord. No. 2012-75, § 1, 12-10-2012)

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**Sec. 30-301. Disposition of damage payments and penalties.**

All damages or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the city and allocated and appropriated to the sewer system for the administration of its pretreatment program.

(Ord. No. 2012-75, § 1, 12-10-2012)

**Sec. 30-302. Vandalism.**

Any and all damages incurred by the publicly owned treatment works due to acts of vandalism will be prosecuted to the full extent of the law.

(Ord. No. 2012-75, § 1, 12-10-2012)

**Secs. 30-303—30-322. Reserved.**

## ***DIVISION 10. WASTEWATER VOLUME DETERMINATION***

### **Sec. 30-323. Metered water supply.**

Charges and fees related to the volume of wastewater discharged to the publicly owned treatment works shall be based upon the user's total water consumption from all water supply sources. The total amount of water used shall be determined from public meters installed and maintained by the city or private meters installed and maintained at the expense of the user and approved by the city.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-324. Wastewater volume.**

When charges and fees based upon water usage or discharge and where, in the opinion of the publicly owned treatment works, a significant portion of the water received from any metered source does not flow into the sewer because of the principle activity of the user or removal by other means, the charges and fees will be applied only against the volume of water discharged from such premises into the sanitary sewer. Written notification and proof of the diversion of water must be provided by the user and approved by the city. The users may install a meter of a type and at a location approved by the city to measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the ~~utilities~~public-works director.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-325. Estimated wastewater volume.**

For users where, in the opinion of the city, it is unnecessary or impractical to install meters, charges and fees may be based upon an estimate of the volume to be discharged. The estimate shall be prepared by the user and approved by the ~~utilities~~public-works director or his representative. The number of fixtures, seating capacity, population equivalent, annual production of goods and services, and other such factors as deemed rational by the publicly owned treatment works shall be used to estimate the wastewater discharge volume.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Sec. 30-326. Domestic flows.**

For the separate determination of the volumes of domestic and process flows from users for the purposes of calculating charges based on process wastewater flows alone, users shall install a meter of a type and at a location approved by the publicly owned treatment works. For users where, in the opinion of the publicly owned treatment works, it is unnecessary or impractical to install such a meter, the volume of the domestic and process wastewater shall be based upon an estimate prepared by the user and approved by the publicly owned treatment works.

(Ord. No. 2012-75, § 1, 12-10-2012)

### **Secs. 30-327—30-355. Reserved.**

### ***DIVISION 11. FEES<sup>1</sup>***

#### **Sec. 30-356. Purpose and types of charges and fees.**

The fees established by this division comply with the Federal Water Pollution Control Act, as amended, and the regulations adopted thereunder. These rates are designed to be consistent with the Federal Grant Program. These rates will raise sufficient revenues to defray all operating and treatment costs and to pay for equipment replacement, capital outlay, bond service costs, capital improvements, and depreciation. The charges and fees established in the city's schedule of charges and fees may include, but not be limited to, the following:

- (1) Charge for opening an account.
- (2) Base charge, also known as availability charge and service line charge.
- (3) Capacity charge.
- (4) Connection and inspection fees.
- (5) Industrial user permit fees.
- (6) Monitoring fees for monitoring requested by the user.
- (7) Permit application fees.
- (8) Pretreatment program operating fees.
- (9) Tap fee.
- (10) Usage charge.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

#### **Sec. 30-357. Adjustments.**

The city may make appropriate adjustments in the charges to sewer customers for over registration of utility meters, leaks, or other problems not resulting in costs to the city. Such adjustments shall be subject to the discretion of the director of finance. Any person aggrieved by a decision of the director of finance may appeal to the city board of civil appeals.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

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<sup>1</sup>Editor's note(s)—Ord. No. 2013-09, §§ 1, 2, adopted Jan 28, 2013, deleted the former Art. II, Div. 11, §§ 30-356—39-368, and enacted a new Art. II, Div. 11, as set out herein. The former Art. II, Div. 11, pertained to similar subject matter and derived from Ord. No. 2012-75, § 1, adopted Dec. 10, 2012.

### Sec. 30-358. ~~Application charge.~~

~~All persons seeking to subdivide land within the city utilizing the city sewer system shall make application on a form supplied by the planning director. Upon approval of the application, the applicant shall pay \$2,000.00 with the city recorder for the purpose of funding administration of the application.~~

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

### Sec. 30-359. Base charge.

There is hereby established a base use charge, of \$11.76 per month for all, nonexempt, habitable structures to which sewers are available. The new rate shall take effect with the ~~October 1, 2009~~July 31, 2024 bill as follows:

TYPE OF SERVICE		RATE
Residential		
	<b>Inside city</b>	
	<u>Minimum base rate charge</u>	
	<del>Minimum base rate charge (First 2,000 gallons)</del>	<del>\$12.12</del>
		<u>\$16.39</u>
	Per 1,000 gallons <del>thereafter for all usage in excess of 2,000 gallons (Use Charge)</del>	<del>5.94</del> <u>\$8.03</u>
	<b>Outside city</b>	
	<u>Minimum base rate charge for service requested on or prior to June 9, 2019</u>	
	<del>Minimum base rate charge (First 2,000 gallons)</del>	<del>15.01</del>
		<u>\$20.49</u>
	Per 1,000 gallons <del>thereafter for all usage in excess of 2,000 gallons (Use Charge)</del>	<del>\$10.05</del> <u>\$7.30</u>
	<u>Minimum base rate charge for service requested after June 9, 2019</u>	
	<u>First 2,000 gallons</u>	<u>\$32.78</u>
	<u>Per 1,000 gallons thereafter</u>	<u>\$16.06</u>
	<b>Customers prior to 1984 <del>customers</del></b>	
	Flat rate	<del>\$16.39</del> <u>\$12.12</u>
Commercial		
	<b>Inside city</b>	
	<u>Minimum base rate charge</u>	
	<del>Minimum base rate charge (First 2,000 gallons)</del>	<del>\$23.12</del> <u>\$17.10</u>
	Per 1,000 gallons <del>thereafter for all usage in excess of 2,000 gallons (Use Charge)</del>	<del>\$11.19</del> <u>\$8.27</u>
	<b>Outside city</b>	
	<u>Minimum base rate charge for service requested on or prior to June 9, 2019 (first 2,000 gallons)</u>	<del>21.25</del>
	<del>Per 1,000 gallons for all usage in excess of 2,000 gallons (first 2,000 gallons)</del>	<del>10.21</del> <u>\$28.90</u>
	<u>Per 1,000 gallons thereafter</u>	<u>\$13.99</u>
	<u>Minimum base rate charge for service requested after June 9, 2019</u>	
	<u>First 2,000 gallons</u>	<u>\$46.24</u>
	<u>Per 1,000 gallons thereafter</u>	<u>\$22.38</u>
<b>Special Discharge Fees</b>		
	<u>Billing Fee</u>	<u>\$21.00</u>
	<u>Plus 160% of Discharge Per 1,000 gallons</u>	<u>\$13.99</u>

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(Supp. No. 14)

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013; Ord. No. 2013-57, § 1, 7-22-2013)

**Sec. 30-360. Capacity charge.**

- (a) The city has purchased a certain amount of capacity in the Metropolitan Nashville sewer plant. To reimburse the city the cost of this capacity which was purchased by the residents of the city as the city limits were constituted on October 31, 1984, there is hereby established a capacity charge on all new lots created by subdivision if the lots will utilize sewers. The minimum capacity charge shall be \$~~1,285.00~~1,340.00 per lot. Sewer capacity charges are adjusted as follows:

Residential Classifications	Per Unit
RS-40	\$ <del>1,285.00</del> <u>1,340.00</u>
RS-30	<del>1,535.00</del> <u>1,590.00</u>
RS-20	<del>1,785.00</del> <u>1,840.00</u>
RS-15	<del>2,035.00</del> <u>2,090.00</u>
RS-10	<del>2,285.00</del> <u>2,340.00</u>
All other residential classifications	<del>2,535.00</del> <u>2,590.00</u>
Outside city limits capacity fee	<del>1,910.00</del> <u>3,910.00</u>

- (b) Building lots in existence and in the city on October 31, 1984, are exempt for one SFU as they participated in the original purchase of the capacity. Only new lots created by subdivision of land are subject to the charge.
- (c) The owner of the land shall pay the charge at the time of subdivision based on the proposed use. The charge shall be recalculated at the time of application for a tap. The applicant for a tap shall be given credit for any capacity charge previously paid and shall be charged for any additional sums owed due to a change in the proposed use. The city shall not be required to refund excess payments.
- (d) New commercial and industrial users shall pay a capacity fee based on the size of the domestic use water meter. See chart below:

SANITARY SEWER CAPACITY FEES	
Commercial Capacity Fees Water Tap Size	Capacity Fees
¾"	\$ <del>1,285.00</del> <u>1,340.00</u>
1"	<del>2,145.00</del> <u>1,980.00</u>
1½"	<del>3,575.00</del> <u>3,300.00</u>
2"	<del>7,865.00</del> <u>7,260.00</u>
3"	<del>16,445.00</del> <u>15,180.00</u>
4"	<del>29,315.00</del> <u>27,060.00</u>
5"	<del>45,760.00</del> <u>42,240.00</u>
6"	<del>65,780.00</del> <u>60,720.00</u>
7"	<del>89,375.00</del> <u>82,500.00</u>
8"	<del>107,580.00</del> <u>116,545.00</u>
9"	<del>146,540.00</del> <u>135,210.00</u>
10"	<del>181,610.00</del> <u>167,640.00</u>
11"	<del>219,505.00</del> <u>202,620.00</u>
12"	<del>260,975.00</del> <u>240,900.00</u>
13"	<del>306,735.00</del> <u>283,140.00</u>
14"	<del>355,355.00</del> <u>328,020.00</u>

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(Supp. No. 14)

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Rate change as per City of Mt. Juliet Ordinance ~~2009-52~~2024-25 effective ~~Nov. 9~~July 31, 2024~~09~~.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

### **Sec. 30-361. Collection.**

Wastewater charges and fees imposed by this article shall be collected by the city in a manner established by the director of finance.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

### **Sec. 30-362. Connection and inspection fees.**

- (a) *Gravity.* Mt. Juliet shall inspect all connections to the sewer system. No person shall connect to the sewer system without an inspection. The inspection fee shall be \$50.00 for connections with gravity flow connections.
- (b) *Pressure.* All pressure connections shall be installed and inspected by Mt. Juliet. The charge shall be based on the cost and overhead expended by Mt. Juliet. Mt. Juliet shall determine whether a connection shall be a pressure connection or a gravity connection.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

### **Sec. 30-363. Delinquent accounts.**

The director of finance may cause the supplier of water to discontinue water service to any customer who has a delinquent wastewater charge until the wastewater charge has been paid. Any person aggrieved by such action may appeal the discontinuance of water service to the wastewater hearing authority board.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

### **Sec. 30-364. Infiltration and extraneous flows.**

The costs of operation and maintenance for all flow not directly attributable to users such as infiltration and inflow shall be distributed proportionally among all users of the treatment works.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

### **Sec. 30-365. Tap fee.**

- (a) Residential single-family dwelling.

- (1) There shall be a tap fee or ~~equivalent~~equivalent applicable to all properties that hook to the sewer or to which sewers are available per single-family unit (SFU) for residents:

- a. Inside the city limits of \$1,500.00; and
    - b. Outside the city limits of ~~\$2,000.00~~\$4,000.

The tap fee shall be paid before the property is hooked to the sewer system. A separate tap fee is required for each connection to the sewer system. Taps and tap fee payments run with the land. No

owner shall be required to pay a tap fee for a connection if a previous owner has paid a tap fee for the same connection and same use.

- (2) Sanitary sewer tap fees for existing single-family dwellings:
  - a. Which are within the city limits of the city;
  - b. Occupied by the owner as recorded by the county tax assessor; and
- (3) Multifamily dwelling. The tap fee for multifamily dwellings shall be \$1,500.00 per unit for locations within the city limits and ~~\$2,000.00~~ \$1,250.00 per unit for locations outside the city limits.
  - a. Commercial and industrial. The tap fee for commercial and industrial users shall be calculated by taking the area of the cross section of the new user's water meter tap and dividing it by 0.31 (the tap area of a five-eighths-inch meter), rounding up to the nearest whole number and multiplying the resulting number by ~~\$1,250.00~~ \$1,250.00. See the following formula:

$$\text{Tap Fee} = \text{Round\_up} \left( \frac{\pi \left( \frac{\text{Diameter}}{2} \right) \left( \frac{\text{Diameter}}{2} \right)}{.31} \right) * \$1,250$$

~~For example, the tap fee for a one inch tap would be: =~~

$$\text{Round\_up} \left( \frac{3.14159 \left( \frac{1''}{2} \right) \left( \frac{1''}{2} \right)}{.31} \right) * \$1,250$$

For example, the tap fee for a one inch tap would be:

$$= \text{Round\_up} \left( \frac{\left( \frac{3.14159}{4} \right)}{.31} \right) * \$1,250$$


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$$= \text{Round\_up} \left( \frac{.7854}{.31} \right) * \$1,250 = \text{Round\_up}(2.53) * \$1,250 = 3 * \$1,250 = \$3,750$$

The chart below provides calculated values for tap and capacity fees based on various water meter sizes.

Residential Tap Fees	
Inside city limits gravity tap fee	\$1,500.00
Inside city limits grinder, additional	<del>32,000.00</del>
Outside city limits tap fee	<del>2,000.00</del> \$1,250.00
Inspection fee	<del>50.00</del> 100.00



Commercial Tap Fees		
Water Tap Size	Fee	Inspection Fees
¾"	\$-1,250.00	<del>\$50.00</del> 100.00
1"	3,750.00	<del>100.00</del> 50.00
1½"	6,250.00	<del>100.00</del> 50.00
2"	13,750.00	<del>100.00</del> 50.00
3"	28,750.00	<del>100.00</del> 50.00
4"	51,250.00	<del>100.00</del> 50.00
5"	80,000.00	<del>100.00</del> 50.00
6"	115,000.00	<del>100.00</del> 50.00
7"	156,250.00	<del>100.00</del> 50.00
8"	203,750.00	<del>100.00</del> 50.00
9"	257,000.00	<del>100.00</del> 50.00
10"	317,000.00	<del>100.00</del> 50.00
11"	383,750.00	<del>100.00</del> 50.00
12"	456,250.00	<del>100.00</del> 50.00
13"	536,250.00	<del>100.00</del> 50.00
14"	621,250.00	<del>100.00</del> 50.00

~~Rate change as per City of Mt. Juliet Ordinance 2009-52 effective 11/09/2009~~  
Rate change as per City of Mt. Juliet Ordinance 2024-25 effective July 31, 2024

Commercial and industrial users who exceed 25,000 square feet of heated and cooled structures and who are required to contribute or construct any off-site improvements, extensions, or upgrades to the city sewer system shall be allowed to use 50 percent of their financial contributions as a credit towards the payment of future tap fees for the site served by such improvements. Commercial and industrial users whose approved site plans include at least 25,000 square feet of heated and cooled structures and who are required to advance contributions for the costs of relocation of any natural gas transmission pipeline done in order to facilitate the relocation or improvement of any city or state road or highway, shall be allowed to use 50 percent of said financial contributions up to a maximum of \$207,000.00 as a credit towards the payment of future tap fees for the site served by such improvements; provided, however, that such 50 percent financial contribution shall be calculated only on expenditures for which there is no reimbursement to the commercial or industrial user. This is not retroactive and applies from this day forward of passage of the ordinance from which this section is derived.

- (b) Nothing in this section shall relieve a property or business owner applying for a sewer tap fee for a new construction from paying the sewer tap fee in a single payment. Existing business establishments are required to pay the sewer tap fee in a single payment.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

### Sec. 30-366. Use charges.

- (a) *Quantity based.* Use charges shall be based upon units of 1,000 gallons of water delivered to the user. For all persons who pay the base charge, there shall be no use charge for the first 2,000 gallons of water used. The use charge shall be \$5.76 for each 1,000 gallons or part thereof in excess of the first 2,000 gallons until modified by the director of finance pursuant to the provisions of the next subsection. Use charges shall be due and payable monthly. Customers who utilize wells or private water supplies who discharge wastewater to the publicly owned treatment works shall notify the director of finance, in writing, and shall meter the waste placed in the system by a meter approved by the director of finance. Failure to so notify the director of finance, in writing, shall be a continuing violation for each day of failure and shall be subject to a fine.

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- (b) *Waste characteristics.* Waste water exceeding the following characteristics shall bear additional charges set by the director of ~~utilities~~public works.

Biochemical oxygen demand (5-day)	300 mg/l
Chemical oxygen demand	600 mg/l
Suspended solids -	325 mg/l
Ammonia-nitrogen -	30 mg/l
Oil and grease -	100 mg/l

- (c) *Method of setting use charges.* Annually, on ~~1~~-November 1 of each year, the director of ~~utilities~~public works shall calculate the cost of providing sewer services and calculate a new base charge and a new use charge for the following year. Calculations shall be based on actual costs in the previous fiscal year. The base charge shall be the same as the use rate for 2,000 gallons of ~~waste water~~wastewater. The new charges shall take effect on January 1 of the following calendar year.
- (d) *Constituents of use charge.* The user charge will be computed from operating costs and depreciation. The user charge will be the user's share of the costs of operation, maintenance, and replacement for handling its periodic volume of normal wastewater plus the user's share of any bond amortization costs of the city.
- (1) *Operation, maintenance, and replacement user charges.* Each user's share of operation, maintenance and repair costs will be computed by the following formula:

u =	$\frac{C_t}{V_t}$	(V <sub>u</sub> )

Where:

C<sub>u</sub> = User's charge for operation, maintenance and repair per unit time.

C<sub>t</sub> = Total operation, maintenance and repair costs per unit of time, less costs recovered from surcharges.

V<sub>t</sub> = Total volume contribution from all users per unit time.

V<sub>u</sub> = Volume contribution from individual user per unit time.

- (2) *Bonded indebtedness charges.* Each user's share of bonded indebtedness costs will be based on a schedule which reflects the user's volumetric and waste strength contribution to the system.
- (3) *User surcharges.* The surcharge will be the user's proportionate share of the operation, maintenance and repair costs for handling its periodic volume of wastewater which exceeds the strength of biochemical oxygen demand (five-day), suspended solids, or other pollutants in normal wastewater as listed in ~~the~~ section 30-358. The amount of surcharge will be determined by the following formula:

$$C_s = (B_c \times B + S_c \times S + P_c \times P) \times 8.34 \times V_u$$

Where:

C<sub>s</sub> = Surcharge for wastewater exceeding the strength of normal wastewater expressed in dollars per billing period.

B<sub>c</sub> = Operation, maintenance and repair cost for treatment of a unit of biochemical oxygen demand (five-day) expressed in dollars per pound.

B = Concentration of BOD<sub>5</sub> (biochemical oxygen demand - 5-day) from a user above the base level of 300 mg/l expressed in mg/l.

$S_c$  = Operation, maintenance and repair costs for treatment of a unit of suspended solids expressed in dollars per pound.

$S$  = Concentration of suspended solids from a user above the base level of 300 mg/l, expressed in mg/l.

$P_c$  = Operation, maintenance and repair costs for treatment of a unit of any pollutant which the publicly owned treatment works is committed to treat by virtue of ~~an~~ National Pollutant Discharge Elimination System permit or other regulatory requirement, expressed in dollars per pound.

$P$  = Concentration of any pollutant from a user above a base level. Base levels for pollutants subject to surcharge will be established by the director of ~~utilities~~public works.

$V_u$  = Volume contribution of a user per billing period in million gallons based on a 24-hour average for a billing period.

The values of parameters used to determine user charges may vary from time to time. Therefore, the publicly owned treatment works is authorized to modify any parameter or value as often as is necessary. Review of all parameters and values shall be undertaken at least annually.

- (4) *Commercial, industrial and pretreatment program charges.* All commercial and industrial users shall pay all regular charges and a surcharge equal to 43 percent of the standard charges. Industrial users, veterinary and animal care establishments, food preparation business and others suspected of generating ~~waste water~~wastewater with contaminants per liter exceeding the normal contaminants per liter for a single-family home shall be required to pay a separate pretreatment program charge for evaluation of their ~~waste-water~~ and pretreatment inspection if necessary. This charge will be based on the user's proportional share of the costs of administering the publicly owned treatment works pretreatment program, which includes costs incurred by the publicly owned treatment works for verification monitoring, analysis, and reporting. Each user's share of the pretreatment program costs will be computed by the following formula:

$u =$	$\frac{C_t}{V_t}$	$(V_u)$

$C_u$  = User's charge for publicly owned treatment works pretreatment program per unit time.

$C_t$  = Total publicly owned treatment works pretreatment program costs per unit time.

$V_t$  = Total volume contribution of permitted industrial users per unit of time.

$V_u$  = Volume contribution from a permitted industrial user per unit of time.

In cases where a user would otherwise qualify as a residential user but is metered for water service on a meter measuring multi-family dwellings, the director of ~~utilities~~public works may require, as a prerequisite for extending residential rates, an agreement from all users and or a hold harmless agreement from the owner of the meter to pay the billing collectively from one meter without recourse and may require that any improvements to or alterations of the sanitary sewer service lines for the real property be made in compliance with standards of the City of Mt. Juliet and at the expense of the property owner.

- (5) *Review of operation, maintenance and repair charges.* Mt. Juliet shall review at least annually the wastewater contribution by users, the total costs of operation, maintenance and repair of the treatment works, and its approved user charge system. The publicly owned treatment works shall revise the user charges to accomplish the following:
- Maintain the proportionate distribution of operation, maintenance and repair costs among users or classes of users.

- 
- b. Generate sufficient revenue to pay the total operation, maintenance and repair costs of the treatment works.
  - c. Apply any excess revenues collected to the costs of operation, maintenance and repair for the next year and adjust rates accordingly.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

### **Sec. 30-367. Outside city customers.**

- (a) Subject to subsection (b), All users who are located outside the city shall pay all regular charges and a surcharge of 100 percent additional for all fees including tap, connection, pretreatment and user fees.
- (b) All users who begin receiving sewer service after June 9, 2019 will pay the fee in subsection (a) and are located outside the city, but within the city's urban growth boundary, shall pay all regular charges and fees for out of city users set forth in subsection (a) plus a monthly fee equal to one ~~twelfth~~twelfth of the Mt. Juliet City property taxes that would be owed to the city if the user was annexed into the city. The monthly fee shall be calculated based upon the most recent tax appraisal. The user reverts to ~~out-of-city~~out-of-city rates upon requesting annexation into the City of Mt. Juliet, so long as annexation into the City of Mt. Juliet is legally permitted at the time of the request. If the city annexes the property, the user reverts to ~~in-city~~ sewer rates.
- (c) Those approved prior to June 9, 2019 will continue to pay the same rates that they currently pay.
- (d) The city reserves the right to refuse sewer service to any area outside the city.
- (e) Any developer or ~~land-owner~~landowner who anticipates undertaking any project outside the city limits of the city which would require a connection to the city sewer system shall first obtain the approval of the city planning commission and the city commission prior to any engineering design work concerning the sewer system. Out of city sewer service application and fee shall be submitted to the ~~public works~~utilities department prior to any request for service being heard by the city planning commission and city commission.
- (f) After receiving approvals necessary for the connection, final approval will be granted by the ~~public works~~utilities director or his/her designee. The developer and the developer's engineer shall work closely with the engineer for the city sewer system during the design, construction and inspection stages of the development. Such systems shall also have the approval of the engineer for the city regarding the as-built system prior to connection.
- (g) Any developer who fails to obtain such prior approval shall not be allowed to connect to the city sewer system.
- (h) To the extent any rate or fee set out herein is determined to be unenforceable as applied to ~~out-of-city~~out-of-city users, the city intends the provisions set forth above to be severable, resulting in the charging of the rate for all services provided, in the past and prospectively, that would have been charged but for the unenforceable provision.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013; Ord. No. 2017-53, § 1, 9-11-2017; Ord. No. 2019-36, 7-9-2019)

### **Sec. 30-368. New accounts and sureties.**

All applicants for sewer services shall open an account with the finance department on 2365 N. Mt. Juliet Road. Applicants with no former account with Mt. Juliet shall pay an administrative charge of \$25.00 at the time they fill out the application. People who start to use the system without filling out an application shall be charged an administrative charge of \$125.00 with their first bill.

All persons renting or leasing property shall also present a surety agreement from their landlord in substantially the form of Schedule A [which is available in the office of the city clerk].

