

Mt. Juliet, Tennessee

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



Agenda

Monday, May 12, 2025

6:30 PM

Commission Chambers

Board of Commissioners

1. Workshop 5:15PM-6PM**1.A. Workshop: Rec/Aquatic Center Discussion****[1204](#)**

Sponsors: Jennifer Milele, Commissioner, Bill Trivett, Vice Mayor and Commissioner

Attachments: [Workshop Public Notice - Rec Center](#)

2. Public Hearing 6:15 PM

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

2.A. Public Hearing Notice 5-12-25**[1207](#)**

Attachments: [Public Notice - 5-12-25](#)

3. Call to Order & Declare a Quorum Present**4. Set Agenda****5. Invocation & Pledge of Allegiance****6. Approval of Minutes****6.A. Meeting Minutes to be Approved 4-28-25****[1205](#)**

Attachments: [Meeting Minutes to be Approved - 4-28-25](#)

7. Citizens Comments

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

8. Commissioner Reports & Comments**9. City Manager's Report****10. Unfinished Business Consent Agenda Items:****10.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](#)

Legislative History

4/28/25

Board of Commissioners

recommended for second reading to the Board of Commissioners

- 10.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](#)

Legislative History

4/28/25 Board of Commissioners recommended for second reading to the Board of Commissioners

- 10.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](#)

Legislative History

4/28/25 Board of Commissioners recommended for second reading to the Board of Commissioners

- 10.D.** AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 4 - ALCOHOLIC BEVERAGES, ARTICLES I, III, AND IV **1155**

Sponsors: Kenneth Martin, City Manager,

Attachments: [Ordinance re City Code Chapter 4 Amendments](#)
[Amendment to CH 4 ALCOHOLIC BEVERAGE LAWS](#)
[Executive Summary - Alcoholic Beverage Laws Amendment](#)

Legislative History

4/28/25 Board of Commissioners recommended for second reading to the Board of Commissioners

- 10.E.** 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](#)
[Fiscal Note Amend 24-25 budget for PD vehicles](#)

Legislative History

4/28/25

Board of Commissioners

recommended for second
reading to the Board of
Commissioners**11. New Business**

- 11.A.** AN ORDINANCE TO AMEND THE LAND USE PLAN FOR THE PROPERTY KNOWN AS WINDTREE PINES TOWNHOMES, LOCATED AT 764 NONAVILLE ROAD, MAP 050, PARCELS 114.00, 115.00, 116.00 FROM NEIGHBORHOOD COMMERCIAL TO MULTI-FAMILY [0959](#)

Sponsors: Scott Hefner, Commissioner, Planning Commission Negative Recommendation

Attachments: [Windtree Pines Townhomes Addition LUA ORD](#)
[Windtree Pines LUA Amendment Exhibit B 5 5 25](#)
[Windtree Pines Townhomes PUD Amend, LUA SR](#)

Legislative History

12/19/24

Planning Commission

negative recommendation

- 11.B.** AN ORDINANCE TO REZONE THE PROPERTY LOCATED AT 615 RUTLAND DRIVE, APPROXIMATELY 5 ACRES, MAP 078, PARCEL 010.07 FROM RS-40 TO CMU [1115](#)

Sponsors: Planning Commission Positive Recommendation

Attachments: [615 Rutland Drive RZ ORD](#)
[615 Rutland Drive EX A- Legal Description](#)
[615 Rutland Drive EX B RZ](#)
[615 Rutland Drive RZ SR](#)

Legislative History

3/20/25

Planning Commission

deferred to the Planning
Commission

4/17/25

Planning Commission

**Positive Recommendation to
the Board of Commissioners

- 11.C.** AN ORDINANCE TO AMEND THE LAND USE PLAN FOR THE PROPERTY LOCATED AT 6235 CENTRAL PIKE, MAP 076, PARCEL 053.00 FROM MEDIUM DENSITY RESIDENTIAL TO MULTI-FAMILY RESIDENTIAL [1125](#)

Sponsors: Planning Commission Positive Recommendation

Attachments: [6235 Central Pike LUA ORD](#)
[6235 Central Pike EX A- Legal Description](#)
[6235 Central Pike EX B- LUA](#)
[6235 Central Pike LUA AX PMDP PUD SR](#)

Legislative History

3/20/25

Planning Commission

**Positive Recommendation

- 11.D.** AN ORDINANCE TO ANNEX INTO THE CORPORATE BOUNDARIES OF THE CITY OF MT. JULIET APPROXIMATELY 15.08 ACRES, PROPERTY LOCATED AT 6235 CENTRAL PIKE, MAP 076, PARCEL 053.00 AND LOCATED WITHIN THE CITY'S URBAN GROWTH BOUNDARY **1126**

Sponsors: Planning Commission Positive Recommendation

Attachments: [6235 Central Pike AX ORD](#)
[6235 Central Pike EX A- Legal Description](#)
[6235 Central Pike EX B- Annexation](#)
[6235 Central Pike LUA AX PMDP PUD SR](#)

Legislative History

3/20/25 Planning Commission **Positive Recommendation to the Board of Commissioners

- 11.E.** AN ORDINANCE TO REZONE APPROXIMATELY 34.14 ACRES OF PROPERTY AT 6235 CENTRAL PIKE, MAP 076, PARCEL 053.00, AND MAP 097, PARCEL 013.00 FROM WILSON COUNTY R-1 AND RS-40 TO RM-8 PUD AND RS-15 PUD AND TO ADOPT THE PRELIMINARY MASTER DEVELOPMENT PLAN **1127**

Sponsors: Planning Commission Positive Recommendation

Attachments: [6235 Central Pike PMDP PUD ORD](#)
[6235 Central Pike EX A- Legal Description](#)
[6235 Central Pike EX B- PMDP PUD Rezone](#)
[6235 Central Pike LUA AX PMDP PUD SR](#)

Legislative History

3/20/25 Planning Commission **Positive Recommendation to the Board of Commissioners

- 11.F.** AN ORDINANCE TO REZONE THE PROPERTY KNOWN AS VIRTUE MODERN MT. JULIET HEADQUARTERS, LOCATED AT 3073 CURD ROAD, APPROXIMATELY 1 ACRE, MAP 054, PARCEL 090.00 FROM RS-20 TO CNS **1180**

Sponsors: Planning Commission Negative Recommendation

Attachments: [3073 Curd Rd ORD](#)
[3073 Curd Rd EX A - Legal Description](#)
[3073 Curd Rd EX B - RZ](#)
[3073 Curd Rd RZ SR](#)

Legislative History

4/17/25 Planning Commission **negative recommendation to the Board of Commissioners

- 11.G.** AN ORDINANCE TO AMEND THE CITY OF MT. JULIET LAND DEVELOPMENT CODE, PART A, SUBDIVISION REGULATIONS, ARTICLE IV. REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGNS **1186**

Sponsors: Planning Commission Positive Recommendation

Attachments: [Ordinance re Amending Subdivision Regs Article IV](#)
[Redline Edits re Amending Subdivision Regs Article IV](#)
[Staff Report - Code Amendment for City Street Regulations](#)

Legislative History

4/17/25	Planning Commission	**Positive Recommendation to the Board of Commissioners
---------	---------------------	---

- 11.H.** AN ORDINANCE TO AMEND THE CITY OF MT. JULIET LAND DEVELOPMENT CODE, PART B, ZONING REGULATIONS, ARTICLE IX. PARKING, LOADING AND ACCESS REGULATIONS **1187**

Sponsors: Planning Commission Positive Recommendation

Attachments: [Ordinance re Amending Zoning Regs Article IX](#)
[Redline re Amending Zoning Regs Article IX](#)
[Staff Report - Code Amendment for Access Management](#)

Legislative History

4/17/25	Planning Commission	**Positive Recommendation to the Board of Commissioners
---------	---------------------	---

12. Adjournment



Mt. Juliet, Tennessee

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

Staff Report

File #: 1204

Agenda Date: 5/12/2025

Agenda #: 1.A.

Title:

Workshop: Rec/Aquatic Center Discussion

Public Notice

The City of Mt. Juliet Board of Commissioners will hold a workshop on Monday, May 12, 2025, from 5:15 PM - 6:00 PM to discuss and consider the budget for the proposed rec/aquatic center and other related items.

The public is invited to attend and comment.

City of Mt. Juliet



Mt. Juliet, Tennessee

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

Staff Report

File #: 1207

Agenda Date: 5/12/2025

Agenda #: 2.A.

Title:

Public Hearing Notice 5-12-25

Public Notice

The Board of Commissioners of the City of Mt. Juliet will conduct a public hearing and consider the following on May 12, 2025 at 6:15PM, at City Hall located at 2425 N. Mt. Juliet Road.

- 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
- An ordinance to amend the City of Mt. Juliet Code of Ordinances, Chapter 30 - Utilities, Divisions 1 through 12
- An ordinance to amend the City of Mt. Juliet Code of Ordinances, Chapter 28 - Traffic and Vehicles, Article II - Traffic Commission, Section 28-24
- An ordinance to amend the City of Mt. Juliet Code of Ordinances, Chapter 4 - Alcoholic Beverages, Articles I, III, and IV
- An ordinance amending the fiscal year 2024/2025 Budget Ordinance 2024-25 to appropriate funds for the purchase of vehicles for the Police Department
- An ordinance to amend the land use plan from medium density residential to multi-family residential for the property known as Tillman Place, located at 6235 Central Pike, Map 097, Parcel 013.00 and Map 076, Parcel 053.00
- An ordinance to amend the land use plan from Neighborhood Commercial to Multi-Family for Windtree Pines Townhomes, Located at 764 Nonaville Road, map 50, parcels 114.00, 115.00, and 116.00.

The public is invited to attend/comment.



Mt. Juliet, Tennessee

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

Staff Report

File #: 1205

Agenda Date: 5/12/2025

Agenda #: 6.A.

Title:

Meeting Minutes to be Approved 4-28-25

Mt. Juliet, Tennessee

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



Meeting Minutes

Monday, April 28, 2025

6:30 PM

Commission Chambers

Board of Commissioners

1. Workshop & Proclamation**1.A. Workshop: Vogue Towers Proposal 5:15 PM - 6PM** **1188**

Sponsors: Kenneth Martin, City Manager,

Attachments: [Public Notice - Workshop - Vogue Towers - 4-28-25](#)
[Vogue Towers Proposal](#)
[Exhibit 4 Vogue Towers Fiddle Tower Examples](#)
[Exhibit 2 Vogue Towers Fiddle Location Options 4-21-2025](#)
[Exhibit 3 Vogue Towers Fiddle Example Fall Zone Letter](#)

Citizens comments: No pros or cons voiced

City Manager Kenny Martin explained what this workshop is about and introduced Michael Sandifer, 4125 Coosa Dr, Cumming, GA, with Vogue Towers to give the presentation.

Presentation was given and discussion was held.

1.B. Proclamation: National Day of Prayer 6PM **1197**

Proclamations were presented for the National Day of Prayer

2. Public Hearing 6:15 PM

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

2.A. Public Hearing Notice 4-28-25 **1193**

Attachments: [Public Notice - 4-28-25](#)

Kevin Stugill, 1881 General George Patton Dr, Franklin, TN, representing owners of Mira Bella

Cynthia Sharp, 902 Lexie Ct, Opposed Mira Bella

Krysta Dancy-Cabeal, 602 Cooks Rd, Opposed to Mira Bella

Randy Norris, 808 Lexie Ln, Opposed to Mira Bella

Ben Thompson, 3530 Toringdon Way, Charlotte, NC, Representing Paddocks Senior Living, Weller Life, One of the owners

3. Call to Order & Declare a Quorum Present

6:30 pm

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 proposed to move items 10.A., 10.B., 10.C., 11.A., 11.B., 11.C. 12.A., 12.B., and 12.C. to consent agenda and to be read together

No Objections were voiced.

Mayor Maness proposed to move items 13.G., 13.L., 13.M., 13.N., 13.P., 13.Q., 13.R., and 13.S. to consent agenda.

Commissioner Art Giles objection to item 13.M.

No Objections were heard for other items.

5. Invocation & Pledge of Allegiance

City Manager Kenny Martin delivered the invocation and led the Pledge of Allegiance.

6. Approval of Minutes**6.A. Meeting Minutes to be Approved - 3-24-25****1170**

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

Mayor James Maness requested that both sets of minutes be presented together, with no objections voiced.

This Minutes was approved.

RESULT: APPROVED

MOVER: Jennifer Milele

SECONDER: Bill Trivett

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

6.B. Meeting Minutes to be Approved - 4-14-25**1192**

Attachments: [Meeting Minutes to be Approved - 4-14-25](#)

This Minutes was approved.

RESULT: APPROVED

MOVER: Jennifer Milele

SECONDER: Bill Trivett

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

Tom Needham 12425 Lebanon Rd, sent an email to all commissioners and staff regarding firework shows

Jessica Needham Scales, 12425 Lebanon Rd, extended an invitation to the entire town to attend a drone show at Needham's Nursery this Memorial Day

8. Commissioner Reports & Comments

Commissioner Giles: The Ride Mt. Juliet event will take place this Sunday and is sponsored by the BPAC of Mt. Juliet. This family-friendly event includes opportunities to register to win a free bicycle, provided by the Veloteers Bicycle Club. Children will have the chance to follow a fire truck as part of the activities. He also highlighted the increased presence and efficiency of local emergency services, sharing that he personally experienced an incident over the weekend and witnessed firsthand the excellent care provided by EMT personnel.

Vice Mayor Trivett: Thanked everyone for attending and noted that both he and the City have been very busy. He acknowledged ongoing traffic concerns, especially along Lebanon Road and in the Providence area, and encouraged those engaging with developers to also communicate with local schools. He expressed appreciation to the citizens who have reached out to him for assistance, thanked Public Works for their continued efforts, and announced that the Parks Department's splash pad will open on May 27th as temperatures begin to rise.

Commissioner Hefner: Thanked everyone attending in person, watching online, or tuning in on TV. He congratulated and thanked the Main Street Media Award winners, nominees, and voters. He emphasized the importance of roads and infrastructure, noting that the public often doesn't see the extensive work that takes place behind the scenes-explaining that placing a cone on a road is just one of the final steps in a much longer process. He praised the Public Works Department for their dedication and encouraged residents to visit the City's website to see updates on ongoing projects. He shared his recent experience working on a project from the developer's perspective and commended City staff for being phenomenal and great to work with. He reminded the public not to leave pets locked in vehicles as the weather warms. He concluded by congratulating his wife for winning "Best Musical Artist" at the Main Street Media Awards.

Commissioner Milele: Spoke about the upcoming Ride Mt. Juliet event, highlighting that the Police Department will host a bike rodeo and safety training beforehand. She emphasized that it is a free, family-friendly event and provided an overview of the planned route.

Commissioner Milele gave a shout-out to EMS personnel, sharing a personal story where she had to use their services and commending them for their quick and effective response. She announced that her city monthly newsletter will be released on Friday and thanked Main Street Media for recognizing her as a finalist in their recent awards.

9. City Manager's Report

City Manager Kenny Martin thanked everyone for attending and expressed his appreciation to City staff for their ongoing hard work and dedication. He also thanked the City Commission for their continued support. He recognized Ray Daniels, a local business owner of a franchise restaurant, who will be retiring soon, and spoke highly of his impact on the community and longstanding contributions to the city.

He encouraged residents to shop local and noted that the City has benefited from maintaining low property taxes for many years. City Manager Martin also shared the passing of former Police Chief Charles McCrary, mentioning that he had the opportunity to visit with him last week. He expressed his gratitude to both Chief McCrary and Danny Farmer for giving him the opportunity to serve the city. He concluded by reminding everyone that we never truly know what others may be going through.

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](#)

Items 10.A., 10.B., 10.C., 11.A., 11.B., 11.C., 12.A., 12.B., 12.C., were read together and moved to consent and items 13.G., 13.L., 13.N., 13.P., 13.Q., 13.R., and 13.S. were also moved to the consent agenda. A motion to approve the consent agenda was made by Commissioner Hefner and seconded by Vice Mayor Trivett. The motion carried with no objections.

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

RESULT: ADOPTED

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 33-2025

- 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](#)

This item was moved to the consent agenda during set agenda.

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

RESULT: ADOPTED

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 2025-16

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

Sponsors: Planning Commission Positive Recommendation

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

This item was moved to the consent agenda during set agenda.

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

RESULT: ADOPTED

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 34-2025

11. Unfinished Business - Annexation of Hayes Property

- 11.A.** 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 [1148](#)

Sponsors: Planning Commission Positive Recommendation

Attachments: [Hayes Property POS](#)

This item was moved to the consent agenda during set agenda.

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

RESULT: ADOPTED

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 35-2025

- 11.B.** 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 [1001](#)

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](#)

This item was moved to the consent agenda during set agenda.

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

RESULT: ADOPTED

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 2025-17

- 11.C.** A RESOLUTION IN MEMORANDUM OF ORDINANCE ____ RELATIVE [1147](#)
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](#)

This item was moved to the consent agenda during set agenda.

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

RESULT: ADOPTED

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 36-2025

12. Unfinished Business - Annexation of 8790 Saundersville Rd

- 12.A.** A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE [1189](#)
PROPERTY KNOWN AS THE 8790 SAUNDERSVILLE ROAD
PROPERTY, LOCATED AT 8790 SAUNDERSVILLE ROAD MAP 032H
PARCELS 9.00, IN WILSON COUNTY, TENNESSEE, LOCATED
WITHIN THE CITY'S URBAN GROWTH BOUNDARY

Sponsors: Planning Commission Positive Recommendation

Attachments: [8790 Saundersville - POS](#)

This item was moved to the consent agenda during set agenda.

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

RESULT: ADOPTED

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 37-2025

- 12.B.** AN ORDINANCE TO ANNEX INTO THE CORPORATE BOUNDARIES OF THE CITY OF MT. JULIET APPROXIMATELY 1 ACRE OF PROPERTY LOCATED AT 8790 SAUNDERSVILLE ROAD, MAP 032H, GROUP A, PARCEL 009.00 AND LOCATED WITHIN THE CITY'S URBAN GROWTH BOUNDARY. [0961](#)

Sponsors: Planning Commission Positive Recommendation

Attachments: [8790 saundersville rd AX ORD](#)
[8790 Saundersville Road AX SR](#)
[8790 Saundersville Rd Exhibit B- Annexation 12-30-24](#)

This item was moved to the consent agenda during set agenda.

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

RESULT: ADOPTED

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 2025-18

- 12.C.** A RESOLUTION IN MEMORANDUM OF ORDINANCE ____ RELATIVE TO THE ANNEXATION OF 8790 SAUNDERSVILLE RD [1190](#)

Sponsors: Planning Commission Positive Recommendation

Attachments: [Res in Memorandum Relative to Annexation -8790 Saundersville](#)

This item was moved to the consent agenda during set agenda.

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

RESULT: ADOPTED

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 38-2025

13. New Business

13.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](#)

Commissioner Giles has an amendment to make and will have Fire Chief Mark Foulks read the amendment.

Fire Chief Foulks read:

"Section 1 of the Ordinance, Article I, Section 12-1 of the code shall add "(containing major cooking appliances capable of producing grease laden vapors i.e.: stoves, ovens, etc.)" within the first sentence.

Section 2 of the Ordinance, Article I, Section 12-2 of the code shall add "(requiring permits)" within the second sentence.

Section 3 of the Ordinance, Article I, Section 12-3 of the code shall add: "new and renovated (requiring permits)" within the first sentence."

Discussion was held.

Commissioner Giles made a motion to approve the amendment, which was seconded by Commissioner Milele.

No objections were heard.

Back on the ordinance as once amended.

A motion was made by Vice Mayor and Commissioner Trivett, seconded by Commissioner Giles, that this Ordinance be recommended for second reading to the Board of Commissioners, on meeting date of 5/12/2025. The motion carried by the following vote:

RESULT: RECOMMENDED FOR SECOND READING

MOVER: Bill Trivett

SECONDER: Art Giles

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

13.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](#)

Discussion was held.

A motion was made by Vice Mayor and Commissioner Trivett, seconded by Commissioner Hefner, that this Ordinance be recommended for second reading to the Board of Commissioners, on meeting date of 5/12/2025. The motion carried by the following vote:

RESULT: RECOMMENDED FOR SECOND READING

MOVER: Bill Trivett

SECONDER: Scott Hefner

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

13.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](#)

After discussion was held, a motion was made by Mayor Maness to table this item to the end of New Business.

No objections were heard.

13.D. AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 4 - ALCOHOLIC BEVERAGES, ARTICLES I, III, AND IV

[1155](#)

Sponsors: Kenneth Martin, City Manager,

Attachments: [Ordinance re City Code Chapter 4 Amendments](#)
[Amendment to CH 4 ALCOHOLIC BEVERAGE LAWS](#)
[Executive Summary - Alcoholic Beverage Laws Amendment](#)

A motion was made by Vice Mayor and Commissioner Trivett, seconded by Commissioner Hefner, that this Ordinance be recommended for second reading to the Board of Commissioners, on meeting date of 5/12/2025. The motion carried by the following vote:

RESULT: RECOMMENDED FOR SECOND READING

MOVER: Bill Trivett

SECONDER: Scott Hefner

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

13.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 - Weller Life @ MJ LUA PMDP SR](#)
[Paddocks Senior LUA ORD](#)
[09 - LEGAL DESCRIPTION Paddocks - word doc](#)
[WellerLifeMJ Exhibit B LUA 5-5-25](#)

Mayor Maness made a motion to hear items 13.E. and 13.F. together. No objections were raised.

Discussion was held.

The developer discussed the business model.

Mayor Maness requested that in item 13.F., Planning and Zoning items number 1 and 31 be codified. He also asked that the header and the fourth "Whereas" clause in Section One be updated to reflect the correct base zoning of RM-8, consistent with the designation in Planning and Zoning item number 1.

No objections were raised.

Back on the ordinance, 13.F., as once amended.

Mayor Maness made a motion to adopt, in item 13.F., Public Works item number 1, including letters A, B, C, and D. The motion was seconded by Commissioner Milele.

No objections were raised.

Back on the ordinance, 13.F., as twice amended.

Mayor Maness requested that, under item 13.F., the Board adopt Planning and Zoning items numbers 38, 39, 41, and 42. A motion to adopt was made by Mayor Maness and seconded by Commissioner Milele.

No objections were raised.

Back on the ordinance, 13.F., as three times amended:

Discussion was held.

Commissioner Milele, Mayor Maness, and Commissioner Hefner voted in favor, while Commissioner Giles and Vice Mayor Trivett voted against. The ordinance passed to

second reading by a vote of 3 to 2.

A motion was made by Commissioner Hefner, seconded by Vice Mayor and Commissioner Trivett, that this Ordinance be recommended for second reading to the Board of Commissioners, on meeting date of 6/9/2025. The motion carried by the following vote:

RESULT: RECOMMENDED FOR SECOND READING

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Mayor Maness, Commissioner Milele, and Commissioner Hefner

Nay: Commissioner Giles, and Vice Mayor and Commissioner Trivett

- 13.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-8 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](#)

A motion was made by Commissioner Hefner, seconded by Vice Mayor and Commissioner Trivett, that this Ordinance be recommended for second reading to the Board of Commissioners, on meeting date of 6/9/2025. The motion carried by the following vote:

RESULT: RECOMMENDED FOR SECOND READING

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Mayor Maness, Commissioner Milele, and Commissioner Hefner

Nay: Commissioner Giles, and Vice Mayor and Commissioner Trivett

**13.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](#)
[Fiscal Note Amend 24-25 budget for PD vehicles](#)

This item was moved to the consent agenda during set agenda.

A motion was made by Commissioner Hefner, seconded by Vice Mayor and Commissioner Trivett, that this Ordinance be recommended for second reading to the Board of Commissioners, on meeting date of 5/12/2025. The motion carried by the following vote:

RESULT: RECOMMENDED FOR SECOND READING

MOVER: Scott Hefner

SECONDER: Bill Trivett

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

13.H. AN ORDINANCE TO AMEND THE LAND USE PLAN FOR THE PROPERTY KNOWN AS MIRA BELLA SUBDIVISION LOCATED ON LEBANON ROAD, MAP 055, PARCELS 070.02 AND 070.03, FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL

1065

Sponsors: Planning Commission Positive Recommendation

Attachments: [Mira Bella LUA AX PMDP PUD SR](#)
[Mira Bella LUA ORD](#)
[Mira Bella Legal Description](#)
[Mira Bella Exhibit B LUA 5-5-25](#)

Discussion was held

Commissioner Giles made a motion to amend the ordinance to include a paragraph under section 1 that states "Should the associated preliminary master development plan and planned unit development fail to receive approval from the Board of Commissioners, the land use amendment shall be void." This amendment was read and written by City Attorney Burnett, and was seconded by Mayor Maness.

No objections were raised.

Ordinance, item 13.H., back as once amended.

Discussion was held

Commissioner Milele, Vice Mayor Trivett, Commissioner Giles, and Commissioner Hefner voted in favor, while Mayor Maness voted against. The ordinance passed to second reading by a vote of 4 to 1.