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(Supp. No. 14)

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(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

**Sec. 30-369. Waiving sign-up fee for sewer activation fee for ~~active-duty~~active-duty military personnel.**

- (a) The director of finance hereby has authority to waive the sewer activation fee of \$25.00 for an ~~active-duty~~active-duty member of the United States Military or National Guard.
- (b) The person applying for the waiver of the fee must reside at the location that the sewer hookup is being applied for.
- (c) The person applying must present proper identification and documents as required by the director of finance to verify they are on active duty at the time the hook up is required.
- (d) The activation fee of \$25.00 to hook onto the sewer system is waived.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

**Sec. 30-370. Processing fee and other charges for utility customers paying with credit or debit cards.**

- (a) The City of Mt. Juliet is hereby empowered to contract with a ~~third-party~~third-party vendor or will arrange for city sewer service credit or debit cards as the method of payment for monthly and other utility charges.
- (b) In the event that the credit or debit card company issuing the card does not honor payment of the charge, the city shall collect the same fee that is normally charged for returned checks, and this fee shall be in addition to the normal fee for using a credit or debit card for payment of utility bills.
- (c) The ~~third-party~~third-party vendor may establish the convenience fee not to exceed 3.5 percent of the payment.
- (d) Compliance, if required, with TCA 47-10-119, shall be completed prior to implementation and a post implementation review shall be provided in compliance with TCA § 47-10-119.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

**Secs. 30-371—30-394. Reserved.**

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*DIVISION 12. ADMINISTRATION<sup>2</sup>*

**Sec. 30-395. Wastewater hearing authority board.**

- (a) There is established a board of three members to be known as the wastewater hearing authority board. Board members should not be a consultant, contractor, or have any other work with the city, department or any non-domestic user in Mt. Juliet that would cause a conflict of interest.
- (b) Composition and length of term. The board shall be composed of the following, to be recommended by the department and approved by a majority vote of the board of commissioners, and shall constitute the voting members of the board:

Representative Group	Length of Term (years)
1. Technical/Science or Academia (1 chairperson)	3
2. Technical/Science, Academia, or Financial (1 person)	3
3. Private citizenry (1 person)	3

- (c) Members may be removed from the board by a majority vote of the board of commissioners, for continued absence from meetings, or other just cause.

In addition to any other duty or responsibility otherwise conferred upon the board by this article, the board shall have the duty and power as follows:

- (1) To grant exceptions pursuant to the provisions of subsections (7) and (8), and to determine such issues of law and fact as are necessary to perform this duty.
- (2) To hold hearings upon appeals from orders of actions of the ~~public works~~utilities director as may be provided under the provisions of this article.
- (3) To hold hearings related to the suspension, revocation, or modification of a wastewater discharge permit and issue appropriate orders relating hereto.
- (4) To hold other hearings that may be required in the administration of this article and to make determinations and issue orders necessary to effectuate the purposes of this article.
- (5) The board, acting through its chairperson, shall have the power to issue subpoenas requiring attendance, the testimony of witnesses, and the production of documentary evidence relevant to any matter properly heard by the board.
- (6) The chairperson shall be authorized to administer oaths to people giving testimony.

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<sup>2</sup>Editor's note(s)—Ord. No. 2013-09, §§ 1, 2, adopted Jan. 28, 2013, deleted the former Div. 12, §§ 30-356—30-368, and enacted a new Div. 12 as set out herein. The former Div. 12 pertained to similar subject matter and derived from Code 1997, § 13-1-13(a), (b); Ord. No. 2010-51, § 5, adopted Nov. 9, 2009; and Ord. No. 2012-75, § 1, adopted Dec. 10, 2012.

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(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

**Sec. 30-396. ~~Public-works~~Utilities director.**

- (a) *Director of ~~public-works~~utilities and staff.* The director of ~~public-works~~utilities and staff shall be responsible for the administration of the parts of this section, as defined herein.
- (b) *Authority of the director of ~~public-works~~utilities.* The director of ~~public-works~~utilities shall have the authority to enforce all sections of this article as defined herein. The director of ~~public-works~~utilities shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances of the publicly owned treatment works. The director of ~~public-works~~utilities shall be responsible for ~~preparation~~the preparation of operating budgets subject to the normal budgetary processes of the city.
- (c) *Records.* The director of ~~public-works~~utilities shall keep in his office or at an appropriate storage facility all applications required under this article a complete record thereof, including a record of all wastewater discharge permits.
- (d) *Notice of national pretreatment standard.* The director of ~~public-works~~utilities shall notify users identified in 40 Code of Federal Regulations, Part 403.8(f)(2) of any applicable pretreatment standards or other applicable requirements promulgated by the Environmental Protection Agency under the provisions of Section 204(b) of the Act (33 U.S.C. 1284), Section 405 of the Act (33 U.S.C. 1345), or under the provisions of Sections 3001, 3304, or 4004 of the Solid Waste Disposal Act. Failure of the director of ~~public-works~~utilities to notify users shall not relieve the users from the responsibility of complying with these regulations.
- (e) *Public participation notice and significant non-compliance notice.* The director of ~~public-works~~utilities shall comply with the public participation requirements of 40 Code of Federal Regulations, Part 425 in the enforcement of National Pretreatment Standards. The director of ~~public-works~~utilities shall at least annually provide public notification in the largest local newspaper of all significant industrial users which, during the previous 12 months, were in significant non-compliance of applicable pretreatment standards or other pretreatment requirements, as defined at sections [30-298 and 30-300].
- (f) *Regulations and standards.* The director of ~~public-works~~utilities may promulgate rules, regulations, and design criteria not inconsistent with this article and have them printed for distribution. These rules may include requirements for performing wastewater characterizations, analysis, and other measurements by standard methods approved by the director of ~~public-works~~utilities.
- (g) *Sewer credits.* The director of ~~public-works~~utilities shall approve secondary meters and determine other kinds of sewer use charge credits.
- (h) *Approves new construction.* The director of ~~public-works~~utilities shall give approval in acceptance of newly constructed sanitary sewer lines, pump stations, and other appurtenances.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

**Sec. 30-397. Director of finance.**

If a sewer user can prove to the satisfaction of the director of finance that a specific amount of water is not going to the system, and is not adjusted, the director of finance is authorized, subject to approval of the city manager, to adjust the bill. If such adjustments are recurring the director of finance may require the user to obtain a separate meter and system, for measuring water not going to the sewer system, as a requirement to consideration of further adjustments.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

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Created: 2024-09-03 06:47:54 [EST]

(Supp. No. 14)



# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1153  
12.C.

**Agenda Date:** 4/14/2025

**Agenda #:**

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**Title:**

AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 28 - TRAFFIC AND VEHICLES, ARTICLE II - TRAFFIC COMMISSION, SECTION 28-24



## ORDINANCE 2025-

### AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 28 – TRAFFIC AND VEHICLES, ARTICLE II – TRAFFIC COMMISSION, SECTION 28-24

**WHEREAS**, the Board of Commissioners of the City of Mt. Juliet desires to amend the City of Mt. Juliet Code of Ordinances, Chapter 28, Article II, Section 28-24; and

**WHEREAS**, the amendments to Chapter 28 will amend and update the code to clarify the process for submitting items to the Mt. Juliet Traffic Commission and provide clear guidelines for the consideration of speed calming devices; and

**WHEREAS**, the following Section of Chapter 28 of the Code of Ordinances are desired to be amended:

ARTICLE	SECTION	SECTION TITLE
II	Section 28-24	Agenda guidelines

**WHEREAS**, the specific amendments desired to be made to Chapter 28 of the Code of Ordinances are exhibited in redline form in the attached document.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Mt. Juliet Board of Commissioners, the City of Mt. Juliet Code of Ordinances is amended as follows:

**Section 1.** Article II, Section 28-24 Agenda guidelines, is amended to read in its entirety as follows:

- (a) Appeal items shall be received by the city recorder at least 60 days prior to the quarterly meeting of the Mt. Juliet Traffic Commission. Meetings are held the third Tuesday of the first month of each quarter (if needed): (January; April; July; October).
- (b) Agenda items shall be received by the city recorder at least 60 days prior to the regular scheduled quarterly meeting. Required items include, but may not be limited to, the following;
  - (1) *Speed Study.* Speed calming devices that are warranted by a speed study shall be considered by the city traffic commission prior to installation. If the speed study does not warrant a speed calming device, the street/road will not be placed on a future agenda. Another request for a speed study can be made 12 months after the previous speed study. Speed calming devices are considered warranted if the 85<sup>th</sup> percentile speed determined by the speed study is 8 mph or more over the posted speed limit. Speed calming devices will not be considered by the Traffic Commission for 85<sup>th</sup> percentile speeds less than 8 mph.
  - (2) *HOA Letter.* A letter from the HOA in neighborhoods that have a HOA must accompany any requests for items on the agenda showing support or non-support.
  - (3) *Signatures.* A minimum of five signatures obtained by the requestor from five different residents on the same street, or signatures of all residents on the same street if the street has less than five houses.
- (c) Any item that is voted on by the Mt. Juliet Traffic Commission in a regular scheduled meeting or in a special called meeting of the commission shall not be eligible for reconsideration by

the Mt. Juliet Traffic Commission for a period of one year after the meeting in which the vote occurred.

- (d) Any requests for exemption of overnight parking on city streets is subject to approval from the HOA (if there is an HOA), public works department, fire department and police department.
- (e) Speed Calming devices shall not be placed on roads classified as minor collector, community/major collector, or arterial.

## **BE IT FURTHER ORDAINED**

**Section 2.** In case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further.

**Section 3.** If any section, clause, or provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this ordinance.

**Section 4.** This ordinance shall take effect on the earliest date allowed by law.

PASSED:

FIRST READING:

SECOND READING:

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James Maness, Mayor

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Kenny Martin, City Manager

ATTEST:

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Sheila S. Lockett, MMC  
City Recorder

APPROVED AS TO FORM:

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Samantha A. Burnett  
City Attorney

## **ARTICLE II. CITY TRAFFIC COMMISSION**

### **Sec. 28-24. Agenda guidelines.**

- (a) Appeal items shall be received by the city recorder at least 60 days prior to the quarterly meeting of the Mt. Juliet Traffic Commission. Meetings are held the third Tuesday of the first month of each quarter (if needed): (January; April; July; October).
- (b) ~~Other a~~ Agenda items shall be received by the city recorder at least 60 days prior to the regular scheduled quarterly meeting. Required items include, but may not be limited to, the following;
  - (1) Warranted Speed Study. Speed calming devices that are warranted by a speed study shall be considered by the city traffic commission prior to installation. If the speed study does not warrant a speed calming device, the street/road will not be placed on a future agenda. Another request for a speed study can be made 12 months after the previous speed study. Speed calming devices are considered warranted if the 85<sup>th</sup> percentile speed determined by the speed study is 8 mph or more over the posted speed limit. Speed calming devices will not be considered by the Traffic Commission for 85<sup>th</sup> percentile speeds less than 8 mph.
  - (2) HOA Letter. For streets located in a neighborhood with an HOA, a letter from the HOA providing support, nonsupport, or neutrality.
  - (3) Signatures. A minimum of five signatures obtained by the requestor from five different residents on the same street, or signatures of all residents on the same street if the street has less than five houses.
- (c) Any item that is voted on by the Mt. Juliet Traffic Commission in a regular scheduled meeting or in a special called meeting of the commission shall not be eligible for reconsideration by the Mt. Juliet Traffic Commission for a period of one year after the meeting in which the vote occurred.
- ~~(d) Speed calming devices that are warranted by a speed study shall be considered by the city traffic commission prior to installation. Signs shall be posted no more than 60 days and no later than 30 days prior to the meeting.~~
- ~~(e) A letter from the HOA in neighborhoods that have a HOA must accompany any requests for items on the agenda showing support or non support.~~
- ~~(d)f) Any requests for exemption of overnight parking on city streets is subject to approval from the HOA (if there is an HOA), public works department, fire department and police department.~~
- ~~(g) A minimum of five signatures obtained by the requestor from five different residents on the same street, or 100 percent if the street has less than five houses, the action is being requested on is required to accompany a request to be on the agenda.~~
- (e) Speed Calming devices shall not be placed on roads classified as minor collector, community/major collector, or arterial.

(Ord. No. 2012-30, § 2, 5-29-2012; Ord. No. 2014-55, § 3, 7-14-2014; Ord. No. 2023-05, 2-27-2023)



# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1155  
12.D.

**Agenda Date:** 4/14/2025

**Agenda #:**

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**Title:**

AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 4 - ALCOHOLIC BEVERAGES, ARTICLE III - BEER AND ALCOHOLIC BEVERAGES AS DEFINED IN TCA 57-5-101, SECTION 4-56, SUBSECTION (A)

## ORDINANCE 2025-

### AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 4 – ALCOHOLIC BEVERAGES, ARTICLE III – BEER AND ALCOHOLIC BEVERAGES AS DEFINED IN TCA 57-5-101, SECTION 4-56, SUBSECTION (A)

**WHEREAS**, the Board of Commissioners of the City of Mt. Juliet desires to amend the City of Mt. Juliet Code of Ordinances, Chapter 4, Article III, Section 4-56, Subsection (a); and

**WHEREAS**, the amendments to Chapter 4 will amend and update the code to clarify the process for submitting applications to the Alcoholic Beverage Board and provide clearer guidelines for the approval of On and Off Premise Beer Permits while ensuring the protection of permit holders from fraudulent activities; and

**WHEREAS**, the following Section of Chapter 4 of the Code of Ordinances are desired to be amended:

ARTICLE	SECTION	SECTION TITLE
III	Section 4-56	Application—Requirements and conditions

**WHEREAS**, the specific amendments desired to be made to Chapter 4 of the Code of Ordinances are exhibited in redline form in the attached document.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Mt. Juliet Board of Commissioners, the City of Mt. Juliet Code of Ordinances is amended as follows:

**Section 1.** Article III, Section 4-56 Application – Requirements and conditions, Subsection (a), is amended to read in its entirety as follows:

(a) The owner of any business desiring to sell, distribute or store beer within the city shall file in person with the city recorder a written application under oath. The application shall include a scale drawing of the premises showing all parking spaces and the lot dimensions and an interior drawing showing the seating. Drawings shall be done to scale in a professional manner. No permit shall be issued until the board has reviewed information contained in the application and interviewed the applicant. The form of the application shall be prescribed by the board and approved by the city attorney. No beer permit license can be issued to a person whose spouse has had a beer permit revoked or suspended by the city, within the past ten years.

### **BE IT FURTHER ORDAINED**

**Section 2.** In case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further.

**Section 3.** If any section, clause, or provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this ordinance.

**Section 4.** This ordinance shall take effect on the earliest date allowed by law.

PASSED:

FIRST READING:

SECOND READING:

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James Maness, Mayor

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Kenny Martin, City Manager

ATTEST:

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Sheila S. Lockett, MMC  
City Recorder

APPROVED AS TO FORM:

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Samantha A. Burnett  
City Attorney

### **ARTICLE III. BEER AND ALCOHOLIC BEVERAGES AS DEFINED IN TCA 57-5-101<sup>1</sup>**

#### **Sec. 4-56. Application—Requirements and conditions.**

- (a) The owner of any business desiring to sell, distribute or store beer within the city shall file in person with the city recorder a written application under oath. The application shall include a scale drawing of the premises showing all parking spaces and the lot dimensions and an interior drawing showing the seating. Drawings shall be done to scale in a professional manner. No permit shall be issued until the board has reviewed information contained in the application ~~approved the written application~~ and interviewed the applicant. The form of the application shall be prescribed by the board and approved by the city attorney. No beer permit license can be issued to a person whose spouse has had a beer permit revoked or suspended by the city, within the past ten years.
- (b) To be eligible for a permit, the applicant shall establish, in addition to any other requirement of this chapter, the following:
- (1) That no beer will be sold except at places where such sale will not cause congestion of traffic or inference with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety and morals;
  - (2) That no sale shall be made to persons under 21 years of age;
  - (3) That no person, firm, corporation, joint stock company, syndicate, or association having at least a five-percent ownership interest in the establishment or the designated operator or manager of the business, meaning the person on site overseeing the business of selling beer, has been charged and penalized, whether through settlement, fines, conviction or otherwise, of any state, city, county or federal law relating to beer and/or liquor, including, but not limited to DUI's, public intoxication, sales to minors, or possession, storage, or sale of liquor or beer within the past ten years.
    - a. The alcoholic beverage board may waive compliance with this provision in its discretion and upon good cause shown by the applicant.
  - (4) That no person, firm, corporation, joint stock company, syndicate, or association having at least a five-percent ownership interest in the establishment or the designated operator or manager of the business, meaning the person on site overseeing the business of selling beer, has been convicted of any crime involving moral turpitude within the past ten years; and
  - (5) That no sale shall be made for on-premises consumption unless the permit so states.
- (c) An applicant shall disclose the following information in the application:

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<sup>1</sup>Editor's note(s)—Ord. No. 2017-22, adopted March 27, 2017, changed the title of Art. III from "Beer and alcoholic beverages of less than five percent" to "Beer and alcoholic beverages as defined in TCA 57-5-101".

State law reference(s)—Regulation of, T.C.A. § 57-5-101 et seq.; taxation, T.C.A. § 57-5-201 et seq.; prohibited acts, T.C.A. § 57-5-301 et seq.; transportation, T.C.A. § 57-5-401 et seq.; Tennessee Responsible Vendor Act of 2006, T.C.A. § 57-5-601 et seq.

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- (1) Name of the applicant.
  - (2) Name of applicant's business and whether the applicant is a person, partnership, corporation, limited liability company or association.
  - (3) Location of business by street address and map and parcel and telephone number at the location.
  - (4) If beer will be sold at two or more restaurants or other businesses as provided by T.C.A. § 57-5-103(a)(4), a description of all such businesses.
  - (5) Persons, firms, corporations, joint stock companies, syndicates, partnerships, limited liability companies or associations having at least a five percent ownership in the applicant, together with addresses and telephone numbers and social security numbers and tax ID numbers.
  - (6) The name, address, and social security number of any individual person who will act as the designated operator or manager of the business, meaning the person on site overseeing the business of selling beer.
  - (7) Identity and address and telephone number of a representative to receive annual tax notices and other communication from the city.
  - (8) Whether any person, firm, corporation, joint stock company, syndicate, or association having at least a five-percent ownership interest in the applicant or any person employed in the distribution or sale of beer or the designated operator or manager of the business, meaning the person on site overseeing the business of selling beer, has been charged and penalized, whether through settlement, fines, conviction or otherwise, of any state, city, county or federal law relating to beer and/or liquor, including, but not limited to DUI's, public intoxication, sales to minors, or possession, storage, or sale of liquor or beer, in the past ten years.
    - a. The alcoholic beverage board may waive compliance with this provision in its discretion and upon good cause shown by the applicant.
  - (9) Whether any person, firm, corporation, joint stock company, syndicate, or association having at least a five-percent ownership interest in the applicant or any person employed in the distribution or sale of beer or the designated operator or manager of the business, meaning the person on site overseeing the business of selling beer, has been convicted of any crime involving moral turpitude within the past ten years.
  - (10) Whether the applicant is seeking a permit which would allow the sale of beer for on-premises consumption of beer or for off-premises consumption or both types of consumption.
  - (11) The name, address and telephone number of the owner of the property.
  - (12) The application shall authorize a police records check and shall waive any right the applicant may have to privacy concerning arrests reflecting on the moral character of the applicant.
- (d) An applicant or permit holder shall amend or supplement the information provided in his application promptly if a change in circumstances affects the responses in the application.
  - (e) Any applicant making any false statement in an application shall forfeit his permit, and shall not be eligible to receive any permit for a period of ten years.
  - (f) Permits shall be issued to the owner of the business, whether a person, firm, corporation, joint stock company, syndicate, or association.
  - (g) Every beer permit applicant, and any manager or operator of the business, meaning the person on site overseeing the business of selling beer, is required to provide a Tennessee Bureau of Investigation (TBI) background check dated no less than week prior to the date of the application.



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- (h) The applicant is subject to an ongoing duty of disclosure. If any information in the application changes, including, but not limited to, any potential violation of any state, city, county or federal law relating to beer and/or liquor, the applicant is required to submit a supplemental application within 60 days of the qualifying event. Failure to do so will be considered a violation of this chapter, punishable in the same fashion as any other violation. For the purpose of this subsection, a supplemental application only needs to include the information that has changed, as well as an explanation of the change. If another part of this chapter requires a new application based upon a change in information, including, but not limited to, a change of ownership, that portion of this chapter will control.

(Code 1997, § 2-3-040; Ord. No. 2006-35, § 1(F), 8-14-2006; Ord. No. 2007-51, 3-26-2007; Ord. No. 2013-06, § 1, 1-28-2013; Ord. No. 2017-02, 1-9-2017)

## **Ordinance 2025-**

### **Executive Summary: Amendment to the Alcoholic Beverage Laws**

The City Attorney and City Recorder departments have been conducting research to improve the process by which the Alcoholic Beverage Board (ABB) reviews and approves applications for On or Off Premise Beer Permits. In reviewing best practices from other cities, it was identified that the current method of redacting and uploading full applications to the ABB agenda has led to security concerns. Specifically, applicants have reported being contacted by scammers claiming they owe additional money for their permits.

To address this issue, a proposed amendment aims to protect permit holders from such scams. The new process will involve submitting a one-page summary with the necessary details for the ABB to make a decision. The full application will still be available, but it will be provided through the Public Information Request guidelines, ensuring transparency while safeguarding sensitive information.

If approved on the first reading on April 14th, this change will take effect starting with the ABB meeting on May 13th. If passed, the second reading is scheduled for May 12th. There are currently four applications planned for the May ABB meeting.



# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1072  
12.E.

**Agenda Date:** 4/14/2025

**Agenda #:**

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**Title:**

AN ORDINANCE TO AMEND THE LAND USE PLAN FOR THE PROPERTY KNOWN AS PADDOCKS SENIOR - WELLER LIFE COMMUNITIES, LOCATED AT 535 PLEASANT GROVE ROAD, MAP 077, PARCELS 072.21 AND 072.25 FROM INTERSTATE-COMMERCIAL TO MULTI-FAMILY RESIDENTIAL

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE LAND USE PLAN FOR THE PROPERTY KNOWN AS PADDOCKS SENIOR – WELLER LIFE COMMUNITIES, LOCATED AT 535 PLEASANT GROVE ROAD, MAP 077, PARCELS 072.21 AND 072.25 FROM INTERSTATE-COMMERCIAL TO MULTI-FAMILY RESIDENTIAL**

**WHEREAS**, a public hearing before the City Commission of the City of Mt. Juliet was held on \_\_\_\_\_, 2025 and notice thereof published in the Chronicle of Mt. Juliet on \_\_\_\_\_; and

**WHEREAS**, the City of Mt. Juliet Regional Planning Commission considered this request during their meeting of **January 16, 2025**, and forwarded a **positive** recommendation **(7-0-0)** to the Board of Commissioners; and

**WHEREAS**, the City of Mt. Juliet Board of Commissioners desires to amend the land use plan for the property from Interstate-Commercial to Multi-Family Residential; and

**WHEREAS**, the property described herein is entirely within the Mt. Juliet Urban Growth Boundary.

**NOW, THEREFORE, BE IT ORDAINED** BY THE BOARD OF COMMISSIONERS OF THE CITY OF MT. JULIET, TENNESSEE, WHILE IN REGULAR SESSION ON \_\_\_\_\_, 2025 as follows:

**SECTION 1.** – LAND USE PLAN AMENDMENT. The land use plan for the property described in Exhibit A is hereby amended from Interstate-Commercial to Multi-Family Residential; as shown in Exhibit B.

**SECTION 2.** – PLANNING COMMISSION RECOMMENDATION – This matter was considered by the Planning Commission and received a **positive** recommendation **(7-0-0)** in a regular meeting held on **January 16, 2025**.

**SECTION 3.** – PUBLIC HEARING – The zoning changes were the subject of a public hearing held on \_\_\_\_\_ at 6:15 p.m.

**BE IT FURTHER ORDAINED**

In case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further. If any section, clause, or provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this ordinance.

This ordinance shall take effect on the earliest date allowed by law.

PASSED:

\_\_\_\_\_  
James Maness, Mayor

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Sheila S. Lockett, MMC  
City Recorder

\_\_\_\_\_  
Kenny Martin, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Samantha A. Burnett  
City Attorney

**LEGAL DESCRIPTION OF 535 PLEASANT GROVE ROAD AS TAKEN FROM CRAWFORD AND CUMMINGS SURVEY WHICH WAS SURVEYED ON 10/7/2024.**

(Converted to word document text on 2025-01-14)

Tract A:

A tract or parcel of land located in the 3rd Civil District of Wilson County, Tennessee and being more particularly described as follows:

Beginning at the POINT OF BEGINNING at an iron rod lying in the northerly margin of Pleasant Grove Road (ROW varies), being the southeasterly corner of Premier Automotive Holdings of Lebanon, LLC (DB. 1630, PG.1009, R.O.W.C.T.) and being the southwesterly corner of the hereon described tract;

Thence, along the easterly line of said Premier Automotive Holdings of Lebanon, LLC the next (8) eight calls:

Thence, N 50°53'12" W, a distance of 81.10';

Thence, N 30°51'04" W, a distance of 307.75';

Thence, with a curve turning to the right with an arc length of 94.64', with a radius of 250.00', with a chord bearing of N 20°00'23" W, with a chord length of 94.07';

Thence, N 09°08'03" W, a distance of 73.63';

Thence, with a curve turning to the right with an arc length of 163.21', with a radius of 250.35', with a chord bearing of N 09°32'29" E, with a chord length of 160.33';

Thence, N 28°14'28" E, a distance of 86.05';

Thence, N 28°14'28" E, a distance of 195.40';

Thence, N 76°28'12" W, a distance of 486.37';

Thence, along the easterly line of James Rediker, etux of record in Deed Book 1030, Page 760, Register s' Office of Wilson County, Tennessee, the next (2) two calls:

Thence, N 13°31'48" E, a distance of 767.61';

Thence, N 15°45'21" E, a distance of 881.41';

Thence, along the southerly line of Craig Jarmillo, etux of record in Deed Book 2056, Page 1069, Register's Office of Wilson County, Tennessee, S 81°49'58" E, a distance of 253.98';

Thence, along the westerly line of Wayne Dickerson of record in Deed Book 1991, Page 1667, Register's Office of Wilson County, Tennessee, S 06°09'34" E, a distance of 366.06';

Thence, along the easterly, northerly & westerly lines of The Paddocks at Mt. Juliet of Owners Association, Inc. of record in Deed Book 1638, Page 236, Register s' Office of Wilson County, Tennessee, the next (21) twenty-one calls:

Thence, N 21°35'17" W, a distance of 112.21';

Thence, N 32°01'44" W, a distance of 94.10';

Thence, N 28°03'26" W, a distance of 159.85';

Thence, S 66°55'16" W, a distance of 121.18';

Thence, S 28°03'26" E, a distance of 164.01';

Thence, S 32°01'44" E, a distance of 97.29';

Thence, S 21°35'17" E, a distance of 92.11';

Thence, S 12°32'31" E, a distance of 158.85';

Thence, S 19°03'09" E, a distance of 73.99';

Thence, S 37°30'13" E, a distance of 63.24';

Thence, S 21°03'55" E, a distance of 61.69';

Thence, S 12°17'31" W, a distance of 110.85';

Thence, S 10°05'12" W, a distance of 328.53';

Thence, S 89°25'25" W, a distance of 91.65';

Thence, S 00°34'35" E, a distance of 104.00';

Thence, N 89°25'25" E, a distance of 54.76';

Thence, N 88°53'35" E, a distance of 43.44';

Thence, S 02°18'01" W, a distance of 23.83';

Thence, S 13°20'26" E, a distance of 138.32';

Thence, S 14°25'32" E, a distance of 101.78';

Thence, N 59°59'00" E, a distance of 63.05';

Thence, along the westerly and southerly lines of Wal-Mart Real EST BUS TR of record in DeedBook 1333, Page 1372, Register s'Office of Wilson County, Tennessee, the next (2) two calls:

Thence, S 28°13'54" W, a distance of 105.18';

Thence, S 61°45'29" E, a distance of 11.32';

Thence, along the westerly lines of The Paddocks at Mt. Juliet Owners Association, Inc. of record in Deed Book 1638, Page 236, Register s'Office of Wilson County, Tennessee (6) six calls:

Thence, S 00°01'12" E, a distance of 50.94';

Thence, S 09°06'37" E, a distance of 25.35';

Thence, S 21°11'10" E, a distance of 21.13';

Thence, S 72°27'38" W, a distance of 41.86';

Thence, S 67°23'40" W, a distance of 69.28';

Thence, S 61°19'40" W, a distance of 79.67';

Thence, along new severance lines the next (10) ten calls:

Thence, N 39°50'27" W, a distance of 62.50';

Thence, S 28°14'28" W, a distance of 174.27';

Thence, S 28°14'28" W, a distance of 86.05';

Thence, with a curve turning to the left with an arc length of 131.08', with a radius of 197.50', with a chord bearing of S 09°13'41" W, with a chord length of 128.68';

Thence, S 09°07'02" E, a distance of 71.49';

Thence, with a curve turning to the left with an arc length of 74.95', with a radius of 196.70', with a chord bearing of S 20°01'59" E, with a chord length of 74.50';

Thence, S 30°52'39" E a distance of 271.14';

Thence, with a curve turning to the left with an arc length of 51.53', with a radius of 149.91', with a chord bearing of S 40°43'33" E, with a chord length of 51.28';

Thence, N 39°06'48" E a distance of 10.78';

Thence, S 50°40'18" E a distance of 46.82';

Thence, along the northerly margin of Pleasant Grove Road (ROW Varies) S 39°06'55" W a distance of 63.48' to the Point of Beginning.

Containing an area of 802,250 Square Feet or 18.42 Acres, more or less.

Together with:

Land situated in the 3rd Civil District, Wilson County, City of Mt. Juliet Tennessee and being more particularly described as follows:

Beginning at an iron rod being the northeasterly corner of Wal-Mart REAL EST BUS TR of record in Deed Book 1333, Page 1372, R.O.W.C., being the common corner between said Wal\_Mart and Paddocks CC TIC LLC, et al and being a southeasterly corner of the hereon described tract;

Thence, along said Wal-Mart the next (3) three calls:

Thence, N 61°45'29" W, a distance of 229.89'

Thence, N 83°59'38" W, a distance of 213.48'

Thence, S 28°14'34" W, a distance of 585.04'

Thence, along the easterly lines of The Paddocks at Mt. Juliet Owners Association, Inc. of record in Deed Book 1638, Page 236, R.O.W.C. the next (15) fifteen calls:

Thence, N 13°20'26" W, a distance of 96.81'



Thence, N 02°18'01" E, a distance of 2.44'

Thence, N 78°16'03" E, a distance of 78.21'

Thence, N 11°43'57" W, a distance of 121.91'

Thence, N 16°10'31" W, a distance of 52.34'

Thence, N 18°27'22" E, a distance of 128.09'

Thence, N 71°32'38" W, a distance of 31.31'

Thence, N 10°05'12" E, a distance of 84.76'

Thence, N 12°17'31" E, a distance of 158.51'

Thence, N 21°03'55" W, a distance of 49.39'

Thence, N 22°44'09" E, a distance of 52.65'

Thence, S 84°16'54" E, a distance of 215.02'

Thence, S 89°15'02" E, a distance of 58.37'

Thence, N 89°34'39" E, a distance of 133.66'

Thence, N 00°25'21" W, a distance of 76.43'

Thence, along the southerly lines of Clifford Wilkin, etux of record in Deed Book 425, Page 236, R.O.W.C. and Herman Griffin, etux of record in Deed Book 294, Page 75, R.O.W.C. the next (2) two calls:

Thence, S 84°10'47" E, a distance of 336.22'

Thence, S 83°45'36" E, a distance of 535.06'

Thence, along the westerly lines of Paddocks CC TIC LLC, et al of record in Deed Book 1588, Page 718, R.O.W.C.

Thence, S 06°12'42" W, a distance of 119.88'

Thence, S 72°15'33" W, a distance of 676.30' to the Point of Beginning.

Containing an area of 391,550 Square Feet or 8.99 Acres, more or less.

Together with:

Land situated in the 3rd Civil District, Wilson County, City of Mt. Juliet Tennessee and being more particularly described as follows:

Beginning at an point lying in the southerly line of Wayne Dickerson of record in Deed Book 1991, Page 1667, R.O.W.C., said point being 17.5' more or less from Wayne Dickerson southwesterly corner and being the northwesterly corner of the hereon described tract;

Thence, along said southerly line of Wayne Dickerson S 83°57'56" E, a distance of 112.37';

Thence, along the easterly and westerly lines of The Paddocks at Mt. Juliet Owners Association, Inc. of record in Deed Book 1638, Page 236, R.O.W.C. the next (5) five calls:

Thence, S 57°19'26" W, a distance of 39.36'

Thence, S 32°31'53" W, a distance of 35.27'

Thence, S 22°44'09" W, a distance of 33.44'

Thence, N 37°30'13" W, a distance of 47.09'

Thence, N 17°47'23" W, a distance of 59.11' to the Point of Beginning.

Containing an area of 4660 Square Feet or 0.11 Acres, more or less.

Being a portion of the same property conveyed to The Paddocks at Mt. Juliet, LLC, a Georgia limited liability company, by Quitclaim Deed from Gipson/Hudson Properties, LLC, a Georgia limited liability company, of record in Book 1239, Page 894, Register's Office for Wilson County, Tennessee, dated January 1, 2007 and recorded on March 29, 2007.

Being a portion of the same property conveyed to The Paddocks Development, L. P., a Delaware limited partnership, by Quitclaim Deed from The Paddocks at Mt. Juliet, LLC, a Georgia limited liability company, of record in Book 1263, Page 111, Register's Office for Wilson County, Tennessee, dated July 20, 2007 and recorded on August 1, 2007.

Tract B:

INSURED DESCRIPTION TO BE PROVIDED BY SURVEY.

Property Description - Conservation Area 3

Land situated in the 3rd Civil District, the City of Mt. Juliet, Wilson County, Tennessee and being Conservation Area 3 on The Paddocks Development Property, of Record in DeedBook 1263, Page 111, Register's Office for Wilson County, Tennessee and being more particularly described as follows:

Beginning at a point, which is South 73°02'14" West, 132.88 feet from the northwesterly property corner of Wayne Dickerson, of Record in Book 438, Page 938, Register's Office for Wilson County, Tennessee and also being the southeasterly property corner of Craig Jaramillo and wife, Mercy, of Record in Book 1621, Page 270, Register's Office for Wilson County, Tennessee and proceeding as follows:

From the Point of Beginning and with the Conservation Area 3 for the next 3 calls:

Thence, 1) South 28°03'26" East, 159.85 feet to a point;

Thence, 2) South 32°01'44" East, 94.10 feet to a point;

Thence, 3) South 21°35'17" East, 112.21 feet to a point in the westerly property line of Dickerson;

Thence, along the westerly and southerly property lines of Dickerson for the next 2 calls:

1)South 06°09'36" East, 145.82 feet to a point;

Thence, 2) South 83°57'56" East, 17.16 feet to a point;

Thence, leaving Dickerson and continuing with Conservation Area 3 for the next 5 calls:

1) South 17°47'23" East, 59.11 feet to a point;

Thence, 2) South 37°30'13" East, 47.09 feet to a point;

Thence, 3) North 22°44'09" East, 33.44 feet to a point;

Thence, 4) North 32°31'53" East, 35.27 feet to a point;

Thence, 5) North 57°19'26" East, 39.36 feet to a point;

Thence, with the southerly property line of Dickerson and Frederick A. Weyler, of Record in

Book 434, Page 778, Register's Office for Wilson County, Tennessee and Clifford A. Wilkin, et ux, of Record in Book 425, Page 236, Register's Office for Wilson County, Tennessee in part, for the next 2 calls:

1) South 83°57'56" East, 268.81 feet to a point;

Thence, 2) South 84°10'48" East, 178.48 feet to a point;

Thence, leaving Wilkin and continuing with Conservation Area 3 for the next 15 calls:

1) South 00°25'21" East, 76.43 feet to a point;

Thence, 2) South 89°34'39" West, 133.66 feet to a point;

Thence, 3) North 89°15'02" West, 58.37 feet to a point;

Thence, 4) North 84°16'54" West, 215.02 feet to a point;

Thence, 5) South 22°44'09" West, 52.65 feet to a point;

Thence, 6) South 21°03'55" East, 49.39 feet to a point;

Thence, 7) South 12°17'31" West, 158.51 feet to a point;

Thence, 8) South 10°05'12" West, 84.76 feet to a point;

Thence, 9) South 71°32'38" East, 31.34 feet to a point;

Thence, 10) South 18°27'22" West, 128.09 feet to a point;

Thence, 11) South 16°10'31" East, 52.34 feet to a point;

Thence, 12) South 11°43'57" East, 121.91 feet to a point;

Thence, 13) South 78°16'03" West, 78.21 feet to a point;

Thence, 14) South 02°18'01" West, 2.44 feet to a point;

Thence, 15) South 13°20'26" East, 96.81 feet to a point on the westerly property line of Wal-Mart Real Estate Business Trustee property, of Record in Book\_1333,\_Page\_1372, Register's Office for Wilson County, Tennessee;

Thence, with said property line for the next call:

1) South 28°14'28" West, 138.37 feet to a point;

Thence, leaving Wal-Mart and continuing with Conservation Area 3 for the next 18 calls

South 1) 59°29'00" West, 63.05 feet to a point;

Thence, 2) North 14°25'32" West, 101.78 feet to a point;

Thence, 3) North 13°20'26" West, 138.32 feet to a point;

Thence, 4) North 02°18'01" East, 23.83 feet to a point;

Thence, 5) South 88°53'35" West, 43.44 feet to a point;

Thence, 6) South 89°25'25" West, 54.76 feet to a point;

Thence, 7) North 00°34'35" West, 104.00 feet to a point;

Thence, 8) North 89°25'25" East, 91.65 feet to a point;

Thence, 9) North 10°05'12" East, 328.53 feet to a point;

Thence, 10) North 12°17'31" East, 110.85 feet to a point;

Thence, 11) North 21°03'55" West, 61.69 feet to a point;

Thence, 12) North 37°30'13" West, 63.24 feet to a point;

Thence, 13) North 19°03'09" West, 73.99 feet to a point;

Thence, 14) North 12°32'31" West, 158.85 feet to a point;

Thence, 15) North 21°35'17" West, 92.11 feet to a point;

Thence, 16) North 32°01'44" West, 87.29 feet to a point;

Thence, 17) North 28°03'26" West, 164.01 feet to a point;

Thence, 18) North 61°56'34" East, 120.00 feet to a point to the Point of Beginning. Containing 282,754 Square feet or 6.49 Acres, more or less.

Being a portion of the same property conveyed to The Paddocks Development, L.P., a Delaware limited partnership by Deed of record in Book 1263, Page 111, in the Register's Office for Wilson County, Tennessee.

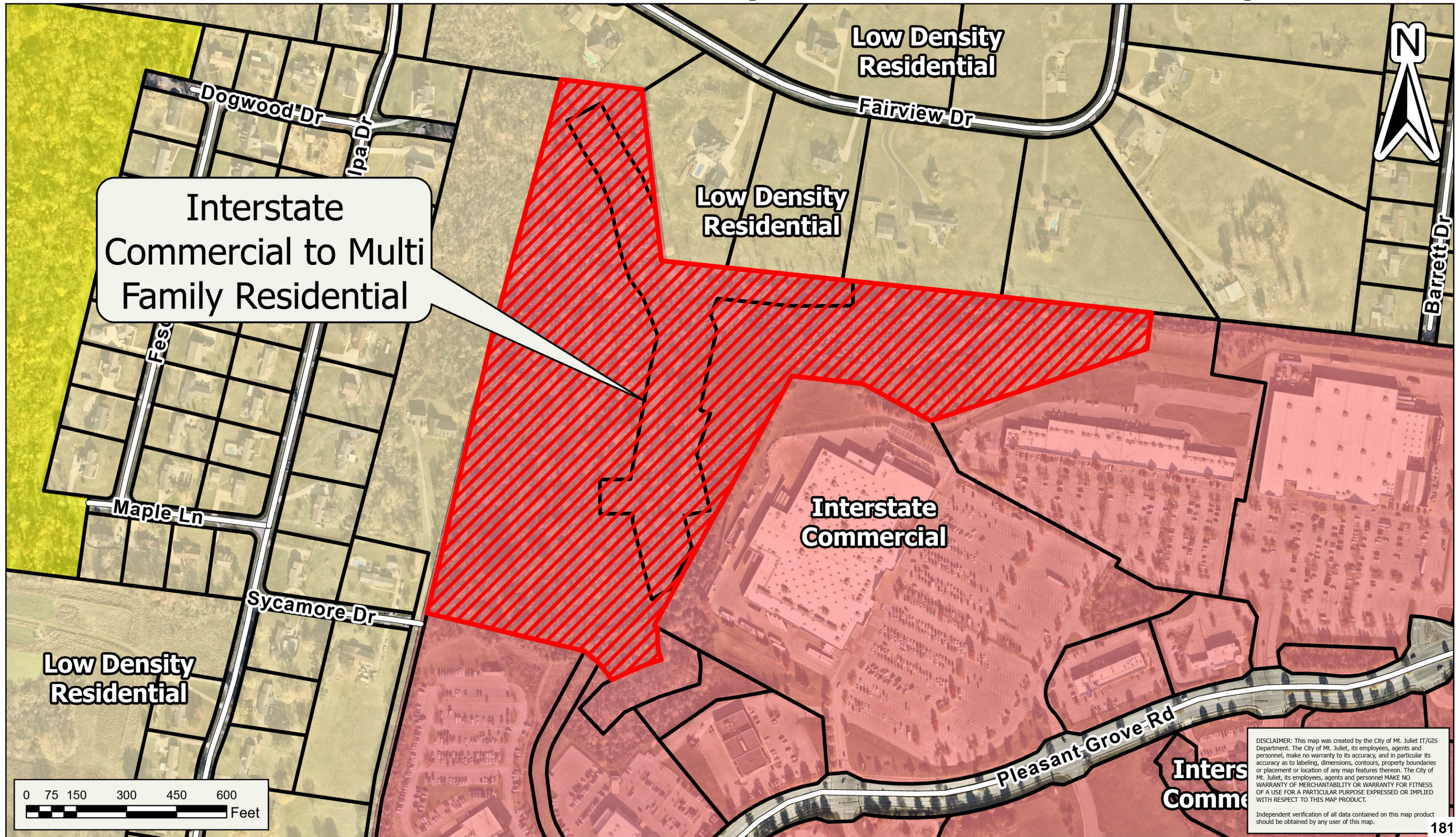
Being a portion of the same property conveyed to The Paddocks at Mt. Juliet Owners Association, Inc., a Tennessee nonprofit corporation by Deed from The Paddocks Development, L.P., a Delaware limited partnership of record in Book 1638, Page 236, in the Register's Office for Wilson County, Tennessee.





# Exhibit A- LUA

## Weller Life at Mt. Juliet Map 077, Parcels 072.21 & p/o 072.25







# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1074  
12.F.

**Agenda Date:** 4/14/2025

**Agenda #:**

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**Title:**

AN ORDINANCE TO REZONE APPROXIMATELY 33.52 ACRES OF PROPERTY AT 535 PLEASANT GROVE ROAD, MAP 077, PARCELS 072.21 AND 072.25 FROM RS-40 TO RM-16 PUD AND TO ADOPT THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR PADDOCKS SENIOR - WELLER LIFE COMMUNITIES

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO REZONE APPROXIMATELY 33.52 ACRES OF PROPERTY AT 535 PLEASANT GROVE ROAD, MAP 077, PARCELS 072.21 AND 072.25 FROM RS-40 TO RM-16 PUD AND TO ADOPT THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR PADDOCKS SENIOR – WELLER LIFE COMMUNITIES**

**WHEREAS**, the subject rezoning request is consistent with the findings required in the zoning ordinance, and;

**WHEREAS**, the Regional Planning Commission considered this request during their meeting of \_\_\_\_\_, 2025, and forwarded a \_\_\_\_\_ recommendation to the Board of Commissioners by a vote of (\_\_\_\_\_) and;

**WHEREAS**, a public hearing before the City Commission of the City of Mt. Juliet was held on \_\_\_\_\_ 2025 and notice thereof published in the Chronicle of Mt. Juliet on \_\_\_\_\_; and

**WHEREAS**, the City of Mt. Juliet Board of Commissioners desires to rezone the subject property at 535 Pleasant Grove Rd., Map 077, Parcel 072.21 and 072.25, approximately 33.52 acres, from RS-40 to RM-16 PUD and adopt the Preliminary Master Development Plan for the Paddocks Senior – Weller Life Communities.

**NOW, THEREFORE, BE IT ORDAINED** BY THE BOARD OF COMMISSIONERS OF THE CITY OF MT. JULIET, TENNESSEE, WHILE IN REGULAR SESSION ON \_\_\_\_\_, 2025 as follows:

**SECTION 1.** – REZONING. Resolution No. 20-2022 (Zoning Map), adopted March 28, 2022, be and is hereby amended, and altered by rezoning those certain parcels of real property at 535 Pleasant Grove, Map 077, Parcels 072.21 and 072.25, approximately 33.52 acres, from RS-40 RM-16 PUD.

**LEGAL DESCRIPTION** – See Exhibit A (attached)

**SECTION 2.** – The Preliminary Master Development Plan for the Paddocks Senior – Weller Life Communities (Exhibit B) is hereby adopted, except as modified herein. The Preliminary Master Development Plan shall comply with the Zoning Ordinance, be in substantial conformance with all other applicable rules, regulations and ordinances of the City of Mt. Juliet and is further conditioned upon the following:

**SECTION 3.** – PUBLIC HEARING – The zoning changes were the subject of a public hearing held on \_\_\_\_\_ at 6:15 p.m.

**BE IT FURTHER ORDAINED**

In case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further. If any section, clause, or provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this ordinance.

This ordinance shall take effect on the earliest date allowed by law.

PASSED:

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James Maness, Mayor

FIRST READING:

SECOND READING:

ATTEST:

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Sheila S. Lockett, MMC  
City Recorder

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Kenny Martin, City Manager

APPROVED AS TO FORM:

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Samantha A. Burnett  
City Attorney





## MEMORANDUM

**Date:** February 20, 2025

**To:** Luke Winchester, Chairman  
and Planning Commission

**From:** Jon Baughman, City Planner  
Jill Johnson, Planner I

**Re:** Paddocks Senior – Weller Life at Mt. Juliet  
Land Use Amendment, PMDP PUD  
Map - 077  
Parcel(s) – 72.21, 72.25

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**Request:** CSDG, on behalf of their clients, Maxwell Group and The Paddocks Group, is seeking a land use amendment, rezone and a preliminary master development PUD/rezone approval for a multi-family age-restricted residential development in the Paddocks. The site is located at 535 Pleasant Grove Road in located within District 3.

**Overview:** The subject property consists of approximately 34 acres, on the northern side of Pleasant Grove Road behind the Walmart. The subject property is currently zoned RS-40, single family residential. The zoning requested for is RM-16, multi-family residential. The current land use is interstate commercial and the requested land use classification is multi-family residential. The proposed density for the development is 2.1 units per acre, and a total residential unit count of 70 townhome units.

<b><i>REQUEST</i></b>	<b><i>Land Use Map</i></b>	<b><i>Requested Classification</i></b>	<b><i>Current Zoning</i></b>	<b><i>Requested Zoning</i></b>
<i>Land Use Amendment, PMDP-PUD, &amp; Rezone</i>	<i>Interstate Commercial</i>	<i>Multi-Family Residential</i>	<i>RS-40 Single Family Residential</i>	<i>RM-16 PUD</i>

**Future Land Use:** There will be a land use map amendment request due to the current land use of interstate commercial, and the request is for multi-family residential.

**Zoning:** The zoning is currently RS-40, single family residential. The applicant is seeking RM-16 PUD, multi-family residential. The overall density of the proposal is 2.1 units per acre. Staff recommends that the base zoning district be RM-8 (which allows up to 7.9 units per acre).

**Findings:** In reviewing the requested zoning actions, staff finds that the request not agree with all of the following findings, as contained in the zoning ordinance. The proposed rezone:

1. *is NOT agreement with the general plan for the area, and LAND USE PLAN*
2. *does not contravene the legal purposes for which zoning exists, and*

3. *will have no adverse effect upon joining property owners, unless such effect can be justified by the overwhelming public good or welfare, and*
4. *is not materially beneficial to a property owner or small group of property owners and will not be detrimental to the general public, and*
5. *is possible because conditions affecting the area have changed to a sufficient extent to warrant an amendment to the zoning map, and*
6. *allows uses by right, for which the base infrastructure is in place or will be required, to support their operation.*

### **Preliminary Master Development Plan:**

Overview: The subject site is located on the north side of Pleasant Grove Road and is presently undeveloped land behind the existing Walmart. The proposal includes two parcels, one of which is approximately 6.49 acres and includes a conservation easement. The second/main parcel is 27.03 acres. The proposal includes 70 multi-family townhomes that are to be marketed as age-restricted in a horizontal property regime ownership arrangement.

The development timeline notes that this project is expected to be completed over a single phase over the course of approximately 2 years. This project will be comprised of 80.90% (27.51 acres) age restricted residential development and 19.10% (6.49 acres) dedicated conservation areas.

Bulk Standards: The total number of multi-family residential units is 70. The overall density is 2.1 units per acre. The minimum lot area is 2,700 sf for the proposed townhomes. A bulk standard waiver is sought to allow 15' minimum between all buildings, as both the residential units and amenities will be sprinkled. ISR ratio is acceptable at 25.2%.

Proposed & Required setbacks per RM-16 standards: No changes are requested.