A motion was made by Commissioner Hefner, seconded by Vice Mayor and Commissioner Trivett, that this Ordinance be recommended for second reading to the Board of Commissioners, on meeting date of 6/9/2025. The motion carried by the following vote:

RESULT: RECOMMENDED FOR SECOND READING

MOVER: Scott Hefner

SECONDER: Bill Trivett

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

Nay: Mayor Maness

13.I. AN ORDINANCE TO ANNEX INTO THE CORPORATE BOUNDARIES OF THE CITY OF MT. JULIET APPROXIMATELY 403.44 ACRES, PROPERTY LOCATED OFF BECKWITH ROAD, LEBANON ROAD AND BASS LANE, MAP 055, PARCELS 070.02, 070.03, 092.00, 092.04, 102.00 AND LOCATED WITHIN THE CITY'S URBAN GROWTH BOUNDARY.

1066

Sponsors: Planning Commission Negative Recommendation

Attachments: [Mira Bella AX ORD](#)
[Mira Bella LUA AX PMDP PUD SR](#)
[Mira Bella Legal Description](#)
[Mira Bella Annexation Exhibit B 11 12 24](#)
[Mira Bella Subdivison POS](#)

Mayor Maness made a motion to hear items 13.I. and 13.J. together. No objections were raised.

Commissioner Hefner proposed a voluntary contribution of \$7,500 per lot, totaling approximately \$3.255 million, to be allocated toward the widening of Lebanon Road within the City limits, starting from the school area and onward. The motion was seconded by Vice Mayor Trivett.

Engineering Director Shane Shamanur reminded the Board that contributions should be collected at the time the erosion control permit is issued for each individual home. The board agreed.

A representative of the Mira Bella development inquired whether the contribution and erosion permit applies to each home, and it was confirmed that it does.

No objections were raised.

Back on 13.I. and 13.J. as once amended.

Discussion was held

Chief of Police Mullins and Fire Chief Foulks provided comments on how the proposed development would impact their respective departments and the city as a whole.

Discussion was held.

Commissioner Milele made a motion to amend the ordinance, 13.I., to include a paragraph under section 1 that states "Should the associated preliminary master development plan and planned unit development fail to receive approval from the Board of Commissioners, the annexation and plan of services shall be void." This amendment was read and written by City Attorney Burnett, and was seconded by Mayor Maness.

No objections were raised.

Back on the ordinances as twice amended.

Commissioner Milele made a motion to amend the ordinance to add a 10% rental cap on the development and that no more than one owner can own more than two homes, under item 13.J., in the Planning and Zoning section. Commissioner Milele would like this written in the HOA bylaws, as the city cannot enforce this. This was seconded by Commissioner Giles.

City Attorney Burnett recommended that the Board not take action on this matter, stating it should be left to the discretion of the Homeowners Association (HOA).

Discussion was held.

Commissioner Milele moved to withdraw the motion, with a second by Commissioner Giles. No objections were raised.

Back on items as once amended each.

Discussion was held.

Discussion about requiring sprinklers in homes until another fire station is built was held. City Attorney Burnett advised that the city does not currently have the authority to require single family residential sprinkling.

Commissioner Hefner requested that Public Works provide detailed figures before the second reading. Utilities Director Tim Forkum noted that in order to generate accurate calculations, he would need data from the developer. Commissioner Hefner asked for a phased breakdown of the project year by year, aligned with the developer's timeline, as well as an analysis of the true depreciation costs.

Commissioner Milele, Vice Mayor Trivett, Commissioner Giles, and Commissioner Hefner voted in favor, while Mayor Maness voted against. The ordinances passed to second reading by a vote of 4 to 1.

A motion was made by Commissioner Hefner, seconded by Vice Mayor and Commissioner Trivett, that this Ordinance be recommended for second reading to the Board of Commissioners, on meeting date of 6/9/2025. The motion carried by the following vote:

RESULT: RECOMMENDED FOR SECOND READING

MOVER: Scott Hefner

SECONDER: Bill Trivett

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

Nay: Mayor Maness

- 13.J.** AN ORDINANCE TO REZONE APPROXIMATELY 403.44 ACRES OF PROPERTY OFF OF BECKWITH ROAD, LEBANON ROAD AND BASS LANE, MAP 055, PARCELS 070.02, 070.03, 092.00, 092.04, 102.00 FROM WILSON COUNTY R-1 TO RS-40 AND CNS PUD AND TO ADOPT THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR MIRA BELLA SUBDIVISION

[1067](#)

Sponsors: Planning Commission Negative Recommendation

Attachments: [Mira Bella LUA AX PMDP PUD SR](#)
[Mira Bella PMDP PUD ORD](#)
[Mira Bella Legal Description](#)
[Mira Bella Exhibit B PMDP 5-5-25](#)
[Mira Bella Rezone Exhibit C 11 8 24](#)

A motion was made by Commissioner Hefner, seconded by Vice Mayor and Commissioner Trivett, that this Ordinance be recommended for second reading to the Board of Commissioners. The motion carried by the following vote:

RESULT: RECOMMENDED FOR SECOND READING

MOVER: Scott Hefner

SECONDER: Bill Trivett

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

Nay: Mayor Maness

- 13.K.** AN ORDINANCE AMENDING PART B OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF MT. JULIET, TENNESSEE, KNOWN AS THE ZONING REGULATIONS (ORDINANCE 2001-29), ADOPTED OCTOBER 8, 2001, AS AMENDED, BY AMENDING SECTION 5-104.4, DEVELOPMENT STANDARDS FOR SINGLE FAMILY RESIDENTIAL, TO INCLUDE A REQUIREMENT FOR STREET LIGHTING IN SINGLE FAMILY RESIDENTIAL SUBDIVISIONS [1071](#)

Sponsors: Planning Commission Positive Recommendation, Art Giles, Commissioner

Attachments: [ZOA Subdivision Lighting ORD](#)
[ZOA Subdivision Lighting SR](#)

Discussion was held

A typo was identified in the ordinance and staff report where "playground equipment" was mistakenly used in place of "streetlights." The correction will be made in all instances, including the staff report.

No objections were raised to correcting the typographical errors.

A motion was made by Commissioner Giles, seconded by Vice Mayor and Commissioner Trivett, that this Ordinance be recommended for second reading to the Board of Commissioners, on meeting date of 6/9/2025. The motion carried by the following vote:

RESULT: RECOMMENDED FOR SECOND READING

MOVER: Art Giles

SECONDER: Bill Trivett

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

- 13.L.** 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](#)

This item was moved to the consent agenda during set agenda.

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

RESULT: ADOPTED

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 39-2025

13.M. 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](#)

Discussion was held.

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

RESULT: ADOPTED

MOVER: Bill Trivett

SECONDER: Jennifer Milele

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

Nay: Commissioner Giles
Enactment No: 40-2025

13.N. 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](#)

This item was moved to the consent agenda during set agenda.

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

RESULT: ADOPTED

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 41-2025

13.O. A RESOLUTION AMENDING RESOLUTION 75-2022 TO FURTHER EXPLAIN THE RESPONSIBILITIES OF THE BOARD OF COMMISSIONERS

1151

Sponsors: Scott Hefner, Commissioner

Attachments: [Resolution Amending Res. 75-2022 re Responsibilities of the BoC 75-2022](#)

Commissioner Hefner explained the intent and reasoning behind this resolution, emphasizing the City Manager's role. He stated that City Manager Kenny Martin is tasked with running the City and commended him for the excellent job he has done. The Commission should provide annual goals and guidance, but the responsibility of day-to-day operations lies with the City Manager.

Mayor Maness also clarified that the intent of the resolution was to replace the first paragraph under Section One of the original 2022 resolution with the new content. Commissioner Hefner agreed with this clarification.

City Manager Kenny Martin thanked both the Commission and City staff, stating that he loves his job and considers it an incredible opportunity. He emphasized that his role includes protecting both the elected body and City employees.

Discussion was held

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

RESULT: ADOPTED

MOVER: Art Giles

SECONDER: Scott Hefner

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 42-2025

13.P. A RESOLUTION DECLARING MAY AS BIKE MONTH IN THE CITY OF MT. JULIET

1191

Sponsors: Art Giles, Commissioner

Attachments: [Resolution - Bike Month](#)

This item was moved to the consent agenda during set agenda.

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

RESULT: ADOPTED

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 43-2025

- 13.Q.** A RESOLUTION ADOPTING THE MT. JULIET SAFETY ACTION PLAN THAT WAS COMPLETED IN ACCORDANCE WITH THE FEDERAL HIGHWAY ADMINISTRATION'S SAFE STREETS FOR ALL (SS4A) PROGRAM **1168**

Sponsors: Planning Commission Positive Recommendation

Attachments: [2025-04-28, SS4A Safety Action Plan Adoption](#)
[2025-04-28, SS4A Safety Action Plan Adoption - Exec Summary](#)
[PC Staff Report, Safety Action Plan](#)
[20250319 Mt.Juliet SS4A SAP \(final draft\)](#)

This item was moved to the consent agenda during set agenda.

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

RESULT: ADOPTED

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 45-2025

- 13.R.** A RESOLUTION APPROVING THE ACCEPTANCE OF REAL PROPERTY RELATED TO THE LYNWOOD STATION PLANNED UNIT DEVELOPMENT OFF-SITE ROAD IMPROVEMENT **1195**

Sponsors: Kenneth Martin, City Manager,

Attachments: [Resolution Accepting Real Property for Lynwood Station Road Improvement & Exhibit A](#)

This item was moved to the consent agenda during set agenda.

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

RESULT: ADOPTED

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 44-2025

13.S. A RESOLUTION REQUESTING THE MUNICIPAL TECHNICAL
ADVISORY SERVICE TO PROVIDE A COMPLETE CODE SERVICE
FOR THE CITY OF MT. JULIET CODE OF ORDINANCES

1196

Sponsors: Kenneth Martin, City Manager,

Attachments: [Resolution Requesting MTAS Recodification](#)

This item was moved to the consent agenda during set agenda.

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

RESULT: ADOPTED

MOVER: Scott Hefner

SECONDER: Bill Trivett

Aye: Commissioner Giles, Vice Mayor and Commissioner Trivett, Mayor Maness, Commissioner Milele, and Commissioner Hefner
Enactment No: 46-2025

13.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](#)

Without objection, Mayor Maness brought the item back to the table.

Commissioner Giles makes a motion to amend the ordinance by adding the following:

" (f) Existing Speed Control devices on roads that are resurfaced shall be replaced by City staff with comparable speed control devices that produce the same or greater results, without the Traffic Commission's consideration or approval.

(add to b1) If the 85th percentile speed is less than 8 mph over the posted speed limit, the Public Works Director may allow a request for speed control devices to go forward to the Traffic Commission for consideration, only if there is inadequate intersection sight distance or stopping sight distance that poses a safety issue. An intersection sight distance or stopping sight distance analysis must be performed to document that the available sight distance is less than the required sight distance by AASHTO standards. "

Discussion was held.

Commissioner Giles made a motion to approve the amendment, which was seconded by Vice Mayor Trivett.

No objections were heard.

Back on ordinance as once amended.

A motion was made by Commissioner Hefner, seconded by Vice Mayor and Commissioner Trivett, that this Ordinance be recommended for second reading to the Board of Commissioners, on meeting date of 5/12/2025. The motion carried by the following vote:

RESULT: RECOMMENDED FOR SECOND READING

MOVER: Scott Hefner

SECONDER: Bill Trivett

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

14. Appointments

14.A. Second Central Business Improvement District (CBID) Appointment**1154****Sponsors:** James Maness, Mayor**Attachments:** [2024-35](#)

Mayor Maness appointed Melna R. Van Beber to the second position of the Central Business Improvement District (CBID).

No objections were heard.

This Discussion Item was approved.

RESULT: APPROVED**15. Adjournment**

9:21 pm

Mayor James Maness

City Recorder Sheila S. Lockett, MMC



Mt. Juliet, Tennessee

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

Staff Report

File #: 1143
10.A.

Agenda Date: 5/12/2025

Agenda #:

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 (containing major cooking appliances capable of producing grease laden vapors i.e.: stoves, ovens, etc.) 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 (requiring permits) 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 new and renovated (requiring permits) 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:¹

(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:

¹ 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.

If July 4th occurs on:	The permissible fireworks discharge or use days are:		
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:

James Maness, Mayor

Kenny Martin, City Manager

ATTEST:

Sheila S. Lockett, MMC
City Recorder

APPROVED AS TO FORM:

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 (containing major cooking appliances capable of producing grease laden vapors i.e.: stoves, ovens, etc.) 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 (requiring permits) 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 new and renovated (requiring permits) 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)

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. FIREWORKS¹

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.

¹Editor'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.

-
- (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.

-
- (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 3rd and 4th from 5 p.m. to 10 p.m. and the preceding Saturday from noon to 10 p.m.~~

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

~~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.~~

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

~~(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.

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

File #: 1149
10.B.

Agenda Date: 5/12/2025

Agenda #:

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
Residential		
	Inside city	
	<i>Minimum base rate charge</i>	
	First 2,000 gallons	\$ 16.39
	Per 1,000 gallons thereafter	\$ 8.03
	Outside city	
	<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
	Customers prior to 1984	
	Flat rate	\$ 16.39
Commercial		
	Inside city	
	<i>Minimum base rate charge</i>	
	First 2,000 gallons	\$ 23.12
	Per 1,000 gallons thereafter	\$ 11.19
	Outside city	
	<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
Special Discharge Fees		
	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:

SANITARY SEWER CAPACITY FEES	
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 _u)

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 BOD₅ (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)
-------	-------------------	---------

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:

James Maness, Mayor

Kenny Martin, City Manager

ATTEST:

Sheila S. Lockett, MMC
City Recorder

APPROVED AS TO FORM:

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.

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.

BOD⁵ 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.

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

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

-
- (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.

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);

-
- (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.

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.

-
- (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.

-
- (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.

(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.

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)

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.

-
- (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:

-
- (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

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.

(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)

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)

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

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,

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.

-
- (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.

-
- (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

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)

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.

-
- (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

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)

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)

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)

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.

-
- (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.

-
- 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

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)

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

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

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~~

~~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.

-
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

Created: 2024-09-03 06:47:53 [EST]

(Supp. No. 14)

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,

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)

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. FEES¹

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)

¹Editor'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		
	Inside city	
	Minimum base rate charge	
	Minimum base rate charge (First 2,000 gallons)	\$12.12
		<u>\$16.39</u>
	Per 1,000 gallons thereafter for all usage in excess of 2,000 gallons (Use Charge)	5.94 <u>\$8.03</u>
	Outside city	
	Minimum base rate charge for service requested on or prior to June 9, 2019	
	Minimum base rate charge (First 2,000 gallons)	15.01
		<u>\$20.49</u>
	Per 1,000 gallons thereafter for all usage in excess of 2,000 gallons (Use Charge)	\$10.05 <u>\$7.30</u>
	Minimum base rate charge for service requested after June 9, 2019	
	First 2,000 gallons	<u>\$32.78</u>
	Per 1,000 gallons thereafter	<u>\$16.06</u>
	Customers prior to 1984 customers	
	Flat rate	\$16.39 <u>\$12.12</u>
Commercial		
	Inside city	
	Minimum base rate charge	
	Minimum base rate charge (First 2,000 gallons)	\$23.12 <u>\$17.10</u>
	Per 1,000 gallons thereafter for all usage in excess of 2,000 gallons (Use Charge)	\$11.19 <u>\$8.27</u>
	Outside city	
	Minimum base rate charge for service requested on or prior to June 9, 2019 (first 2,000 gallons)	21.25
	Per 1,000 gallons for all usage in excess of 2,000 gallons (first 2,000 gallons)	10.21 <u>\$28.90</u>
	Per 1,000 gallons thereafter	<u>\$13.99</u>
	Minimum base rate charge for service requested after June 9, 2019	
	First 2,000 gallons	<u>\$46.24</u>
	Per 1,000 gallons thereafter	<u>\$22.38</u>
Special Discharge Fees		
	Billing Fee	<u>\$21.00</u>
	Plus 160% of Discharge Per 1,000 gallons	<u>\$13.99</u>

Created: 2024-09-03 06:47:53 [EST]

(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	\$ 1,285.00 <u>1,340.00</u>
RS-30	1,535.00 <u>1,590.00</u>
RS-20	1,785.00 <u>1,840.00</u>
RS-15	2,035.00 <u>2,090.00</u>
RS-10	2,285.00 <u>2,340.00</u>
All other residential classifications	2,535.00 <u>2,590.00</u>
Outside city limits capacity fee	1,910.00 <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"	\$ 1,285.00 <u>1,340.00</u>
1"	2,145.00 <u>1,980.00</u>
1½"	3,575.00 <u>3,300.00</u>
2"	7,865.00 <u>7,260.00</u>
3"	16,445.00 <u>15,180.00</u>
4"	29,315.00 <u>27,060.00</u>
5"	45,760.00 <u>42,240.00</u>
6"	65,780.00 <u>60,720.00</u>
7"	89,375.00 <u>82,500.00</u>
8"	107,580.00 <u>116,545.00</u>
9"	146,540.00 <u>135,210.00</u>
10"	181,610.00 <u>167,640.00</u>
11"	219,505.00 <u>202,620.00</u>
12"	260,975.00 <u>240,900.00</u>
13"	306,735.00 <u>283,140.00</u>
14"	355,355.00 <u>328,020.00</u>

Created: 2024-09-03 06:47:53 [EST]

(Supp. No. 14)

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~~ \$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~~ \$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:

$$= \text{Round_up} \left(\frac{\left(\frac{3.14159}{4} \right)}{.31} \right) * \$1,250$$

$$= \text{Round_up} \left(\frac{.7854}{.31} \right) * \$1,250 = \text{Round_up}(2.53) * \$1,250 = 3 * \$1,250 = \$3,750$$

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	32,000.00
Outside city limits tap fee	2,000.00 \$4,000.00
Inspection fee	50.00 \$100.00

Commercial Tap Fees		
Water Tap Size	Fee	Inspection Fees
¾"	\$-1,250.00	\$50.00 100.00
1"	3,750.00	100.00 50.00
1½"	6,250.00	100.00 50.00
2"	13,750.00	100.00 50.00
3"	28,750.00	100.00 50.00
4"	51,250.00	100.00 50.00
5"	80,000.00	100.00 50.00
6"	115,000.00	100.00 50.00
7"	156,250.00	100.00 50.00
8"	203,750.00	100.00 50.00
9"	257,000.00	100.00 50.00
10"	317,000.00	100.00 50.00
11"	383,750.00	100.00 50.00
12"	456,250.00	100.00 50.00
13"	536,250.00	100.00 50.00
14"	621,250.00	100.00 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.

Created: 2024-09-03 06:47:53 [EST]

(Supp. No. 14)

- (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 _u)

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 ~~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_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 BOD₅ (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].

Created: 2024-09-03 06:47:53 [EST]

(Supp. No. 14)

(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.

DIVISION 12. ADMINISTRATION²

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.

²Editor'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.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

Sec. 30-396. Public-worksUtilities director.

- (a) *Director of public-worksutilities and staff.* The director of public-worksutilities and staff shall be responsible for the administration of the parts of this section, as defined herein.
- (b) *Authority of the director of public-worksutilities.* The director of public-worksutilities shall have the authority to enforce all sections of this article as defined herein. The director of public-worksutilities 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-worksutilities 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-worksutilities 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-worksutilities 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-worksutilities 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-worksutilities 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-worksutilities 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-worksutilities 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-worksutilities.
- (g) *Sewer credits.* The director of public-worksutilities shall approve secondary meters and determine other kinds of sewer use charge credits.
- (h) *Approves new construction.* The director of public-worksutilities 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)

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

File #: 1153
10.C.

Agenda Date: 5/12/2025

Agenda #:

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 85th 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 85th percentile speeds less than 8 mph. **If the 85th percentile speed is less than 8 mph over the posted speed limit, the Public Works Director may allow a request for speed control devices to go forward to the Traffic Commission for consideration, only if there is inadequate intersection sight distance or stopping sight distance that poses a safety issue. An intersection sight distance or stopping sight distance analysis must be performed to document that the available sight distance is less than the required sight distance by AASHTO standards.**

- (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 community/major collector or arterial.
- (f) Existing Speed Control devices on roads that are resurfaced shall be replaced by City staff with comparable speed control devices that produce the same or greater results, without the Traffic Commission's consideration or approval.

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:

James Maness, Mayor

Kenny Martin, City Manager

ATTEST:

Sheila S. Luckett, MMC, City Recorder

APPROVED AS TO FORM:

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 85th 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 85th percentile speeds less than 8 mph. If the 85th percentile speed is less than 8 mph over the posted speed limit, the Public Works Director may allow a request for speed control devices to go forward to the Traffic Commission for consideration, only if there is inadequate intersection sight distance or stopping sight distance that poses a safety issue. An intersection sight distance or stopping sight distance analysis must be performed to document that the available sight distance is less than the required sight distance by AASHTO standards.
 - (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 community/major collector or arterial.
- (f) Existing Speed Control devices on roads that are resurfaced shall be replaced by City staff with comparable speed control devices that produce the same or greater results, without the Traffic Commission's consideration or approval.

PART II - CODE OF ORDINANCES
Chapter 28 - TRAFFIC AND VEHICLES
ARTICLE II. CITY TRAFFIC COMMISSION

(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

File #: 1155
10.D.

Agenda Date: 5/12/2025

Agenda #:

Title:

AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 4 -
ALCOHOLIC BEVERAGES, ARTICLES I, III, AND IV

ORDINANCE 2025-

AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 4 – ALCOHOLIC BEVERAGES, ARTICLES I, III, AND IV

WHEREAS, the Board of Commissioners of the City of Mt. Juliet desires to amend the City of Mt. Juliet Code of Ordinances, Chapter 4, Articles I, III, and IV; 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 Beer Permits while ensuring the protection of permit holders from fraudulent activities; and

WHEREAS, the amendments to Chapter 4 will amend and standardize location restrictions for Retail Liquor Stores, Retail Food Wine Certificates, and Beer Permits, specifically by defining distance measurements, to improve clarity, consistency, and enforcement; and

WHEREAS, the following Section of Chapter 4 of the Code of Ordinances are desired to be amended:

ARTICLE	SECTION	SECTION TITLE
Article I	Section 4-5	Retail food store wine certificate
Article III	Section 4-56	Application—Requirements and conditions
Article III	Section 4-61	Location restrictions
Article III	Section 4-80	Fees and taxes; applications
Article IV	Section 4-94	Where retail liquor stores may be located

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 I, Section 4-5 Retail food store wine certificate, Subsection (b), is amended to read in its entirety as follows:

- (b) To obtain a certificate, the applicant must submit the following to the secretary of the alcoholic beverage board:
 - (1) Proof, by way of TBI background check conducted within 30 days of the date of application, that the applicant or applicants who are to be in charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of the application, and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application;
 - (2) Sufficient information for the zoning administrator to ascertain that the applicant or applicants have secured a location for the business which complies with all zoning laws adopted by the

city as to the location of the business, specifically section 4-61(a) [of this Code], that any seller of wine shall not be located within 100 feet of a school, church, house of worship, library or municipal park. Distance shall be measured in a straight line from the center of the main entrance of the school, church, house of worship, library, or municipal park to the center of the main entrance of the potential permittee.

Section 2. 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.

Section 3. Article III, Section 4-61 Location restrictions, Subsection (a), is amended to read in its entirety as follows:

- (a) No beer permit for on-premises consumption shall be issued to an applicant whose location is less than 100 feet from a school, church, house of worship or municipal park. The minimum distance requirement for a beer permit for off-premises consumption shall be 100 feet from a school, church, house of worship or municipal park. Distance shall be measured in a straight line from the center of the main public entrance of the school, church, house of worship or municipal park to the center of the main public entrance of the potential licensee. Municipal parks shall not include those parks created on land donated to the city on or after May 1, 2013.

Section 4. Article III, Section 4-80 Fees and taxes; applications, is amended to read in its entirety as follows:

- (a) *Fees and taxes.* Fees and taxes on city beer permit are as follows:
 - (1) \$250.00 nonrefundable fee, required when application is submitted (new applicant).
 - (2) \$100.00 privilege tax, on a pro rata basis (T.C.A. § 57-5-104(5), new applicant).
 - (3) \$100.00 privilege tax, (T.C.A. § 57-5-104(b)(1)) to maintain the beer permit each January. Current contact information is required with the yearly permit fee.
- (b) *City beer permit application.* The application for the city beer permit, as approved in accordance with this Article, is available in the office of the City Recorder.

Section 5. Article IV, Section 4-94 Where retail liquor stores may be located, Subsections (b) and (c), is amended to read in its entirety as follows:

- (b) Retail liquor stores shall not be located within 1,000 feet of a school, church, house of worship, library or municipal park. Distance shall be measured following the usual and customary path of pedestrian travel along streets and/or sidewalks from the center of the main public entrance of the school, church, house of worship, library, or municipal park to the center of the main public entrance of the proposed retail liquor store.
- (c) Retail liquor stores cannot be located any closer than three miles from each other. Distance will be measured along the shortest drivable route from the center of the main public entrance of one location to the center of the main public entrance of the other location.