Proposed:	Required:
Front: 20'	Front: 20'
Side: 8'	Side: 8'
Rear: 20'	Rear: 20'

Open Space/Amenities: The applicant has shown 20.1% (5.52 acres) of open space to be improved and unimproved. The improved open space is 10% (2.74 acres) and as proposed is to include a 7,520sf amenity center, 4,700sf pickleball courts, 1,370sf sitting areas, 19,690sf concrete walkways, 8,400sf greenway trails, 10,400sf pet park and 67,350sf of ponds. The unimproved open space is 10.1% (2.78 acres). Detention ponds cannot count toward improved open space calculations.

Pedestrian/Vehicle Connections: Vehicular connection is provided via a single access point to the south on Pleasant Grove Road. Pedestrian connections are shown on this PMDP and are complete and compliant with the City's subdivision regulations. A single sidewalk connection to Pleasant Grove Road for accessibility to the commercial areas abutting this development is provided via Weller Lane.

Bicycle parking is provided per code requirements with 7 spaces being required and 10 spaces are proposed. Wheel stops are not shown and are not permitted. Further parking review and refinement will occur with further submittals, including final master development plan and site plan.

5-104.1 and 4-114 Development Standards for Multi-Family Development: Approximately 10% of the site is devoted to improved open space (2.74 ac). Improvements are to include a minimum 7,520sf clubhouse/amenity center, pickleball courts, pool, and walking paths. Staff requests that the detention pond be removed from the list of improved opens space items. At least 10% improved open space shall be maintained.

Several waivers, listed below, are sought from the requirements of this section of code. All applicable regulations which do not receive a waiver will apply at final master development plan/site plan submittal, including those found in zoning regulations section 5-104 and subdivision regulations section 4-114.

Landscaping: The site will require landscape buffers. Enhanced landscape has been requested along the main ingress/egress of Weller Lane and around the amenity areas due to the proximity of the amenities to the residential units for additional privacy screening. Notes provided indicate that they will be in open space and maintained by the development owner. Notes also indicate that a tree preservation plan will be submitted at time of FMDP. A full landscape plan will be required at FMDP/site plan submittal and reviewed for code compliance at that time.

Other: All wet retention ponds shall include lighted fountains and include enhanced landscaping. The mail kiosk is currently noted as being located within the amenity center and the applicant has been instructed to obtain approval through the postmaster for this location, of which is to be provided at the time of FMDP submittal. Site lighting will be reviewed at FMDP submittal. Bike rack and decorative trash receptacle details are shown to be provided. The applicant has noted that a dumpster will not be utilized for the amenities and staff has requested the means of waste disposal for the residential units be identified.

Variances/Waivers: The following waivers are requested.

1. 5.104 – Bulk regulations. A waiver is requested to allow 15’ minimum area between all buildings since the residential buildings and amenity center will be provided with sprinkler systems. **STAFF SUPPORTS IF BUILDINGS ARE SPRINKLED.**
2. 5.104 - Request to omit the required perimeter fence. **STAFF SUPPORTS IF ENHANCED LANDSCAPING IS PROVIDED.**
3. 5-104 - Removal of playlot/playground due to this being an age-restricted development. **STAFF SUPPORTS DUE TO ADDITIONAL AMENITIES PROVIDED IN LIEU OF.**
4. 4-114 - Allow up to 50% secondary materials on all facades (residential and amenity center). **STAFF SUPPORTS. ELEVATION PERCENTAGES AND TYPES ARE TO BE PROVIDED AT FMDP.**
5. 5-104 Transitional protective yard ends at line of deed restriction on the west and at parcel 72.21 on the east. **STAFF SUPPORTS TERMINUS AT LINE OF DEED RESTRICTION ON WEST, BUT REQUESTS THE YARD CONTINUE FROM UNIT 21 DUE EAST TO INCLUDE UNITS 8-17 AND 1-4.**

6. Slopes greater than 20% can be disturbed in a cut condition only. – **PW TO RECOMMEND**
7. Allowance for private streets. – **PW TO RECOMMEND**
8. Cul-de-sac to exceed 14 units. – **PW TO RECOMMEND**
9. Cul-de-sac to exceed 700'. – **PW TO RECOMMEND**

**Summary:** This development proposes 70 age-restricted townhome units with age-appropriate amenities, on approximately 34 acres, to be located off Pleasant Grove Road, abutting the Paddocks Commercial development center. The units will be sold under a horizontal property regime. This project does not currently meet the future land use of interstate commercial and will require an amendment to multi-family residential. Staff does not typically support land use plan amendments but this is an acceptable instance as this development makes sense in this particular area. Staff recommends the base zoning district be RM-8 in lieu of the requested RM-16 as it is unnecessary due to the proposed density. The waivers listed above are subject to the Planning Commission and Board of Commissioners approval.

**Recommendation:** Staff recommends the Planning Commission make a positive recommendation to the Board of Commissioners for the land use amendment, rezone and preliminary master development plan for the Weller Life at Mt. Juliet Age Restricted Community, on Pleasant Grove Road, with the following conditions:

**Planning and Zoning:**

1. The base zoning district shall be RM-8 in lieu of RM-16, due to the density proposed.
2. Remove all ponds from improved open space calculations.
3. All requirements of the City's subdivision regulations shall be adhered to, except any waivers and variances approved by the Planning Commission and Board of Commissioners.
4. All bulk standards 5-103a shall be adhered to excepting any waivers granted by the Planning Commission and Board of Commissioners.
5. The 5-104.7 multi-family residential zoning regulations shall be adhered to, excepting any waivers and variances approved by the Planning Commission and Board of Commissioners.
6. All HVAC and utility equipment shall be completely screened from view, whether ground wall or roof mounted. Screening shall be brick/stone screen walls or enhanced landscaping.
7. All wall mounted utility equipment shall be painted to match the facades.
8. All building mounted exterior lighting fixtures on the amenity buildings, shall be decorative.
9. Brick shall be clay, baked and individually laid.
10. Stone shall be individually laid.
11. Corner lots and end units shall be treated as critical facades with architectural variety with the units currently proposed, and shall include additional lots, #4 and #40.
12. Provide decorative street lighting throughout, also provide street light typical at Final Master Development plan. Maintenance and fees shall be the responsibility of the Developer owner.
13. Ensure light bleed from the amenity center and external activities do not negatively impact the residential lots nearby. Provide a full photometric plan and landscaping at FMDP.

14. All poles and posts shall be powder-coated black or a color sympathetic to the site. Channel posts are not permitted.
15. Mail kiosks shall be covered and well lit, provided the internal mail kiosk at the amenity Center as proposed is not approved by the Postmaster.
16. The amenity center shall be completed by the issuance of the 35th Certificate of Occupancy.
17. Provide decorative, low maintenance fencing around tennis/pickleball courts.
18. Provide split rail/farm style fencing along Weller Lane entrance from Pleasant Grove Road to enhance the streetscape. The fencing shall be decorative, low maintenance. Provide a detail at FMDP submittal.
19. Provide enhanced landscaping around the wet-pond.
20. Provide a lighted fountain for the wet-pond.
21. Provide a wave-style bike rack with a minimum of 10 bike parking spaces at the amenity center.
22. Provide details of trash service for the homeowners. Will they be included in the private trash service as proposed for the amenity areas?
23. Driveways shall be a minimum of 22' length and 18' width.
24. Development signage to be reviewed via separate application to the Planning Department.
25. Preserve as many trees as possible, especially around the perimeter. Provide a tree preservation plan with FMDP submittal.
26. Existing trees can be utilized for perimeter buffer, should they meet the code as such. Supplemental plantings will likely be required.
27. A complete landscape plan will be required at FMDP/PP Submittal.
28. Landscape buffers shall be located in open space and be maintained by the development owner.
29. Provide enhanced landscaping along the northernmost units #66-70.
30. Provide formalized elevations to include all materials and percentages at FMDP.
31. Please provide information within the deeds and covenants, keeping this development age restricted in perpetuity.
32. Units #5-7 are currently adjacent to wetlands. Provide results of ARAP and remediation requirements at FMDP/PP submittal.
33. The amenity center building shall be reviewed and approved via a separate application for a site plan to the Planning Department.
34. Update the cover page to notate Jon Baughman, City Planner as the point of contact for the Planning Department, and update the address to 115 Clemmons Rd.

Public Works:

1. The following variances are requested or required:
  - a. Cul-de-sac to exceed 14 units (4-104.4): SUPPORTED conditionally on the road being built as an access street (no modifications).
  - b. Cul-de-sac to exceed 700 ft (4-104.4): SUPPORTED conditionally on the road being built as an access street (no modifications).
  - c. Allow private streets (4-103.3): SUPPORTED
  - d. Slopes greater than 20% can be disturbed in a cut condition only: SUPPORTED

2. Based on the results of the MTA, the following transportation infrastructure improvements shall be required:
  - a. The crosswalk across the auto dealership driveways shall be improved to meet ADA standards as needed.
  - b. An enhanced crosswalk across Pleasant Grove Road shall be constructed and include pedestrian refuge within the median. The required enhancements and location of such crossing shall be determined at FMDP.
  - c. Restripe the existing crosswalks at the intersection of Pleasant Grove Road and Old Pleasant Grove Road.
3. On-street parking shall be parallel parking.
4. The stub road accessing lots 21-24 must be less than 150 feet long or else a turnaround is required.
5. Sidewalks abutting parking shall be at least 7' wide.
6. All driveways shall comply with TDOT's Highway Systems Access Manual.
7. All pedestrian facilities shall comply with ADA and PROWAG standards.
8. Sidewalks shall run all the way to Pleasant Grove Road (both sides of the drive).
9. In the event karst features are encountered during grading, a licensed geotechnical engineer shall document the feature, and the feature shall be located by a licensed surveyor. If the feature is to be remediated, the geotechnical engineer shall provide a remediation plan to the City for approval. Efforts will be made to minimize any remediated features within building envelopes.
10. Landscaping plans shall be approved prior to construction plan approval.
11. If wet ponds are used, aeration shall be provided.
12. Tennessee Rule 0400-10-.04 required for water quality and quantity.
13. A letter of approval from West Wilson Utility District will be required prior to construction plan approval is issued.
14. Sewer availability has been requested.
15. All sanitary sewer shall be (minus service laterals) public and contained within a 20' easement (minimum).
16. Proposed pump station shall be public. The pump station shall be designed and built to City specifications.
17. Existing slopes equal to or greater than 20% shall not be within a proposed building envelope.
18. No onsite grinder systems or step systems will be allowed for this development.
19. Stormwater Coordinator: Identify all stream and storm structures and advise if they will be used, kept as is, or improved.

Wilson County Schools:

1. No Comments Received

West Wilson Utility District:

1. The water lines shown are not WWUD's design. There is a label that says 10' water line easement. The actual easement shall be 10' on each side of the centerline of the water line.

**LEGAL DESCRIPTION OF 535 PLEASANT GROVE ROAD AS TAKEN FROM CRAWFORD AND CUMMINGS SURVEY WHICH WAS SURVEYED ON 10/7/2024.**

(Converted to word document text on 2025-01-14)

Tract A:

A tract or parcel of land located in the 3rd Civil District of Wilson County, Tennessee and being more particularly described as follows:

Beginning at the POINT OF BEGINNING at an iron rod lying in the northerly margin of Pleasant Grove Road (ROW varies), being the southeasterly corner of Premier Automotive Holdings of Lebanon, LLC (DB. 1630, PG.1009, R.O.W.C.T.) and being the southwesterly corner of the hereon described tract;

Thence, along the easterly line of said Premier Automotive Holdings of Lebanon, LLC the next (8) eight calls:

Thence, N 50°53'12" W, a distance of 81.10';

Thence, N 30°51'04" W, a distance of 307.75';

Thence, with a curve turning to the right with an arc length of 94.64', with a radius of 250.00', with a chord bearing of N 20°00'23" W, with a chord length of 94.07';

Thence, N 09°08'03" W, a distance of 73.63';

Thence, with a curve turning to the right with an arc length of 163.21', with a radius of 250.35', with a chord bearing of N 09°32'29" E, with a chord length of 160.33';

Thence, N 28°14'28" E, a distance of 86.05';

Thence, N 28°14'28" E, a distance of 195.40';

Thence, N 76°28'12" W, a distance of 486.37';

Thence, along the easterly line of James Rediker, etux of record in Deed Book 1030, Page 760, Register s' Office of Wilson County, Tennessee, the next (2) two calls:

Thence, N 13°31'48" E, a distance of 767.61';

Thence, N 15°45'21" E, a distance of 881.41';

Thence, along the southerly line of Craig Jarmillo, etux of record in Deed Book 2056, Page 1069, Register's Office of Wilson County, Tennessee, S 81°49'58" E, a distance of 253.98';

Thence, along the westerly line of Wayne Dickerson of record in Deed Book 1991, Page 1667, Register's Office of Wilson County, Tennessee, S 06°09'34" E, a distance of 366.06';

Thence, along the easterly, northerly & westerly lines of The Paddocks at Mt. Juliet of Owners Association, Inc. of record in Deed Book 1638, Page 236, Register s' Office of Wilson County, Tennessee, the next (21) twenty-one calls:

Thence, N 21°35'17" W, a distance of 112.21';

Thence, N 32°01'44" W, a distance of 94.10';

Thence, N 28°03'26" W, a distance of 159.85';

Thence, S 66°55'16" W, a distance of 121.18';

Thence, S 28°03'26" E, a distance of 164.01';

Thence, S 32°01'44" E, a distance of 97.29';

Thence, S 21°35'17" E, a distance of 92.11';

Thence, S 12°32'31" E, a distance of 158.85';

Thence, S 19°03'09" E, a distance of 73.99';

Thence, S 37°30'13" E, a distance of 63.24';

Thence, S 21°03'55" E, a distance of 61.69';

Thence, S 12°17'31" W, a distance of 110.85';

Thence, S 10°05'12" W, a distance of 328.53';

Thence, S 89°25'25" W, a distance of 91.65';

Thence, S 00°34'35" E, a distance of 104.00';

Thence, N 89°25'25" E, a distance of 54.76';

Thence, N 88°53'35" E, a distance of 43.44';

Thence, S 02°18'01" W, a distance of 23.83';

Thence, S 13°20'26" E, a distance of 138.32';

Thence, S 14°25'32" E, a distance of 101.78';

Thence, N 59°59'00" E, a distance of 63.05';

Thence, along the westerly and southerly lines of Wal-Mart Real EST BUS TR of record in DeedBook 1333, Page 1372, Register s'Office of Wilson County, Tennessee, the next (2) two calls:

Thence, S 28°13'54" W, a distance of 105.18';

Thence, S 61°45'29" E, a distance of 11.32';

Thence, along the westerly lines of The Paddocks at Mt. Juliet Owners Association, Inc. of record in Deed Book 1638, Page 236, Register s'Office of Wilson County, Tennessee (6) six calls:

Thence, S 00°01'12" E, a distance of 50.94';

Thence, S 09°06'37" E, a distance of 25.35';

Thence, S 21°11'10" E, a distance of 21.13';

Thence, S 72°27'38" W, a distance of 41.86';



Thence, S 67°23'40" W, a distance of 69.28';

Thence, S 61°19'40" W, a distance of 79.67';

Thence, along new severance lines the next (10) ten calls:

Thence, N 39°50'27" W, a distance of 62.50';

Thence, S 28°14'28" W, a distance of 174.27';

Thence, S 28°14'28" W, a distance of 86.05';

Thence, with a curve turning to the left with an arc length of 131.08', with a radius of 197.50', with a chord bearing of S 09°13'41" W, with a chord length of 128.68';

Thence, S 09°07'02" E, a distance of 71.49';

Thence, with a curve turning to the left with an arc length of 74.95', with a radius of 196.70', with a chord bearing of S 20°01'59" E, with a chord length of 74.50';

Thence, S 30°52'39" E a distance of 271.14';

Thence, with a curve turning to the left with an arc length of 51.53', with a radius of 149.91', with a chord bearing of S 40°43'33" E, with a chord length of 51.28';

Thence, N 39°06'48" E a distance of 10.78';

Thence, S 50°40'18" E a distance of 46.82';

Thence, along the northerly margin of Pleasant Grove Road (ROW Varies) S 39°06'55" W a distance of 63.48' to the Point of Beginning.

Containing an area of 802,250 Square Feet or 18.42 Acres, more or less.

Together with:

Land situated in the 3rd Civil District, Wilson County, City of Mt. Juliet Tennessee and being more particularly described as follows:

Beginning at an iron rod being the northeasterly corner of Wal-Mart REAL EST BUS TR of record in Deed Book 1333, Page 1372, R.O.W.C., being the common corner between said Wal\_Mart and Paddocks CC TIC LLC, et al and being a southeasterly corner of the hereon described tract;

Thence, along said Wal-Mart the next (3) three calls:

Thence, N 61°45'29" W, a distance of 229.89'

Thence, N 83°59'38" W, a distance of 213.48'

Thence, S 28°14'34" W, a distance of 585.04'

Thence, along the easterly lines of The Paddocks at Mt. Juliet Owners Association, Inc. of record in Deed Book 1638, Page 236, R.O.W.C. the next (15) fifteen calls:

Thence, N 13°20'26" W, a distance of 96.81'

Thence, N 02°18'01" E, a distance of 2.44'

Thence, N 78°16'03" E, a distance of 78.21'

Thence, N 11°43'57" W, a distance of 121.91'

Thence, N 16°10'31" W, a distance of 52.34'

Thence, N 18°27'22" E, a distance of 128.09'

Thence, N 71°32'38" W, a distance of 31.31'

Thence, N 10°05'12" E, a distance of 84.76'

Thence, N 12°17'31" E, a distance of 158.51'

Thence, N 21°03'55" W, a distance of 49.39'

Thence, N 22°44'09" E, a distance of 52.65'

Thence, S 84°16'54" E, a distance of 215.02'

Thence, S 89°15'02" E, a distance of 58.37'

Thence, N 89°34'39" E, a distance of 133.66'

Thence, N 00°25'21" W, a distance of 76.43'

Thence, along the southerly lines of Clifford Wilkin, etux of record in Deed Book 425, Page 236, R.O.W.C. and Herman Griffin, etux of record in Deed Book 294, Page 75, R.O.W.C. the next (2) two calls:

Thence, S 84°10'47" E, a distance of 336.22'

Thence, S 83°45'36" E, a distance of 535.06'

Thence, along the westerly lines of Paddocks CC TIC LLC, et al of record in Deed Book 1588, Page 718, R.O.W.C.

Thence, S 06°12'42" W, a distance of 119.88'

Thence, S 72°15'33" W, a distance of 676.30' to the Point of Beginning.

Containing an area of 391,550 Square Feet or 8.99 Acres, more or less.

Together with:

Land situated in the 3rd Civil District, Wilson County, City of Mt. Juliet Tennessee and being more particularly described as follows:

Beginning at an point lying in the southerly line of Wayne Dickerson of record in Deed Book 1991, Page 1667, R.O.W.C., said point being 17.5' more or less from Wayne Dickerson southwesterly corner and being the northwesterly corner of the hereon described tract;

Thence, along said southerly line of Wayne Dickerson S 83°57'56" E, a distance of 112.37';

Thence, along the easterly and westerly lines of The Paddocks at Mt. Juliet Owners Association, Inc. of record in Deed Book 1638, Page 236, R.O.W.C. the next (5) five calls:

Thence, S 57°19'26" W, a distance of 39.36'

Thence, S 32°31'53" W, a distance of 35.27'

Thence, S 22°44'09" W, a distance of 33.44'

Thence, N 37°30'13" W, a distance of 47.09'

Thence, N 17°47'23" W, a distance of 59.11' to the Point of Beginning.

Containing an area of 4660 Square Feet or 0.11 Acres, more or less.

Being a portion of the same property conveyed to The Paddocks at Mt. Juliet, LLC, a Georgia limited liability company, by Quitclaim Deed from Gipson/Hudson Properties, LLC, a Georgia limited liability company, of record in Book 1239, Page 894, Register's Office for Wilson County, Tennessee, dated January 1, 2007 and recorded on March 29, 2007.

Being a portion of the same property conveyed to The Paddocks Development, L. P., a Delaware limited partnership, by Quitclaim Deed from The Paddocks at Mt. Juliet, LLC, a Georgia limited liability company, of record in Book 1263, Page 111, Register's Office for Wilson County, Tennessee, dated July 20, 2007 and recorded on August 1, 2007.

Tract B:

INSURED DESCRIPTION TO BE PROVIDED BY SURVEY.

Property Description - Conservation Area 3

Land situated in the 3rd Civil District, the City of Mt. Juliet, Wilson County, Tennessee and being Conservation Area 3 on The Paddocks Development Property, of Record in DeedBook 1263, Page 111, Register's Office for Wilson County, Tennessee and being more particularly described as follows:

Beginning at a point, which is South 73°02'14" West, 132.88 feet from the northwesterly property corner of Wayne Dickerson, of Record in Book 438, Page 938, Register's Office for Wilson County, Tennessee and also being the southeasterly property corner of Craig Jaramillo and wife, Mercy, of Record in Book 1621, Page 270, Register's Office for Wilson County, Tennessee and proceeding as follows:

From the Point of Beginning and with the Conservation Area 3 for the next 3 calls:

Thence, 1) South 28°03'26" East, 159.85 feet to a point;

Thence, 2) South 32°01'44" East, 94.10 feet to a point;

Thence, 3) South 21°35'17" East, 112.21 feet to a point in the westerly property line of Dickerson;

Thence, along the westerly and southerly property lines of Dickerson for the next 2 calls:

1)South 06°09'36" East, 145.82 feet to a point;

Thence, 2) South 83°57'56" East, 17.16 feet to a point;

Thence, leaving Dickerson and continuing with Conservation Area 3 for the next 5 calls:

1) South 17°47'23" East, 59.11 feet to a point;

Thence, 2) South 37°30'13" East, 47.09 feet to a point;

Thence, 3) North 22°44'09" East, 33.44 feet to a point;

Thence, 4) North 32°31'53" East, 35.27 feet to a point;

Thence, 5) North 57°19'26" East, 39.36 feet to a point;

Thence, with the southerly property line of Dickerson and Frederick A. Weyler, of Record in

Book 434, Page 778, Register's Office for Wilson County, Tennessee and Clifford A. Wilkin, et ux, of Record in Book 425, Page 236, Register's Office for Wilson County, Tennessee in part, for the next 2 calls:

1) South 83°57'56" East, 268.81 feet to a point;

Thence, 2) South 84°10'48" East, 178.48 feet to a point;

Thence, leaving Wilkin and continuing with Conservation Area 3 for the next 15 calls:

1) South 00°25'21" East, 76.43 feet to a point;

Thence, 2) South 89°34'39" West, 133.66 feet to a point;

Thence, 3) North 89°15'02" West, 58.37 feet to a point;

Thence, 4) North 84°16'54" West, 215.02 feet to a point;

Thence, 5) South 22°44'09" West, 52.65 feet to a point;

Thence, 6) South 21°03'55" East, 49.39 feet to a point;

Thence, 7) South 12°17'31" West, 158.51 feet to a point;

Thence, 8) South 10°05'12" West, 84.76 feet to a point;

Thence, 9) South 71°32'38" East, 31.34 feet to a point;

Thence, 10) South 18°27'22" West, 128.09 feet to a point;

Thence, 11) South 16°10'31" East, 52.34 feet to a point;

Thence, 12) South 11°43'57" East, 121.91 feet to a point;

Thence, 13) South 78°16'03" West, 78.21 feet to a point;

Thence, 14) South 02°18'01" West, 2.44 feet to a point;

Thence, 15) South 13°20'26" East, 96.81 feet to a point on the westerly property line of Wal-Mart Real Estate Business Trustee property, of Record in Book\_1333,\_Page\_1372, Register's Office for Wilson County, Tennessee;

Thence, with said property line for the next call:

1) South 28°14'28" West, 138.37 feet to a point;

Thence, leaving Wal-Mart and continuing with Conservation Area 3 for the next 18 calls

South 1) 59°29'00" West, 63.05 feet to a point;

Thence, 2) North 14°25'32" West, 101.78 feet to a point;

Thence, 3) North 13°20'26" West, 138.32 feet to a point;

Thence, 4) North 02°18'01" East, 23.83 feet to a point;

Thence, 5) South 88°53'35" West, 43.44 feet to a point;

Thence, 6) South 89°25'25" West, 54.76 feet to a point;

Thence, 7) North 00°34'35" West, 104.00 feet to a point;

Thence, 8) North 89°25'25" East, 91.65 feet to a point;

Thence, 9) North 10°05'12" East, 328.53 feet to a point;

Thence, 10) North 12°17'31" East, 110.85 feet to a point;

Thence, 11) North 21°03'55" West, 61.69 feet to a point;

Thence, 12) North 37°30'13" West, 63.24 feet to a point;

Thence, 13) North 19°03'09" West, 73.99 feet to a point;

Thence, 14) North 12°32'31" West, 158.85 feet to a point;

Thence, 15) North 21°35'17" West, 92.11 feet to a point;

Thence, 16) North 32°01'44" West, 87.29 feet to a point;

Thence, 17) North 28°03'26" West, 164.01 feet to a point;

Thence, 18) North 61°56'34" East, 120.00 feet to a point to the Point of Beginning. Containing 282,754 Square feet or 6.49 Acres, more or less.

Being a portion of the same property conveyed to The Paddocks Development, L.P., a Delaware limited partnership by Deed of record in Book 1263, Page 111, in the Register's Office for Wilson County, Tennessee.

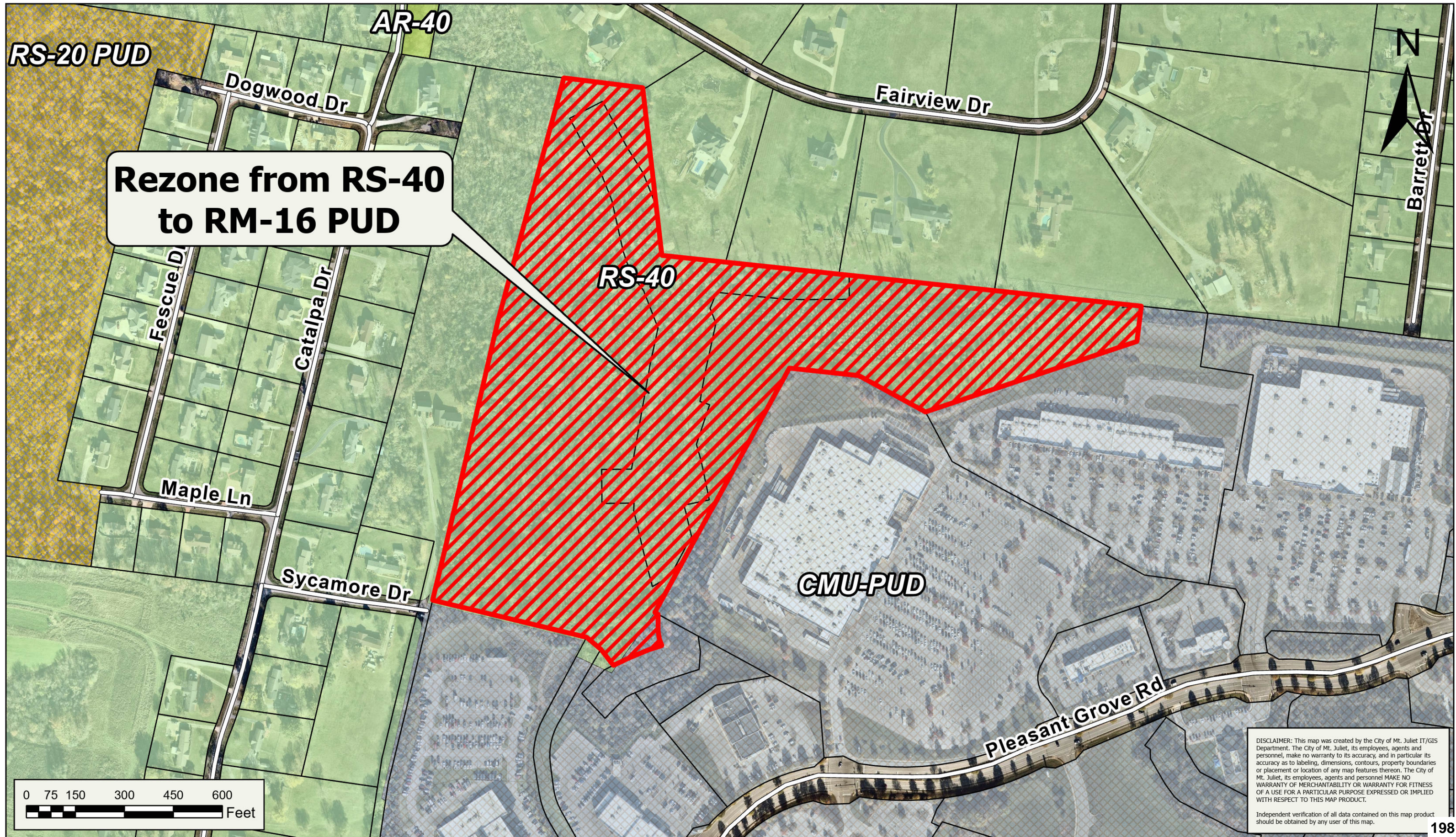
Being a portion of the same property conveyed to The Paddocks at Mt. Juliet Owners Association, Inc., a Tennessee nonprofit corporation by Deed from The Paddocks Development, L.P., a Delaware limited partnership of record in Book 1638, Page 236, in the Register's Office for Wilson County, Tennessee.





# Exhibit B- PMDP-PUD w/ Rezone

## Weller Life at Mt. Juliet Map 077, Parcels 072.21 & p/o 072.25







# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1169  
12.G.

**Agenda Date:** 4/14/2025

**Agenda #:**

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**Title:**

AN ORDINANCE AMENDING THE FISCAL YEAR 2024/2025 BUDGET ORDINANCE 2024-25 TO APPROPRIATE FUNDS FOR THE PURCHASE OF VEHICLES FOR THE POLICE DEPARTMENT

## ORDINANCE 2025-\_\_\_\_\_

### AN ORDINANCE AMENDING THE FISCAL YEAR 2024/2025 BUDGET ORDINANCE 2024-25 TO APPROPRIATE FUNDS FOR THE PURCHASE OF VEHICLES FOR THE POLICE DEPARTMENT

**WHEREAS** the City of Mt. Juliet Police Department has four vehicles that have been deemed total losses due to crashes; and

**WHEREAS**, the department has recently auctioned eight retired police vehicles; and

**WHEREAS**, the city received insurance proceeds and sale proceeds for the above-mentioned vehicles totaling \$108,263.70; and

**WHEREAS**, the department requests appropriation of funds to purchase twelve replacement vehicles to maintain operational readiness; and

**WHEREAS**, the department can purchase currently available vehicles mitigating the risk of potentially higher prices due to supply strain and cost increases.

**NOW THEREFORE BE IT ORDAINED** by the Board of Commissioners of the City of Mt. Juliet; Tennessee as follows:

**Section 1.** The 2024/2025 Budget Ordinance (Ordinance 2024-25) is hereby amended as follows:

**General Fund –**

Increase Revenue:

110-36350	Insurance Recoveries	\$ 80,661.50
110-36512	Sale of City Vehicles	\$ 27,602.20

Increase Expenditures:

110-42100-944	Transportation Equipment	\$617,000.00
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	Decrease Fund Balance	
110-27100	Fund Balance	\$509,132.30

**Section 2.** The budget ordinance, as amended, is ratified and readopted in all respects and this amendment is incorporated therein.



**BE IT FURTHER ORDAINED:**

**Section 3.** In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further.

**Section 4.** If any section, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this ordinance.

**Section 5.** That this ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.

PASSED:

FIRST READING:  
SECOND READING:

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James Maness, Mayor

---

Kenny Martin, City Manager

ATTEST:

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Sheila S. Lockett, MMC  
City Recorder

APPROVED AS TO FORM:

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Samantha Burnett  
City Attorney



# MT. JULIET POLICE DEPARTMENT

## EXECUTIVE SUMMARY

### Request for Approval to Accept Insurance and Auction Proceeds, and Allocate Funds for Vehicle Replacements

- 1) Who: Mt. Juliet Police Department
- 2) What: Request approval to accept insurance proceeds from four police vehicles that were deemed total losses due to crashes, along with proceeds from the recent auction of eight retired police vehicles. Additionally, request authorization to allocate these combined proceeds, along with general funds, toward the purchase of replacement police vehicles.
- 3) When: Immediately
- 4) Where: MJPD
- 5) Why: During the current fiscal year, four police vehicles were involved in crashes and were deemed total losses by insurance. In total, the department requires twelve (12) replacement vehicles to maintain operational readiness. While insurance proceeds will help offset replacement costs, they are insufficient to fully fund all necessary replacements.

With the support of general funding, the department can replace the four totaled vehicles and acquire eight additional units for replacements. **Advancing the purchase of FY 25/26 replacement vehicles now is a strategic move—allowing the department to secure currently available inventory at existing prices. Delaying purchases until after July 2025 risks missing out on current vehicle availability and potentially incurring significantly higher pricing due to rising costs and limited supply.**

To reduce expenses, the department repurposes equipment from crashed and retired units. **If approved, this request will eliminate the need for additional vehicle purchases in the upcoming FY 25/26 budget.**

- 6) Costs: FY 24/25 Insurance Payments for 4 totaled police vehicles: \$80,661.50 .  
FY 24/25 Auction Payments for 8 retired police vehicles: \$27,206.20  
Total Needed from General Fund: \$509,132.30
- 7) Line Item: Increase 42100-944 Vehicle Purchases: \$617,000.00

Staff Recommendation: Chief Michael Mullins and City Manager Kenny Martin have provided a positive recommendation.



# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1142  
12.H.

**Agenda Date:** 4/14/2025

**Agenda #:**

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**Title:**

A RESOLUTION AUTHORIZING AN ACTUARIAL STUDY OF THE COST ASSOCIATED WITH A  
HAZARDOUS DUTY SUPPLEMENTAL BENEFIT

## **RESOLUTION \_\_\_\_\_ - 2025**

### **A RESOLUTION AUTHORIZING AN ACTUARIAL STUDY OF THE COST ASSOCIATED WITH A HAZARDOUS DUTY SUPPLEMENTAL BENEFIT**

**WHEREAS**, the State established in Tennessee Code Annotated (TCA), Section 8-36-212, a hazardous duty supplemental benefit, in addition to the member's retirement allowance, for all its eligible public safety officers in participating political subdivisions; and

**WHEREAS**, the Board of Commissioners desires to determine the cost of adding this benefit for eligible city public safety officers as defined by the TCA; and

**WHEREAS**, the city is required to pass a resolution authorizing the study and agreeing to pay for the associated cost of the actuarial study; and

**WHEREAS**, the Board of Commissioners authorizes payment using currently budgeted contractual services funds in the City Manager's budget line item 200 estimated to be \$400.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Mt. Juliet Board of Commissioners, Wilson County Tennessee as follows:

**Section 1.** The Board of Commissioners authorizes the actuarial study to determine the liability associated with the hazardous duty supplemental benefit offered under Tennessee Code Annotated, Section 8-36-212.

**Section 2.** The Board authorizes the Finance Director to expend the funds necessary to pay for the cost of the study which is estimated to be \$400.

**Section 3.** In the event of conflict between this resolution or any part hereof, and the whole or part of any existing resolution of the City, the conflicting resolution is repealed to the extent of the conflict but no further.

**Section 4.** If any section, clause, provision, or portion of the resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of the resolution.

This Resolution shall take effect at the earliest date allowed by law, the public welfare requiring it.

PASSED:

---

James Maness, Mayor

ATTEST:

---

Sheila S. Lockett, MMC  
City Recorder

---

Kenny Martin, City Manager

APPROVED AS TO FORM

---

Samantha Burnett  
City Attorney



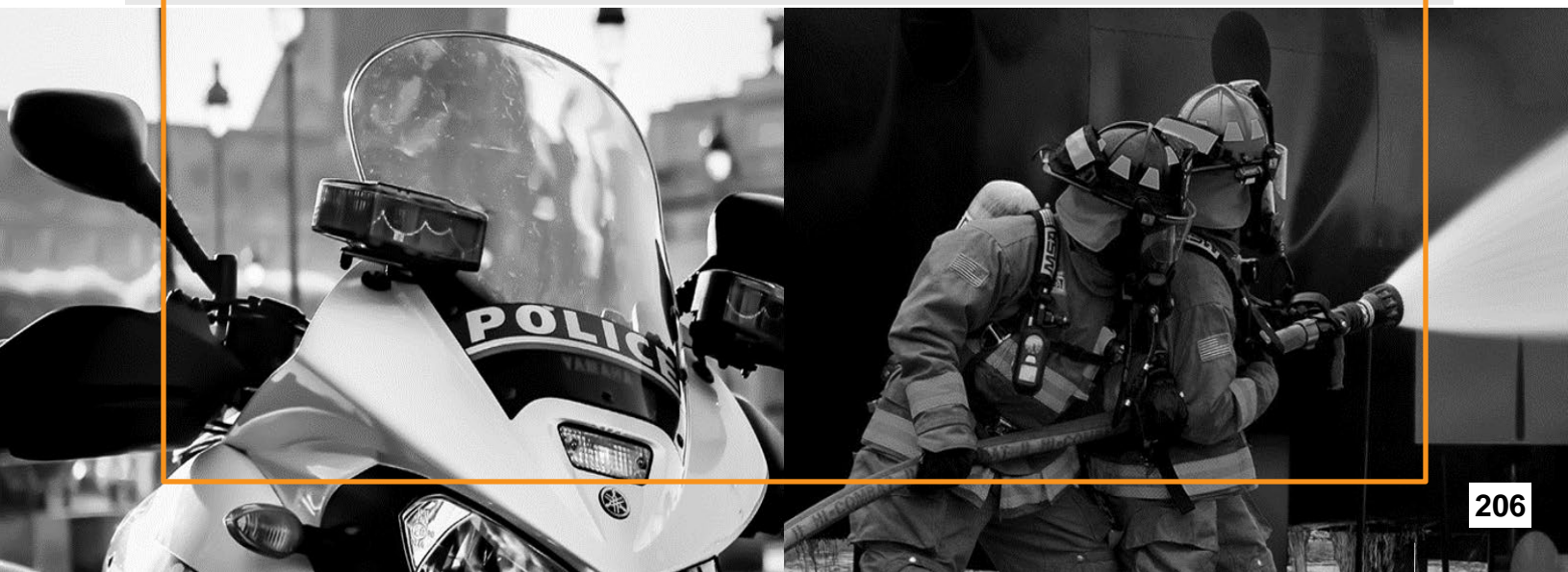
Municipal Technical Advisory Service  
INSTITUTE *for* PUBLIC SERVICE

# TCRS Hazardous Duty Supplemental Retirement Benefit

## Public Chapter No. 919

Steven Cross, MTAS Fire Management Consultant  
David Moore, MTAS Police Management Consultant  
Donald Pannell, MTAS Fire Management Consultant  
Jeff Stiles, MTAS Police Management Consultant

September 2024



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## Introduction

In 2024, the Tennessee General Assembly took a significant step in addressing the unique challenges faced by Tennessee's public safety officers who are part of the Tennessee Consolidated Retirement System (TCRS) by unanimously passing House Bill 2683, now codified as Public Chapter 919. This legislation marks a pivotal moment in the state's approach to the retirement benefits of its law enforcement officers, firefighters, and correctional officers; individuals who dedicate their careers to protecting public safety and maintaining order. Recognizing the inherent risks and responsibilities associated with these roles, the General Assembly introduced the "hazardous duty supplemental benefit," a new optional provision designed to offer enhanced financial security to those who retire after years of service in these demanding and often dangerous public safety positions.



Public Chapter 919 is not just a routine amendment to the retirement system; it represents both a deliberate and thoughtful effort to acknowledge the sacrifices made by public safety officers. By implementing this law, Tennessee joins a growing number of states that are reevaluating the retirement benefits offered to public safety individuals serving in high-risk professions. This enhancement ensures that public safety employees' retirement compensation reflects the hazardous nature of their duties.

## Summary

The Act was passed unanimously in the Tennessee State House of Representatives (92-0 vote) and the Tennessee State Senate (31-0 vote). The hazardous duty supplemental benefit introduced by this law provides a financial boost to specific eligible retirees, supplementing their standard retirement budget. These additional retirement funds are calculated based on their years of service and final compensation.

This benefit is particularly significant for public safety officers, whose careers are often marked by physical and psychological demands that can accelerate their departure from active service compared to other public sector employees. By offering this supplemental benefit, the state of Tennessee is taking proactive steps to ensure that these officers can retire with greater financial stability, recognizing the toll that years of hazardous duty can take on their health and well-being.



Public Chapter 919 represents a forward-thinking approach to public safety officer retirement benefits, aligning the state's retirement policies with the realities faced by those who serve in some of the most challenging and vital roles within our communities. Through this legislation, Tennessee not only honors the contributions of its public safety officers but also sets a new standard for retirement benefits that others may look to as a model.

## **Act Definitions**

Many of the Tennessee Code Annotated have unique definitions associated with the specific law. The law defines "public safety officer" to include:

Full-time salaried employees of a political subdivision who is:

- Law Enforcement Officers: Sheriffs, deputies, police officers, chiefs of police, and other officers who work to prevent and solve crimes.
- Correctional Officers: Full-time workers who oversee prisoners.
- Firefighters: Full-time workers responsible for fighting fires and responding to emergencies.

## **How is the Hazardous Duty Supplement Benefit Calculated**

The hazardous duty supplemental benefit under Tennessee's Public Chapter 919 is designed to provide additional financial support to public safety officers upon retirement, reflecting the risks associated with their careers. The calculation of this benefit is intricately linked to the officer's final average salary and the total number of years they have served in a qualifying role. The specifics of the calculation vary depending on the type of retirement and the retirement plan under which the officer is enrolled.

## **Service Retirement Allowance**

For officers who retire under the standard service retirement allowance, the hazardous duty supplemental benefit is calculated by applying a percentage multiplier to their average final compensation. Specifically, the benefit equals 0.375% of the officer's average salary, multiplied by the total years the officer has served in a public safety role. This calculation reflects on the officer's entire career and provides a proportional increase in retirement benefits based on their tenure in hazardous duty positions.

## **Early Service Retirement Allowance**

For officers who opt for early retirement, calculating the hazardous duty supplemental benefit includes a reduction factor to account for the early receipt of retirement benefits. In this situation, the benefit calculated as 0.375% of the officer's average salary is reduced by 0.4% for each month that the officer's retirement date precedes the normal service retirement age. This reduction is designed to balance the financial implications of an extended retirement period, ensuring that the benefit remains actuarially sound while still providing meaningful support to officers who retire early.

## **Alternate Defined Benefit Plan or Hybrid Plans**

Officers enrolled in an alternate defined benefit plans or hybrid retirement plans, such as outlined in Tennessee Code Annotated §§ 8-35-255 and 8-35-256, will have their hazardous duty supplemental benefit calculated differently. The base benefit calculation of 0.375% of the officer's average final compensation multiplied by years of service remains the same. However, this benefit is then adjusted by an actuarially determined factor. The specific adjustment is set by the retirement board. It is designed to associate the supplemental benefit with the unique characteristics and funding mechanisms of these plans, ensuring a measure of fairness and sustainability across the different retirement systems.

The hazardous duty supplemental benefit specified in Public Chapter 919 is designed to recognize both the length of service and the specific retirement conditions of public safety officers. By incorporating these detailed calculations, the law provides a different approach that rewards long-term service while maintaining the financial integrity of the retirement system.

## **Funding the Hazardous Duty Supplement Benefit**

To finance the hazardous duty supplemental benefit introduced by Public Chapter 919, local governments have several options to manage the associated costs. These options provide flexibility in how the increased pension liability is addressed, allowing local governments to choose the method that best suits their financial situation. The three primary funding methods are as follows:

### **Lump Sum Payment**

The local government can opt to cover the entire cost of the supplemental benefit through a one-time, lump sum payment. This approach requires the local government to pay the full amount of the increased pension liability upfront, immediately addressing the financial obligation without the need for future payments. While this option demands significant financial resources at the outset, it eliminates the need for ongoing adjustments to the retirement system and can be advantageous if the government has sufficient funds available.

## **Employer Contribution Rate Increase**

Alternatively, the local government may choose to increase **its** employer contribution rate to the retirement system for the upcoming fiscal year. Under this method, the local government spreads the cost of the supplemental benefit over the course of the next fiscal year (July 1 - June 30). This incremental increase in contributions allows the government to manage the financial impact more gradually, rather than requiring a large immediate outlay. It can be a practical solution for governments that prefer to integrate the cost into their annual budgeting process.

## **Amortization**

The third option allows the local government to amortize the unfunded accrued liability associated with the supplemental benefit over a period of up to ten years. By spreading the payments over a longer timeframe, this method reduces the immediate financial burden, making it easier for local governments to manage their cash flow and budgetary constraints. However, it also means that the government will be making payments over a prolonged period, which could include interest and other carrying costs. This option is particularly useful for local governments that need to balance long-term financial commitments with other fiscal responsibilities.

Each potential funding method provides differing approaches to managing the financial responsibilities associated with the hazardous duty supplemental benefit. The choice of method depends on the local government's financial health, cash reserves, and long-term budgeting strategies. Ultimately, these options are designed to ensure that the supplemental benefits are fully funded while allowing local governments to choose a payment plan that aligns best with their fiscal capabilities.

## **Eligibility for the Hazardous Duty Supplement Benefit**

Public Chapter 919 establishes specific criteria that public safety officers in Tennessee must meet to qualify for the hazardous duty supplemental benefit. This benefit is designed to provide additional financial support to officers who have dedicated a substantial number of years of service in hazardous roles. The eligibility requirements are thorough, ensuring that only those who meet these strict standards are eligible to receive this benefit. The key eligibility criteria are as follows:

## **Retirement Eligibility**

The first requirement is that the officer must be eligible to retire under the rules set by the Tennessee retirement system. This means that the officer must meet all the general conditions for retirement, such as reaching the appropriate age or completing the necessary years of service, as outlined in the state's retirement plan. A public safety officer cannot qualify for the hazardous duty supplemental benefit without meeting these minimum retirement criteria.

## **Service Duration**

The officer must have completed at least 20 years of creditable service, specifically as a public safety officer. This requirement ensures that the benefit is reserved for those who have devoted a significant portion of their careers to roles that involve considerable risk, such as law enforcement, firefighting, or corrections. The 20-year service threshold underscores the intent to reward an officer's long-term commitment to public safety.

## **Type of Retirement**

Officers must retire under standard retirement conditions, meaning they must receive a service retirement allowance or an early service retirement allowance. Disability retirements do not qualify for the hazardous duty supplemental benefit. This distinction is important because the supplemental benefit is intended to reward officers who complete their service careers under normal circumstances rather than those who retire due to injury or illness.

## **Political Subdivision Eligibility**

Should the public entity or political subdivision employer consider offering this TCRS retirement enhancement, it must take formal legislative action to offer supplemental hazardous duty benefits to its eligible officers.

## **Political Subdivision's Role**

The local government entity that employs public safety officers, such as a city or county, plays a vital role in the process. The governing body must pass a resolution to authorize an actuarial study to determine the financial impact of implementing the hazardous duty supplemental benefit. This study is essential to understanding the long-term costs associated with the benefit. In addition, the local government must agree to take on the financial responsibility for these costs, ensuring that the state does not bear the burden.

## **Funding Requirements**

After the benefit is implemented, the local government's retirement system must remain at least 70% funded. This condition is in place to maintain the financial health and long-term sustainability of the retirement system and prevent it from becoming underfunded due to the additional benefit. An important note, the cost of providing the hazardous duty supplemental benefit must be covered entirely by the local government, with no financial assistance from the state. This ensures that the local government is fully accountable for the financial commitments it makes to its officers.

In all cases, these eligibility requirements are in place to ensure that the hazardous duty supplemental benefit is both fair and financially sustainable. They balance the need to reward dedicated public safety officers with the practical considerations of maintaining a healthy retirement system at the local government level.

## **Additional Provisions of the Act**

Public Chapter 919 includes several important provisions that outline how the hazardous duty supplemental benefit is managed and maintained over time. These included provisions ensure that the benefit remains fair, consistent, and aligned with broader retirement policies. Some key additional provisions are as follows:

### **Cost-of-Living Adjustments (COLA)**

Retired officers who qualify for the hazardous duty supplemental benefit are entitled to receive regular adjustments to their benefit to account for inflation. These adjustments are intended to maintain the purchasing power of the benefit over time as the cost-of-living increases. These COLA adjustments are calculated separately from the officer's main retirement allowance. This separation ensures that the supplemental benefit is specifically adjusted for inflation, providing additional financial security for retired officers.

### **Duration of the Benefit**

The hazardous duty supplemental benefit becomes active based on the officer's retirement timeline. Specifically, the benefit starts either on the officer's retirement date or when the officer turns 60 years old, whichever comes later. This timing ensures that officers receive the benefit when they are most likely to need it during retirement. The benefit continues to be paid out until one of two conditions is met: either the officer passes away, or the officer reaches the full retirement age as defined by the Social Security Act. This provision sets clear parameters for the duration of the benefit, ensuring it is provided during the officer's retirement years but not indefinitely.

## **Non-Retroactivity**

The hazardous duty supplemental benefit is designed to apply only to those retiring after the effective date and future retirees who meet the eligibility criteria outlined in the law. This means that officers who retired before the law was enacted or before the benefit was made available are not eligible to receive it for past years. The non-retroactivity clause ensures that the benefit is implemented fairly and consistently when the law takes effect, avoiding the complexities and financial burdens that could arise from retroactively applying the benefit to past retirees.