BE IT FURTHER ORDAINED

Section 6. 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 7. 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 8. This ordinance shall take effect on the earliest date allowed by law.

PASSED:

FIRST READING:

SECOND READING:

James Maness, Mayor

Kenny Martin, City Manager

ATTEST:

Sheila S. Lockett, MMC, City Recorder

APPROVED AS TO FORM:

Samantha A. Burnett, City Attorney

ARTICLE I. IN GENERAL

Sec. 4-5 Retail food store wine certificate.

- (a) Pursuant to T.C.A. § 57-3-806(a), as a condition precedent to the issuance of a license to sell wine in retail food stores, an applicant must obtain a certificate signed by the mayor.
- (b) To obtain a certificate, the applicant must submit the following to the secretary of the alcoholic beverage board:
 - (1) Proof, by way of TBI background check conducted within 30 days of the date of application, that the applicant or applicants who are to be in charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of the application, and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application;
 - (2) Sufficient information for the zoning administrator to ascertain that the applicant or applicants have secured a location for the business which complies with all zoning laws adopted by the city as to the location of the business, specifically section 4-61(a) [of this Code], that any seller of wine shall not be located within 100 feet of a school, church, house of worship, library or municipal park. Distance shall be measured in a straight line from the center of the main entrance of the school, church, house of worship, library, or municipal park to the center of the main entrance of the potential permittee.
- (c) All applications for permits shall be accompanied by an application fee of \$250.00 for use in offsetting the expense of investigating the applicant and processing the application.
- (d) Upon receipt of a completed application, the board of commissioners, by resolution shall either direct or prohibit the mayor from issuing and signing a certificate for the applicant or applicants.

(Ord. No. 2016-09, 3-14-2016)

Secs. 4-6—4-26. Reserved.

ARTICLE III. BEER AND ALCOHOLIC BEVERAGES AS DEFINED IN TCA 57-5-101¹

¹Editor'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.

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:
- (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.
 - (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)

Sec. 4-61. Location restrictions.

- (a) No beer permit for on-premises consumption shall be issued to an applicant whose location is less than 100 feet from a school, church, house of worship or municipal park. The minimum distance requirement for a beer permit for off-premises consumption shall be 100 feet from a school, church, house of worship or municipal park. Distance ~~for on-premises and off-premises~~ shall be measured ~~as driving or walking distance in a straight line~~ from ~~main entrance to the center of the~~ main public entrance of the school, church, house of worship or municipal park ~~along a straight line~~ to the center of the main public entrance of the potential licensee. Municipal parks shall not include those parks created on land donated to the city on or after May 1, 2013.
- (b) No beer permit shall be issued for a location which fails to comply with any health ordinances or statutes or any which would violate the zoning ordinance.
- (c) Where a beer permit is revoked, no new permit shall be issued to permit the sale of beer on the same premises by the same business enterprise or its employees operating the premises until after the expiration of one year from the date the revocation becomes final and effective. No permit shall be issued to a partner, employee, associate or relative of the holder of a revoked permit if the relationship existed at the time of the offense. Other totally unrelated persons shall be eligible to apply for a permit for that location but issuance shall be at the sole discretion of the alcoholic beverage board.
- (d) No permit shall be issued to an applicant who had revoked, within ten years, a permit, issued by any state, city, county or federal government relating to beer and/or liquor, for the sale of beer and/or alcoholic beverages.

(Code 1997, § 2-3-090; Ord. No. 85-17, 10-7-1985; Ord. No. 98-37, 10-5-1998; Ord. No. 2002-20, 6-17-2002; Ord. No. 2003-12, 2-10-2003; Ord. No. 2007-51, 3-26-2007; Ord. No. 2013-11, § 1, 1-28-2013; Ord. No. 2013-46, 5-30-2013; Ord. No. 2017-02, 1-9-2017; Ord. No. 2024-20, §§ 1, 2, 4-8-2024)

Sec. 4-80. Fees and taxes; applications.

- (a) *Fees and taxes.* Fees and taxes on city beer permit are as follows:
- (1) \$250.00 nonrefundable fee, required when application is submitted (new applicant).
 - (2) \$100.00 privilege tax, on a pro rata basis (T.C.A. § 57-5-104(5), new applicant).
 - (3) \$100.00 privilege tax, (T.C.A. § 57-5-104(b)(1)) to maintain the beer permit each January. Current contact information is required with the yearly permit fee.
- (b) *City beer permit application.* ~~The a~~Application for city beer permit, as approved in accordance with this Article, is available in the office of the City Recorder. is as follows:

<i>Beer Permit Application City of Mt. Juliet</i>	
<input type="checkbox"/> On-premises consumption (seating/parking chart required)	<input type="checkbox"/> Off-premises consumption
<input type="checkbox"/> Joint off/on-premises consumption (seating/parking chart required)	<input type="checkbox"/> Special events permit
<input type="checkbox"/> Distributor's wholesale permit	<input type="checkbox"/> Manufacturer's permit

- ~~(c) —Applicant information.~~ Information required for applicant of city beer permit is as follows:

<i>Applicant Information</i>	
I hereby make application for a permit to sell, store, distribute beer or other beverages authorized to be sold, stored, manufactured or distributed under the provisions of T.C.A. § 57-5-101 et seq. and chapter 4 of the Mt. Juliet Code and base my application on the answers to the following questions:	
1.	Applicant information.
(a)	Full name of the applicant (please print)
(b)	Entity: <input type="checkbox"/> Person <input type="checkbox"/> Partnership <input type="checkbox"/> LLC <input type="checkbox"/> Corporation <input type="checkbox"/> Association
(c)	Under what name will the business operate? _____ and telephone number: _____
(d)	Address of business
(e)	Previous business addresses for the last ten years:
(f)	Name of previous business:
(g)	Identity and address of the person to receive annual privilege tax notices?
(h)	Will applicant permit dancing or any other entertainment? <input type="checkbox"/> Yes <input type="checkbox"/> No
(i)	Has any license belonging to an owner, manager or the applicant for sale of alcoholic beverages been revoked within the last ten years? <input type="checkbox"/> Yes <input type="checkbox"/> No
(j)	Will applicant serve food? <input type="checkbox"/> Yes <input type="checkbox"/> No
(k)	What is the relationship of the applicant or its owners to the operator of prior businesses operating at the same address?
(l)	Does applicant hold any other beer permits? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, where?
(m)	What is the property zoned?
2.	Owner/operator information.
If the applicant is not an individual person, list all persons or legal entities having five percent or more interest in the applicant, together with the following information about them:	
(a)	What is your present home address?
(b)	What previous addresses have you occupied within the last ten years?
(c)	Date of Birth _____ Social Security Number _____
(d)	Have you or any owner been convicted of any violation of a criminal law regarding alcoholic beverages within the last ten years? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Other criminal law? <input type="checkbox"/> Yes <input type="checkbox"/> No
3.	Designate and list the person(s) who will be the designated operator or manager of the business, meaning the person on site overseeing the business of selling beer. Include said person(s) address, date of birth, and social security number.
(a)	Has the designated manager/on site operator been convicted of any violation of a criminal law regarding alcoholic beverages within the last ten years? <input type="checkbox"/> Yes <input type="checkbox"/> No

4.	Are you and each of the persons named in section 3 of this form familiar with chapter 4 of the Mt. Juliet Code and title 57 of the Tennessee Code?
5.	Do you lease or own the premises? <input type="checkbox"/> Lease <input type="checkbox"/> Own
	Provide a copy of the lease or deed evidencing your interest in the property.
I have read the City of Mt. Juliet rules and regulations governing the issuance of a beer permit and agree to comply with all laws, ordinance and regulations governing my beer permit. I further state that the information contained in this application is true and correct and acknowledge that in the event I have provided false information my permit may be immediately revoked. I authorize the City of Mt. Juliet to check my record for criminal and civil violations. I waive my right to privacy and authorize a complete check of my background for the purpose of determining the accuracy of the information provided in this application.	
Sworn to and subscribed before me this _____ day of _____, 20____.	
_____ Signature of Applicant	
_____ Notary Public	
_____ Commission Expires:	
Alcoholic beverage board meetings are held on the 2nd Tuesday of each month at 6:30 p.m.	
This application will be considered _____.	

(Code 1997, title 2, ch. 3; Ord. No. 2007-51, 3-26-2007; Ord. No. 2013-11, § 1, 1-28-2013; Ord. No. 2014-56, § 1(Att.), 7-28-2014; Ord. No. 2017-02, 1-9-2017; Ord. No. 2021-24, 7-12-2021)

ARTICLE IV. RETAIL LIQUOR STORES

Sec. 4-94. Where retail liquor stores may be located.

- (a) It shall be unlawful for any person to operate or maintain any retail liquor store for the sale, storage or distribution of alcoholic beverages in the City of Mt. Juliet, unless said retail liquor store is permitted by the Mt. Juliet Land Development Code.
- (b) Retail liquor stores shall not be located within 1,000 feet of a school, church, house of worship, library or municipal park. Distance shall be measured following the usual and customary path of pedestrian travel along streets and/or sidewalks from the center of the main public entrance of the school, church, house of worship, library, or municipal park to the center of the main public entrance of the proposed retail liquor store.
- (c) Retail liquor stores cannot be located any closer than three miles from each other. Distance will be measured along the shortest drivable route from the center of the main public entrance of one location to the center of the main public entrance of the other location.

(Ord. No. 2013-21, § 1, 2-11-2013)

State law reference(s)—Certificate required; contents; exceptions, T.C.A. § 57-3-208(c).

Created: 2025-04-08 06:10:48 [EST]

(Supp. No. 15)

Ordinance 2025-

Executive Summary: Amendment to the Alcoholic Beverage Laws

The City Attorney and City Recorder Departments have been reviewing and conducting research to improve the process by which the Alcoholic Beverage Board (ABB) reviews and approves applications for Beer Permits. During the liquor store process, it was discovered that uploading full applications to the ABB agenda has led to security concerns. Specifically, applicants reported being contacted by scammers claiming they owe additional money to the city for their permits.

To address this issue, the proposed amendment aims to protect permit holders from such scams. The new process will involve submitting a one-page summary of the application with the necessary details for the ABB to make a decision. The full application will still be available, in the office of the City Recorder for inspection, ensuring transparency while safeguarding sensitive information.

To reduce confusion among applicants and streamline the application process, the code will also be updated to no longer display an application form in the code itself. Instead, individuals seeking to apply must obtain the appropriate application in person from the Office of the City Recorder. This change ensures applicants receive the most current and complete information directly from city staff.

Additionally, amendments to Chapter 4 will standardize location restrictions for Retail Liquor Stores, Retail Food Wine Certificates, and Beer Permits by clearly defining how distance measurements are determined. These updates aim to improve clarity, ensure consistent interpretation, and strengthen enforcement of the city's alcohol-related regulations.



Mt. Juliet, Tennessee

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

Staff Report

File #: 1169
13.G.

Agenda Date: 5/12/2025

Agenda #:

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 \$108,000; and

WHEREAS, the department has previously appropriated funds that are not going to be spent in the Communication Equipment and Vehicle Equipment line items that can be transferred; and

WHEREAS, the department requests the transfer and 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	\$ 80,500
110-36512	Sale of City Vehicles	\$ 27,500

Increase Expenditures:

110-42100-944	Transportation Equipment	\$617,000
---------------	--------------------------	-----------

Decrease Expenditures:

110-42100-945	Communication Equipment	\$499,000
110-42100-918	Vehicle Equipment	\$ 10,000

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:

James Maness, Mayor

FIRST READING:
SECOND READING:

Kenny Martin, City Manager

ATTEST:

Sheila S. Lockett, MMC
City Recorder

APPROVED AS TO FORM:

Samantha A. 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.

Fiscal Note for 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

In reviewing the current FY25 budget, it was determined that funds budgeted in the Police Departments line 945-Communication Equipment were not going to be utilized due to a misquote from a vendor and an alternative, more reasonable option becoming available. Since these funds were not going to be utilized this current budget year, rather than appropriating additional funds for the vehicles, an opportunity was presented to transfer already appropriated funds from the 945-Communication Equipment line item to the 944 – Transportation Equipment line item. A small remaining amount of \$10k could also be covered by reducing the available funds in line 918-Vehicle Equipment. This reduction would not negatively impact the Police Departments purchases this fiscal year.

By increasing the revenue for the funds received from the Sale of Vehicles and Insurance Recoveries there is ultimately no negative impact on the currently budgeted fund balance.

With the economic impacts of the recently implemented tariffs and uncertainty in the markets, it was determined that purchasing currently available vehicles could save the city considerable funds and time and ensure that taxpayer funds are being utilized in the most responsible manner.



Mt. Juliet, Tennessee

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

Staff Report

File #: 0959
11.A.

Agenda Date: 5/12/2025

Agenda #:

Title:

AN ORDINANCE TO AMEND THE LAND USE PLAN FOR THE PROPERTY KNOWN AS WINDTREE PINES TOWNHOMES, LOCATED AT 764 NONAVILLE ROAD, MAP 050, PARCELS 114.00, 115.00, 116.00 FROM NEIGHBORHOOD COMMERCIAL TO MULTI-FAMILY

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE LAND USE PLAN FOR THE PROPERTY KNOWN AS WINDTREE PINES TOWNHOMES, LOCATED AT 764 NONAVILLE ROAD, MAP 050, PARCELS 114.00, 115.00, 116.00 FROM NEIGHBORHOOD COMMERCIAL TO MULTI-FAMILY

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 April 2, 2025; and

WHEREAS, the City of Mt. Juliet Regional Planning Commission considered this request during their meeting of December 19, 2024, and failed (0-8-0) 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 Neighborhood Commercial to Multi-Family; 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 Neighborhood Commercial to Multi-Family; as shown in Exhibit B.

SECTION 2. – PLANNING COMMISSION RECOMMENDATION – This matter was considered by the Planning Commission and failed (0-8-0) in a regular meeting held on December 19, 2024.

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

Section 4. 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 5. 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 6. This ordinance shall take effect on the earliest date allowed by law.

PASSED:

FIRST READING:

SECOND READING:

James Maness, Mayor

Kenny Martin, City Manager

ATTEST:

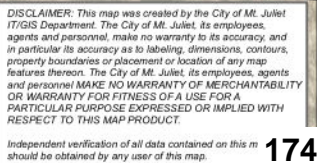
Sheila S. Lockett, City Recorder

APPROVED AS TO FORM:

Samantha A. Burnett, City Attorney



***Windtree Pines Townhomes
Map 050, Parcels 114.00, 115.00 & 116.00***





MEMORANDUM

Date: December 19, 2024

To: Luke Winchester, Chairman
and Planning Commission

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

Re: Windtree Pines Townhomes
PUD Amendment, Land Use Amendment
Map - 50
Parcel(s) – 114.00, 115.00, 116.00

Request: CSDG requests a major PUD amendment and land use amendment for the Windtree Pines subdivision in District 1.

History: The property originally received PMDP approval in 2021 (via ordinance 21-11) for a residential PUD with RS-20 and RM-8 base zoning. This amendment will add 12.24 acres and 80 townhomes to the PUD, south of the current entrance off Nonaville Road. The addition is labeled as the final phase (10) of the subdivision. A land use amendment from neighborhood commercial to multi-family and a rezone from CRC to RM-8 is sought. A summary is below.

REQUEST SUMMARY	Land Use Map	Requested Classification	Current Zoning	Requested Zoning
CSDG Windtree Pines	Neighborhood Commercial	Multi-Family	CRC	RM-8

Future Land Use: The City's future land use map identifies the property as neighborhood commercial. Requested is multi-family for the construction of townhomes. The future land use plan does not support this request.

Zoning: The zoning is presently CRC. The request is for 12.24 acres to be rezoned to RM-8.

Findings: In reviewing the requested zoning actions, staff finds that the request DOES NOT agree with all of the following findings, as contained in the zoning ordinance. The proposed rezone:

1. *IS NOT in agreement with the general plan for the area, and*
2. *Does not contravene the legal purposes for which zoning exists, and*
3. *will have no adverse effect upon adjoining 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:

Bulk Standards: All applicable standards shall apply and will be reviewed upon fmdp and site plan submittal. A waiver for building separation is requested and detailed below.

Residential Design Regulations: All residential design standards shall be adhered to excepting any waivers granted. Full review will occur at fmdp and site plan submittal. Supplied renderings exhibit compliance with regulations.

Parking: Two car garage and two car drives are proposed. Visitor parking is provided and is sufficient with 30 extra spaces provided via parking lots and parallel street parking.

Landscaping: A full landscape plan will be required and reviewed upon each FMDP/Site Plan submittal. The site is subject to landscape transition buffers.

Amenities: A dog park is provided. Staff requests that the dog park be placed away from Nonaville Road.

Waivers/Variances: The following waivers are sought with this PUD amendment:

1. To allow private streets with a 38' roadway section – PW TO DECIDE
2. 5-104: to allow 20' building separation – STAFF SUPPORTS IF BLDGS ARE SPRINKLED

Summary: This PUD amendment will add 12.24 acres and 80 townhome units and associated infrastructure to the existing Windtree Pines PUD. Further details will be required at final master development plan submittal. Items remaining to be addressed on this pmdp and amendment are a found in the conditions of approval below.

Recommendation: Staff recommends forwarding the land use amendment and rezone request for the PUD amendment for Windtree Pines to the Board of Commissioners with a recommendation for approval with the following conditions.

Planning and Zoning:

1. Explain the clouded area on sheet C0.01.
2. Relocate the dog park away from Nonaville Road.
3. Relocate the mail kiosk somewhere more centralized.
4. Retaining walls shall be brick or segmental block.
5. Brick shall be clay, baked and individually laid.
6. Stone shall be individually laid.
7. Provide streetlighting throughout the phase.

8. Fencing shall be decorative, low maintenance material.
9. HVAC equipment shall be screened from horizontal view.
10. Provide CCR's for review.
11. All garage doors shall be carriage style or the like, separated with bricked column.

Public Works:

1. The development has requested a variance to allow private streets. The proposed street cross section omits the gutter pan and grass strip from residential access streets.
2. Previous PMDP/PUD conditions apply.
3. Request sewer availability.
4. Landscaping plans shall be approved prior to the approval of construction plans.
5. A letter of approval from West Wilson Utility District is required prior to the approval of construction plans.
6. All sewer (minus laterals) shall be public and within a minimum 20' easement.
7. Add note: All PUDEs outside of the ROW are not the maintenance responsibility of the City of Mt. Juliet.
8. Stormwater: Water Quality - TN Rule 400-10-.04 applies
9. Stormwater: Water Quality - 100-year flood detention required.
10. No perpendicular parking shall be provided on-street. On-street parallel parking and off-street perpendicular parking shall be permitted.
11. The Ashe Avenue right-of-way shall be tied into Road B to provide connection from to Windtree Club Drive.
12. A 5' sidewalk with a 6' grass strip shall be constructed along the project frontage.
13. Sidewalks abutting all parking shall be at least 7' wide.
14. All intersections, roads, and driveways shall comply with TDOT's Highway Systems Access Manual.
15. All pedestrian facilities shall comply with ADA and PROWAG standards.
16. Adequate sight distance shall be provided at all intersections. Sight distance profiles will be provided at FMDP.
17. The street cross section details do not match the site plan widths.
18. The streets shall match the materials and roadway depths for a residential access street.
19. The MTA for this development has yet to be finalized. It is recommended an enhanced pedestrian crossing be provided across Nonaville Road, contingent on the finalized traffic study. The type of enhanced crossing shall be determined using the FHWA's *Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations*.

Wilson County Schools:

1. No comments provided.

West Wilson Utility District:

2. Water lines shown are not WWUD's design.
3. The proposed water meter will not be that far from the main.



Mt. Juliet, Tennessee

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

Staff Report

File #: 1115
11.B.

Agenda Date: 5/12/2025

Agenda #:

Title:

AN ORDINANCE TO REZONE THE PROPERTY LOCATED AT 615 RUTLAND DRIVE,
APPROXIMATELY 5 ACRES, MAP 078, PARCEL 010.07 FROM RS-40 TO CMU

ORDINANCE NO. _____

AN ORDINANCE TO REZONE THE PROPERTY LOCATED AT 615 RUTLAND DRIVE, APPROXIMATELY 5 ACRES, MAP 078, PARCEL 010.07 FROM RS-40 TO CMU.

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 on April 17, 2025, and forwarded a positive recommendation (vote count 7-0-0) for approval to the Board of Commissioners; and

WHEREAS, the City of Mt. Juliet Board of Commissioners desires to rezone the property from RS-40 to CMU; and

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, is hereby amended and altered by rezoning the certain parcel of real property at 615 Rutland Drive, Map 078, Parcel 010.07 from RS-40 to CMU (Exhibit B), subject to the condition below:

1. Should this rezone request receive approval, any additions to the buildings, new construction or changes in use will require the buildings to come into code compliance entirely per the requirements of 13-102, non-complying structures, and 13-103, noncomplying uses, in the zoning ordinance.

LEGAL DESCRIPTION – See Exhibit A (attached)

SECTION 2. – PUBLIC HEARING – The zoning changes were the subject of a public hearing held on _____ at 6:15 p.m.

BE IT FURTHER ORDAINED

Section 3. 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 4. 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 5. This ordinance shall take effect on the earliest date allowed by law.

PASSED:

FIRST READING:

SECOND READING:

James Maness, Mayor

Kenny Martin, City Manager

ATTEST:

Sheila S. Lockett, City Recorder

APPROVED AS TO FORM:

Samantha A. Burnett, City Attorney

Exhibit A

615 Rutland Drive Legal Description

Situated in Wilson County, Tennessee being Lot No. 4 according to an unrecorded survey entitled "Survey for Nancy Gaines Estate" prepared by Clay Dyer Couch, Jr., RLS #TN111, dated August 23, 1995 being more particularly described as follows:

Beginning at an iron rod along the easterly margin of Rutland Road, same being the northwesterly corner subject tract and running along the property line between Lot No. 3 and Lot No. 4 South 83 degrees 35 minutes 01 seconds East 795.00 feet to an iron rod; thence, South 6 degrees 24 minutes 59 seconds West 206.91 feet to an iron rod; thence, running along property line of Gilbert to South, North 83 degrees 05 minutes 47 seconds West 110.95 feet to an iron rod; thence North 81 degrees 46 minutes 34 seconds West 390.15 feet to an iron rod; thence South 13 degrees 43 minutes 48 seconds West 231.92 feet to an iron rod; thence, North 78 degrees 31 minutes 33 seconds West 268.95 feet to an iron rod, same being southwesterly corner of subject lot; thence, running along the easterly margin of Rutland Road, North 6 degrees 56 minutes 31 seconds East 382.24 feet to an iron rod; thence North 5 degrees 51 minutes 15 seconds East 17.76 feet to an iron rod being the point of beginning and containing 5.040 acres more or less.

Less and except those parts conveyed in Book 1629, page 2462, said register's office

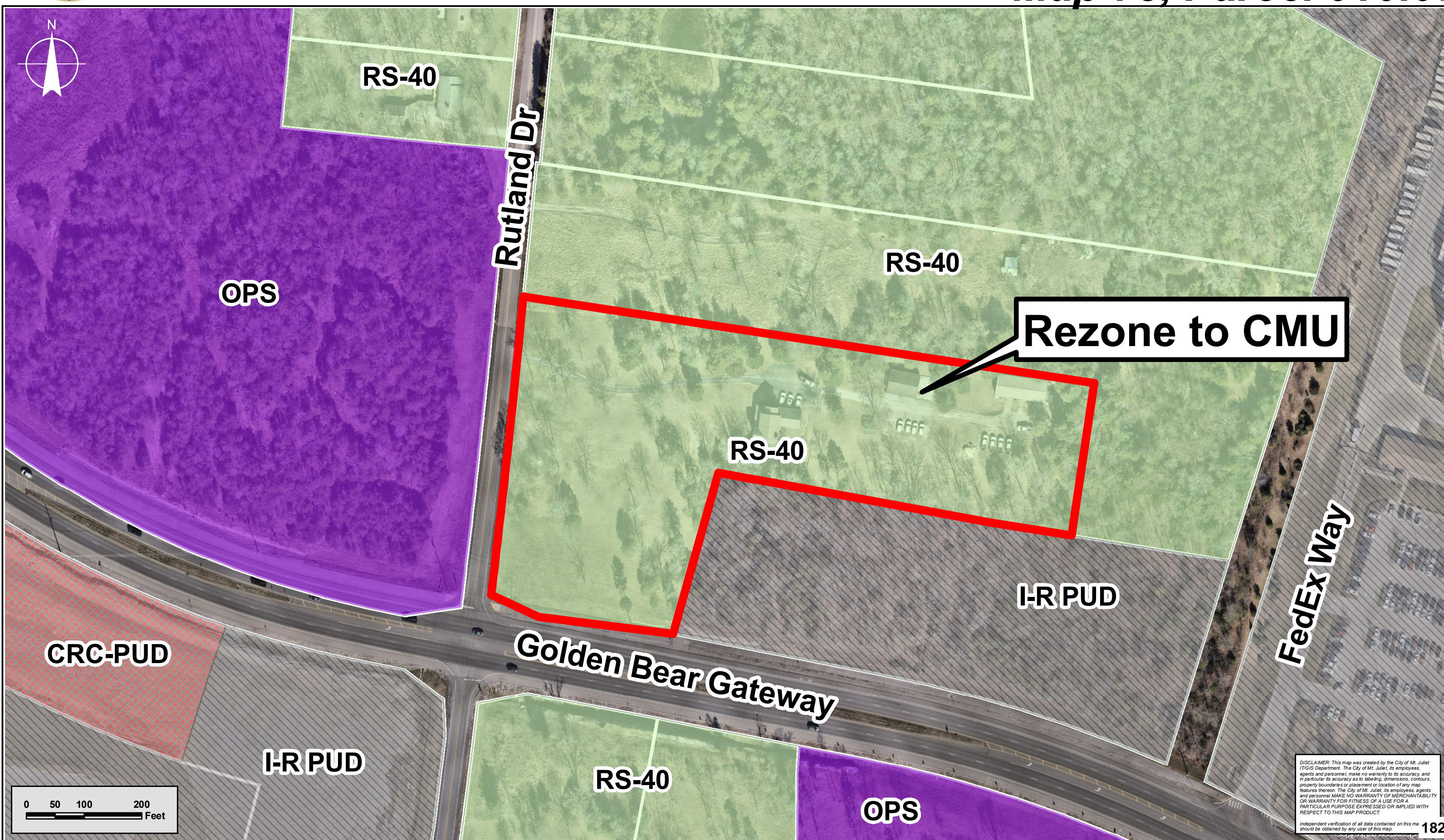
Being the same property conveyed to Justin W. Rogers by Deed from Roger L. Cunningham and wife, Lucia Cunningham Clerk and Master, of record in Deed Book 2302, Page 1351-1353, Register's Office for Wilson County, Tennessee.