These additional provisions are crucial in maintaining the integrity and sustainability of the hazardous duty supplemental benefit. They provide clear guidelines on how the benefit is adjusted for inflation, when it begins and ends, and to whom it applies, ensuring that the benefit serves its intended purpose without creating undue financial strain on the retirement system or local governments.

## **Implementation Date**

The provisions of Public Chapter 919 were signed into law on May 3, 2024, and will take effect on January 1, 2025. This effective date is purposely chosen to give local governments plenty of time to prepare for the new retirement benefits. During this period, local governments must assess their current retirement systems, conduct necessary actuarial studies, and make financial adjustments to accommodate the hazardous duty supplemental benefit. This preparation phase is critical to ensuring a smooth transition to the new benefits structure and maintaining local retirement systems' financial health.

## **Conclusion**

Public safety officers provide vital public safety services to the public at large. The job brings many significant inherent hazards that can cause serious physical and emotional injuries, including death. Public Chapter 919 represents a significant improvement in the retirement benefits offered to Tennessee's public safety officers. By introducing and passing the hazardous duty supplemental benefit, legislators acknowledge the inherent risks and challenges faced by law enforcement, firefighting, and corrections officers. This new benefit ensures that those who have dedicated their careers to protecting the public are appropriately compensated in retirement for the hazards they endured during their service. The passage of this bill underscores Tennessee's commitment to honoring and supporting the men and women who serve on the front lines, safeguarding the welfare of its citizens.

## Questions or Assistance

Please contact the following MTAS staff with questions or for assistance.

- Marc Alley, UT CTAS  
Fire Management Consultant  
[Marc.Alley@tennessee.edu](mailto:Marc.Alley@tennessee.edu)  
423.715.4072
- Steven Cross, UT MTAS  
Fire Management Consultant  
[Steven.Cross@tennessee.edu](mailto:Steven.Cross@tennessee.edu)  
931.548.6827
- David Moore, UT MTAS  
Police Management Consultant  
[David.Moore@tennessee.edu](mailto:David.Moore@tennessee.edu)  
731. 514.2715
- Donald Pannell, UT MTAS  
Fire Management Consultant  
[Donald.Pannell@tennessee.edu](mailto:Donald.Pannell@tennessee.edu)  
901.233.1434
- Jeff Stiles, UT MTAS  
Police Management Consultant  
[Jeff.Stiles@tennessee.edu](mailto:Jeff.Stiles@tennessee.edu)  
865.243.5447

## Additional Resources

Tennessee Public Chapter 919

Hyperlink: [Tennessee Public Chapter 919](#)





**Municipal Technical Advisory Service**  
INSTITUTE *for* PUBLIC SERVICE

[mtas.tennessee.edu](https://mtas.tennessee.edu)



# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1152

**Agenda Date:** 4/14/2025

**Agenda #:** 12.I.

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**Title:**

A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY OF MT JULIET AND  
IMPACT PYRO INC. FOR A FOURTH OF JULY FIREWORKS SHOW AND AUTHORIZING THE  
MAYOR TO SIGN THE AGREEMENT

## RESOLUTION -2025

### A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY OF MT JULIET AND IMPACT PYRO INC. FOR A FOURTH OF JULY FIREWORKS SHOW AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT

**WHEREAS**, the City of Mt. Juliet seeks to provide a Fourth of July fireworks show; and

**WHEREAS**, the City wishes to contract with Impact PYRO, Inc for the Fourth of July fireworks show; and

**WHEREAS**, Impact PYRO, Inc has provided the City of Mt. Juliet with an agreement for the fireworks display, in the amount of \$25,000; and

**WHEREAS**, the amount was included in the Fiscal Year 2024/2025 budget; and

**WHEREAS**, the City of Mt. Juliet Board of Commissioners desires to approve the attached agreement and authorize the Mayor to sign the agreement; and

**NOW, THEREFORE, BE IT RESOLVED** by the City of Mt. Juliet Board of Commissioners as follows:

**Section 1.** The Board of Commissioners approves the Agreement with Impact PYRO, Inc.

**Section 2.** Mayor James Maness is hereby authorized to execute the Agreement with Impact PYRO, Inc.

**Section 3.** In the event of conflict between this resolution or any part hereof, and the whole or part of any existing resolution of the City, the conflicting resolution is repealed to the extent of the conflict but no further.

**Section 4.** If any section, clause, provision or portion of the resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of the resolution.

**Section 5.** That this resolution shall take effect at the earliest date allowed by law, the public welfare requiring it.

PASSED:

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James Maness, Mayor

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Kenneth D. Martin, City Manager

## RESOLUTION -2025

ATTEST:

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Sheila Lockett, MMC, City Recorder

APPROVED AS TO FORM:

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Samantha A. Burnett, City Attorney

## CONTRACT AGREEMENT

This Agreement, made January 21, 2025, by and between IMPACT PYRO INC., a Tennessee Corporation, whose business address is P.O. BOX 402, Castalian Springs, TN 37031, and hereinafter shall be referred to as IMPACT PYRO and THE CITY OF MT. JULIET, TENNESSEE, whose business address is 2425 N. MT. JULIET ROAD, MT. JULIET, TN 37122, and hereinafter referred to as CUSTOMER.

### WITNESSETH

In consideration of the mutual promises and undertakings set forth herein, receipt of said consideration being acknowledged, the parties hereby agree as follows:

- I. **FIREWORKS DISPLAY:** IMPACT PYRO agrees to furnish to CUSTOMER a fireworks display {hereinafter referred to as SHOW) pursuant to proposal number 250704-MTJULIET-1.3 and per specifications and requirements provided by CUSTOMER. The SHOW will take place on July 4, 2025, at Circle P Ranch, 563 E Main Street, Mt. Juliet, TN unless IMPACT PYRO or CUSTOMER shall determine that conditions {or other hazards) prohibit IMPACT PYRO from proceeding with the SHOW; in which case, IMPACT PYRO agrees to present the SHOW on a mutually agreed upon future date. In the event that conditions do not allow the SHOW to proceed on the scheduled date, CUSTOMER shall remit the actual expenses IMPACT PYRO may incur in presenting the SHOW on subsequent occasion. If in anticipation of inclement weather or other foreseen dangerous conditions, the SHOW is postponed prior to delivery of product/equipment and setup of SHOW, additional expenses will be considered zero and there will be no additional charge for presenting SHOW on a future date.
- II. **CANCELLATION:** Should CUSTOMER elect to cancel the SHOW for any reason, CUSTOMER must provide IMPACT PYRO with a written notice by certified mail, return receipt to IMPACT PYRO'S address as set forth above no later than thirty {30) days before the scheduled date of the SHOW. Customer agrees that IMPACT PYRO shall incur substantial expense in preparation for the SHOW and, accordingly, agrees to pay deposit amount in full {as set forth in paragraph XIII herein) to IMPACT PYRO as liquidated damages for cancellation of the SHOW. If CUSTOMER does not provide IMPACT PYRO with notice as set forth herein, CUSTOMER shall pay IMPACT PYRO the entire contract price for the SHOW as liquidated damages.
- III. **MUTUAL CANCELLATION:** In the event of fire, accidents, lightning strikes, flood, acts of God, or causes beyond the control of IMPACT PYRO, which preclude IMPACT PYRO from presenting the SHOW, the parties hereto release each other from any and all performance of the covenants herein and from damages resulting from breach hereof.
- IV. **SECURITY AREA:** CUSTOMER agrees to furnish sufficient space for IMPACT PYRO to properly conduct the SHOW as determined by NFPA 1123 {hereinafter referred to as SECURITY AREA). CUSTOMER agrees to provide adequate security protection to preclude persons unauthorized by IMPACT PYRO from entering SECURITY AREA. For the purposes of the Agreement, "Unauthorized Persons" shall mean anyone other than employees of IMPACT PYRO or persons specifically designated in writing, submitted to IMPACT

## CONTRACT AGREEMENT

PYRO, and approved prior to the event. Policing of SECURITY AREA is the responsibility of the CUSTOMER.

- V. **INDEMNIFICATION AND HOLD HARMLESS:** IMPACT PYRO agrees to indemnify and hold CUSTOMER harmless and any of its subsidiaries, agents or employees from and against all claims, demands, liabilities, suits, damages, or expenses, including reasonable attorney's fees, on account of injuries to or death of any person or persons or damage to any property occurring directly or indirectly from the performance of work hereunder by IMPACT PYRO or its employees, agents, servants, associates or subcontractors however such injuries or death or damage to property may be caused.
- VI. **AMENDMENT AND ASSIGNMENT:** This agreement (including all attachments related to show) is deemed personal and confidential to CUSTOMER and its executors and administrators only, and may not be sold, assigned, transferred, or shared without the prior written consent of IMPACT PYRO.
- VII. **COMPLIANCE WITH THE LAWS AND REGULATIONS:** Promptly upon the execution of this AGREEMENT, CUSTOMER shall apply for the approval hereof to any agency, officer, or authority of any government if such approval is required by any applicable law, ordinance, code, or regulation. This AGREEMENT is made expressly subject to and CUSTOMER expressly agrees to comply with and abide by all applicable laws, ordinances, codes, and regulations insofar as the same may be applicable to the terms and conditions of this AGREEMENT, including all rules and regulations now existing or that may be promulgated under and in according with any such law or laws.
- VIII. **PERMITS AND LICENSES:** IMPACT PYRO shall obtain and maintain all permits and licenses necessary to perform fully hereunder unless otherwise forbidden by any other applicable statute, rule, or otherwise. It is hereby stipulated that this AGREEMENT is to be construed and governed by the laws of the State of Tennessee, and any suit involving this contract shall be brought in the Courts of Wilson County in the State of Tennessee, and each party hereby submits itself to the jurisdiction of said Courts and waives its rights to proceed against the other party in and other actions, in any jurisdiction.
- IX. **LATE PAYMENT:** IMPACT PYRO shall charge, and CUSTOMER agrees to pay, one and one half percent {1 1/2%} per month late payment fee for each month until IMPACT PYRO is paid the amount set forth in Paragraph XIII herein, unless this provision is prohibited by law.
- X. **ADVERTISEMENT AND PROMOTIONS:** CUSTOMER agrees to allow IMPACT PYRO to use CUSTOMER'S name in IMPACT PYRO'S list of clients and any IMPACT PYRO advertisements or promotions.
- XI. **COMPLAINTS:** In the event that the CUSTOMER has complaint concerning the SHOW, or any material or product used in or pursuant to the SHOW, or any conduct of the SHOW by IMPACT PYRO, or any act or omission of IMPACT PYRO or its agents, either directly or indirectly, without limitation, CUSTOMER shall make a complaint known to IMPACT PYRO in writing by certified mail to IMPACT PYRO'S address as set

## CONTRACT AGREEMENT

forth above, within ten (10) business days after the date of the SHOW. In the event that ~~that~~ CUSTOMER fails to register any complaint in the time and manner specified, CUSTOMER agrees that it shall not claim such complaint as cause for an offset or withhold any payment due to IMPACT PYRO hereunder on account of or because of such complaint or any matter arising from, relating to or a consequence of the complaint. ~~Furthermore, CUSTOMER agrees that should IMPACT PYRO have to collect any amount due IMPACT PYRO hereunder which CUSTOMER claims as an offset or which is withheld by CUSTOMER on account of, or because of, a complaint not registered with IMPACT PYRO in the time and manner specified herein, by law or through an Attorney at law, IMPACT PYRO shall be entitled to collect attorney's fees in the amount of 15% of the amount owing IMPACT PYRO or the maximum amount allowed by law, whichever is greater, along with all cost of collection.~~

- XII. **WORKER'S COMPENSATION/EMPLOYEES:** IMPACT PYRO shall provide Worker's Compensation Insurance for its employees only.
- XIII. **PAYMENT TERMS:** CUSTOMER shall pay IMPACT PYRO \$25,000.00 for presenting the SHOW. Payment shall include a deposit of \$12,500.00, due with signed contract. Remaining balance of \$12,500.00 is due on date of SHOW.
- XIV. **TAXES:** CUSTOMER shall be responsible for all sales taxes, if applicable.
- XV. **CERTIFICATE OF INSURANCE:** IMPACT PYRO shall procure and maintain in effect during the term of the agreement insurance with a company satisfactory to the CUSTOMER naming the CUSTOMER as an additional insured with limits as specified in the attached Certificate of Insurance.

All terms and conditions set forth on any addendum attached to this AGREEMENT are made part of this AGREEMENT and incorporated by reference herein.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

IMPACT PYRO, INC.

Signature: \_\_\_\_\_



Joey Bassham, CEO

Date: \_\_\_\_\_

4.3.25

CUSTOMER

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name and Title of CUSTOMER Representative:

**\*\*Signatory acknowledges full authority to execute contract on behalf of CUSTOMER\*\***

**WARRANTY EXCLUSIONS**

EXCEPT AS SPECIFICALLY PROVIDED HEREIN, THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR PARTICULAR PURPOSE.

No representation of affirmation of fact including but not limited to statement regarding capacity, suitability for use, or performance of equipment or product shall be, or be deemed to be, a warranty by IMPACT PYRO for any purpose, nor give rise to any liability or obligation of IMPACT PYRO whatsoever.

IN NO EVENT SHALL IMPACT PYRO BE LIABLE FOR ANY LOSS OF PROFITS OR OTHER ECONOMIC LOSS, INDIRECT, SPECIAL, CONSEQUENTIAL, OR OTHER SIMILAR DAMAGES ARISING OUT OF ANY CLAIMED BREACH OF OBLIGATIONS HEREUNDER.

**ADDENDUM**

{If applicable}





## **STANDARD ADDENDUM TO AGREEMENT**

This standard contract addendum is by and between **THE CITY OF MT. JULIET, TENNESSEE**, a municipal corporation in the State of Tennessee, herein further referenced and identified as ("The City") and **IMPACT PYRO INC.**, a Tennessee Corporation, herein further referenced and identified as ("Vendor") in order to amend the terms of the "Contract Agreement" (hereinafter referred to as "Agreement"), including all attachments, exhibits, or any actual or virtual documents or writing, including, but not limited to, any "clickwrap," "clickthrough" or "click and accept" agreement or other Terms of Service. The date of this Addendum shall be the same as the execution date of the Contract Agreement.

### **WITNESSETH**

**WHEREAS**, the parties wish to execute this addendum to the Agreement for the purposes of substituting, clarifying or inserting certain terms of or into their Agreement; and

**WHEREAS**, the terms of this addendum to the Agreement shall take precedence over all other terms, conditions or language to the contrary or in conflict with the language contained in the Agreement; however, any term or clause not modified by the provisions herein shall be governed by the Agreement. The parties agree that this addendum shall not be construed to create any ambiguity, it being the expressed intent of the parties that this addendum shall control;

**THEREFORE**, In consideration of using Vendor's Agreement, the mutual promises set out herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged by Vendor the parties hereto agree to the following:

**1. VENUE:** The parties agree that venue for any legal or other dispute arising under the terms of the Agreement or this addendum to agreement shall lie exclusively in the courts of Wilson County, Tennessee or the United States District Court, for the Middle District of Tennessee. The parties hereby waive their right to a jury trial;

**2. CHOICE OF LAW:** The Agreement shall be deemed to be entered into under Tennessee law, and the rights and obligation of the parties are governed by the laws of the State of Tennessee, without regard to its conflict of laws principles, and all obligations of the parties are performable in Mt. Juliet, Tennessee.

**3. INDEMNIFICATION:** The parties hereto agree that Vendor shall indemnify The City for any and all claims of negligence, tortious conduct or otherwise unlawful acts committed by Vendor in the performance of

their obligations under the terms of the original agreement or this addendum to agreement and Vendor agrees to pay any and all costs associated with the enforcement of the terms of this indemnity agreement by The City, including but not limited to, court costs, civil judgments, assessments or any other reasonable fees associated therewith. In addition, Article II, Section 29 of the Tennessee Constitution prohibits municipalities from lending their credit to private or public entities and, therefore, prohibits an agreement by the City to indemnify a third party or agree to a limitation of liability provision. Any indemnity or hold harmless provision contained in the Agreement requiring the City to indemnify or hold harmless Vendor or any other person or entity or any limitation of liability in favor of Vendor shall be deemed null, void and unenforceable against the City under any and all circumstances.

**4. NON-APPROPRIATION:** Vendor acknowledges that the City is a governmental entity, and the validity of the Agreement is based upon the availability of public funding under its authority. In the event the City fails to appropriate funds or make monies available for any fiscal year covered by the term of the Agreement for services to be provided, the Agreement shall be terminated on the last day of the fiscal year for which funds were appropriated or monies made available for such purposes without liability to the City, and such termination shall not be a breach of the Agreement, and any unused payment made to Vendor shall be returned to the City.

**5. TAX EXEMPTION:** As a tax-exempt entity, the City shall not be responsible for sales or use taxes incurred for products or services. The City shall supply Vendor with its Sales and Use Tax Exemption Certificate upon Vendor's request. Vendor shall bear the burden of providing its suppliers with a copy of the City's tax exemption certificate and Vendor shall assume all liability for such taxes, if any, that should be incurred.

**6. NO ATTORNEY'S FEES:** The parties hereto agree that The City shall be in no event liable for any attorney's fees which Vendor may incur due to breach of the original agreement or this addendum agreement by either party; and further, The City shall not acquiesce to any term of the original contract/agreement that indicates or infers The City may or shall be responsible for the fees of another party or the Vendor's attorney fees.

**7. MEDIATION; NO ARBITRATION:** The City may, at its option, require the attempted resolution of any dispute arising under the original contract or this addendum to agreement by mediation prior to the filing of any lawsuit or other claim. Should any dispute arise, Vendor shall provide the City notice of any intent to file suit by certified mail. The City shall notify the Vendor of its intent to exercise its right to mediation

within thirty (30) days of receiving such notice. If the City does not exercise its right to mediation, Vendor may file suit. Any mediator selected under this clause shall be agreed upon by the parties and the costs of such mediation shall be divided and paid equally between the parties. The parties hereby further agree that, except as provided for in this addendum or by applicable law, the parties shall not be required to participate in any alternative dispute resolution process or procedure, including but not limited to arbitration and med-arb, relating to disputes that arise between the parties to the Agreement.

**8. FAILURE TO PERFORM:** The parties agree, in the event Vendor fails to perform any obligation, other than with regards to the date of delivery, set out in the Agreement/Contract, the City shall be reimbursed by Vendor for any and all expenses associated with having to obtain a new provider to finish out the contracted term, including, but in no way limited to, any charges/fees, which are above and beyond the amount the City would have paid to Vendor to complete the same task; provided, however, that if the failure, by its nature, is one that can be cured, the Vendor shall have fifteen (15) business days after receipt of written notice from the City to cure said failure to perform. The parties hereby agree, unless a specific date of delivery is provided in the Agreement/Contract all deliveries shall be made to the City no later than ninety (90) days from the date of the Agreement/Contract. The parties further agree that if Vendor, in good faith, is not able to meet this ninety (90) day deadline of delivery due to forces beyond his, her or its control, that were unforeseeable at the time of signing the Agreement/Contract, then the entire Agreement/Contract shall be voidable at the sole discretion of the City. Should the City elect to void the Agreement/Contract due to Vendor's good faith inability, due to forces beyond his, her or its control, and which were unforeseeable at the time of signing the Agreement/Contract to meet the delivery deadline, then neither party shall be deemed to have breached the Agreement/Contract, and Vendor shall return all monies, within seven (7) business days, paid by the City for the products/items that could not be delivered in the allotted time. This provision shall take propriety over any Force Majeure Clause contained within the Agreement/Contract.

**9. USE OF CITY's LOGO OR NAME:** Vendor shall not use the City's name or any logo in marketing or publicity materials or for marketing or publicity purposes without the prior written authorization from the City. Vendor shall not issue, publish, or divulge any materials developed or used in the performance of this Agreement or make any statement to the media relating to this Agreement without the prior written consent of the City.

**10. WARRANTY:** Vendor warrants that the product(s) herein, when used in accordance with the documentation, shall operate and conform in all material respects in conformity with this Agreement and the

written representations of Vendor, including applicable user manuals and guides supplied by Vendor or with Vendor's Software. If it does not perform as warranted, Vendor shall use all commercially reasonable efforts to correct the product(s) so that it operates in all material respects in conformity with the written representations of Vendor. If Vendor cannot correct the product(s) within a reasonable period of time, Vendor shall refund the purchase price of the product(s).

**11. SOFTWARE DEADLINE, TESTING AND ACCEPTANCE:** If applicable to the Agreement, software provided by Vendor shall be installed for the purposes of testing, as stated herein below, no later than one hundred twenty (120) days from the effective date of the Agreement and this Addendum thereto, unless the Agreement states a specific date which is before or after said deadline. In Addition, software provided by Vendor to the City is subject to inspection and testing to verify that the software conforms to its written specifications and to ensure it meets the City's needs. The City shall have seven (7) business days after the software is installed to perform testing of the software using the City's data. The City shall provide Vendor with written notice of acceptance or rejection of the software five (5) business days or less after the end of the testing period. If the City does not provide timely written notice of acceptance or rejection to Vendor, the software shall be deemed to be accepted by the City. If the software is rejected, the City may, at its sole discretion, either (1) return the software and receive a refund of all fees paid with respect thereto, or (2) allow Vendor to repair or replace the software, without charge, in a timely manner. In the event the City elects to allow the Vendor to repair or replace the software, the City shall have an additional (7) business days in which to accept or reject the software as laid out hereinabove.

**12. NO AUTOMATIC RENEWAL:** The term of the Agreement shall not be renewed or extended beyond the initial term and any provision providing for automatic or continuing renewal of the Agreement is not applicable.

**13. UNILATERAL MODIFICATION OF AGREEMENT NOT PERMITTED:** Vendor may make unilateral changes to its Privacy Policy, provided any such changes are subject to the provisions of this Addendum, shall not alter this Addendum, and shall not materially alter the use of the service or reduce the level of protection provided to the City at the time of the execution of this Agreement. Except as provided in the preceding sentence, notwithstanding anything in the Agreement to the contrary, any change to the Agreement made by Vendor that is not in writing and that is not properly executed by the signatures of authorized representatives of the parties hereto, including attestation by the City's Clerk and approved as to form by the City Attorney are subject to the terms and conditions of this Addendum, and shall not alter this

Addendum and shall not materially alter the use of the service or reduce the level of protection provided to the City at the time of the execution of this Agreement.

**14. CHANGES TO TERMS.** Except as provided in Paragraph No. 13 above pertaining to Vendor's Privacy Policy, Vendor shall provide the City written notice, sent in care of City Attorney's Office, Mt. Juliet, Tennessee, 2425 N. Mt. Juliet Road, Tennessee 37122, of any proposed change to the Agreement at least ninety (90) days prior to being effective to the City. The City shall have thirty (30) days after receiving the written notice to terminate this Agreement, and such cancellation shall not be a breach of this Agreement. Vendor will refund to the City any payment made by the City to Vendor equal to the difference between the number of months the payment was intended for and the number of months remaining on Agreement that the fee was intended to cover.

**15. PRICE ASSURANCE:** Unless specifically stated in the Agreement, the price shall be valid for the full term of the Agreement. If Vendor, specifically states, in the Agreement that he, she or it cannot honor the price for the full term of the Agreement; the Agreement is voidable at the sole discretion of the City, if at any time during the full term of the Agreement, Vendor requests to raise the contract price. If the City elects to void the Agreement, at its sole discretion, it shall not be deemed to be a breach of the contract by either party.

**16. CONFIDENTIALITY:** The City, as a Tennessee Municipal Corporation is subject to the Tennessee Open Records Act, set out in T.C.A. §10-7-503 et seq; therefore, this Addendum, the Agreement and all documents or materials, in any format, including, but not limited to paper, electronic or virtual, that are public records pursuant to law, are not confidential and are subject to disclosure, without regard to any provision contained in the Agreement declaring information confidential. The City will respond to all proper Open Records Requests in the time allowed by law, without any requirement to disclose such request to Vendor or provide Vendor with notice or the time to obtain a protective order. The City does not have the burden of establishing that information is not confidential information or that its release is authorized to release the records. This section 16 serves to meet such burden and authorization of disclosure.

**17. NO PRESUMPTION AGAINST DRAFTER:** The parties are both business entities having substantial experience with the subject matter of this addendum, and each has fully participated in the negotiation and drafting of this addendum. Accordingly, this addendum shall be construed without regard to the rule that ambiguities in a document are to be construed against the draftsman. No inferences shall be

drawn from the fact that the final, duly executed addendum differs in any respect from any previous draft hereof.

**18. SURVIVAL:** This entire addendum shall survive the completion of or any termination of the Agreement or other document which may accompany the Agreement or be incorporated by reference and shall remain in full force and effect until the expiration of any applicable statute of limitation.

**19. EFFECTIVE DATE:** This addendum shall be deemed to have the same effective date of the Agreement.

**IN WITNESS WHEREOF**, the parties hereto warrant and represent that the individual who has signed this addendum on behalf of such party is duly authorized by all necessary and appropriate corporate action to sign this addendum.