Being the same property conveyed to Roger L. Cunningham and wife, Lucia Cunningham by Deed from Barbara Webb, Clerk and Master, of record in Deed Book 458, Page 413, Register's Office for Wilson County, Tennessee.



Exhibit B - Rezone

615 Rutland Dr
Map 78, Parcel 010.07



DISCLAIMER: This map was created by the City of Mt. Juliet ITGIS Department. The City of Mt. Juliet, its employees, agents and personnel, make no warranty to its accuracy, and in particular its accuracy as to labeling, dimensions, contours, property boundaries or placement or location of any map features thereon. The City of Mt. Juliet, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF A USE FOR A PARTICULAR PURPOSE EXPRESSED OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT.

Independent verification of all data contained on this map should be obtained by any user of this map.



MEMORANDUM

Date: April 17, 2025

To: Luke Winchester, Chairman
and Planning Commission

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

Re: 615 Rutland Dr.
Rezone (non-PUD)
Map - 078
Parcel(s) – 010.07

Request: Justin Rogers, the property owner, requests a rezone for property located at 615 Rutland Drive in District 3.

Analysis: The property is located at the northeast quadrant of the intersection of Rutland Drive and Golden Bear Gateway. The entire site consists of 5.02 acres and is presently zoned RS-40. There is currently an occupied single-family home on the lot connected to a septic system. Bluebird Roofing intends to use one of the CMU parcels to park commercial vehicles and the single-family home will remain occupied as. A summary of the request is below:

REQUEST SUMMARY	Land Use Map Classification	Requested Classification	Current Zoning District	Requested Zoning District
Bluebird/Justin Rogers	Mixed Use	N/A	RS-40	CMU

Future Land Use Plan: City's future land use plan identifies the area commercial mixed use. A change is not requested or required, the plan supports the request.

Zoning: The property is currently zoned RS-40. The requested zoning is CMU.

Findings: In reviewing the requested zoning actions, staff finds that the request agrees with all of the following findings, as contained in the zoning ordinance. The proposed rezone:

- 1. Is in agreement with the general plan for the area, and*
- 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.*

Summary: This rezone (CMU) request is supported by the City's future land use plan (mixed use). Proposed uses for the site, at this time, include commercial vehicle parking and a single-family residence.

Recommendation: Staff recommends forwarding the rezone request for 615 Rutland Drive to the Board of Commissioners with a positive recommendation, subject to the conditions below:

Planning and Zoning:

1. Should this rezone request receive approval, any additions to the buildings, new construction or changes in use will require the buildings to come into code compliance entirely per the requirements of 13-102, non-complying structures, and 13-103, noncomplying uses, in the zoning ordinance.



Mt. Juliet, Tennessee

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

Staff Report

File #: 1125
11.C.

Agenda Date: 5/12/2025

Agenda #:

Title:

AN ORDINANCE TO AMEND THE LAND USE PLAN FOR THE PROPERTY LOCATED AT 6235 CENTRAL PIKE, MAP 076, PARCEL 053.00 FROM MEDIUM DENSITY RESIDENTIAL TO MULTI-FAMILY RESIDENTIAL

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE LAND USE PLAN FOR THE PROPERTY LOCATED AT 6235 CENTRAL PIKE, MAP 076, PARCEL 053.00 FROM MEDIUM DENSITY RESIDENTIAL 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 April 2, 2025; and

WHEREAS, the City of Mt. Juliet Regional Planning Commission considered this request during their meeting of March 20, 2025, and forwarded a positive recommendation (6-0-1) 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 Medium Density Residential 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 Medium Density Residential 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 (6-0-1) in a regular meeting held on March 20, 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

Section 4. 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 5. 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 6. This ordinance shall take effect on the earliest date allowed by law.

PASSED:

FIRST READING:

SECOND READING:

James Maness, Mayor

Kenny Martin, City Manager

ATTEST:

Sheila S. Lockett, City Recorder

APPROVED AS TO FORM:

Samantha A. Burnett, City Attorney

LEGAL DESCRIPTION OF 6235 CENTRAL PIKE AS TAKEN FROM CRAWFORD AND CUMMINGS SURVEY WHICH WAS SURVEYED ON 6/13/2024 (PARCEL 1) AND 12/19/24 (PARCEL 2).

(Converted to word document text on 2025-01-14)

PARCEL 1:

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 (new) lying in the northerly margin of Central Pike (50' R.O.W.), being the southeasterly corner of Harold E H Cheatham SR (DB. 2180, PG. 583 / PB. 16, PG.185, R.O.W.C.T.) and being the southwesterly corner of the hereon described parcel;

Thence, along the easterly line of said Harold E H Cheatham SR, N 07°05'07" E, a distance of 348.88';

Thence, along the easterly line of Libby N Rea of record in Plat Book 16, Page 185, Registers' Office of Wilson County, Tennessee, N 07°03'53" E, a distance of 207.96';

Thence, along the easterly line of Chad Avery Dill of record in Deed Book 2040, Page 1199, Registers' Office of Wilson County, Tennessee, N 08°20'08" E, a distance of 304.25';

Thence, along the southerly line of Shiloh Baptist Church of record in Plat Book 30, Page 131, Registers' Office of Wilson County, Tennessee, S 85°15'13" E, a distance of 1362.30';

Thence, along the westerly line of Billy E Eubanks, etux of record in Deed Book 1053, Page 1244, Registers' Office of Wilson County, Tennessee, S 07°42'22" E, a distance of 279.25';

Thence, along the westerly line of Charles W McDowell HR, etal of record in Deed Book 1673, Page 1870, Registers' Office of Wilson County, Tennessee, S 07°42'22" E, a distance of 57.89';

Thence, along the northerly and westerly line of Coursey Subdivision of record in Plat Book 17, Page 820, Registers' Office of Wilson County, Tennessee, the following two (2) calls:

Thence, N 77°07'11" W, a distance of 277.24';

Thence, S 08°19'00" W, a distance of 285.42';

Thence, along the northerly line of Central Pike the following five (5) calls:

Thence, N 88°09'52" W, a distance of 57.67';

Thence, with a curve turning to the left with an arc length of 213.10', with a radius of 593.10', with a chord bearing of S 81°05'29" W, with a chord length of 211.96';

Thence, S 70°47'54" W, a distance of 511.30';

Thence, with a curve turning to the right with an arc length of 219.79', with a radius of 705.18', with a chord bearing of S 79°37'45" W, with a chord length of 218.90';

Thence, S 88°09'32" W, a distance of 156.21' to THE POINT OF BEGINNING. Containing an area of 830,188 Square Feet or 19.06 Acres, more or less.

Exhibit A

Being the same property conveyed to Grady Hight and wife, Rebecca Hight by Deed from Ernest H. Jackson and wife, Allie Bell Jackson of record in Book 134, Page 30, in the Register's Office for Wilson County, Tennessee, dated July 30, 1951 and recorded on July 31, 1951.

Grady Hight a/k/a J. G. Hight a/k/a Joseph Grady Hight died on or about July 10, 1972, leaving Rebecca Hight, as surviving tenant by the entirety.

Rebecca Hight died on or about March 28, 1994, her estate duly probated in the Probate Court for Wilson County, Tennessee.

Being the same property conveyed to Charles E. Tillman by Quitclaim Deed from Lounett H. Tayes, Carmene Eakes and Faye Anderson, Co-Conservators of the Estate of Rebecca A. Hight of record in Book 415, Page 294, in the Register's Office for Wilson County, Tennessee, dated May 31, 1989 and recorded on May 31, 1989.

Being the same property conveyed to Charles E. (Sonny) Tillman by Quitclaim Deed from Norma (Mott) Tillman vs. Charles E. (Sonny) Tillman, Case No. 2029, Norma (Mott) Tillman of record in Book 830, Page 321, in the Register's Office for Wilson County, Tennessee, dated September 01, 2000 and recorded on September 28, 2000.

Being a portion of the same property conveyed to CET Strategic Realty Partners, LLC, a Tennessee limited liability company, by Quitclaim Deed from Charles E. (Sonny) Tillman of record in Book 2180, Page 583, in the Register's Office for Wilson County, Tennessee, dated May 02, 2022 and recorded on May 10, 2022.

PARCEL 2:

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 (old) lying in the westerly margin of Pleasant Grove Road (50' R.O.W.), being the northeasterly corner of Billy Eubank, etux (DB. 1053, PG.1244, R.O.W.C.T.) and being the southeasterly corner of the hereon described parcel;

Thence, along the northerly line of said Billy Eubank, etux , S 89°00'58" W a distance of 535.72';

Thence, along the northerly line of CET Strategic Realty Partners, LLC of record in Deed Book 2180, Page 583, Registers' Office of Wilson County, Tennessee, N 85°15'13" W, a distance of 1362.30';

Thence, along the easterly line of Chad Dill, etux of record in Deed Book 2040, Page 1199, Registers' Office of Wilson County, Tennessee, N 08°02'55" E, a distance of 351.04';

Thence, along the easterly line of Emily Coffey, etvir of record in Deed Book 1508, Page 1624, Registers' Office of Wilson County, Tennessee, N 08°37'18" E, a distance of 298.29';

Thence, along the easterly line of Elvira De Lost Angeles Pelayo Anaya, Etvir of record in Deed Book 2322, Page 2164, Registers' Office of Wilson County, Tennessee, N 08°37'18" E, a distance of 100.80';

Exhibit A

Thence, along the southerly line of Lynn Christie Subdivision of record in Plat Book 11, Page 6, Registers' Office of Wilson County, Tennessee, the following four (4) calls:

Thence, S 83°57'00" E, a distance of 226.44';

Thence, S 84°06'42" E, a distance of 202.03';

Thence, S 84°03'51" E, a distance of 247.29';

Thence, S 83°28'20" E, a distance of 213.36';

Thence, along the westerly and southerly line of Shiloh Baptist Church of Middle Tennessee of record in Deed Book 1974, Page 2464, Registers' Office of Wilson County, Tennessee, the following three (3) calls:

Thence, S 05°07'45" W, a distance of 677.75';

Thence, S 85°13'41" E, a distance of 428.31';

Thence, N 89°02'37" E, a distance of 541.35';

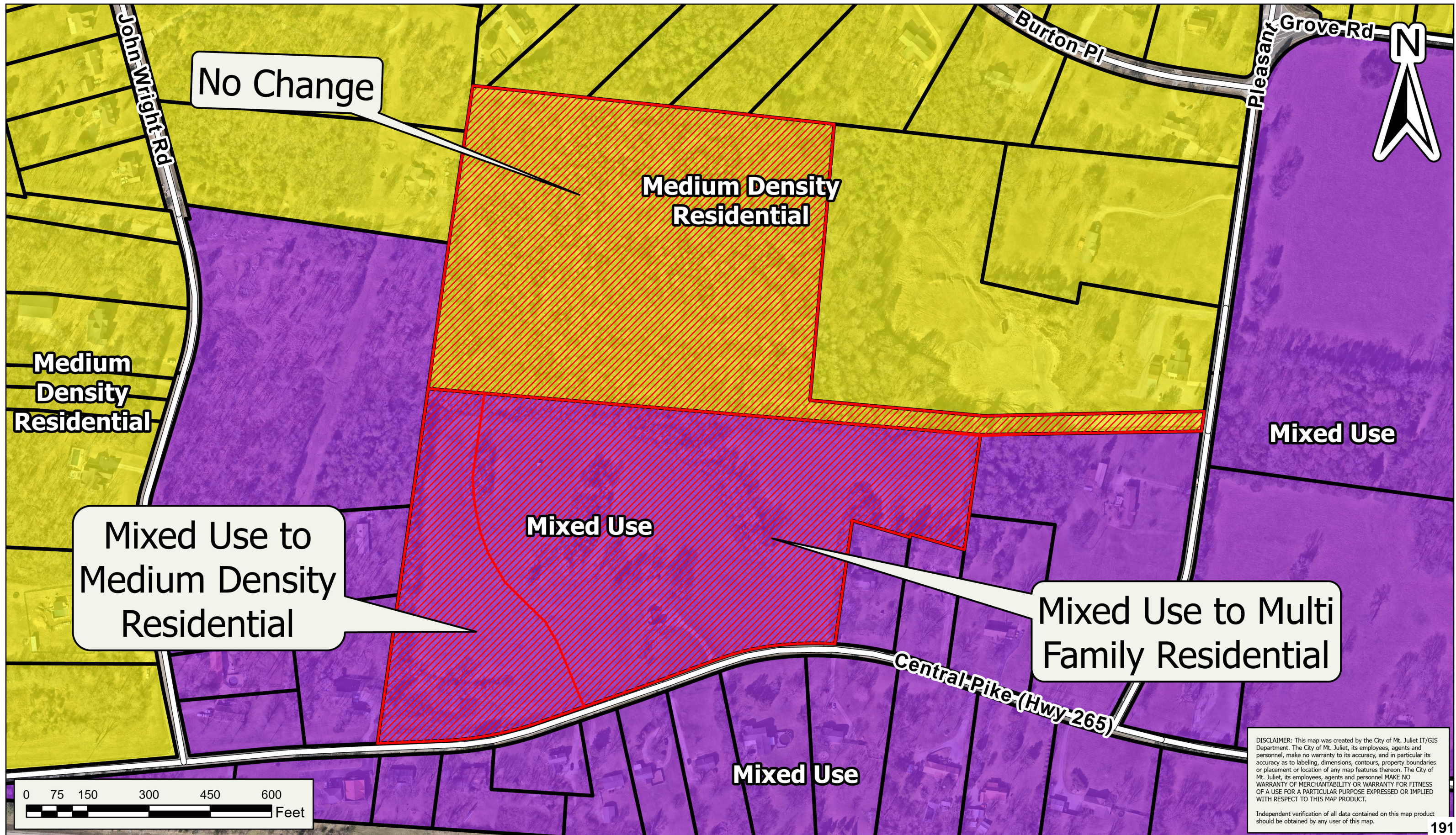
Thence, along the westerly line of Pleasant Grove Road, S 08°25'27" W, a distance of 50.20' to THE POINT OF BEGINNING. Containing an area of 721,519 Square Feet or 16.56 Acres, more or less.

Being part of the same property conveyed to Shiloh Baptist Church of Middle Tennessee by deed dated 2, 2020 From Michael Wayne Brewer and Dana Joyce Brewer, husband and wife, recorded July 2, 2020, in book 1974, page 2464, and also in book 1975, page 81, in the official records of Wilson County, Tennessee



Exhibit B- LUA

Tillman Place- 6235 Central Pike
Map 097, Parcel 013.00 & Map 076, Parcel 053.00





MEMORANDUM

Date: March 20, 2025

To: Luke Winchester, Chairman
and Planning Commission

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

Re: Tillman Place
6235 Central Pike
LUA, Annexation, PMDP PUD
Map – 097/076
Parcel(s) – 13.00, 53.00

Request: Submitted by CSDG, on behalf of their client, the applicant requests an annexation, plan of services, land use plan amendment, rezone and preliminary master development plan approval for a residential development on Central Pike including commercial and residential single and multi-family in a mix of townhomes, and single-family residences totaling 137 residential units located in district 3.

History: The property is 35.71 acres on the North side of Central Pike, to the West of Pleasant Grove Road. The property has a portion within the City Limits and a portion within Wilson Co. but within the City's urban growth boundary. The current zoning is RS-40 within the City Limits, and Wilson County R-1. The applicant has requested a rezone to RM-8 and RS-15 PUD. The City's land use plan identifies the Northern portion of the area as medium density residential and the Southern portion as Mixed Use. A summary of the request is provided below:

REQUEST SUMMARY	Land Use Map	Requested Classification	Current Zoning	Requested Zoning
CSDG/Tillman Place	Medium Density Residential & Mixed Use	Multi-Family Residential/Medium Density FOR PARCEL 13.00 ONLY	RS-40 (MJ) & Wilson County R-1	RS-40 PUD & RM-8 PUD & STAFF RECOMMENDS RS-30

Future Land Use Plan: The City's future land use map identifies the property as medium density residential for the Northern Parcel and Mixed-use for the Southern parcel. The request is to retain the medium density land use on the Northern Parcel, and a change from Mixed use to Multi-family and medium density residential on the Southern portion. The land use plan does not support a request for multi-family or medium density residential classification for the Southern portion of the property.

Zoning: The zoning on the Northern Parcel, within the city limits, is RS-40 and R-1 in Wilson County which is the Southern Parcel. There is RS-40 corresponding surrounding zoning as well.

The applicant is seeking RS-15 and RM-8 zoning with a PUD overlay should the land use plan be amended. Overall density for the single family residential is 1.11 units/acre negating the necessity for RS-15 base zoning. Staff request RS-30 for the single-family area on the southern lot.

Urban Growth Boundary: The subject property is in the City's urban growth boundary.

Plan of Services: A plan of services is included for review.

Findings: In reviewing the requested zoning actions, staff finds that the request DOES NOT agree with all of the following findings, as contained in the zoning ordinance. The proposed annexation and rezone:

1. *IS NOT in total 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:

Location/History: This development site is located on the North side of Central Pike, to the West of Pleasant Grove Road. The property is in the City's urban growth boundary. The zoning currently contains both City RS-40 and Wilson County R-1, low density residential. As explained above, should the property be annexed, a land use amendment and rezone are sought for both multi-family residential and Single family base zoning with a PUD overlay.

5-103 Bulk Standards: The total acreage of the proposed development is 35.71 acres, exceeding the minimum required for multifamily developments (20ac) and the proposed single family residential density is 1.11 units/acre, and multi-family is 8.01 units per acre, below the maximum permitted for the single-family zoning district (16.1 ac). 137 units are proposed. The project shows this being completed in 3 phases; however a specific development timeline has not been shown. The estimated population is 348 persons at buildout. The 137 units are as follows:

24 - Single family
113 - Townhome

Streets/Sidewalks/Access: Six-foot-wide sidewalk is proposed throughout all internal roads within the development, with 7' sidewalks being proposed along the areas with parallel parking for the alley loaded multi-family units. There is also a 10' multi/shared use path also proposed. Vehicular access is proposed via Central Pike and Pleasant Grove Road. The townhome units are requesting private roadway sections for the Alley loaded products, with public streets for the main thoroughfares. Pedestrian and vehicular connections are complete throughout the site.

Parking: Parking data indicates the site is adequately parked with 226 spaces for the multi-family portion. The parking comes in a variety of forms, parallel, garage and on street.

Amenities: Most of the amenities are within a central portion of the development, along the main thoroughfare that divides the Single and Multi-family portions. These include: 8,635 sf park pavilion, 2.69 ac of nature walking trails with benches, 6,640 sf playground, 2,069 sf exercise area, fire pits and 0.46 ac of landscaped green space. The code regarding multi-family development requires the amenity area to have at least a 2000sf clubhouse/building for up to 200 dwelling units. The plan currently does not provide for this requirement, nor has a waiver been requested. This will be required within the conditions listed below

Multi-family Design Standards (5-104.4)

A waiver is requested for several features within a multi-family development due to the split use of the subdivision including single family residences as well. A waiver has been requested to allow a building separation of 20' as all townhome units will be sprinkled. Bicycle racks and trash cans are required at all the buildings. The applicant has requested a waiver to provide six bike racks throughout the entirety of the development in lieu of a five-space rack at each multi-family building. A mail kiosk is provided in a logical location, it shall be covered and well lit.

Parking area lighting shall be decorative. All poles and posts shall be powder-coated black, channel posts are not permitted. Notes provided indicate that corner lots shall be critical façade lots. A note shall be required to compliance with the bulk of the general requirements the City asks for such PUDs.

Article X Landscaping: The applicant is requesting a landscape regulation waiver to omit a portion of the required fencing along the boundary of the multi-family portion and requests to provide landscaping as an alternative measure. The townhomes on the Southernmost portion will face Central Pike. They are also requesting to omit the "C" buffer between RS-15 and RM-8 due to existing features along the zoning ling

A type D buffer is provided where required for perimeter areas not adjacent to an external street, along with a type A-1 buffer where required internally. A full landscape plan will be required and reviewed upon FMDP/Site Plan submittal.

Waivers/Variances: The following six waivers are requested:

Waivers/Variances:

1. Request to allow up to 6 acres of disturbance of slopes exceeding 20%. **PW to address.**
2. Request to allow townhome building separation of twenty feet (20') since all units will be sprinkled. **Staff supports**
3. Request to allow private roads with the 26' roadway section for alleys and the 56' roadway section through the townhome portion of the development. **PW to address.**
4. Request to omit masonry column requirement from residential garage doors to match residential elevations as shown on C4.00. **Staff supports**

5. Request to provide 6 bike racks of 5 spaces each thorough the multifamily development in lieu of 1 bike rack per multi-family residential building. **Staff supports.**
6. Request to omit the fence along the boundary of the multi-family residential development site and provide landscaping as an alternative measure. **Staff supports.**
7. Request to omit “C” buffer between RS-15 & RM-8 due to existing features along zoning line. **Staff supports but requests some enhanced landscaping in this area.**
8. Request to allow an access street to be stubbed at the property line. **PW to address.**
9. Request to deviate from the material standards to allow:
 - Fifty percent (50%) brick and/or stone on all facades. **Staff supports.**
 - Fifty percent (50%) secondary materials on all facades. **Staff supports, no vinyl or metal siding is allowed.**
 - No two house plan and elevation shall be sited and built next to one another. **Staff does not support**
 - No two house plan and elevation shall be sited and built across the street from one another. **Staff does not support.**
 - High visibility lots shall have 100% brick and/or stone. **Staff does not support.**
 - High visibility lots will not have a blank end facing the street side by including architectural features such as optional window packages and/or fireplaces. **Staff does support.**

Summary: The City’s future land use plan identifies the subject property as medium density and mixed use, the applicants request for multi-family is not supported by the plan. Should the property be annexed and rezoned, a final master development plan and preliminary plat shall apply with all applicable regulations other than any waivers approved.

Recommendation: Should the Planning Commission, make a positive recommendation to the Board of Commissioners for the land use amendment, annexation, plan of service, rezone and preliminary master development plan for Tillman Place, at 6235 Central Pk., please include the following conditions:

Planning and Zoning:

1. All requirements of the City’s Subdivision regulations shall be adhered to, excepting any waivers approved by the Planning Commission and Board of Commissioners.
2. 5-104.1 Multifamily guidelines shall be adhered to, excepting any waivers approved by the Planning Commission and Board of Commissioners.
3. HVAC and utility equipment shall be screened entirely from horizontal view, utility meters shall be screened with brick/stone screen walls.
4. All exterior lighting fixtures shall be decorative.
5. Brick shall be clay, baked and individually laid.
6. Stone shall be individually laid.
7. Every wet pond shall have lighted fountains and landscaping around the perimeter.
8. Preserve as many trees as possible. Should existing vegetation be utilized for required landscaping provide a tree survey at final master development plan submittal.
9. Along, Central Pike Road frontage, provide enhanced landscaping including a split rail fence with brick/stone termination columns to enhance streetscape.

10. 2,000 sf of clubhouse, up to 200 units, are required, plus 10sf per each additional dwelling unit, identify how this is accomplished.
11. The base zoning district for the single-family portions of this subdivision shall be RS-30 due to the single-family density not exceeding 1.11 units/acre.

Public Works:

1. The following variances are requested or required:
 - a. To allow private roads (4-103.3): SUPPORTED with the proposed cross sections.
 - b. To allow an access street to be stubbed at the property line (4-104.405): SUPPORTED
 - c. To allow up to 6 acres of disturbance of slopes exceeding 20%: SUPPORTED conditionally in a cut condition only
2. This development is anticipated to be built around the time the Central Pike Interchange begins construction. The following off-site improvements shall be required should the interchange NOT be constructed prior to issuing the first CO:
 - a. Signal warrant analysis shall be submitted at the 60th and 120th COs. Should the signal be warranted, it shall be constructed to allow the widening of Central Pike in the region. The signal shall include turn lanes on Central Pike and an advanced warning beacon stating “BE PREPARED TO STOP WHEN FLASHING”.
 - b. A left-turn lane on Central Pike at Pleasant Grove Road shall be constructed.
 - c. A 10’ wide shared-use path shall be constructed along Central Pike. Curb and gutter will be required along all roads with a path.
 - d. A left-turn lane shall be constructed along Central Pike at the project entrance.
3. The following off-site improvements shall be required should the interchange be under construction prior to issuing the first CO:
 - a. A 12’ wide shared-use path shall be installed between the western project frontage and the termination of the shared-use path to the east.
 - b. The curb and gutter shall be extended along all roads with the path.
 - c. Increase the width of the westbound lane to 12 feet along the project frontage.
 - d. A left-turn lane shall be constructed along Central Pike and the project entrance. This will require continuing the proposed two-way left-turn lane to the project entrance.
4. Private streets shall meet the design standards for an access street.
5. Private allies shall meet the design standards for an access lane.
6. Vegetation or other obstructions in the sight triangles shall be removed.
7. On street parking shall be parallel parking.
8. Sidewalks adjacent to parking shall be 7’ wide. This includes parallel parking.
9. Curb ramps shall be provided across all streets at intersections. The crosswalks do not need to be marked.
10. Provide pedestrian connections from the sidewalks to the front of all townhome units.
11. All drives shall comply with TDOT’s Highway Systems Access Manual.
12. All pedestrian facilities shall comply with ADA and PROWAG standards.
13. Adequate sight distance shall be provided at all intersections. A grade adjustment factor will be required for the Pleasant Grove Road driveway. Sight distance profiles will be provided at FMDP.
14. Sewer availability requested.

15. The site is not currently served by public sewer. The development will be responsible for extending sewer to the nearest public main.
16. Existing slopes equal to or greater than 20% shall not be within a proposed building envelope.
17. Landscaping plans shall be approved prior to construction plans approval.
18. If wet ponds are used, aeration shall be provided.
19. Tennessee Rule 0400-10-.04 required for water quality and quantity.
20. A letter of approval from West Wilson Utility District will be required prior to construction plan approval is issued.
21. All sanitary sewer shall be (minus service laterals) public and contained within a 20' easement (minimum).
22. 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.
23. No onsite grinder systems or step systems will be allowed for this development.
24. Submit a preliminary drainage report at FMDP.

Wilson County Schools:

1. No comments provided.

West Wilson Utility District:

1. Water lines shown are not WWUD's design.



Mt. Juliet, Tennessee

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

Staff Report

File #: 1126
11.D.

Agenda Date: 5/12/2025

Agenda #:

Title:

AN ORDINANCE TO ANNEX INTO THE CORPORATE BOUNDARIES OF THE CITY OF MT. JULIET APPROXIMATELY 15.08 ACRES, PROPERTY LOCATED AT 6235 CENTRAL PIKE, MAP 076, PARCEL 053.00 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 15.08 ACRES, PROPERTY LOCATED AT 6235 CENTRAL PIKE, MAP 076, PARCEL 053.00 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 March 20, 2025, and forwarded a positive recommendation (Vote 6-1-0) 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 15.08 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 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 (6-1-0) in a regular meeting to be held on March 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

Section 4. 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 5. 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 6. This ordinance shall take effect on the earliest date allowed by law.

PASSED:

FIRST READING:

SECOND READING:

James Maness, Mayor

Kenny Martin, City Manager

ATTEST:

Sheila S. Luckett, City Recorder

APPROVED AS TO FORM:

Samantha A. Burnett, City Attorney

LEGAL DESCRIPTION OF 6235 CENTRAL PIKE AS TAKEN FROM CRAWFORD AND CUMMINGS SURVEY WHICH WAS SURVEYED ON 6/13/2024 (PARCEL 1) AND 12/19/24 (PARCEL 2).

(Converted to word document text on 2025-01-14)

PARCEL 1:

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 (new) lying in the northerly margin of Central Pike (50' R.O.W.), being the southeasterly corner of Harold E H Cheatham SR (DB. 2180, PG. 583 / PB. 16, PG.185, R.O.W.C.T.) and being the southwesterly corner of the hereon described parcel;

Thence, along the easterly line of said Harold E H Cheatham SR, N 07°05'07" E, a distance of 348.88';

Thence, along the easterly line of Libby N Rea of record in Plat Book 16, Page 185, Registers' Office of Wilson County, Tennessee, N 07°03'53" E, a distance of 207.96';

Thence, along the easterly line of Chad Avery Dill of record in Deed Book 2040, Page 1199, Registers' Office of Wilson County, Tennessee, N 08°20'08" E, a distance of 304.25';

Thence, along the southerly line of Shiloh Baptist Church of record in Plat Book 30, Page 131, Registers' Office of Wilson County, Tennessee, S 85°15'13" E, a distance of 1362.30';

Thence, along the westerly line of Billy E Eubanks, etux of record in Deed Book 1053, Page 1244, Registers' Office of Wilson County, Tennessee, S 07°42'22" E, a distance of 279.25';

Thence, along the westerly line of Charles W McDowell HR, etal of record in Deed Book 1673, Page 1870, Registers' Office of Wilson County, Tennessee, S 07°42'22" E, a distance of 57.89';

Thence, along the northerly and westerly line of Coursey Subdivision of record in Plat Book 17, Page 820, Registers' Office of Wilson County, Tennessee, the following two (2) calls:

Thence, N 77°07'11" W, a distance of 277.24';

Thence, S 08°19'00" W, a distance of 285.42';

Thence, along the northerly line of Central Pike the following five (5) calls:

Thence, N 88°09'52" W, a distance of 57.67';

Thence, with a curve turning to the left with an arc length of 213.10', with a radius of 593.10', with a chord bearing of S 81°05'29" W, with a chord length of 211.96';

Thence, S 70°47'54" W, a distance of 511.30';

Thence, with a curve turning to the right with an arc length of 219.79', with a radius of 705.18', with a chord bearing of S 79°37'45" W, with a chord length of 218.90';

Thence, S 88°09'32" W, a distance of 156.21' to THE POINT OF BEGINNING. Containing an area of 830,188 Square Feet or 19.06 Acres, more or less.

Exhibit A

Being the same property conveyed to Grady Hight and wife, Rebecca Hight by Deed from Ernest H. Jackson and wife, Allie Bell Jackson of record in Book 134, Page 30, in the Register's Office for Wilson County, Tennessee, dated July 30, 1951 and recorded on July 31, 1951.

Grady Hight a/k/a J. G. Hight a/k/a Joseph Grady Hight died on or about July 10, 1972, leaving Rebecca Hight, as surviving tenant by the entirety.

Rebecca Hight died on or about March 28, 1994, her estate duly probated in the Probate Court for Wilson County, Tennessee.

Being the same property conveyed to Charles E. Tillman by Quitclaim Deed from Lounett H. Tayes, Carmene Eakes and Faye Anderson, Co-Conservators of the Estate of Rebecca A. Hight of record in Book 415, Page 294, in the Register's Office for Wilson County, Tennessee, dated May 31, 1989 and recorded on May 31, 1989.

Being the same property conveyed to Charles E. (Sonny) Tillman by Quitclaim Deed from Norma (Mott) Tillman vs. Charles E. (Sonny) Tillman, Case No. 2029, Norma (Mott) Tillman of record in Book 830, Page 321, in the Register's Office for Wilson County, Tennessee, dated September 01, 2000 and recorded on September 28, 2000.

Being a portion of the same property conveyed to CET Strategic Realty Partners, LLC, a Tennessee limited liability company, by Quitclaim Deed from Charles E. (Sonny) Tillman of record in Book 2180, Page 583, in the Register's Office for Wilson County, Tennessee, dated May 02, 2022 and recorded on May 10, 2022.

PARCEL 2:

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 (old) lying in the westerly margin of Pleasant Grove Road (50' R.O.W.), being the northeasterly corner of Billy Eubank, etux (DB. 1053, PG.1244, R.O.W.C.T.) and being the southeasterly corner of the hereon described parcel;

Thence, along the northerly line of said Billy Eubank, etux , S 89°00'58" W a distance of 535.72';

Thence, along the northerly line of CET Strategic Realty Partners, LLC of record in Deed Book 2180, Page 583, Registers' Office of Wilson County, Tennessee, N 85°15'13" W, a distance of 1362.30';

Thence, along the easterly line of Chad Dill, etux of record in Deed Book 2040, Page 1199, Registers' Office of Wilson County, Tennessee, N 08°02'55" E, a distance of 351.04';

Thence, along the easterly line of Emily Coffey, etvir of record in Deed Book 1508, Page 1624, Registers' Office of Wilson County, Tennessee, N 08°37'18" E, a distance of 298.29';

Thence, along the easterly line of Elvira De Lost Angeles Pelayo Anaya, Etvir of record in Deed Book 2322, Page 2164, Registers' Office of Wilson County, Tennessee, N 08°37'18" E, a distance of 100.80';

Exhibit A

Thence, along the southerly line of Lynn Christie Subdivision of record in Plat Book 11, Page 6, Registers' Office of Wilson County, Tennessee, the following four (4) calls:

Thence, S 83°57'00" E, a distance of 226.44';

Thence, S 84°06'42" E, a distance of 202.03';

Thence, S 84°03'51" E, a distance of 247.29';

Thence, S 83°28'20" E, a distance of 213.36';

Thence, along the westerly and southerly line of Shiloh Baptist Church of Middle Tennessee of record in Deed Book 1974, Page 2464, Registers' Office of Wilson County, Tennessee, the following three (3) calls:

Thence, S 05°07'45" W, a distance of 677.75';

Thence, S 85°13'41" E, a distance of 428.31';

Thence, N 89°02'37" E, a distance of 541.35';

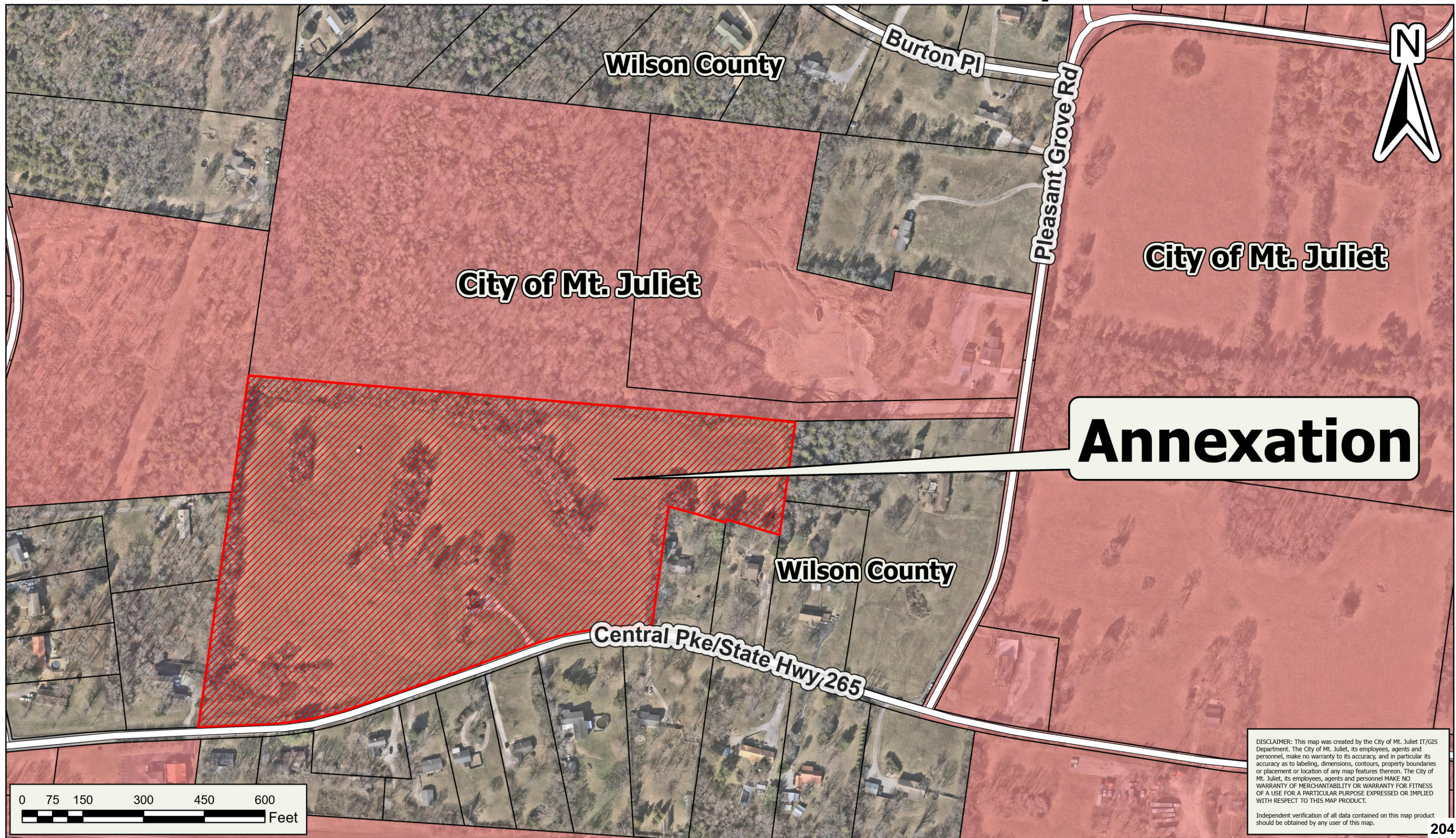
Thence, along the westerly line of Pleasant Grove Road, S 08°25'27" W, a distance of 50.20' to THE POINT OF BEGINNING. Containing an area of 721,519 Square Feet or 16.56 Acres, more or less.

Being part of the same property conveyed to Shiloh Baptist Church of Middle Tennessee by deed dated 2, 2020 From Michael Wayne Brewer and Dana Joyce Brewer, husband and wife, recorded July 2, 2020, in book 1974, page 2464, and also in book 1975, page 81, in the official records of Wilson County, Tennessee



Exhibit B- Annexation

Tillman Place- 6235 Central Pike Map 097, Parcel 013.00





M E M O R A N D U M

Date: March 20, 2025

To: Luke Winchester, Chairman
and Planning Commission

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

Re: Tillman Place
6235 Central Pike
LUA, Annexation, PMDP PUD
Map – 097/076
Parcel(s) – 13.00, 53.00

Request: Submitted by CSDG, on behalf of their client, the applicant requests an annexation, plan of services, land use plan amendment, rezone and preliminary master development plan approval for a residential development on Central Pike including commercial and residential single and multi-family in a mix of townhomes, and single-family residences totaling 137 residential units located in district 3.

History: The property is 35.71 acres on the North side of Central Pike, to the West of Pleasant Grove Road. The property has a portion within the City Limits and a portion within Wilson Co. but within the City’s urban growth boundary. The current zoning is RS-40 within the City Limits, and Wilson County R-1. The applicant has requested a rezone to RM-8 and RS-15 PUD. The City’s land use plan identifies the Northern portion of the area as medium density residential and the Southern portion as Mixed Use. A summary of the request is provided below:

REQUEST SUMMARY	Land Use Map	Requested Classification	Current Zoning	Requested Zoning
CSDG/Tillman Place	Medium Density Residential & Mixed Use	Multi-Family Residential/Medium Density FOR PARCEL 13.00 ONLY	RS-40 (MJ) & Wilson County R-1	RS-40 PUD & RM-8 PUD & STAFF RECOMMENDS RS-30

Future Land Use Plan: The City’s future land use map identifies the property as medium density residential for the Northern Parcel and Mixed-use for the Southern parcel. The request is to retain the medium density land use on the Northern Parcel, and a change from Mixed use to Multi-family and medium density residential on the Southern portion. The land use plan does not support a request for multi-family or medium density residential classification for the Southern portion of the property.

Zoning: The zoning on the Northern Parcel, within the city limits, is RS-40 and R-1 in Wilson County which is the Southern Parcel. There is RS-40 corresponding surrounding zoning as well.

The applicant is seeking RS-15 and RM-8 zoning with a PUD overlay should the land use plan be amended. Overall density for the single family residential is 1.11 units/acre negating the necessity for RS-15 base zoning. Staff request RS-30 for the single-family area on the southern lot.

Urban Growth Boundary: The subject property is in the City's urban growth boundary.

Plan of Services: A plan of services is included for review.

Findings: In reviewing the requested zoning actions, staff finds that the request DOES NOT agree with all of the following findings, as contained in the zoning ordinance. The proposed annexation and rezone:

1. *IS NOT in total 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:

Location/History: This development site is located on the North side of Central Pike, to the West of Pleasant Grove Road. The property is in the City's urban growth boundary. The zoning currently contains both City RS-40 and Wilson County R-1, low density residential. As explained above, should the property be annexed, a land use amendment and rezone are sought for both multi-family residential and Single family base zoning with a PUD overlay.

5-103 Bulk Standards: The total acreage of the proposed development is 35.71 acres, exceeding the minimum required for multifamily developments (20ac) and the proposed single family residential density is 1.11 units/acre, and multi-family is 8.01 units per acre, below the maximum permitted for the single-family zoning district (16.1 ac). 137 units are proposed. The project shows this being completed in 3 phases; however a specific development timeline has not been shown. The estimated population is 348 persons at buildout. The 137 units are as follows:

24 - Single family
113 - Townhome

Streets/Sidewalks/Access: Six-foot-wide sidewalk is proposed throughout all internal roads within the development, with 7' sidewalks being proposed along the areas with parallel parking for the alley loaded multi-family units. There is also a 10' multi/shared use path also proposed. Vehicular access is proposed via Central Pike and Pleasant Grove Road. The townhome units are requesting private roadway sections for the Alley loaded products, with public streets for the main thoroughfares. Pedestrian and vehicular connections are complete throughout the site.

Parking: Parking data indicates the site is adequately parked with 226 spaces for the multi-family portion. The parking comes in a variety of forms, parallel, garage and on street.

Amenities: Most of the amenities are within a central portion of the development, along the main thoroughfare that divides the Single and Multi-family portions. These include: 8,635 sf park pavilion, 2.69 ac of nature walking trails with benches, 6,640 sf playground, 2,069 sf exercise area, fire pits and 0.46 ac of landscaped green space. The code regarding multi-family development requires the amenity area to have at least a 2000sf clubhouse/building for up to 200 dwelling units. The plan currently does not provide for this requirement, nor has a waiver been requested. This will be required within the conditions listed below

Multi-family Design Standards (5-104.4)

A waiver is requested for several features within a multi-family development due to the split use of the subdivision including single family residences as well. A waiver has been requested to allow a building separation of 20' as all townhome units will be sprinkled. Bicycle racks and trash cans are required at all the buildings. The applicant has requested a waiver to provide six bike racks throughout the entirety of the development in lieu of a five-space rack at each multi-family building. A mail kiosk is provided in a logical location, it shall be covered and well lit.

Parking area lighting shall be decorative. All poles and posts shall be powder-coated black, channel posts are not permitted. Notes provided indicate that corner lots shall be critical façade lots. A note shall be required to compliance with the bulk of the general requirements the City asks for such PUDs.

Article X Landscaping: The applicant is requesting a landscape regulation waiver to omit a portion of the required fencing along the boundary of the multi-family portion and requests to provide landscaping as an alternative measure. The townhomes on the Southernmost portion will face Central Pike. They are also requesting to omit the "C" buffer between RS-15 and RM-8 due to existing features along the zoning ling

A type D buffer is provided where required for perimeter areas not adjacent to an external street, along with a type A-1 buffer where required internally. A full landscape plan will be required and reviewed upon FMDP/Site Plan submittal.

Waivers/Variances: The following six waivers are requested:

Waivers/Variances:

1. Request to allow up to 6 acres of disturbance of slopes exceeding 20%. **PW to address.**
2. Request to allow townhome building separation of twenty feet (20') since all units will be sprinkled. **Staff supports**
3. Request to allow private roads with the 26' roadway section for alleys and the 56' roadway section through the townhome portion of the development. **PW to address.**
4. Request to omit masonry column requirement from residential garage doors to match residential elevations as shown on C4.00. **Staff supports**

5. Request to provide 6 bike racks of 5 spaces each thorough the multifamily development in lieu of 1 bike rack per multi-family residential building. **Staff supports.**
6. Request to omit the fence along the boundary of the multi-family residential development site and provide landscaping as an alternative measure. **Staff supports.**
7. Request to omit “C” buffer between RS-15 & RM-8 due to existing features along zoning line. **Staff supports but requests some enhanced landscaping in this area.**
8. Request to allow an access street to be stubbed at the property line. **PW to address.**
9. Request to deviate from the material standards to allow:
 - Fifty percent (50%) brick and/or stone on all facades. **Staff supports.**
 - Fifty percent (50%) secondary materials on all facades. **Staff supports, no vinyl or metal siding is allowed.**
 - No two house plan and elevation shall be sited and built next to one another. **Staff does not support**
 - No two house plan and elevation shall be sited and built across the street from one another. **Staff does not support.**
 - High visibility lots shall have 100% brick and/or stone. **Staff does not support.**
 - High visibility lots will not have a blank end facing the street side by including architectural features such as optional window packages and/or fireplaces. **Staff does support.**

Summary: The City’s future land use plan identifies the subject property as medium density and mixed use, the applicants request for multi-family is not supported by the plan. Should the property be annexed and rezoned, a final master development plan and preliminary plat shall apply with all applicable regulations other than any waivers approved.

Recommendation: Should the Planning Commission, make a positive recommendation to the Board of Commissioners for the land use amendment, annexation, plan of service, rezone and preliminary master development plan for Tillman Place, at 6235 Central Pk., please include the following conditions:

Planning and Zoning:

1. All requirements of the City’s Subdivision regulations shall be adhered to, excepting any waivers approved by the Planning Commission and Board of Commissioners.
2. 5-104.1 Multifamily guidelines shall be adhered to, excepting any waivers approved by the Planning Commission and Board of Commissioners.
3. HVAC and utility equipment shall be screened entirely from horizontal view, utility meters shall be screened with brick/stone screen walls.
4. All exterior lighting fixtures shall be decorative.
5. Brick shall be clay, baked and individually laid.
6. Stone shall be individually laid.
7. Every wet pond shall have lighted fountains and landscaping around the perimeter.
8. Preserve as many trees as possible. Should existing vegetation be utilized for required landscaping provide a tree survey at final master development plan submittal.
9. Along, Central Pike Road frontage, provide enhanced landscaping including a split rail fence with brick/stone termination columns to enhance streetscape.

10. 2,000 sf of clubhouse, up to 200 units, are required, plus 10sf per each additional dwelling unit, identify how this is accomplished.
11. The base zoning district for the single-family portions of this subdivision shall be RS-30 due to the single-family density not exceeding 1.11 units/acre.

Public Works:

1. The following variances are requested or required:
 - a. To allow private roads (4-103.3): SUPPORTED with the proposed cross sections.
 - b. To allow an access street to be stubbed at the property line (4-104.405): SUPPORTED
 - c. To allow up to 6 acres of disturbance of slopes exceeding 20%: SUPPORTED conditionally in a cut condition only
2. This development is anticipated to be built around the time the Central Pike Interchange begins construction. The following off-site improvements shall be required should the interchange NOT be constructed prior to issuing the first CO:
 - a. Signal warrant analysis shall be submitted at the 60th and 120th COs. Should the signal be warranted, it shall be constructed to allow the widening of Central Pike in the region. The signal shall include turn lanes on Central Pike and an advanced warning beacon stating “BE PREPARED TO STOP WHEN FLASHING”.
 - b. A left-turn lane on Central Pike at Pleasant Grove Road shall be constructed.
 - c. A 10’ wide shared-use path shall be constructed along Central Pike. Curb and gutter will be required along all roads with a path.
 - d. A left-turn lane shall be constructed along Central Pike at the project entrance.
3. The following off-site improvements shall be required should the interchange be under construction prior to issuing the first CO:
 - a. A 12’ wide shared-use path shall be installed between the western project frontage and the termination of the shared-use path to the east.
 - b. The curb and gutter shall be extended along all roads with the path.
 - c. Increase the width of the westbound lane to 12 feet along the project frontage.
 - d. A left-turn lane shall be constructed along Central Pike and the project entrance. This will require continuing the proposed two-way left-turn lane to the project entrance.
4. Private streets shall meet the design standards for an access street.
5. Private allies shall meet the design standards for an access lane.
6. Vegetation or other obstructions in the sight triangles shall be removed.
7. On street parking shall be parallel parking.
8. Sidewalks adjacent to parking shall be 7’ wide. This includes parallel parking.
9. Curb ramps shall be provided across all streets at intersections. The crosswalks do not need to be marked.
10. Provide pedestrian connections from the sidewalks to the front of all townhome units.
11. All drives shall comply with TDOT’s Highway Systems Access Manual.
12. All pedestrian facilities shall comply with ADA and PROWAG standards.
13. Adequate sight distance shall be provided at all intersections. A grade adjustment factor will be required for the Pleasant Grove Road driveway. Sight distance profiles will be provided at FMDP.
14. Sewer availability requested.