**VENDOR**

BY: 

PRINTED NAME: Jay Bassham

VENDOR: IMPACT PYRO, INC.

TITLE: CEO

DATE: 4.3.25

**CUSTOMER**

BY: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

CUSTOMER: City of Mt. Juliet

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**1. SUMMARY OF PROPOSED DISPLAY – 250704-MTJULIET-1.3**

Impact Pyro proposes to provide The City of Mt. Juliet with a 20-minute (approximate) fireworks display per the specifications in the attached proposal /contract. To improve show quality, timing, and shooter safety, Impact Pyro will script and electrically fire all of the pyrotechnic devices. The show will incorporate the products indicated on the product summary and feature a spectacular grand finale. Impact Pyro will provide all professional services, equipment and labor necessary for the setup and discharge of the display as well as transportation of all products and equipment to and from the display site. All aspects of the display shall be in accordance with federal, state, and local laws, and per the latest editions of the NFPA code.

**2. PRODUCT SUMMARY**

Please note that minimum quantities are shown. Impact Pyro will incorporate additional quantities and products in accordance with the design of the show but in no case will the show contain less than the quantities indicated below.

6"	(99 MIN) ASSORTED DISPLAY SHELLS
5"	(126 MIN) ASSORTED DISPLAY SHELLS
4"	(180 MIN) ASSORTED DISPLAY SHELLS
3"	(420 MIN) ASSORTED DISPLAY SHELLS
	(10 MIN) ASSORTED VERTICAL DISPLAY CAKES

ADDITIONAL PRODUCTS AS REQUIRED FOR DESIGN OF SHOW



Date: 1/21/2025  
Invoice #: 250704-MTJULIET-1.3  
For: City of Mt. Juliet  
July 4 Fireworks  
Circle P Park, Mt. Juliet, TN  
Bill To: City of Mt. Juliet  
2425 N. Mt. Juliet Road  
Mt. Juliet, TN 37122  
615-754-2552

**Make all checks payable to Impact Pyro, Inc.**

***THANK YOU FOR YOUR BUSINESS!***





# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1156  
12.J.

**Agenda Date:** 4/14/2025

**Agenda #:**

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**Title:**

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF MT. JULIET AND AT&T FOR E911 HARDWARE AND MAINTENANCE SERVICE FOR THE POLICE DEPARTMENT

## **RESOLUTION -2025**

### **A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF MT. JULIET AND AT&T FOR E911 HARDWARE AND MAINTENANCE SERVICE FOR THE POLICE DEPARTMENT**

**WHEREAS**, the City of Mt. Juliet Police Department desires to provide consistent and adequate safety for the citizens of Mt. Juliet, and;

**WHEREAS**, the City desires to prepare for operations in the newly constructed police headquarters and;

**WHEREAS**, AT&T is the provider for the E911 service and;

**WHEREAS**, the cost of the A&T E911 hardware totals \$56,471 with a monthly recurring cost of \$667, and;

**WHEREAS**, the City of Mt. Juliet Board of Commissioners desires to approve the agreement with AT&T.

**NOW THEREFORE BE IT RESOLVED** by the Board of Commissioners of the City of Mt. Juliet, Wilson County, Tennessee as follows:

**Section 1.** The Board of Commissioners approves the agreement with AT&T to purchase the E911 hardware and monthly maintenance pending review and approval of the City Attorney.

**Section 2.** The Board authorizes the Mayor to execute the agreement with AT&T.

**Section 3.** In the event of conflict between this resolution or any part hereof, and the whole or part of any existing resolution of the City, the conflicting resolution is repealed to the extent of the conflict but no further.

**Section 4.** If any section, clause, provision, or portion of the resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of the resolution.

This Resolution shall take effect at the earliest date allowed by law, the public welfare requiring it.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
James Maness, Mayor

ATTEST:

\_\_\_\_\_  
Sheila S. Lockett, MMC  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
City Manager, Kenny Martin

\_\_\_\_\_  
Samantha A. Burnett  
City Attorney



Case Number: TN25-9150-00

NETTN154030UA

**AT&T E 9-1-1 SERVICE  
Pricing Schedule**

<b>CUSTOMER Legal Name ("Customer")</b>	<b>AT&amp;T ("AT&amp;T")</b>
Mt Juliet	Bellsouth Telephone Company, d/b/a AT&T Enterprises
<b>CUSTOMER Address</b>	<b>AT&amp;T Address</b>
Street Address: 1019 Charlie Daniels Parkway City: Mt. Juliet State / Province: TN Country: USA Domestic / Intl / Zip Code: 37122	208 South Akard Street Dallas, TX 75202 Attn: Master Agreement Support Team E-mail: <a href="mailto:mast@att.com">mast@att.com</a>
<b>CUSTOMER Contact (for Contract Notices)</b>	<b>AT&amp;T Branch Sales Contact Information</b> <input type="checkbox"/> <b>Primary Sales Contact</b>
Name: Tyler Chandler Title: Deputy Chief Telephone: 6157542550 Email:	Name: Mark Rau Street Address: 6889 West Snowville Rd City: Brecksville State / Province: OH Country: USA Domestic / Intl / Zip Code: 44141 Telephone : 4405588482 Email : mr5472@att.com Sales/Branch Manager: Matt Blanchet
<b>CUSTOMER Billing Address and Contact</b>	
Street Address: 1019 Charlie Daniels Parkway City: Mt. Juliet State / Province: TN Country: USA Domestic / Intl / Zip Code: 37122 Contact Name: Tyler Chandler Title: Deputy Chief Telephone: 6157542550 E-mail:	

This Pricing Schedule is part of the Agreement between AT&amp;T and Customer referenced above.

<b>CUSTOMER</b>	<b>AT&amp;T</b>
By: _____ (by its authorized representative)	By: _____ (by its authorized representative)
(Typed or Printed Name)	(Typed or Printed Name)
(Title)	(Title)
(Date)	(Date)



**GENERAL TERMS APPLICABLE TO  
AT&T PUBLIC SAFETY HOSTED E9-1-1 SERVICE**

This Pricing Schedule is part of the Agreement between AT&T Enterprises and the Customer referenced above.

This Pricing Schedule consists of this Pricing Schedule and any Attachments hereto (e.g., Statement of Work ("SOW"); Scope of Work ("SCOW"); Inventory Schedule and Payment Terms; Bill of Material; Project Implementation Guide; Implementation Timeline; or Certificate of Acceptance) that currently, or may in the future, reference this Pricing Schedule. In the event of a conflict between this Pricing Schedule and any Attachments hereto, this Pricing Schedule shall take precedence.

**SERVICE:** An enhanced 9-1-1 ("E 9-1-1") Service provisioned by AT&T that utilizes AT&T Premises to house certain E 9-1-1 Call Handling Equipment for purposes of receiving and transporting E 9-1-1 calls from within a predetermined service area to authorized Public Safety Answering Points (PSAPs) identified by Customer. As part of the Service, AT&T will install Customer End User Equipment identified in the Statement of Work at Customer PSAP Sites; will train Customer's employees on the use of the Customer End User Equipment; and will test the Customer End User Equipment and verify that it is operating as designed. AT&T will also provision the necessary network elements (set forth below) required to deliver E 9-1-1 calls to the Customer PSAP Sites. AT&T will be responsible for the maintenance of the Equipment necessary to provision the Service, as more fully described in the Statement of Work.

**SERVICE PROVIDER:** BellSouth Telephone Company, d/b/a AT&T Corp.

**TERM:** The Pricing Schedule Term shall begin on Cutover and continue to the latter of: (a) 5 years from Cutover; or (b) until such time as no Service Components are provided to Customer under this Pricing Schedule.

**SERVICE COMPONENTS AND PRICING:** The following prices shall apply to the various Service Components offered as part of the Service. Any Service Components that are offered under an AT&T Tariff or Guidebook are offered under the terms and conditions set forth therein unless modified in this Pricing Schedule.

**Network Transport Components:** The 9-1-1 tariff prices apply to trunking between AT&T Premises and the Customer PSAP Sites.

**9-1-1 Database Components:** Customer will provide Enhanced 9-1-1 utilizing AT&T's Tandem/Selective Router and utilizing the Automatic Number Identification system and the Automatic Location identification system. The charges and terms and conditions for these features are listed in the AT&T Tariff or Guidebook, as may be modified from time to time.

**Other Components:** Customer will also order the following Service Components on terms and conditions set forth in the applicable AT&T Tariff or Guidebook.

- I. AT&T Bandwidth Services provided under an "AT&T Integrated Data Services Pricing Schedule"
- II. AT&T VPN Service provided under an "AT&T VPN Pricing Schedule"
- III. AT&T Managed Internet Service provided under an "AT&T Managed Internet Service Pricing Schedule"
- IV. AT&T Managed Router Solution provided under an "AT&T Managed Router Solution Pricing Schedule"
- V. Point-to-point DS-1 Service provided under an "ILEC Intrastate Services Pricing Schedule Pursuant to Custom Terms"

**Equipment and Maintenance:** The rates and charges for Equipment (consisting of Customer End User Equipment and Call Handling Equipment) and maintenance of the Equipment are as follows:

ATTUID: DW8589 Public Safety Hosted Pricing Schedule	AT&T and Customer Confidential Information Page 2 of 6	ROME Opportunity ID : Updated: 091918
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GENERAL TERMS APPLICABLE TO  
AT&T PUBLIC SAFETY HOSTED E9-1-1 SERVICE

Site Name		State	USCO	Description	Non-Recurring Costs	Monthly Recurring Costs
Mt. Juliet	TN25-9150-00	TN	WTT11	E911 Hardware (Positions)	\$ 56,471.00	
Mt Juliet	TN25-9150-00	TN	WTT31	Maintenance		\$667.00
Total Charges					\$56,471.00	\$667.00

**Payment Terms:**

- (1) Charges for Host Locations not due until Hosts are installed and accepted and first PSAP is on-line and accepted.  
(2) PSAP Location: Charges Per Position not due until PSAP installed and accepted:

Service Plan Payment Terms: ☒ Monthly Payments ☐ Annual Payments ☐ Financing: (Name of Leasing Company)  
Monthly Price: \$ 667.00 Annual Price: \$ \_\_\_\_\_



**GENERAL TERMS APPLICABLE TO  
AT&T PUBLIC SAFETY HOSTED E9-1-1 SERVICE**

**ADDITIONAL TERMS AND CONDITIONS**

**1. Definitions**

**"AT&T E9-1-1 Hosted Service"** means the Service as described above, provided on the terms and conditions set forth herein.

**"AT&T Premises"** means an AT&T owned or operated facility specified in an Order where E9-1-1 Call Handling Equipment will be installed and certain elements of the Service are performed.

**"Call Handling Equipment"** means the equipment and Licensed Software that AT&T will acquire and install at AT&T Premise(s) for purpose of providing the Services to be provisioned under this Pricing Schedule.

**"Customer Premises"** means Customer's facility or location specified in an Order where the Equipment will be installed or Services performed. Customer Premises will be deemed Site(s) for purposes of the Agreement

**"Cutover"** means (i) for a Service, when the Service is first provisioned or made available to Customer's use at any Site; and/or (ii) for Equipment, when it is delivered to a carrier for shipment, or if AT&T provides installation as part of the Services, then upon AT&T's installation of the Equipment and acceptance by Customer.

**"Customer End User Equipment"** means the equipment and Licensed Software that AT&T licenses or leases, as applicable, to Customer or for which AT&T provides Services as provided hereunder that is installed at a Site. Ownership of, and title to, Customer End User Equipment shall at all times remain with AT&T. Upon termination of this Pricing Schedule, AT&T shall have the right to re-possess the Customer End User Equipment at a mutually agreeable date and time.

**"Equipment"** unless otherwise defined, means Customer End User Equipment and Call Handling Equipment.

**"Order"** means any purchase order issued by Customer for Equipment or Services that references this Pricing Schedule, is signed by Customer's authorized representative, and is accepted by AT&T. Orders will be deemed Attachments to this Pricing Schedule once accepted by AT&T.

**"PSAP"** means a Public Safety Answering Point. The location of a PSAP will be deemed a Site for purposes of the Agreement.

**"Statement of Work"** or **"SOW"** means the attached statement(s) of work and/or other ordering documents that describe materials and Services to be provided pursuant to this Pricing Schedule. On occasion, SOWs may be entitled Statement of Work (SOW), Scope of Work (SCOW) or Pre-Installation Guide (PIG).

**2. Scope**

AT&T will procure the Equipment and provision the Service as specified in this Pricing Schedule and any attachments hereto.

**3. Customer End User Equipment; Delivery and Installation by AT&T**

AT&T will deliver the Customer End User Equipment FOB origin, prepaid and add. Title to the Customer End User Equipment and all risk of loss to the Customer End User Equipment shall pass to Customer at the time of delivery to the carrier for shipment. Origin is defined as the manufacturer's site when the Customer End User Equipment is shipped

directly to Customer Site and as AT&T's staging facility when AT&T performs staging on the Customer End User Equipment before delivery to Customer. Customer acknowledges and agrees that AT&T's ability to provide Customer End User Equipment during the term of this Pricing Schedule is contingent upon the supply and delivery schedules of the Customer End User Equipment manufacturer(s). AT&T shall have no liability for delays in any delivery schedule. Customer End User Equipment is described in the SOW attached hereto.

**4. AT&T Call Handling Equipment**

AT&T shall have no liability for delays in any delivery schedule pertaining to AT&T Call Handling Equipment. AT&T is solely responsible for the installation of AT&T Call Handling Equipment on AT&T Premises.

**5. Customer Responsibilities for Installation Services at Customer Premise(s)**

AT&T's obligations under this Pricing Schedule and the timely fulfillment thereof, are contingent upon timely receipt from Customer of all reasonably necessary assistance and cooperation in all matters relating to this Pricing Schedule, including reasonable access to relevant personnel, records, information and facilities. Customer shall provide AT&T, in a timely fashion, with all information reasonably required for the performance of the Services by AT&T. Customer represents that all information presently known to be necessary to AT&T's understanding of the Services to be performed have been disclosed or provided to AT&T and Customer will keep AT&T timely informed of any new information which may be necessary to AT&T's understanding of the Services to be performed. Customer shall provide AT&T with reasonable access to the premises necessary for the performance of the Services required under this Pricing Schedule as more fully described in Section 3.1 of the Master Agreement. In the event of Customer's failure to perform its responsibilities hereunder, AT&T may, at AT&T's option, assume or fulfill any and/or all of Customer's responsibilities, directly or through contract with third parties. In such instance, it shall be considered an increase in the scope of the Services. AT&T may charge Customer any and all charges incurred by AT&T due to Customer's failure to timely fulfill its obligations under this Section.

Notwithstanding any other part of this Pricing Schedule: (a) AT&T shall have the right to suspend performance or to pursue any other remedies provided for under the Agreement where Customer delays or fails to comply with this provision; and (b) where any of the measures described above are unreasonably expensive, Customer may request that AT&T suspend its performance until such time as an alternative remedy or course of performance is secured or agreed upon; provided, however, that AT&T may terminate this Pricing Schedule or an Order where any such suspension lasts longer than thirty (30) days.

**6. Invoicing and Payment Terms**

Invoices for all Customer End User Equipment and AT&T Call Handling Equipment will be issued upon Customer's Acceptance of the Services and Customer End User Equipment, as defined in Section 7 hereof, on a PSAP-by-PSAP basis. Invoices for maintenance Services will be issued pursuant to the terms of the Master Agreement.



**GENERAL TERMS APPLICABLE TO  
AT&T PUBLIC SAFETY HOSTED E9-1-1 SERVICE**

**7. Initial Acceptance of Services and Customer End User Equipment**

On a PSAP-by-PSAP basis, Customer shall have a designated staff member on-site at the initial completion of Services and installation of the Customer End User Equipment to sign the acceptance document, acknowledging the Services were performed in accordance with the SOW and are complete as to each PSAP. If any installation Services are incomplete or nonconforming at the time of initial installation, Customer must provide written notice to AT&T identifying such installation Services within ten (10) business days of notice by AT&T of completion of said Services at a PSAP, or else Customer waives remedy. Upon written notification, AT&T will then have thirty (30) business days to re-perform or complete the nonconforming installation Services. If AT&T is unable to, or fails to, correct such nonconformance in all material respects, AT&T may, as AT&T's sole liability and Customer's sole remedy, refund to Customer all amounts paid by Customer for the nonconforming portion of the installation Services.

**8. Licensed Software**

Software is provided subject to the particular licensor's standard software license that accompanies Customer End User Equipment. The standard software license is a separate agreement between Customer and the licensor. Customer's assent to the terms and conditions of this Pricing Schedule binds Customer to the terms and conditions of the licensor's standard software license, as if the terms and conditions of the licensor's standard software agreement were fully set forth in this Pricing Schedule, and Customer shall comply with the terms and conditions of the licensor's standard license and associated documentation.

**9. Limited Warranty, Limitation of Liability and Limitation of Remedy.**

**In addition to any similar protections set forth under the Master Agreement, the following provisions apply to Services and Equipment offered under this Pricing Schedule:**

**9.1 WARRANTIES.**

(a) **Equipment.** The Equipment will be provided to Customer on an "As Is" basis. (i) AT&T DISCLAIMS ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED (INCLUDING, BUT NOT LIMITED TO, WARRANTIES OF MERCHANTABILITY, OF FITNESS FOR A PARTICULAR PURPOSE, TITLE< NON INFRINGEMENT, OR ARISING BY VIRTUE OF USAGE OF TRADE). (ii) AT&T WILL NOT HAVE ANY OBLIGATION OR BE LIABLE FOR ANY ERROR, OMISSION, DEFECT, DEFICIENCY, OR NONCOMFORMITY IN ANY EQUIPMENT OR ANY OF THE SERVICES. AT&T DOES NOT WARRANT THAT THE OPERATION OF EQUIPMENT WILL BE UNINTERRUPTED OR ERROR FREE. AT&T HAS NO WARRANTY OBLIGATION FOR EQUIPMENT THAT CUSTOMER ACQUIRES THROUGH AT&T AND EQUIPMENT THAT IS NOT MANUFACTURED BY AT&T AND THAT DOES NOT BEAR AN AT&T LOGO OR COPYRIGHT NOTICE. Customer, not AT&T, is responsible for selecting Equipment to achieve its intended results and for promptly verifying that the Equipment performs as specified by the manufacturer or licensor.

(b) **Manufacturer's Warranty:** Notwithstanding the disclaimer set forth in the subsection (a) of this section, AT&T shall pass through to Customer any hardware warranties available from Equipment manufacturers and subsection (a) does not negate any software warranty that Customer may obtain directly from the licensor under the particular licensor's standard software license.

**9.2 WORKMANSHIP WARRANTY**(a) The provision of Services and any deliverables under this Pricing Schedule shall be performed in a workmanlike manner that would meet commercial industry standards in the field to which the work pertains, as well as any standards set forth in any Attachments, including, but not limited to, any SOWs. No other warranties are provided by AT&T under this Pricing Schedule.

(b) **Further Disclaimer As To Information Provided by Customer.** The Services, as described herein and any Attachments, are based upon, among other things, information provided by CUSTOMER. IN THIS REGARD, AT&T MAKES NO EXPRESS OR IMPLIED REPRESENTATION OR WARRANTY AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED TO AT&T BY CUSTOMER. CUSTOMER ACKNOWLEDGES AND AGREES THAT: (I) NONE OF THE INFORMATION FURNISHED BY CUSTOMER IN CONNECTION WITH AT&T SERVICES AND/OR DELIVERABLES HAS BEEN INDEPENDENTLY VERIFIED BY AT&T AND (II) AT&T EXPRESSLY DISCLAIMS, AND WILL NOT BE SUBJECT TO, ANY LIABILITY WHICH MAY BE BASED ON SUCH INFORMATION, OR ANY ERRORS OR OMISSIONS IN SUCH INFORMATION, WHETHER OR NOT AT&T KNEW OR SHOULD HAVE KNOWN OF ANY SUCH ERRORS OR OMISSIONS, OR WAS RESPONSIBLE FOR OR PARTICIPATED IN THEIR INCLUSION IN OR OMISSION FROM THE SERVICES AND/OR DELIVERABLES. If AT&T does become aware of any errors or omissions in information are made or provided by Customer, AT&T will promptly notify Customer, in writing, of such errors and omissions.

**10. Storage of Equipment**

AT&T and/or its designated subcontractors may store a reasonable amount of Equipment, materials, tools and other items necessary for the performance of the Services on a Site or in such other secure location(s) as Customer may designate, at no charge. Customer will take reasonable precautions to protect and maintain the integrity of any such items and will accept delivery of any such items delivered to Customer's Site when AT&T personnel are not available to accept delivery and place or direct the placement of such items on the Site or other secure location(s). In the event Customer accepts delivery of any items under this Pricing Schedule, Customer will promptly notify AT&T of the delivery and location of the items delivered.

**11. Amendments; Termination**

Customer will be charged for any additions, deletions or changes ("Change") in the Equipment and/or Services. If Customer desires a Change, Customer will notify AT&T by written request, and AT&T will provide Customer a revised Bill of Materials and/or Statement of Work reflecting the Equipment, Service and price changes shipping dates, Cutover dates and other terms. Any increase or decrease in the price occasioned by a Change will be added to/subtracted from the amount of Customer's invoice. After the Effective Date of this Pricing Schedule,





**GENERAL TERMS APPLICABLE TO  
AT&T PUBLIC SAFETY HOSTED E9-1-1 SERVICE**

any changes to an Order or SOW requested by Customer will be processed as a "Change Order". If AT&T does not receive the executed change documents within 30 (thirty) days, no changes will be made to the original document. This Pricing Schedule may be amended or modified only by written instrument signed by an authorized representative of each party.

If Customer changes the work schedule in a SOW or if compliance with such schedule becomes impractical, due to no fault of AT&T, AT&T reserves the right to reevaluate and amend the pricing for Equipment and Services or to submit change notice for any additional costs incurred as a consequence of such changes.

Either party may terminate this Agreement in whole or in part by giving the other party at least thirty (30) days' prior written notice. Either Party may terminate an Order or Change Order by giving the other Party written notice prior to Cutover. In the event Customer terminates an Order or Change Order: (i) prior to the date of delivery of any Equipment, Customer shall pay as a cancellation fee, and not as a penalty, an amount equal to twenty percent (20%) of the total purchase price of the Equipment cancelled (and once Equipment is delivered to Customer, the relevant Order(s) may not be cancelled); and (ii) Customer shall be liable for an amount equal to fifty percent (50%) of the fees for Services for the remaining term of this Pricing Schedule (or any applicable Order) plus any non-recoverable costs including, but not limited to, amounts incurred by AT&T in connection with the provisioning of cancelled Equipment and Services. Upon termination, Customer agrees to pay all amounts due for Equipment and Services provided by AT&T up to and including the effective date of termination, plus any costs or expenses (including restocking fees) incurred by AT&T in connection with the performance of the Order. In the event the Customer terminates an Order or Change Order prior to Cutover, the Customer shall be liable for all expenses incurred by AT&T under that Order or Change. Upon termination, Customer agrees to pay AT&T all amounts due for Equipment and Services provided by AT&T up to and including the effective date of termination, plus any nonrecoverable restocking fees or other costs incurred by AT&T. Such payment will constitute a full and complete discharge of Customer's payment obligations. Termination will also constitute a full and complete discharge of AT&T's obligations. Any Order in progress or requested prior to the termination of this Pricing Schedule will be completed and Customer agree to pay AT&T for the Services performed and/or any Equipment delivered or installed under the Order.

Customer will only be liable for the charges incurred in connection with termination as described in this Section 11. Customer shall not be responsible for any other termination charges specified in the Master Agreement.

## 12. Termination of Purchase Order; Suspension of Service

Except as otherwise expressly provided in this Pricing Schedule, Order(s) may not be terminated, suspended or canceled unless: a) the other party is in material breach of or default under such Order, and such breach or default continues for a period of thirty (30) days after the giving of written notice by the party not in breach or default; or b) any federal, state or local governmental agency or regulatory body or a court or tribunal of competent jurisdiction renders or enters an order, ruling, regulation, directive, decree or judgment which restricts or prohibits

either party from continuing, impairs either party's ability to continue, or makes impractical or unduly expensive either party's continuance under such Order or this Agreement.

## 13. General Provisions

AT&T is entitled to increased compensation and/or time for completion where AT&T encounters concealed physical conditions which differ materially from those indicated in any documents provided under this Agreement or otherwise represented by Customer, or latent physical conditions which differ materially from those ordinarily found to exist and generally recognized as inherent in the installation and/or maintenance activities contemplated by this Pricing Schedule, where such conditions would materially interfere with, delay or increase cost of performance under this Pricing Schedule.

All intellectual property in all Services and Equipment shall be the sole and exclusive property of AT&T or its suppliers.