15. The site is not currently served by public sewer. The development will be responsible for extending sewer to the nearest public main.
16. Existing slopes equal to or greater than 20% shall not be within a proposed building envelope.
17. Landscaping plans shall be approved prior to construction plans approval.
18. If wet ponds are used, aeration shall be provided.
19. Tennessee Rule 0400-10-.04 required for water quality and quantity.
20. A letter of approval from West Wilson Utility District will be required prior to construction plan approval is issued.
21. All sanitary sewer shall be (minus service laterals) public and contained within a 20' easement (minimum).
22. 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.
23. No onsite grinder systems or step systems will be allowed for this development.
24. Submit a preliminary drainage report at FMDP.

Wilson County Schools:

1. No comments provided.

West Wilson Utility District:

1. Water lines shown are not WWUD's design.



Mt. Juliet, Tennessee

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

Staff Report

File #: 1127
11.E.

Agenda Date: 5/12/2025

Agenda #:

Title:

AN ORDINANCE TO REZONE APPROXIMATELY 34.14 ACRES OF PROPERTY AT 6235 CENTRAL PIKE, MAP 076, PARCEL 053.00, AND MAP 097, PARCEL 013.00 FROM WILSON COUNTY R-1 AND RS-40 TO RM-8 PUD AND RS-15 PUD AND TO ADOPT THE PRELIMINARY MASTER DEVELOPMENT PLAN

ORDINANCE NO. _____

AN ORDINANCE TO REZONE APPROXIMATELY 34.14 ACRES OF PROPERTY AT 6235 CENTRAL PIKE, MAP 076, PARCEL 053.00, AND MAP 097, PARCEL 013.00 FROM WILSON COUNTY R-1 AND RS-40 TO RM-8 PUD AND RS-15 PUD AND TO ADOPT THE PRELIMINARY MASTER DEVELOPMENT PLAN

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 March 20, 2025, and forwarded a positive recommendation to the Board of Commissioners by a vote of (6-0-1) 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 6235 Central Pike, Map 076, Parcel 053.00, and Map 097, Parcel 013.00, approximately 34.14 acres, from Wilson County R-1 and RS-40 to RM8-PUD and RS-15 PUD and adopt the Preliminary Master Development Plan.

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, is hereby amended and altered by rezoning those certain parcels of real property at 6235 Central Pike, Map 076, Parcel 053.00 and Map 097, Parcel 013.00, approximately 34.14 acres, from Wilson County R-1 and RS-40 to RM8-PUD and RS-15 PUD (Exhibit B).

LEGAL DESCRIPTION – See Exhibit A (attached)

SECTION 2. – The Preliminary Master Development Plan for 6235 Central Pike 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

Section 4. 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 5. 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 6. This ordinance shall take effect on the earliest date allowed by law.

PASSED:

FIRST READING:

SECOND READING:

James Maness, Mayor

Kenny Martin, City Manager

ATTEST:

Sheila S. Lockett, City Recorder

APPROVED AS TO FORM:

Samantha A. Burnett, City Attorney

LEGAL DESCRIPTION OF 6235 CENTRAL PIKE AS TAKEN FROM CRAWFORD AND CUMMINGS SURVEY WHICH WAS SURVEYED ON 6/13/2024 (PARCEL 1) AND 12/19/24 (PARCEL 2).

(Converted to word document text on 2025-01-14)

PARCEL 1:

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 (new) lying in the northerly margin of Central Pike (50' R.O.W.), being the southeasterly corner of Harold E H Cheatham SR (DB. 2180, PG. 583 / PB. 16, PG.185, R.O.W.C.T.) and being the southwesterly corner of the hereon described parcel;

Thence, along the easterly line of said Harold E H Cheatham SR, N 07°05'07" E, a distance of 348.88';

Thence, along the easterly line of Libby N Rea of record in Plat Book 16, Page 185, Registers' Office of Wilson County, Tennessee, N 07°03'53" E, a distance of 207.96';

Thence, along the easterly line of Chad Avery Dill of record in Deed Book 2040, Page 1199, Registers' Office of Wilson County, Tennessee, N 08°20'08" E, a distance of 304.25';

Thence, along the southerly line of Shiloh Baptist Church of record in Plat Book 30, Page 131, Registers' Office of Wilson County, Tennessee, S 85°15'13" E, a distance of 1362.30';

Thence, along the westerly line of Billy E Eubanks, etux of record in Deed Book 1053, Page 1244, Registers' Office of Wilson County, Tennessee, S 07°42'22" E, a distance of 279.25';

Thence, along the westerly line of Charles W McDowell HR, etal of record in Deed Book 1673, Page 1870, Registers' Office of Wilson County, Tennessee, S 07°42'22" E, a distance of 57.89';

Thence, along the northerly and westerly line of Coursey Subdivision of record in Plat Book 17, Page 820, Registers' Office of Wilson County, Tennessee, the following two (2) calls:

Thence, N 77°07'11" W, a distance of 277.24';

Thence, S 08°19'00" W, a distance of 285.42';

Thence, along the northerly line of Central Pike the following five (5) calls:

Thence, N 88°09'52" W, a distance of 57.67';

Thence, with a curve turning to the left with an arc length of 213.10', with a radius of 593.10', with a chord bearing of S 81°05'29" W, with a chord length of 211.96';

Thence, S 70°47'54" W, a distance of 511.30';

Thence, with a curve turning to the right with an arc length of 219.79', with a radius of 705.18', with a chord bearing of S 79°37'45" W, with a chord length of 218.90';

Thence, S 88°09'32" W, a distance of 156.21' to THE POINT OF BEGINNING. Containing an area of 830,188 Square Feet or 19.06 Acres, more or less.

Exhibit A

Being the same property conveyed to Grady Hight and wife, Rebecca Hight by Deed from Ernest H. Jackson and wife, Allie Bell Jackson of record in Book 134, Page 30, in the Register's Office for Wilson County, Tennessee, dated July 30, 1951 and recorded on July 31, 1951.

Grady Hight a/k/a J. G. Hight a/k/a Joseph Grady Hight died on or about July 10, 1972, leaving Rebecca Hight, as surviving tenant by the entirety.

Rebecca Hight died on or about March 28, 1994, her estate duly probated in the Probate Court for Wilson County, Tennessee.

Being the same property conveyed to Charles E. Tillman by Quitclaim Deed from Lounett H. Tayes, Carmene Eakes and Faye Anderson, Co-Conservators of the Estate of Rebecca A. Hight of record in Book 415, Page 294, in the Register's Office for Wilson County, Tennessee, dated May 31, 1989 and recorded on May 31, 1989.

Being the same property conveyed to Charles E. (Sonny) Tillman by Quitclaim Deed from Norma (Mott) Tillman vs. Charles E. (Sonny) Tillman, Case No. 2029, Norma (Mott) Tillman of record in Book 830, Page 321, in the Register's Office for Wilson County, Tennessee, dated September 01, 2000 and recorded on September 28, 2000.

Being a portion of the same property conveyed to CET Strategic Realty Partners, LLC, a Tennessee limited liability company, by Quitclaim Deed from Charles E. (Sonny) Tillman of record in Book 2180, Page 583, in the Register's Office for Wilson County, Tennessee, dated May 02, 2022 and recorded on May 10, 2022.

PARCEL 2:

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 (old) lying in the westerly margin of Pleasant Grove Road (50' R.O.W.), being the northeasterly corner of Billy Eubank, etux (DB. 1053, PG.1244, R.O.W.C.T.) and being the southeasterly corner of the hereon described parcel;

Thence, along the northerly line of said Billy Eubank, etux , S 89°00'58" W a distance of 535.72';

Thence, along the northerly line of CET Strategic Realty Partners, LLC of record in Deed Book 2180, Page 583, Registers' Office of Wilson County, Tennessee, N 85°15'13" W, a distance of 1362.30';

Thence, along the easterly line of Chad Dill, etux of record in Deed Book 2040, Page 1199, Registers' Office of Wilson County, Tennessee, N 08°02'55" E, a distance of 351.04';

Thence, along the easterly line of Emily Coffey, etvir of record in Deed Book 1508, Page 1624, Registers' Office of Wilson County, Tennessee, N 08°37'18" E, a distance of 298.29';

Thence, along the easterly line of Elvira De Lost Angeles Pelayo Anaya, Etvir of record in Deed Book 2322, Page 2164, Registers' Office of Wilson County, Tennessee, N 08°37'18" E, a distance of 100.80';

Exhibit A

Thence, along the southerly line of Lynn Christie Subdivision of record in Plat Book 11, Page 6, Registers' Office of Wilson County, Tennessee, the following four (4) calls:

Thence, S 83°57'00" E, a distance of 226.44';

Thence, S 84°06'42" E, a distance of 202.03';

Thence, S 84°03'51" E, a distance of 247.29';

Thence, S 83°28'20" E, a distance of 213.36';

Thence, along the westerly and southerly line of Shiloh Baptist Church of Middle Tennessee of record in Deed Book 1974, Page 2464, Registers' Office of Wilson County, Tennessee, the following three (3) calls:

Thence, S 05°07'45" W, a distance of 677.75';

Thence, S 85°13'41" E, a distance of 428.31';

Thence, N 89°02'37" E, a distance of 541.35';

Thence, along the westerly line of Pleasant Grove Road, S 08°25'27" W, a distance of 50.20' to THE POINT OF BEGINNING. Containing an area of 721,519 Square Feet or 16.56 Acres, more or less.

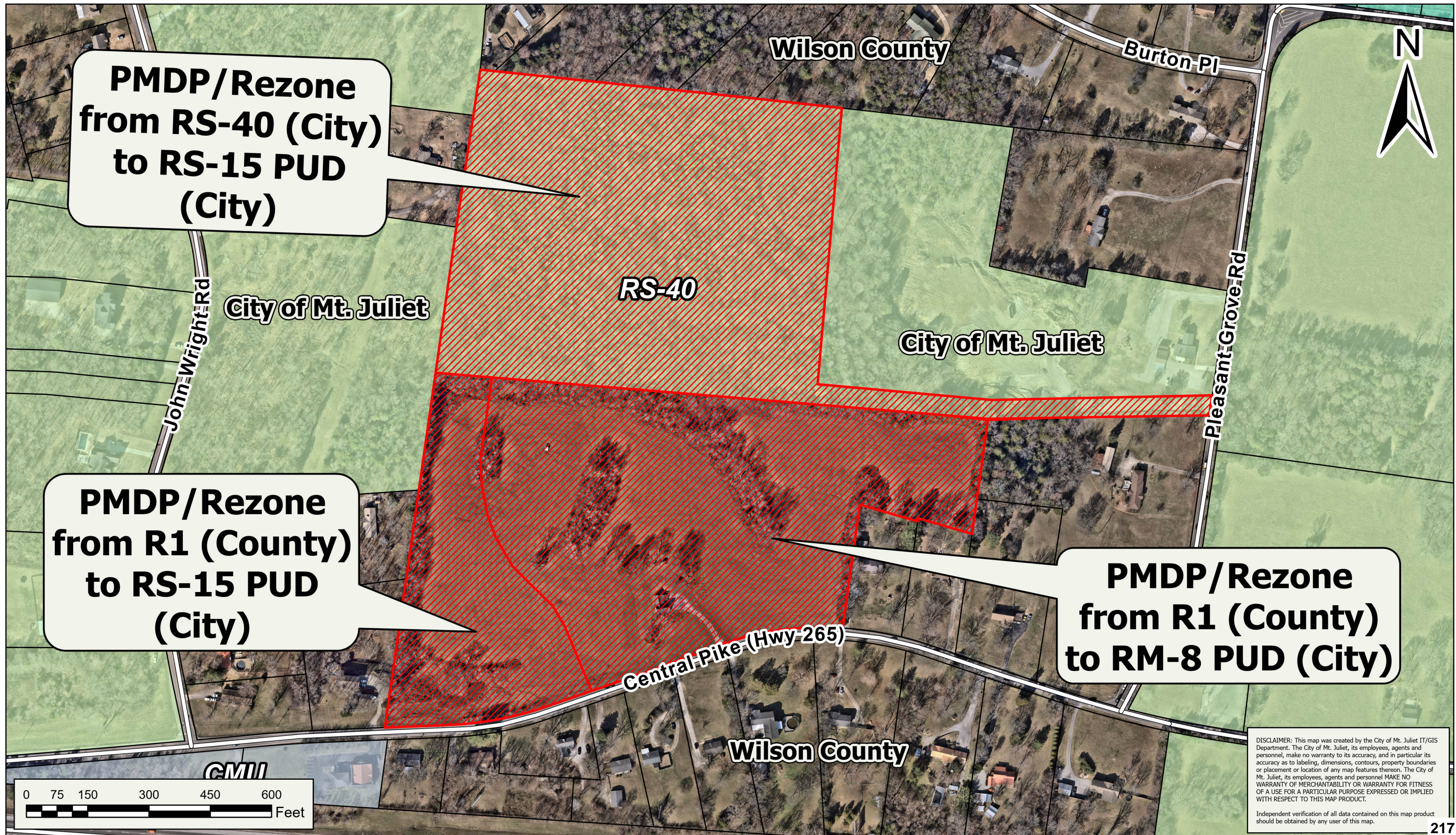
Being part of the same property conveyed to Shiloh Baptist Church of Middle Tennessee by deed dated 2, 2020 From Michael Wayne Brewer and Dana Joyce Brewer, husband and wife, recorded July 2, 2020, in book 1974, page 2464, and also in book 1975, page 81, in the official records of Wilson County, Tennessee



Exhibit B- PMDP PUD w/ Rezone

Tillman Place- 6235 Central Pike

Map 097, Parcel 013.00 & Map 076, Parcel 053.00



DISCLAIMER: This map was created by the City of Mt. Juliet IT/GIS Department. The City of Mt. Juliet, its employees, agents and personnel, make no warranty to its accuracy, and in particular its accuracy as to labeling, dimensions, contours, property boundaries or placement or location of any map features thereon. The City of Mt. Juliet, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF A USE FOR A PARTICULAR PURPOSE EXPRESSED OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT.

Independent verification of all data contained on this map product should be obtained by any user of this map.



MEMORANDUM

Date: March 20, 2025

To: Luke Winchester, Chairman
and Planning Commission

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

Re: Tillman Place
6235 Central Pike
LUA, Annexation, PMDP PUD
Map – 097/076
Parcel(s) – 13.00, 53.00

Request: Submitted by CSDG, on behalf of their client, the applicant requests an annexation, plan of services, land use plan amendment, rezone and preliminary master development plan approval for a residential development on Central Pike including commercial and residential single and multi-family in a mix of townhomes, and single-family residences totaling 137 residential units located in district 3.

History: The property is 35.71 acres on the North side of Central Pike, to the West of Pleasant Grove Road. The property has a portion within the City Limits and a portion within Wilson Co. but within the City's urban growth boundary. The current zoning is RS-40 within the City Limits, and Wilson County R-1. The applicant has requested a rezone to RM-8 and RS-15 PUD. The City's land use plan identifies the Northern portion of the area as medium density residential and the Southern portion as Mixed Use. A summary of the request is provided below:

REQUEST SUMMARY	Land Use Map	Requested Classification	Current Zoning	Requested Zoning
CSDG/Tillman Place	Medium Density Residential & Mixed Use	Multi-Family Residential/Medium Density FOR PARCEL 13.00 ONLY	RS-40 (MJ) & Wilson County R-1	RS-40 PUD & RM-8 PUD & STAFF RECOMMENDS RS-30

Future Land Use Plan: The City's future land use map identifies the property as medium density residential for the Northern Parcel and Mixed-use for the Southern parcel. The request is to retain the medium density land use on the Northern Parcel, and a change from Mixed use to Multi-family and medium density residential on the Southern portion. The land use plan does not support a request for multi-family or medium density residential classification for the Southern portion of the property.

Zoning: The zoning on the Northern Parcel, within the city limits, is RS-40 and R-1 in Wilson County which is the Southern Parcel. There is RS-40 corresponding surrounding zoning as well.

The applicant is seeking RS-15 and RM-8 zoning with a PUD overlay should the land use plan be amended. Overall density for the single family residential is 1.11 units/acre negating the necessity for RS-15 base zoning. Staff request RS-30 for the single-family area on the southern lot.

Urban Growth Boundary: The subject property is in the City's urban growth boundary.

Plan of Services: A plan of services is included for review.

Findings: In reviewing the requested zoning actions, staff finds that the request DOES NOT agree with all of the following findings, as contained in the zoning ordinance. The proposed annexation and rezone:

1. *IS NOT in total 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:

Location/History: This development site is located on the North side of Central Pike, to the West of Pleasant Grove Road. The property is in the City's urban growth boundary. The zoning currently contains both City RS-40 and Wilson County R-1, low density residential. As explained above, should the property be annexed, a land use amendment and rezone are sought for both multi-family residential and Single family base zoning with a PUD overlay.

5-103 Bulk Standards: The total acreage of the proposed development is 35.71 acres, exceeding the minimum required for multifamily developments (20ac) and the proposed single family residential density is 1.11 units/acre, and multi-family is 8.01 units per acre, below the maximum permitted for the single-family zoning district (16.1 ac). 137 units are proposed. The project shows this being completed in 3 phases; however a specific development timeline has not been shown. The estimated population is 348 persons at buildout. The 137 units are as follows:

24 - Single family
113 - Townhome

Streets/Sidewalks/Access: Six-foot-wide sidewalk is proposed throughout all internal roads within the development, with 7' sidewalks being proposed along the areas with parallel parking for the alley loaded multi-family units. There is also a 10' multi/shared use path also proposed. Vehicular access is proposed via Central Pike and Pleasant Grove Road. The townhome units are requesting private roadway sections for the Alley loaded products, with public streets for the main thoroughfares. Pedestrian and vehicular connections are complete throughout the site.

Parking: Parking data indicates the site is adequately parked with 226 spaces for the multi-family portion. The parking comes in a variety of forms, parallel, garage and on street.

Amenities: Most of the amenities are within a central portion of the development, along the main thoroughfare that divides the Single and Multi-family portions. These include: 8,635 sf park pavilion, 2.69 ac of nature walking trails with benches, 6,640 sf playground, 2,069 sf exercise area, fire pits and 0.46 ac of landscaped green space. The code regarding multi-family development requires the amenity area to have at least a 2000sf clubhouse/building for up to 200 dwelling units. The plan currently does not provide for this requirement, nor has a waiver been requested. This will be required within the conditions listed below

Multi-family Design Standards (5-104.4)

A waiver is requested for several features within a multi-family development due to the split use of the subdivision including single family residences as well. A waiver has been requested to allow a building separation of 20' as all townhome units will be sprinkled. Bicycle racks and trash cans are required at all the buildings. The applicant has requested a waiver to provide six bike racks throughout the entirety of the development in lieu of a five-space rack at each multi-family building. A mail kiosk is provided in a logical location, it shall be covered and well lit.

Parking area lighting shall be decorative. All poles and posts shall be powder-coated black, channel posts are not permitted. Notes provided indicate that corner lots shall be critical façade lots. A note shall be required to compliance with the bulk of the general requirements the City asks for such PUDs.

Article X Landscaping: The applicant is requesting a landscape regulation waiver to omit a portion of the required fencing along the boundary of the multi-family portion and requests to provide landscaping as an alternative measure. The townhomes on the Southernmost portion will face Central Pike. They are also requesting to omit the "C" buffer between RS-15 and RM-8 due to existing features along the zoning ling

A type D buffer is provided where required for perimeter areas not adjacent to an external street, along with a type A-1 buffer where required internally. A full landscape plan will be required and reviewed upon FMDP/Site Plan submittal.

Waivers/Variances: The following six waivers are requested:

Waivers/Variances:

1. Request to allow up to 6 acres of disturbance of slopes exceeding 20%. **PW to address.**
2. Request to allow townhome building separation of twenty feet (20') since all units will be sprinkled. **Staff supports**
3. Request to allow private roads with the 26' roadway section for alleys and the 56' roadway section through the townhome portion of the development. **PW to address.**
4. Request to omit masonry column requirement from residential garage doors to match residential elevations as shown on C4.00. **Staff supports**

5. Request to provide 6 bike racks of 5 spaces each thorough the multifamily development in lieu of 1 bike rack per multi-family residential building. **Staff supports.**
6. Request to omit the fence along the boundary of the multi-family residential development site and provide landscaping as an alternative measure. **Staff supports.**
7. Request to omit “C” buffer between RS-15 & RM-8 due to existing features along zoning line. **Staff supports but requests some enhanced landscaping in this area.**
8. Request to allow an access street to be stubbed at the property line. **PW to address.**
9. Request to deviate from the material standards to allow:
 - Fifty percent (50%) brick and/or stone on all facades. **Staff supports.**
 - Fifty percent (50%) secondary materials on all facades. **Staff supports, no vinyl or metal siding is allowed.**
 - No two house plan and elevation shall be sited and built next to one another. **Staff does not support**
 - No two house plan and elevation shall be sited and built across the street from one another. **Staff does not support.**
 - High visibility lots shall have 100% brick and/or stone. **Staff does not support.**
 - High visibility lots will not have a blank end facing the street side by including architectural features such as optional window packages and/or fireplaces. **Staff does support.**

Summary: The City’s future land use plan identifies the subject property as medium density and mixed use, the applicants request for multi-family is not supported by the plan. Should the property be annexed and rezoned, a final master development plan and preliminary plat shall apply with all applicable regulations other than any waivers approved.

Recommendation: Should the Planning Commission, make a positive recommendation to the Board of Commissioners for the land use amendment, annexation, plan of service, rezone and preliminary master development plan for Tillman Place, at 6235 Central Pk., please include the following conditions:

Planning and Zoning:

1. All requirements of the City’s Subdivision regulations shall be adhered to, excepting any waivers approved by the Planning Commission and Board of Commissioners.
2. 5-104.1 Multifamily guidelines shall be adhered to, excepting any waivers approved by the Planning Commission and Board of Commissioners.
3. HVAC and utility equipment shall be screened entirely from horizontal view, utility meters shall be screened with brick/stone screen walls.
4. All exterior lighting fixtures shall be decorative.
5. Brick shall be clay, baked and individually laid.
6. Stone shall be individually laid.
7. Every wet pond shall have lighted fountains and landscaping around the perimeter.
8. Preserve as many trees as possible. Should existing vegetation be utilized for required landscaping provide a tree survey at final master development plan submittal.
9. Along, Central Pike Road frontage, provide enhanced landscaping including a split rail fence with brick/stone termination columns to enhance streetscape.

10. 2,000 sf of clubhouse, up to 200 units, are required, plus 10sf per each additional dwelling unit, identify how this is accomplished.
11. The base zoning district for the single-family portions of this subdivision shall be RS-30 due to the single-family density not exceeding 1.11 units/acre.

Public Works:

1. The following variances are requested or required:
 - a. To allow private roads (4-103.3): SUPPORTED with the proposed cross sections.
 - b. To allow an access street to be stubbed at the property line (4-104.405): SUPPORTED
 - c. To allow up to 6 acres of disturbance of slopes exceeding 20%: SUPPORTED conditionally in a cut condition only
2. This development is anticipated to be built around the time the Central Pike Interchange begins construction. The following off-site improvements shall be required should the interchange NOT be constructed prior to issuing the first CO:
 - a. Signal warrant analysis shall be submitted at the 60th and 120th COs. Should the signal be warranted, it shall be constructed to allow the widening of Central Pike in the region. The signal shall include turn lanes on Central Pike and an advanced warning beacon stating “BE PREPARED TO STOP WHEN FLASHING”.
 - b. A left-turn lane on Central Pike at Pleasant Grove Road shall be constructed.
 - c. A 10’ wide shared-use path shall be constructed along Central Pike. Curb and gutter will be required along all roads with a path.
 - d. A left-turn lane shall be constructed along Central Pike at the project entrance.
3. The following off-site improvements shall be required should the interchange be under construction prior to issuing the first CO:
 - a. A 12’ wide shared-use path shall be installed between the western project frontage and the termination of the shared-use path to the east.
 - b. The curb and gutter shall be extended along all roads with the path.
 - c. Increase the width of the westbound lane to 12 feet along the project frontage.
 - d. A left-turn lane shall be constructed along Central Pike and the project entrance. This will require continuing the proposed two-way left-turn lane to the project entrance.
4. Private streets shall meet the design standards for an access street.
5. Private allies shall meet the design standards for an access lane.
6. Vegetation or other obstructions in the sight triangles shall be removed.
7. On street parking shall be parallel parking.
8. Sidewalks adjacent to parking shall be 7’ wide. This includes parallel parking.
9. Curb ramps shall be provided across all streets at intersections. The crosswalks do not need to be marked.
10. Provide pedestrian connections from the sidewalks to the front of all townhome units.
11. All drives shall comply with TDOT’s Highway Systems Access Manual.
12. All pedestrian facilities shall comply with ADA and PROWAG standards.
13. Adequate sight distance shall be provided at all intersections. A grade adjustment factor will be required for the Pleasant Grove Road driveway. Sight distance profiles will be provided at FMDP.
14. Sewer availability requested.

15. The site is not currently served by public sewer. The development will be responsible for extending sewer to the nearest public main.
16. Existing slopes equal to or greater than 20% shall not be within a proposed building envelope.
17. Landscaping plans shall be approved prior to construction plans approval.
18. If wet ponds are used, aeration shall be provided.
19. Tennessee Rule 0400-10-.04 required for water quality and quantity.
20. A letter of approval from West Wilson Utility District will be required prior to construction plan approval is issued.
21. All sanitary sewer shall be (minus service laterals) public and contained within a 20' easement (minimum).
22. 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.
23. No onsite grinder systems or step systems will be allowed for this development.
24. Submit a preliminary drainage report at FMDP.

Wilson County Schools:

1. No comments provided.

West Wilson Utility District:

1. Water lines shown are not WWUD's design.



Mt. Juliet, Tennessee

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

Staff Report

File #: 1180
11.F.

Agenda Date: 5/12/2025

Agenda #:

Title:

AN ORDINANCE TO REZONE THE PROPERTY KNOWN AS VIRTUE MODERN MT. JULIET HEADQUARTERS, LOCATED AT 3073 CURD ROAD, APPROXIMATELY 1 ACRE, MAP 054, PARCEL 090.00 FROM RS-20 TO CNS

ORDINANCE NO. _____

AN ORDINANCE TO REZONE THE PROPERTY KNOWN AS VIRTUE MODERN MT. JULIET HEADQUARTERS, LOCATED AT 3073 CURD ROAD, APPROXIMATELY 1 ACRE, MAP 054, PARCEL 090.00 FROM RS-20 TO CNS.

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 on April 17, 2025, and forwarded a negative recommendation (vote count 7-0-0) for approval to the Board of Commissioners; and

WHEREAS, the City of Mt. Juliet Board of Commissioners desires to rezone the property from RS-20 to CNS; and

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, is hereby amended and altered by rezoning the certain parcel of real property at 3073 Curd Road, Map 054, Parcel 090.00 from RS-20 to CNS (Exhibit B), subject to the condition below:

1. Should this rezone request receive approval any additions to the buildings, new construction or changes in use will require the buildings to come into code compliance entirely per the requirements of 13-102, non-complying structures and 13-103, noncomplying uses, in the zoning ordinance.
2. Access to the property behind 3073 Curd Road (3075 Curd Road) shall be maintained. An access easement shall be established should the site redevelop.

LEGAL DESCRIPTION – See Exhibit A (attached)

SECTION 2. – PUBLIC HEARING – The zoning changes were the subject of a public hearing held on _____ at 6:15 p.m.

BE IT FURTHER ORDAINED

Section 3. 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 4. 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 5. This ordinance shall take effect on the earliest date allowed by law.

PASSED:

FIRST READING:

SECOND READING:

James Maness, Mayor

Kenny Martin, City Manager

ATTEST:

Sheila S. Lockett, City Recorder

APPROVED AS TO FORM:

Samantha A. Burnett, City Attorney

Exhibit A

A tract of land situated and lying in the 2nd Civil District of Wilson County, Tennessee, located on the West side of the Cedar Creek Road, fronting thereon 181 feet, the West line being 137 feet in length, containing 0.73 acres, more or less, acreage not being guaranteed. Same is bounded generally on the North by an unnamed street; East by Cedar Creek Road; West by Hollis; South by Smith.

Being the same property conveyed to Jesse Bracewell and Anna Bracewell, husband and wife by Warranty Deed from Glenda Weaver, Beverly Casey, Jimmy Hills, and Elaine James o record in Book 1897, Page 2342, Register's Office for Wilson County, Tennessee, dated August 07, 2019 and recorded on August 08, 2019.

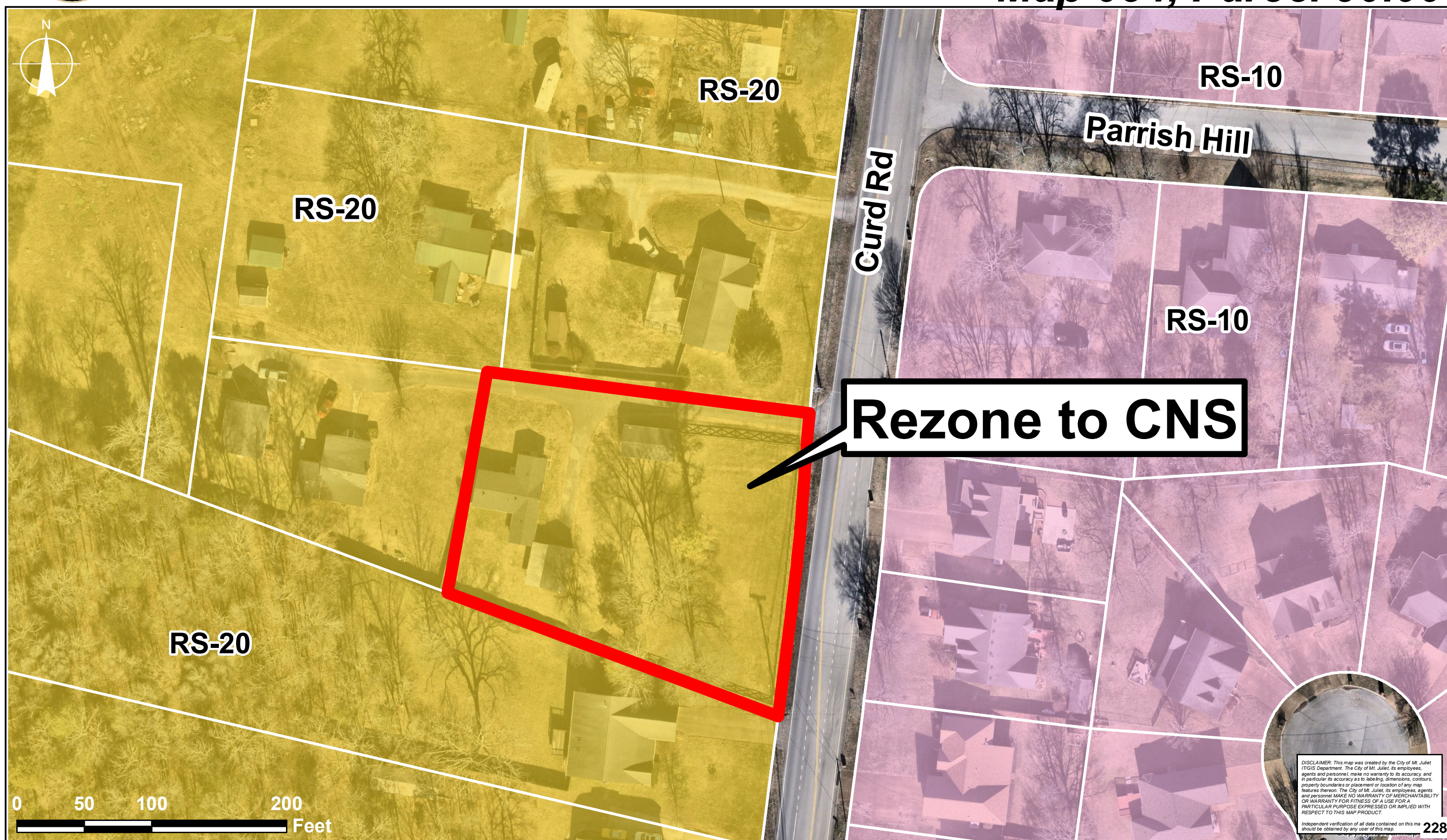
Being the same property conveyed to DeAnna D. S. Bracewell by Quitclaim Deed from Jesse Bracewell and Anna Bracewell of record in Book 1980, page 2255, Register's Office for Wilson County, Tennessee, dated July 16, 2020 and recorded on July 23, 2020.

Being the same property conveyed to DeAnna D.S. Bracewell aka Deanna Delana Syler, unmarried woman by Quitclaim Deed from DeAnna D.S. Bracewell, dated June 28, 2021 and recorded January 10, 2022 in Book 2148, Page 254, Register's Office of Wilson County, Tennessee.

Being the same property conveyed to Suzi Conner by Warranty Deed from DeAnna D.S. Bracewell aka Deanna Delana Syler, and Solomon Childres, wife and husband dated June 17, 2022 and recorded June 22, 2022 in Book 2190, page 4, Register's Office of Wilson County, Tennessee.



3073 Curd Road
Map 054, Parcel 90.00





MEMORANDUM

Date: April 17, 2025

To: Luke Winchester, Chairman
and Planning Commission

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

Re: Virtue Modern MJ HQ 3073 Curd Road
Rezone (non-PUD)
Map - 054
Parcel(s) – 009.00

Request: Lysle Oliveros requests a rezone for property located at 3073 Curd Road in District 1.

Analysis: The subject property is on the west side of Curd Road, south of Lebanon Road and is approximately 0.75 acres. The site includes a single-family home and accessory structures. Both the single-family home and accessory structures violate the bulk regulations for RS-20 zoning. Another single family home is located on a land-locked parcel behind the subject property and derives access via the subject property. The applicant intends to use the existing single family home as an office temporarily and eventually redevelop the site with an office building should this rezone request be approved. A summary of the request is below.

REQUEST SUMMARY	Land Use Map Classification	Requested Classification	Current Zoning District	Requested Zoning District
Virtue Modern 3073 Curd Road	Neighborhood Commercial	N/A	RS-20	CNS

Future Land Use Plan: The parcel is in the City's UGB. The City's future land use plan identifies the area neighborhood commercial. A change is not requested or required, the plan supports the request for CNS zoning.

Zoning: The property is currently zoned RS-20. The requested zoning is CNS. The City's land use plan supports this request.

Findings: In reviewing the requested zoning actions, staff finds that the request agrees with all of the following findings, as contained in the zoning ordinance. The proposed rezone:

- 1. Is in agreement with the general plan for the area, and*
- 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.*

Summary: This rezone is for a parcel on Curd Road currently zoned for residential. The applicant wishes to rezone to CNS to operate an office out of the home. The home and accessory structures are non-compliant with RS-20 zoning currently found on this lot. The structures will still be nonconforming if the property is rezoned and shall be subject to all regulations found in Articles 13-102 and 13-103 in the City's zoning ordinance.

Recommendation: Staff recommends forwarding the rezone request for 3073 Curd Road to the Board of Commissioners with a positive recommendation, subject to the conditions below:

Planning and Zoning:

1. Should this rezone request receive approval any additions to the buildings, new construction or changes in use will require the buildings to come into code compliance entirely per the requirements of 13-102, non-complying structures and 13-103, noncomplying uses, in the zoning ordinance.
2. Access to the property behind 3073 Curd Road (3075 Curd Road) shall be maintained. An access easement shall be established should the site redevelop.



Mt. Juliet, Tennessee

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

Staff Report

File #: 1186
11.G.

Agenda Date: 5/12/2025

Agenda #:

Title:

AN ORDINANCE TO AMEND THE CITY OF MT. JULIET LAND DEVELOPMENT CODE, PART A, SUBDIVISION REGULATIONS, ARTICLE IV. REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGNS

ORDINANCE 2025-

AN ORDINANCE TO AMEND THE CITY OF MT. JULIET LAND DEVELOPMENT CODE, PART A, SUBDIVISION REGULATIONS, ARTICLE IV. REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGNS

WHEREAS, the Board of Commissioners of the City of Mt. Juliet desires to amend the City of Mt. Juliet Land Development Code, Part A, Subdivision Regulations, Article IV. Requirements for Improvements, Reservations, and Designs; and

WHEREAS, the amendments to Article IV will amend and update the City of Mt. Juliet Subdivision Regulations to ensure it remains consistent with current state standards, eliminates internal inconsistencies, and reflects accurate, up-to-date language for clarity and enforceability; and

WHEREAS, the proposed amendments to the City of Mt. Juliet Subdivision Regulations are intended to support consistent application of the code and improve its effectiveness; and

WHEREAS, the following Sections of Article IV of the Subdivision Regulations are desired to be amended as follows:

ARTICLE	SECTION	SECTION TITLE
Article IV	Section 4-102	Lot requirements
Article IV	Section 4-103	Streets and pedestrian ways
Article IV	Section 4-104	Functional design criteria

;and

WHEREAS, the specific amendments desired to be made to Article IV of the Subdivision Regulations are exhibited in redline form in the attached document; and

WHEREAS, the desired amendments to the Subdivision Regulations were considered and positively recommended by the City of Mt. Juliet Planning Commission on April 17, 2025.

NOW, THEREFORE, BE IT ORDAINED by the City of Mt. Juliet Board of Commissioners, the Subdivision Regulations of the City of Mt. Juliet Land Development Code is amended as follows:

Section 1. Subdivision Regulations, Article IV, Section 4-102 Lot requirements, Subsection 4-102.503, is amended to read in its entirety as follows:

Minimum clearance. The corner clearance is defined as the distance between the property frontage along the major road and the tangent face of a driveway accessing the minor roadway. The edge clearance is defined as the distance

between the frontage boundary and the tangent edge of the driveway. The minimum corner or edge clearance, regardless of roadway classification, shall adhere to the guidance within the Tennessee Department of Transportation's Highway System Access Manual, including all subsequent amendments and/or revisions.

Section 2. Subdivision Regulations, Article IV, Section 4-103 Streets and pedestrian ways, Subsection 4-103.101, is amended to read in its entirety as follows:

Sidewalks along new streets. Sidewalks shall be required along all streets constructed in all subdivisions except those proposed for industrial use

Section 3. Subdivision Regulations, Article IV, Section 4-103 Streets and pedestrian ways, Subsection 4-103.102, is amended to read in its entirety as follows:

Sidewalks along existing streets. Sidewalk shall be provided on any existing street along the frontage of the subdivision. Additional sidewalk may be required, at the discretion of the Director of Engineering, to eliminate gaps in the pedestrian network.

Section 4. Subdivision Regulations, Article IV, Section 4-103 Streets and pedestrian ways, Subsection 4-103.103, is amended to read in its entirety as follows:

Location of sidewalks. Sidewalks shall be required along both sides of all streets. Transition of sidewalks from both sides of a street to one side may be permitted when topography makes continuation of the sidewalk impractical. Transitions shall only be made at street intersections. Sidewalks shall be included within the dedicated nontrafficway portion of the right-of-way of all public ways. Concrete curbs are required for all public ways where sidewalks is present. A median strip of grassed or landscaped area shall separate the sidewalks from the adjacent curb, unless otherwise noted by the Director of Engineering. The width of all sidewalks and grass strips shall meet the requirements included in Table 2 of Section 4-104. Sidewalk construction details are shown in Appendix B of these regulations.

Section 5. Subdivision Regulations, Article IV, Section 4-103 Streets and pedestrian ways, Subsection 4-103.104 Sidewalk width, is removed in its entirety.

Section 6. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsections 4-103.105 Alternative pedestrian ways, is renumbered to subsection 4-103.104.

Section 7. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsections 4-103.106 Pedestrian accesses, is renumbered to subsection 4-103.105.

Section 8. Subdivision Regulations, Article IV, Section 4-103 Streets and pedestrian ways, Subsection 4-103.206, is amended to read in its entirety as follows:

Traffic impact study. All subdivisions shall be required to prepare, at the expense of the developer or individual proposing the subdivision, a traffic impact study. At the discretion of the Director of Engineering, a traffic impact study may be waived for subdivisions generating fewer than 50 peak hour trips and not deriving access from an arterial or collector. A Tennessee licensed engineer specializing in transportation shall prepare such a study in accordance with the traffic impact study guidelines published by the Department of Engineering.

Section 9. Subdivision Regulations, Article IV, Section 4-103 Streets and pedestrian ways, Subsection 4-103.3, is amended to read in its entirety as follows:

Private streets. No property shall be subdivided which does not obtain access from a public way, street or road. Private streets may be permitted within a subdivision with the approval of the Planning Commission and the Board of Commissioners. Private streets shall be built to the standards contained in this article.

All proposed alleys shall be private. The cross section of all alleys shall be provided prior to approval of the Planning Commission.

Section 10. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsection 4-104.201, is amended to read in its entirety as follows:

New streets. Each proposed street shall be classified and designed for its entire length to meet or exceed the minimum standards for one of the following street types:

- a. Residential access lane.
- b. Residential access street.
- c. Residential collector street.
- d. Minor Collector Street
- e. Community collector street.
- f. Arterial street.

Section 11. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsection 4-104.203, is amended to read in its entirety as follows:

Traffic volume calculations. New streets shall be classified based on the number of vehicular trips expected to utilize the roadway using the following methodology:

- a. *Trip generation rates.* Table 1 shall be used to determine the anticipated average daily traffic on the proposed street:

Table 1. Approximate Trip Generation Rates

Average Weekday Trip Generation Rates Housing Type	ADT Per Dwelling Unit
Single-family detached dwellings	9.5 trips
Cluster or townhouses	7 trips
Apartments	5 trips
Senior Housing	3.5 trips
Commercial	Consult ITE Trip Generation Manual

- b. *Volume calculations.* Calculation of traffic volumes shall be accomplished by using the following formula:

(Factor for dwelling type) x (Number of units receiving access from street) = Design ADT

Section 12. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsection 4-104.301, is amended to read in its entirety as follows:

Residential access lane.

- a. *Street function.* A residential access lane is a frontage street that provides access to abutting properties; it shall be designed to carry no more traffic than that generated by those properties that gain direct access from the street.
- b. *Design capacity and service restriction.* Each residential access lane shall be designed so that no section of the street conveys an (ADT) greater than 250 or serves more than 25 single-family dwellings. Each half [of] a loop street may be regarded as a single residential access lane and the total traffic volume generated on a loop street shall not exceed 500 ADT.
- c. *Street access.* Residential access lanes may intersect or take access from any street type. Residential access lanes shall be laid out to discourage through traffic. As such, residential access lanes shall not intersection with multiple collectors nor shall residential access lanes be stubbed with the intention of extending to adjacent parcels.

Section 13. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsection 4-104.302, is amended to read in its entirety as follows:

Residential access street.

- a. *Street function.* Residential access streets are designed to provide access to individual properties as well as access to the higher classification street network. The residential access street provides for

neighborhood circulation and may carry neighborhood traffic and through movements.

- b. *Design capacity and service restriction.* The residential access street is designed to convey an average daily traffic (ADT) volume in the range of 500 to 1,000.
- c. *Street access.* If the total design traffic exceeds 500 ADT, a residential access street shall be provided with no fewer than two access intersections to streets of higher classification in the street hierarchy. For residential access streets with less than 500 ADT, one access intersection to a street of higher order is allowed.

Section 14. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsection 4-104.303, is amended to read in its entirety as follows:

Residential collector street.

- a. *Street function.* The residential collector street provides access to individual properties and collects and distributes neighborhood traffic from residential streets to community collector and arterial streets.
- b. *Design capacity and service restriction.* The residential collector street is intended to serve anticipated traffic volumes ranging from 1,000 to 2,500 trips per day. Whenever possible, residential collector streets shall be designed to have no residential lots fronting directly on them. When this is not possible, the amount of residential frontage shall not exceed the limits set forth in the accompanying chart. In addition, only lots having frontages of 100 feet or more may front on collector streets and space shall be provided on these lots for turnaround so that vehicles will not have to back onto collector streets.

Percent of the Total Length of Residential Collector Streets, Which May Have Residential Lots Fronting on and Taking Access from the Collector Street				
ADT Level	1,000—1,199	1,200—1,599	1,600—1,999	2,000+
Percent of allowable access frontage	20%	10%	5%	0%

Section 15. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsection 4-104.304, is amended to read in its entirety as follows:

Community collector street.

- a. *Street function.* Community collector streets collect and distribute traffic from other collectors to the arterial transportation systems.
- b. *Design capacity and service restriction.* The community collector street is designed for anticipated traffic volumes between 6,000 and 15,000 trips per day. Access to individual residential lots shall be prohibited.

Section 16. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsection 4-104.305, is added and is to read in its entirety as follows:

Minor Collector

- a. *Street function.* Minor collector streets collect and distribute traffic from residential neighborhoods and commercial uses. The street may connect to community collector or arterial streets.
- b. *Design capacity and service restrictions.* The minor collector street is intended to serve mixed residential and commercial traffic volumes ranging from 2,500 to 6,000 trips per day. Whenever possible, commercial properties shall limit the number of access points. Access to adjacent parcels shall be planned to limit the number of driveways along the corridor. Access to individual residential lots shall be prohibited.

Section 17. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsection 4-104.306, is added and is to read in its entirety as follows:

Arterial.

- a. *Street function.* Arterials are intended to serve local and regional traffic. Arterials extend through the city limits or connect to other arterials or interstates.
- b. *Design capacity and service restrictions.* Arterials are intended to serve traffic volumes exceeding 15,000 trips per day. Access to individual residential lots is prohibited. Access to residential communities or commercial areas shall be provided by lower classification streets whenever possible.

Section 18. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsection 4-104.401, is amended to read in its entirety as follows:

Rights-of-way and pavement width. Minimum rights-of-way and pavement width shall be provided as required to meet the design standards for the various classifications of streets set out in Table 1.

- a. *Reduction in right-of-way width.* The City may reduce the required right-of-way width for residential streets under the following conditions:

- (i) The site is located within a planned unit development or a variable lot size residential development under applicable provisions of the zoning ordinance.
- (ii) The potential for future development will alter neither the street classification nor the design standards proposed. As a condition for varying the right-of-way requirements, the City may require binding agreements to insure no additional access to or use of the street.
- (iii) In no instance shall a right-of-way be less than 30 feet. In granting the reduced right-of-way width, it shall be determined that sufficient width will be available to provide for all the following (unless separate right-of-way for them is being provided elsewhere to the satisfaction of the City, or they are clearly not required by the proposed development):

Pavement.

Curbs.

Shoulders.

Utility easements.

Drainage swales.

Pedestrian and/or bicycle paths.

Street trees or other planting strips.

Turning lanes.

Cut or fill slopes (the right-of-way shall extend five feet beyond the crest or toe of these slopes).

Table 1. General Design Standards for Streets

<u>Standard</u>	<u>Access Lane</u>	<u>Access Street</u>	<u>Residential Collector</u>	<u>Minor Collector</u>	<u>Community Collector</u>	<u>Arterial</u>
<u>Design Speed</u>	<u>25 mph</u>	<u>30 mph</u>	<u>35 mph</u>	<u>35 mph</u>	<u>40 mph</u>	<u>45 mph</u>
<u>ROW Width</u>	<u>50'</u>	<u>55'</u>	<u>65'</u>	<u>75'</u>	<u>110'</u>	<u>125'</u>
<u>Pavement Width</u>	<u>22'</u>	<u>24'</u>	<u>24'</u>	<u>36'</u>	<u>52'</u>	<u>52'</u>
<u>Landscaped Median</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>16'</u>	<u>27'</u>
<u>Bicycle Lane Width</u>	<u>0'</u>	<u>0'</u>	<u>4'</u>	<u>4'</u>	<u>4'</u>	<u>4'</u>
<u>Grass Strip</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>
<u>Sidewalk Width</u>	<u>5'</u>	<u>5'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>
<u>Outer Buffer</u>	<u>0.5'</u>	<u>2'</u>	<u>2'</u>	<u>1'</u>	<u>2'</u>	<u>2'</u>

<u>Maximum Grade</u>	<u>10%</u>	<u>10%</u>	<u>7%</u>	<u>7%</u>	<u>7%</u>	<u>5%</u>
<u>Minimum Grade</u>	<u>1%</u>	<u>1%</u>	<u>1%</u>	<u>1%</u>	<u>1%</u>	<u>1%</u>
<u>Max. Grade at Intersections</u>	<u>5% (within 50')</u>	<u>5% (within 50')</u>	<u>3% (within 75')</u>	<u>3% (within 75')</u>	<u>3% (within 100')</u>	<u>3% (within 100')</u>
<u>Maximum Superelevation</u>	<u>0.08</u>					
<u>Horizontal Curvature</u>	<u>Curvature shall be designed per AASHTO standards based on speed and slopes.</u>					

b. *Increase in right-of-way width.* The City may increase the required right-of-way width for residential streets under the following conditions:

- (i) If proposed lots are large enough for further subdivision that may change the street classification in the future to a higher order street, the City may require that the right-of-way width for the higher order street be provided.
- (ii) In unusual circumstances, the provision of the elements listed in subpart [subsection] a(iii) of this section may require right-of-way width in excess of that established in table 1 (above).