### Attachments:

- |   |                          |
|---|--------------------------|
| 1. Statements of Work e.g. SOW, SCOW, PIG       | <input type="checkbox"/> |
| 2. Bill of Materials for Equipment and Services | <input type="checkbox"/> |
| 3. Invoicing Schedule and Payment Terms         | <input type="checkbox"/> |
| 4. Implementation Timeline                      | <input type="checkbox"/> |
| 5. Certificate of Acceptance                    | <input type="checkbox"/> |
| 6. Other: [       ]                             | <input type="checkbox"/> |



# Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd  
Mt. Juliet, TN 37122

## Staff Report

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**File #:** 1154  
13.A.

**Agenda Date:** 4/14/2025

**Agenda #:**

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**Title:**

Second Central Business Improvement District (CBID) Appointment

**ORDINANCE 2024 - 35**

**AN ORDINANCE TO AMEND THE MT. JULIET CITY CODE CHAPTER 26,  
TAXATION, TO CREATE A NEW ARTICLE VII TO ESTABLISH A CENTRAL  
BUSINESS IMPROVEMENT DISTRICT**

**Whereas**, pursuant to the Central Business Improvement District Act of 1990, property owners within a defined central business improvement district in Mt. Juliet, Tennessee, representing a majority of the real property owners and at least two-thirds of the assessed value of all real property within that area, have presented petitions to the Board of Commissioners of the City of Mt. Juliet (the "Board") requesting the creation of the Mt Juliet Golden Bear Central Business Improvement District (the "District" or the "CBID"); and

**Whereas**, the creation of the District will enhance the local business climate and help manage the area and ensure that it is properly redeveloped, safe, clean and vibrant and will bring more people to Mt. Juliet to work, live, play, and shop; and

**Whereas**, among the services and improvements to be funded by the District will be road and other public improvements including water and sewer improvements, beautification efforts, business recruitment and retention, and overall District promotions; and

**Whereas**, the Board of Commissioners of the City of Mt. Juliet desires to amend the Mt. Juliet City Code, Chapter 26, Taxation to establish the District as provided herein.

Now, therefore, be it **ORDAINED** by the City of Mt Juliet Board of Commissioners the City of Mt. Juliet City Code is amended as follows:

Section 1. The Mt. Juliet City Code, Chapter 26, Taxation is amended by adding the following new Article VII to be entitled the Mt Juliet Golden Bear Central Improvement District:

**Sec. 26-161 District Created, Boundary.**

In accordance with the provisions of and established pursuant to Tennessee Code Annotated §7-84-501, et seq., there is hereby created a Mt Juliet Golden Bear Central Business Improvement District (the "CBID") which shall include all properties within that area of the city generally depicted as shown on Exhibit A attached hereto, including the roadways shown thereon.

**Sec. 26-162. - Purposes and mission.**

A. The board of commissioners hereby finds and declares that the establishment of the CBID will promote the successful revitalization and modernization of the business district within the Golden Bear Gateway area of the city, thereby furthering health, safety, and general economic welfare of the city.

B. The purpose and mission of this CBID is hereby declared to be: To undertake and provide an enhanced level of programs and services not provided by the city that will help maintain the CBID as a clean, safe, and vibrant place to work, live, shop, and play. This should include but not be limited to funding necessary or desirable roadway, utility and other infrastructure improvements and maintenance, as well as any appurtenances designed to improve access and overall traffic flow, and funding and maintaining other public improvements and appurtenances within the District.

**Sec. 26-163. - Liberal construction.**

This ordinance, being necessary to secure and preserve the public health, safety, convenience, and welfare, shall be liberally construed to effectuate its purposes.

**Sec. 26-164. – Definitions.**

As used in this ordinance, unless a contrary meaning clearly appears:

1. "Assessed value" means value as assessed for municipal tax purposes.
2. "District" or "CBID" means the central business improvement district created by this ordinance.
3. "District Management Corporation" means the board or organization created or organization appointed to act as an advisory board for the purpose of making and carrying out recommendations for the use of special assessment revenues, and for the purpose of administering activities within and for the District, and the provision of services and projects within the District.
4. "Initiating petition" means the petition filed in the office of the city recorder requesting the establishment of the CBID.
5. "Owner" means the record owner of real property in fee or a representative of such owner duly authorized to act for and on behalf of said owner.

**Sec. 25-265. – District Management Corporation.**

A. There is hereby authorized a District Management Corporation to be chartered pursuant to the provisions of the Nonprofit Corporation Act of Tennessee for the purpose of administering the special assessment revenues and the activities within the District, the making of improvements within the District, and the provision of services and projects within and for the District.

B. The District Management Corporation shall be governed by a board of directors consisting of at least seven members. At least three members shall be appointed as provided in subsection C. below. **The Mayor of the City of Mt. Juliet shall appoint two of the seven members who shall serve initial four-year terms.** At the end of such terms, these seats will be filled by the Mayor of Mt. Juliet. The property owners within the District shall elect the remaining two members who shall serve five-year terms and these two members' terms shall be extended beyond the five-year term if debt is issued and has not been repaid. These two members shall be principals of property owners or companies owning property within the District. At the end of these initial terms, these seats shall then be filled at an annual meeting upon nomination by the outgoing board members.

C. Pursuant to Tenn. Code Ann. § 7-84-519, the Speaker of the Senate of the State of Tennessee shall appoint the senator whose senate District includes the majority of the area contained within the CBID to serve as an ex officio member and the Speaker of the House of Representatives of the State of Tennessee shall appoint the representative whose house District includes the majority of the area contained within the CBID as an ex officio member. In addition, the member(s) of the city commission whose District includes any of the area contained within the CBID shall serve as an ex officio member. The ex officio members shall serve for the term for which they are elected and shall not be counted in determining the presence of a quorum.

D. Vacancies on the board for elected members shall be filled by the remaining board members present and voting to fill the vacancy.

**Sec. 25-266. – District Management Corporation powers.**

A. In furtherance of and not in limitation to the general powers conferred upon a central business improvement district by Chapter 84 of Title 7 of the Tennessee Code Annotated and in keeping with the purposes of the CBID set forth herein, it is expressly provided that the District Management Corporation shall have the following powers, which shall be exercised at the discretion of the District Management Corporation acting through its board of directors as follows:

1. To acquire, construct or maintain parking facilities;
2. To acquire, construct or maintain public improvements;
3. To acquire real property or an interest therein in connection with a public improvement;
4. To provide services for the improvement and operation of the District to supplement those provided by the City of Mt. Juliet, as follows:
  - a. Promotion and marketing;
  - b. Advertising;
  - c. Heath and sanitation;
  - d. Public safety;
  - e. Elimination of problems related to traffic and parking;
  - f. Security services;
  - g. Recreation;
  - h. Cultural enhancements;
  - i. Activities in support of business or residential recruitment or retention;
  - j. Aesthetic improvements;
  - k. Professional management, planning and promotion of the District;
    1. Consulting with respect to planning, management and development activities;
  - m. Furnishing of music at any public place;
  - n. Design assistance; and
  - o. Such other services as authorized by Tenn. Code Ann. § 7-84-520.
5. To enter into contracts and agreements with other persons or entities;
6. To hire employees or retain agents, engineers, architects, planners, consultants, attorneys and accountants;
7. To acquire, construct, install and operate public improvements contemplated by this ordinance and all property rights or interests incidental or appurtenant thereto, and to dispose of all real and

personal property and any interest therein including leases and easements in connection therewith;

8. To manage, control and supervise:

a. All the business and affairs of the District;

b. The acquisition, construction and installation and operation of public improvements within the District; and,

c. The operation of District services therein.

9. To the extent permitted by law, to borrow money and issue bonds, notes, or other obligations for the purpose of paying the costs of public improvements made pursuant to the establishment ordinance, or the refunding or refinancing of any such bonds, notes or other obligations issued pursuant to the authority in Tenn. Code Ann. § 7-84-518.

10. To construct and install improvements across and along any public street, alley, highway, stream of water or water course in accordance with state and local laws, rules or regulations; and,

11. To exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein or those granted in Tenn. Code Ann. § 7-84-520.

B. All services to the CBID listed above shall be provided by the District Management Corporation as a service to and in support of the City of Mt. Juliet and such services are to be paid for out of the revenues from the special assessment. Revenues from special assessments shall be used to supplement and not to pay for the same level of services provided by the City of Mt. Juliet within the District as are provided throughout the general services District. In no event will the level of services provided to the District by the City of Mt. Juliet be decreased because of the enhanced level of services.

C. Initial improvements: The following improvement programs are examples of work authorized to be undertaken within the District during its first year of operation: interior access roads, utilities, common area landscaping, street lighting, sidewalks and traffic signals.

#### **Sec. 25-267. – Annual budget.**

The District Management Corporation shall annually submit to the board of commissioners a financial report and a written report of its activities for the preceding year together with a proposed budget for the next year. The annual budget shall include a projection of revenues from the special assessment and a projection of expenditures for projects, services and activities of the District Management Corporation and shall be reviewed and approved by the board of commissions, or if not approved shall be returned to the District Management Corporation board for revision and resubmission until the board of commissioners shall approve the annual budget.

#### **Sec. 25-268. – Estimated costs and rate of levy; special assessment procedure.**

A. The estimated costs of the initially proposed improvements, services, and projects are approximately \$10 million over the 20-year term.

B. The rate of levy of the special assessment for the CBID shall be \$0.50 per \$100.00 of assessed value of real property beginning in calendar year 2025. Such rate of levy shall continue in full force until changed by the board of commissioners in accordance herewith and no change shall

occur if debt is secured with the special assessment revenue. A change in the rate of levy may be initiated only by a resolution of the District Management Corporation requesting that the rate be changed. Further, this rate must be approved in an election held by the District Management Corporation by not less than a majority in number of owners of real property in the District voting in said election. In addition, the assessed value of the property in the District owned by all persons voting affirmatively must equal or exceed at least two-thirds of the assessed value of the property in the District owned by all persons voting. Upon receipt of this resolution from the District Management Corporation, the board of commissioners must hold a public hearing as to whether there should be a change in the rate of levy for the special assessment.

C. Beginning in 2025, special assessments shall be levied against all taxable real property within the CBID pursuant to a special assessment roll of all owners of real property within the District as shown in the records of the Assessor of Property for Wilson County.

D. Notice of the special assessment shall be issued simultaneously with tax notices for regular Mt. Juliet real property taxes, and revenues from special assessment shall be collected by the county trustee and placed into a segregated account subject to the direction of the board of commissioners and the District Management Corporation.

E. Special assessments shall be imposed and collected annually as set forth hereinabove. Changes in the rate or additions to the rate for the assessment may be made only annually pursuant to the process referenced in Section 25-268(B) above.

F. Penalty and interest in the amount permitted by state law shall be added to any such assessment or installment thereof not paid on or before the date prescribed by City of Mt. Juliet.

#### **Sec. 25-269. – Dissolution of the District Management Corporation.**

The District shall be dissolved without further action from the board of commissioners on March 15, 2056, assuming there is no outstanding debt, bonds, notes, or other obligations payable solely by special assessment revenue levied on real property within the District. However, the District shall not be dissolved if there is outstanding bonded indebtedness or if prior to that date the board of commissioners by ordinance determines that the District should be continued and a petition that satisfies the requirements of the Central Business Improvement Act, Tenn. Code Ann. § 7-84-501, *et seq.* is filed requesting that the District continue. Upon dissolution of the District, any unencumbered assessment proceeds remaining under the control of the District shall be disbursed to the owners of District real property pro rata based upon the amounts of the respective assessments.

Subject to the limitations set forth in the preceding paragraph, the board of commissioners may dissolve the CBID upon receipt of a written petition filed by the owners of either seventy-five percent of the assessed value of the property in the District based on the most recent certified city property tax rolls or fifty percent of the owners of record within the District.

#### **BE IT FURTHER ORDAINED**

Section 3. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the

conflict but no further.

Section 4. If any section, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this ordinance.

Section 5. That this ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.

**PASSED:** 7/22/24


**FIRST READING:** 6/24/24

**SECOND READING:** 7/22/24


  
James Maness, Mayor

**ATTEST:**

  
Sheila S. Lockett, MMC  
City Recorder

  
Kenneth D. Martin, City Manager

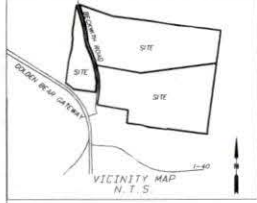
**APPROVED AS TO FORM:**

  
L. Gino Marchetti, Jr.  
City Attorney



**EXHIBIT A**

Depiction of District boundaries attached



**CERTIFICATE OF ACCURACY**  
I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY THAT SATISFIES THE REQUIREMENTS OF THE CITY OF MT. JULIET, TENNESSEE, MUNICIPAL-REGIONAL COMMISSION AND THE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS AND THAT THE MONUMENTS HAVE PLACED AS SHOWN HEREON TO THE BOARD'S SPECIFICATIONS.



**DEED REFERENCE**  
TO GOLDEN BEAR PLAZA LLC  
FROM R.P. BECKWITH, JR., LLC  
RECORD DEED BOOK 2783, PAGE 2008, R.O.W.C. IN

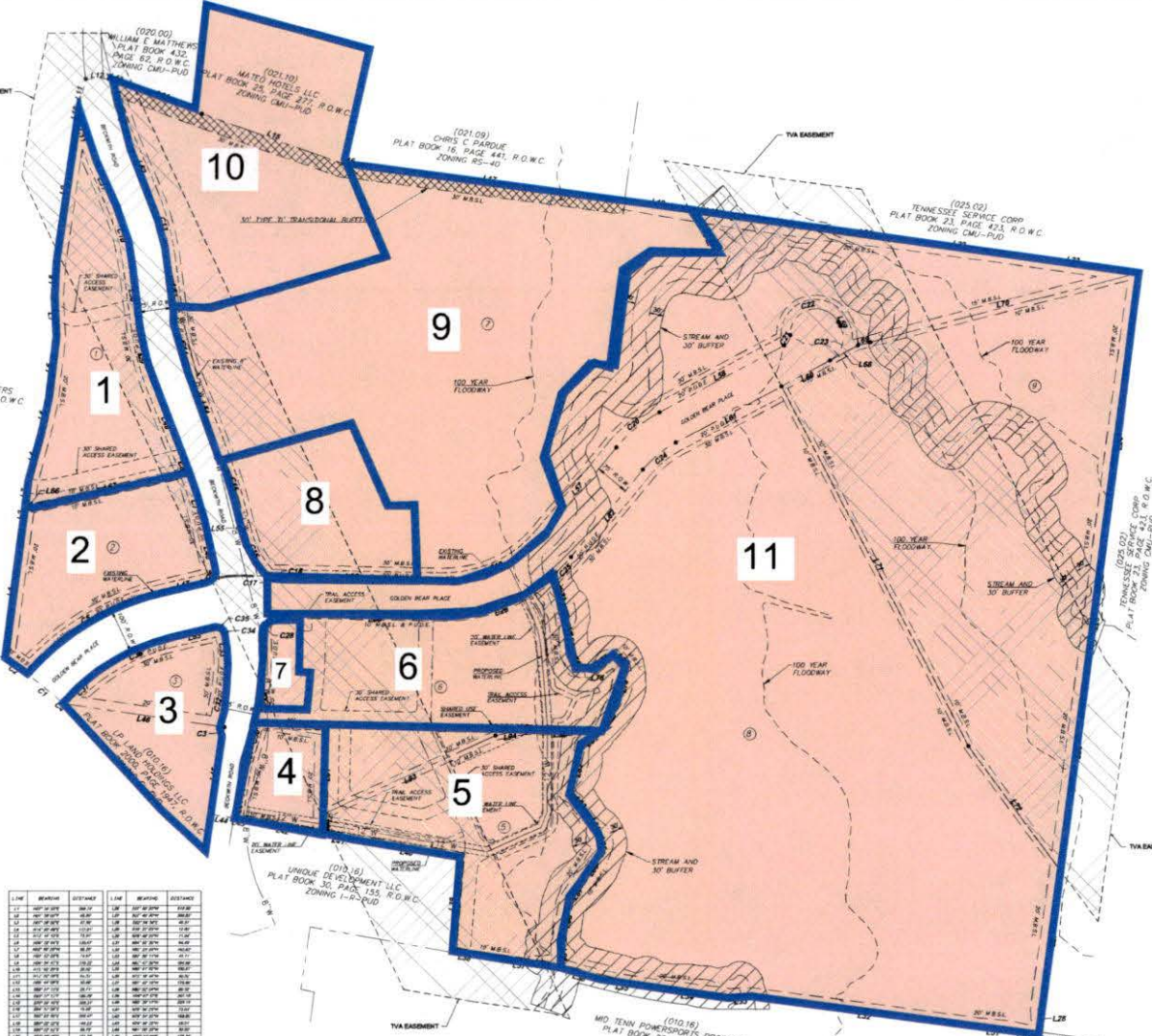
**PROPERTY MAP REFERENCE**  
SUBJECT SITE MAY BE IDENTIFIED ON WILSON COUNTY TAX MAP 78 & PARCEL 17.01

**CITY OF MT. JULIET NOTES:**  
1. PUBLIC UTILITY AND DRAINAGE EASEMENTS WHERE SHOWN HEREON ARE INTENDED TO INDICATE AN EASEMENT FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGE STRUCTURES, INCLUDING BUT NOT LIMITED TO: SANITARY SEWERS, WATER LINES, TELEPHONE, SIGNAL, CONDUITS, ELECTRIC CONDUITS, DRAINAGE PIPES, AND NATURAL GAS LINES. DRAINAGE EASEMENTS SHOWN ON THIS PLAN WHICH ARE OUTSIDE THE DEDICATED RIGHTS OF WAY ARE NOT THE RESPONSIBILITY OF THE CITY OF MT. JULIET.  
2. FIRE HYDRANTS SHOWN HEREON ARE EXISTING.

**WEST WILSON UTILITY DISTRICT NOTE:**  
THERE IS GRANTED HEREWITH A 30' EASEMENT CENTERED ON THE WATER LINES SHOWN HEREON THAT EXTENDS 10 FEET TO EACH SIDE OF THE LINES AS INSTALLED, AND SUBJECT TO NOTE 6 BELOW.

**UTILITY NOTE:**  
THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPROPRIATE AT THE SITE. PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPREHEND ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. LIABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE, IT IS A REQUIREMENT, PER THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT, THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN (1) THREE OR MORE THAN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD AND COMPLY WITH TENNESSEE ONE CALL 1-815-355-1987 OR 1-800-351-1111.

**NOTES:**  
1. THE PURPOSE OF THIS PLAN IS TO CREATE ONE (1) EASEMENT RIGHT OF WAY TO THE CITY OF MT. JULIET AND ESTABLISH ACCESS AND UTILITY EASEMENTS. THE SURVEY MEETS OR EXCEEDS THE REQUIREMENTS OF A CATEGORY 1 SURVEY PER THE STANDARDS OF PRACTICE CHAPTER 0800.010 (OFFICIAL RULES) ADOPTED BY THE TENNESSEE BOARD OF EXAMINERS FOR LAND SURVEYORS.  
2. UTILITIES SHOWN ARE TAKEN FROM FIELD MEASUREMENTS OF STRUCTURES SHOWN AS WELL AS FROM INFORMATION FURNISHED BY UTILITY OWNERS REPRESENTATIVE.  
3. ACCORDING TO A 2000 FLOOD STUDY, A PORTION OF THIS PROJECT LIES WITHIN A FLOOD ZONE AREA NOT NECESSARILY BY FEMA.  
4. WEST WILSON UTILITY DISTRICT (WWUD) EASEMENTS ARE EXCLUSIVE EXCEPT FOR PAD MOUNTED EQUIPMENT INSTALLATIONS MAINTAINED BY WILSON COUNTY TELECOM AND COASTAL AND OTHER UTILITY PROVIDERS SHALL HAVE USE OF WWUD EASEMENTS WITHOUT THE PRIOR WRITTEN PERMISSION BY THE ACTING MANAGER OF THE WWUD.  
5. ALL PUBLIC WATERLINES SHALL HAVE A 30' EASEMENT TO EACH SIDE FOR ALL CONSTRUCTED LINES. ALL WATERLINES SHOWN HEREON ARE FOR THE CONSTRUCTION PLANS AND HAVE NOT BEEN FIELD VERIFIED. HOME BUILDER AND/OR DEVELOPER SHALL FIELD VERIFY ACTUAL INSTALLED WATER LINE LOCATION AND DEPTH (EASEMENT ACCORDING TO THE CITY OF MT. JULIET).  
6. LANDSCAPE BUFFERS SHALL BE MAINTAINED BY THE OWNER TO MAINTAIN ALL IMPROVEMENTS AND PREVENT EROSION.  
7. A 10' BUFFER SHALL BE MAINTAINED ON THE SIDE OF THE ROAD RIGHT-OF-WAY BOUNDARY WITHIN THE DATE (S) OF 9-14-2023 UTILIZING A PORTION OF THE FREQUENCY RECEIVER OR MEASUREMENTS SHOWN HEREON. THE 10' BUFFER DISTANCE BETWEEN THE BOUNDARY AND REFERENCED TO WAS 43 (2011), TENNESSEE ZONE 4300.  
8. UNLIT STREET LIGHTS INDICATED HEREON, THE LIGHTS LABELED AS "SEWER EASEMENT" "P.U.E." AND "W.B.S.L." ARE HEREBY GRANTED BY THIS PLAN.



LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
101	N 0° 00' 00" E	100.00	102	N 0° 00' 00" E	100.00
103	N 0° 00' 00" E	100.00	104	N 0° 00' 00" E	100.00
105	N 0° 00' 00" E	100.00	106	N 0° 00' 00" E	100.00
107	N 0° 00' 00" E	100.00	108	N 0° 00' 00" E	100.00
109	N 0° 00' 00" E	100.00	110	N 0° 00' 00" E	100.00
111	N 0° 00' 00" E	100.00	112	N 0° 00' 00" E	100.00
113	N 0° 00' 00" E	100.00	114	N 0° 00' 00" E	100.00
115	N 0° 00' 00" E	100.00	116	N 0° 00' 00" E	100.00
117	N 0° 00' 00" E	100.00	118	N 0° 00' 00" E	100.00
119	N 0° 00' 00" E	100.00	120	N 0° 00' 00" E	100.00
121	N 0° 00' 00" E	100.00	122	N 0° 00' 00" E	100.00
123	N 0° 00' 00" E	100.00	124	N 0° 00' 00" E	100.00
125	N 0° 00' 00" E	100.00	126	N 0° 00' 00" E	100.00
127	N 0° 00' 00" E	100.00	128	N 0° 00' 00" E	100.00
129	N 0° 00' 00" E	100.00	130	N 0° 00' 00" E	100.00
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199	N 0° 00' 00" E	100.00	200	N 0° 00' 00" E	100.00

LINE	DELTA	LENGTH	BEARING	CHORD LENGTH	LINE	DELTA	LENGTH	BEARING	CHORD LENGTH
101	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	101	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
102	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	102	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
103	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	103	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
104	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	104	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
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131	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	131	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
132	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	132	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
133	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	133	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
134	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	134	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
135	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	135	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
136	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	136	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
137	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	137	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
138	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	138	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
139	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	139	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
140	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	140	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
141	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	141	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
142	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	142	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
143	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	143	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
144	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	144	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
145	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	145	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
146	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	146	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
147	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	147	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
148	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	148	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
149	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	149	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
150	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	150	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
151	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	151	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
152	0° 00' 00"	100.00	N 0° 00' 00" E	100.00	152	0° 00' 00"	100.00	N 0° 00' 00" E	100.00
153	0° 00' 00"	10							

Golden Bear Central Business Improvement District ("CBID") Petition

Pursuant to Tennessee Code Annotated § 7-84-511, I hereby support the establishment of the Mt. Juliet Golden Bear CBID (the "District") and the imposition of a CBID assessment on my property. I have reviewed the Mt. Juliet Golden Bear CBID ordinance, attached hereto as Exhibit A, which describes the boundaries for the District, the proposed services, the proposed assessment rate, and the total estimated costs of the proposed improvements, and I request that the District be established pursuant to the Central Business Improvement District Act of 1990 and that its administration be governed by that Act, as well.

I understand the initial assessment rate will be \$0.50 cents on every \$100 dollars of assessed value of real property and that the proposed improvements, which will cost approximately \$100 million, include but are not limited to the construction and maintenance of roadways and any necessary appurtenances as well as funding other improvements within the District related to the construction and maintenance of water and sewer infrastructure and any appurtenances, and any other lawful uses permitted under the act.

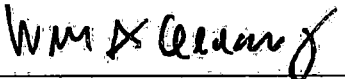
The undersigned owns a majority of the property within the proposed District, representing not less than two-thirds of the assessed value of all of the real property proposed to be included in the District.

Dated: June 6, 2024

Golden Bear MJ, LLC, a Delaware limited liability company

By: GB Mt. Juliet I, LLC, a Delaware limited liability company, its Manager

By: Development Partners, LLC, a Tennessee limited liability company, its Sole Member

By:   
William A. Oldacre, Jr., Director