Section 19. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsection 4-104.402, is retitled and amended to read in its entirety as follows:

Stopping sight distance. All streets shall maintain adequate stopping sight distance at all points along the road. No combination of vertical or horizontal curves may reduce stopping sight distance below the values provided in AASHTO's *A Policy of Streets and Highways*. Should the grade on the major road exceed 3%, adjustments to the required sight distance may be required at the discretion of the Director of Engineering.

Section 20. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsections 4-104.402 Intersections, is renumbered to subsection 4-104.403 and amended to read in its entirety as follows:

Intersections.

- a. Pavement shall intersect as nearly as possible to a 90-degree angle for a minimum of 50 feet from the intersection. A proposed intersection of two new public ways at an angle of less than 75 degrees shall not be permitted. Not more than two public ways shall intersect at any one point, unless specifically approved by the Planning Commission.

- b. Centerline off-sets of less than 150 feet between T-type intersections within public ways shall not be permitted, except where the intersected public ways have separated dual drives without median breaks at either intersection. Where public ways intersect arterial or collector routes, the alignment of such streets shall be continuous. Intersections of arterial or community collector streets shall be at least 800 feet apart.
- c. Minimum curb or edge of pavement radius shall be determined according to the specifications for the street of higher classification in the street system hierarchy, as specified below: This minimum should not be confused as the right-of-way return radius but is the curb edge of pavement.

Minimum Radius of Returns At Street Intersections	
Street Classification	Minimum Return Radius*
Residential access lane	10 feet
Residential access street	10 feet
Residential collector	15 feet
Community collector	30 feet
Higher order street	As determined by the City Engineer
*This is the minimum. The actual spacing shall be determined by the City Engineer based upon the traffic characteristics of the higher order street.	

- d. Whenever a proposed street intersects an existing or proposed street of higher order in the street hierarchy, the street of lower order shall be made a stop street. The street of lower order shall also be designed to provide a minimum corner sight distance as specified in table 1.
- e. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two-percent grade for a distance of 60 feet, measured from the nearest right-of-way line of the intersecting public way.
- f. The cross-slope on all public ways, including intersections, shall be three percent or less.
- g. All new streets and driveways shall provide adequate intersection sight distance, as defined by AASHTO's *A Policy on Streets and Highways*. Should the grade on the major road exceed 3%, adjustments to the required sight distance may be required at the discretion of the Director of Engineering. The required sight distance values are provided in Table 2.

Table 2. Minimum Intersection Sight Distance

Design Speed (mph)	Required Sight Distance (feet)					
	2-Lane		3-Lane		5-Lane/Divided	
	Left-Turn	Right-Turn	Left-Turn	Right-Turn	Left-Turn	Right-Turn
25	280	240	315	240	335	280
30	335	290	375	290	400	335
35	390	335	440	335	465	390
40	445	385	500	385	530	445
45	500	430	565	430	600	500
50	555	480	625	480	665	555
<i>Left-Turn sight distance is measured looking right. Right-turn sight distance is measured looking left.</i>						

Sight triangles are to be kept clear of landscaping, signs, parking, or other obstructions that may otherwise restrict the available sight distance.

- h. Intersections, at the discretion of the Director of Engineering, shall be configured to dissuade speeding. Horizontal deflection speed reduction measures, such as roundabouts or median islands, shall be proposed instead of vertical deflection devices.

Section 21. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsections 4-104.403 Acceleration and deceleration lanes, is renumbered to subsection 4-104.404 and amended to read in its entirety as follows:

Acceleration and deceleration lanes.

- a. Deceleration or turning lanes may be required by the city along existing and proposed streets as determined by the traffic study using the warrants provided in TDOT's Highway Systems Access Manual, or where the City can justify the need.
- b. Deceleration lanes shall be designed to the following standards:
 - (i) The lane width shall be the same as the required width of the through lanes, based on roadway classification.
 - (ii) The minimum total deceleration lengths shall match the table below.

Minimum Deceleration Lengths

Design Speed (mph)	Minimum Deceleration Length (ft)
30	160
40	275
50	425
60	605

Note: If grades exceed 3%, use the adjustment factors included in Table 3-2 in a *Policy on Geometric Design of Highways and Streets*.

- (iii) Acceleration lanes are only required when indicated as needed by a traffic impact study. The design shall be as per the recommendation of the Director of Engineering.

Section 22. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsections 4-104.404 Marginal access and one-way streets, is renumbered to subsection 4-104.405.

Section 23. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsections 4-104.405 Arrangement of dead-end streets, is renumbered to subsection 4-104.406 and amended to read in its entirety as follows:

Arrangement of dead-end streets.

a. *Temporary stub streets.*

- (i) *Residential access lane and residential access street stub streets.* Residential access lanes and access street stub streets may be permitted only within subsections of phased development for which the proposed street extension in its entirety has been approved as part of a preliminary plat.
- (ii) *Collector stub streets.* Stub streets may be permitted or required by the City on collector streets provided that the future extension of the street is deemed desirable by the City and conforms to the adopted major throughfare plan.
- (iii) *Temporary turnarounds.* All stub streets shall be provided with a turnaround paved to an outside radius of 35 feet. No turnaround is required if the stub street provides access to four or less lots or housing units. In the latter case, a sign indicating a dead-end street shall be posted.

b. *Permanent dead-end public ways.*

- (i) *General design standards.* Where a public way does not extend beyond the boundary of the subdivision and its continuation is not required by the planning commission for access to adjoining properties, its terminus shall be no closer than 150 feet from the boundary. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.

(ii) *Cul-de-sac* requirements. For more effective police and fire protection, permanent dead-end public ways shall be limited to 700 feet measured from the nearest intersection to the center of the cul-de-sac. No dead-end street shall provide access to more than 25 units.

(iii) *Design of turnarounds*. Permanent dead-end streets shall terminate in a cul-de-sac matching the design standards included in these regulations. Alternative turnarounds may be considered with approval of the Planning Commission and Fire Marshal.

Section 24. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsections 4-104.406 Railroads and limited access highways, is renumbered to subsection 4-104.407.

Section 25. Subdivision Regulations, Article IV, Section 4-104 Functional design criteria, Subsections 4-104.407 Bridges, is renumbered to subsection 4-104.408.

BE IT FURTHER ORDAINED

Section 26. 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 27. 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 28. This ordinance shall take effect on the earliest date allowed by law.

PASSED:

FIRST READING:

SECOND READING:

James Maness, Mayor

Kenny Martin, City Manager

ATTEST:

Sheila S. Lockett, MMC City Recorder

APPROVED AS TO FORM:

Samantha A. Burnett, City Attorney

ARTICLE IV. REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGNS

Sec. 4-102. Lot requirements.

4-102.1. Lot arrangement.

4-102.101. *General.* Each lot shall contain a sufficient "building site" (See definition) such that there will be no foreseeable difficulties, for reasons of topography, slope/foundation stability, flood hazards, or other conditions in locating the structures upon such lot. Building sites shall have dimensions and area sufficient to ensure that the building setbacks and yards are in compliance with any zoning ordinance. No "building site" may include any land defined as "unsuitable for development" by the provisions of subsection 4-101.401 (above).

4-102.102. *Evaluation criteria.* In evaluating the layout of lots and open space the following criteria will be considered by the Planning Commission as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of these regulations. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Planning Commission shall evaluate proposals to determine whether the proposed plan:

1. Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the City for essential infrastructure or active or passive recreation amenities).
2. Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating house lots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands that raise an equal or greater preservation concern, as described in Items No. [subsections] 5 and No. 8, below. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.
3. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs, and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species found in a typical nearby roadside verge or hedgerow).
4. Maintains and/or creates watershed and drainageway buffers of natural native species vegetation adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds as follows:
 - (a) 100-foot-wide watershed buffers shall be created and/or maintained around bodies of water supply impoundments, measured perpendicular to the shoreline of the water supply impoundment. Watershed buffers shall extend 100 feet from the flood pool elevation of the water supply impoundment, inside the watershed draining to the impoundment.
 - (b) 50-foot-wide watershed buffers shall be created and/or maintained around water impoundments, other than water supply impoundments, with a drainage area of 25 or

more acres. Watershed buffers shall be measured perpendicular to the shoreline and shall extend 50 feet from the normal pool elevation of the water impoundment, inside the watershed draining into that impoundment.

- (c) 30-foot-wide watershed buffers shall be created and/or maintained around water impoundments draining at least five acres, but less than 25 acres. Buffers shall be measured perpendicular to the shoreline and shall extend 30 feet from the normal pool elevation of the water impoundment, inside the watershed draining into that impoundment.
 - (d) Drainageway buffers shall be created and/or maintained on each side of a stream that is shown as a perennial stream on the most recent version of the USGS 1:24,000 (7.5 minute) scale topographic maps or has a drainage area of 40 or more acres. The width of the drainageway buffer shall be a minimum of 50 feet wide for flat lying areas. The drainageway buffer shall be increased two feet in width for every one percent of slope increase (measured along a line perpendicular to the stream bank).
 - (e) Drainageway buffers shall be created and/or maintained along each side of a watercourse, channel, ditch or similar physiographic feature. The width of said buffer shall be determined as follows:
 - (i) 30 feet in width if the area of the watercourse, channel, ditch or similar physiographic feature is at least 25 acres, but less than 40 acres.
 - (ii) The drainageway buffer shall be a minimum of 25 feet wide if the drainage area of the watercourse, channel, ditch or similar physiographic feature is at least five acres, but less than 25 acres.
5. Designs around existing hedgerows and treelines between fields or meadows, and minimizes impacts on large woodlands, (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive plants. Also, woodlands of any size on highly erodible soils with slopes greater than ten percent should be avoided. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for building, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.
6. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. For example, in open agrarian landscapes, a deep "no-build, no-plant" buffer is recommended along the public thoroughfare where those views or vistas are prominent or locally significant. The concept of "foreground meadows," with homes facing the public thoroughfare across a broad grassy expanse (as illustrated in Figure 5-5, of Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks) is strongly preferred to mere buffer strips, with or without berms or vegetative screening. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, no-cut" buffer should be respected, to preserve existing vegetation.
7. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency or the Tennessee Department of Environment and Conservation.

8. Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks, and burial grounds.
 9. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, etc.
 10. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native specie shade trees and flowering shrubs with high wildlife conservation value. These trees shall generally be located between the sidewalk or footpath and the edge of the street, within a planting strip not less than five feet in width.
 11. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
 12. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).
 13. Provides open space that is reasonably contiguous, and whose configuration is in accordance with the guidelines contained in the Design and Management Handbook for Preservation Areas, produced by the Natural Lands Trust. To the greatest extent practicable this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels (such as in other subdivisions, public parks, or properties owned by or leased to private land conservation organizations). Such subdivision open space shall be designed as part of large contiguous and integrated greenway systems, as per the policies in the open space, recreation, and environmental resources element of the City's comprehensive plan.
- 4-102.103. *Lots subject to flood.* No portion of a "building site" (see definition) associated with any residential structure may be located in any floodprone area. However, portions of lots occupied by residential structures that are located beyond a "building site" may contain land subject to flooding. In any instance where the lot is served by subsurface sewage disposal the area of the disposal fields shall not lie within any floodprone area. Adding fill material within the 100-year flood boundary area will not be permitted unless approved by the Planning Commission. In the event that filling within the flood boundary is approved, the fill shall be protected against erosion by riprap, vegetative cover, or other methods deemed acceptable by the Planning Commission. On nonresidential building sites outside a 100-year flood boundary the use of structural floodproofing methods specified in subsection 4-101.403, (Protection against flood damage) of these regulations, as an alternative to fill material, may be approved by the Planning Commission, as provided in subsection 2-101.4 of these regulations.
- 4-102.104. *Lots with building sites located on steep slopes.* Due to the potential threat to health and safety posed by development located on lands with slopes in excess of 15 percent, the following regulations shall apply:
- a. *Site development plan required.* No building permit may be issued for a building or any lot where the proposed building site lies on natural slopes of 20 percent or greater. For any lot where the proposed building site has slopes of less than 20 percent but 15 percent or greater a site plan

meeting the following requirements must be approved by the Planning Commission prior to issuance of a building permit. Said site plan shall show:

- (i) The exact size, shape, and location of the lot;
- (ii) The proposed location of all buildings, driveways, drainageways, and utilities;
- (iii) Proposed contours at vertical intervals of no more than five feet;
- (iv) The extent of natural tree cover and vegetation;
- (v) The location of any on-site soil absorption sewage disposal systems;
- (vi) The type and location of erosion control facilities;
- (vii) The stamp of the Tennessee registered engineer who prepared the plan;
- (viii) Certification by a Tennessee registered civil or geotechnical engineer as to the stability of the structures and compliance with sound construction methods for areas with steep slopes and landslide problems.

b. *Site development standards.* The following standards shall be used as a guide in determining the suitability of the construction proposed for the particular site in question. The engineer's certification required in subsection 4-102.103a(viii), above, shall address these standards.

- (i) Natural vegetation shall be preserved to the maximum extent possible;
- (ii) Natural drainageways and systems shall be maintained, except that surface water may be diverted around a house or slope area to a natural drain using acceptable construction techniques;
- (iii) Operations that increase loads, reduce slope support, and cause instability of the slope shall be prohibited to the maximum extent possible. These methods include filling, irrigation systems, accessory buildings, and on-site soil absorption sewage disposal systems;
- (iv) Where sanitary sewers are not available all on-site sewage disposal systems shall be shown on the site plan and located to avoid slide-prone areas. Said system shall be approved by the county health department taking into account these requirements;
- (v) Erosion control measures shall be employed to prevent soil from leaving the site. Additionally, soil from excavation on the site shall not be deposited as fill on a potential slide area;
- (vi) No construction that would cut the toe of the slope shall be permitted. This shall apply as well to subdivision roads constructed in compliance with these regulations.

4-102.105. *Design requirements for flag lots.* Flag lots may be approved in single-family zoned areas following consideration by the approving authority for the City of Mt. Juliet. Flag lots shall comply with the following design requirements:

- (1) The "pole" may at no point along its length be less than the minimum lot width required for the applicable zoning district.
- (2) The "front" setback for the flag lot shall be measured from the property line existing in front of the proposed dwelling on the flag lot (the rear line of the lot with frontage on the public street) and shall be the lesser of twice the normal front setback for the zoning district or 75 feet, but in no case less than 75 feet.

Mt. Juliet, Tennessee, Land Development Code
Part A SUBDIVISION REGULATIONS

- (3) Flag lots are discouraged for any parcel less than four acres in area. Lot divisions creating a flag lot shall not result in the creation of any lot of less than two acres. The area of the "pole" may be included in the gross area of the site, but shall not be included in calculations for building coverage or setbacks.
- (4) Depending on the size of the original parcel, a lot split should result in a division that produces two equitably sized lots, avoids 90-degree angles and preferably connects the street with the rear lot line.
- (5) Buildable area (area excluding required setbacks) on the flag lot and/or front lot, may be required to exceed the minimum setback requirements of the zoning ordinance to provide visibility of dwellings from the street and to avoid "stacking."
- (6) Flag lots may not be used as a means of avoiding the requirement for extending new public roads or utilities to home sites/lots.
- (7) An "all-weather" surface, a minimum of 12 feet in width, shall be provided on a flag lot granting access to within 150 feet of the dwelling. The maximum width of a driveway shall be 20 feet.
- (8) A mailbox, or other structure, shall be required along the right-of-way of a flag lot which clearly displays the address to the public road. No other improvements or structures, other than landscaping shall be permitted within the "flag" area.
- (9) Compliance with the above requirements shall not guarantee the approval of a requested division of land. Requests meeting the criteria in this policy shall only be allowed at the full discretion of the Planning Commission, or staff when allowed by administrative review.

4-102.2. *Lot dimensions.* Except as provided in subsection 4-102.3 (Special building separation) minimum dimensions of lots shall comply with the standards of the zoning ordinance. All building setbacks shall be indicated for each lot shown on the plat. Where lots are more than double the minimum area required by the zoning ordinance, the Planning Commission may require that such lots be restricted to prevent further resubdivision or be arranged so as to allow further subdivision and the opening of future public ways where they would be necessary to serve such potential lots, all in compliance with the zoning ordinance and these regulations. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback requirements from both public way rights-of-way. The minimum lot frontage on a public way shall be 50 feet, except for the radius of a cul-de-sac that shall be 35 feet. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated as established in the zoning ordinance.

4-102.3. *Special building separation.* In all instances where fire flows are inadequate to meet the requirements of these regulations or no fire hydrant is located within sufficient distance to meet the fire protection standards established herein, the minimum separation of principal buildings shall at all points be 50 feet.

4-102.4. *Building setbacks from high voltage electric lines.* In the case of electric transmission lines where easement widths are not definitely established, a minimum building setback line from the center of the transmission line shall be established as follows:

Voltage of Line	Building Setback
7.2 KV	15 feet
13 KV	25 feet
46 KV	37½ feet
69 KV	50 feet

Created: 2024-09-16 10:14:43 [EST]

(Supp. No. 14)

161 KV

75 feet

4-102.5. *Double frontage lots and access to lots.*

4-102.501. *Double frontage lots.* Double frontage and reversed frontage lots shall be avoided, except where necessary to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography and orientation.

4-102.502. *Access from arterial or collector public ways.* The Planning Commission may require that lots shall not derive access exclusively from arterial or collector public ways. Where driveway access from such public ways may be necessary for several adjoining lots, the commission may require that the lots be served by a combined access drive in order to limit possible traffic hazards. Driveways shall be designed and arranged so as to avoid requiring vehicles to back onto arterial or collector streets.

4-102.503. *Minimum clearance.* The corner clearance is defined as the distance between the property frontage along the major road and the tangent face of a driveway accessing the minor roadway. The edge clearance is defined as the distance between the frontage boundary and the tangent edge of the driveway. The minimum corner or edge clearance, regardless of roadway classification, shall adhere to the guidance within the Tennessee Department of Transportation's Highway System Access Manual, including all subsequent amendments and/or revisions.

~~The minimum corner clearance between proposed new driveways and arterial or collector routes designated in the major thoroughfare plan shall be 50 feet. In order to ensure adequate storage space for vehicles stopped at a signalized intersection, the Planning Commission may require that the nearside corner clearance shall be at least 100 feet. Corner clearances and design of driveway connections to arterial and collector roads shall be as defined in the Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way, adopted by the Tennessee Department of Highways April 3, 1967, including all subsequent amendments and/or revisions thereto. The distance between a frontage property line and the tangent projection of the nearest edge of each nonresidential driveway, measured along the edge of the public way, shall be at least 15 feet.~~

4-102.504. *Design standards for nonresidential driveways.* For access to thoroughfares where the posted speed limit is 35 mph or less, all nonresidential driveways shall be constructed with a minimum return radius of 15 feet and a minimum horizontal width of 25 feet. All drives serving nonresidential property shall be paved with concrete or an asphaltic surface.

For access to thoroughfares where the posted speed limit is 40 mph, nonresidential driveways shall be constructed with:

- a. A minimum return radius of 15 feet and a minimum driveway width of 35 feet; or
- b. A minimum return radius of 20 feet and a minimum driveway width of 30 feet; or
- c. A minimum return radius of 25 feet and a minimum driveway width of 25 feet.

For access to thoroughfares where the posted speed limit is 45 mph, nonresidential driveways shall be constructed with a right-turn deceleration lane and:

- a. A minimum return radius of 25 feet and a minimum driveway width of 40 feet; or
- b. A minimum return radius of 30 feet and a minimum driveway width of 30 feet.

The Planning Commission will review proposed driveway designs for access to other thoroughfares on a case-by-case basis. The centerline of every nonresidential two way driveway shall intersect the

centerline of the public way at an angle between 75 and 90 degrees. For other nonresidential driveways, the intersection angle shall be subject to the approval of the Planning Commission.

4-102.505. *Design standards for residential driveways.* Where permitted, residential driveways fronting collector and arterial routes designated in the major thoroughfare plan shall be designed so as to avoid requiring vehicles to back onto these highways.

4-102.506. *Relationship to state standards.* Where the driveway design and location standards listed above are not in conformance with the standards of the Tennessee Department of Transportation, the Planning Commission may require conformance with whichever standard is more restrictive.

4-102.6. *Soil preservation, grading, erosion control, and seeding.*

4-102.601. *Soil preservation and final grading.* No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved construction plan. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide cover on the lots. Permanent or temporary soil stabilization shall be applied to denuded areas within 15 days after final grade is reached on any portion of the site. Soil stabilization shall also be applied within 15 days to denuded areas that may not be at final grade.

4-102.602. *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings. Drainage of individual lots shall be coordinated with the existing or proposed general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of stormwater from each lot to adjacent lots, except within drainage easements or street rights-of-way. Surface water drainage patterns for each and every lot shall be shown on the road and drainage plans. Drainage flow and conveyance arrows shall be indicated on the topographic grading and drainage plan. It shall be the responsibility of the builder of any building or other structure to design and construct a suitable drainage scheme that will convey surface water, without ponding on the lot or under the building, to the drainage system constructed within the subdivision. The Planning Commission reserves the right to require that the developer set minimum elevations on all floors, patios, and building equipment. This prerogative to establish elevation exists in addition to any ordinances or provision of these regulations that refer to floodplain elevation requirements. This provision is intended to give the Planning Commission summary review powers over any calculated or historical evidence of stormwater presence in overland or channel conditions. All finished floor elevations, driveways, sidewalks and roadways shall be at an elevation at least two feet above the 100-year regulatory flood elevation when located within a floodplain area. The subdivision developer will insure that all artesian groundwaters of a permanent or temporary nature encountered within the right-of-way will be intercepted and carried away to primary drainage conduits along swale ditches or in underground pipes located on property line easements. Regardless of the location of property lines, intercept will be allowed at the point of artesian surfacing. Any sinkhole or natural channel which serves or has served as a means of moving or storing groundwater, including all designated floodways, shall be designated conservation easements and no structures, fill or development activity shall be permitted thereon.

4-102.603. *Erosion and sediment control.* There shall be a minimization of changes in the rate of natural erosion and sedimentation that result from the development process. An erosion and sediment control plan shall be presented with the construction plans submitted in conformance with section 5-103 of these regulations. Such plans shall incorporate the following principles:

- a. Clearing and grading shall be integrated with layout design;
- b. Clearing shall be minimized and existing vegetation shall be preserved to the maximum feasible degree;

- c. Grading shall be strictly limited to those areas located within the "building site" (see definition) along with the driveway of the lot;
- d. Disturbed areas shall be protected and stabilized as provided in subsection 4-102.601;
- e. Structural and vegetative measures to control the velocity and volume of runoff shall be required;
- f. Sediment basins and traps shall be required as necessary;
- g. Adequate maintenance of all planting and structural measures shall be assured.

All properties adjacent to the site of land disturbance shall be protected from sediment disposition. This may be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance; by installing perimeter controls such as sediment barriers, filters, dikes or sediment basins; or by a combination of such measures.

4-102.7. *Debris and waste.* No cut trees, timber, construction debris, junk, rubbish, or other waste materials of any kind shall be buried in any land left on any lot or deposited in any natural drainageway (such as sinkholes, underground streams or channels, or wet weather streambeds or floodways) or public way at the time of the issuance of a certificate of occupancy for the lot, and removal of such waste shall be required prior to issuance of any certificate of occupancy. Neither shall any such waste be left nor deposited in any area of the subdivision at any time. Debris dumpsters shall be required for construction debris disposal. Such dumpsters shall be of adequate size and shall be removed in a timely manner. No debris burning of any type shall be allowed within the subdivision.

4-102.8. *Fencing.* Each subdivider or developer shall be required to furnish and install all fences wherever the Planning Commission determines that a hazardous condition exists. Such fences shall be constructed according to standards established by the Planning Commission, as appropriate, and shall be noted on the final plat as to height and required materials.

4-102.9. *Water bodies and watercourses.* If a tract being subdivided contains a water body, or portion thereof, such area shall be within jointly held open space. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a governmental responsibility.

No portion of the minimum area of a lot required under any zoning ordinance may be satisfied by land which is under water. Where a watercourse separates a buildable area of a lot from the public way to which such lot has access, provisions shall be made for installation of a culvert of adequate overflow size or other structure approved by the Planning Commission. No certificate of occupancy shall be issued for a structure on such a lot until the installation is completed and approved by the Planning Commission and/or the appropriate governmental representative.

4-102.10. *Blocks.*

- a. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth. Exceptions to this prescribed block width may be permitted in blocks adjacent to major public ways, railroads, or waterways.
- b. The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (i) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - (ii) Any zoning requirements as to lot sizes and dimensions;

- (iii) Needs for convenient access, circulation, control, and safety of vehicular and pedestrian traffic; and
- (iv) Limitations and opportunities of topography.
- c. Block lengths in residential areas shall not exceed 1,200 feet, except as the Planning Commission deems necessary to secure efficient use of land or desired features of the public way pattern. Wherever practicable, blocks along arterial or collector routes shall not be less than 800 feet in length.
- d. Blocks designed for industrial or commercial uses shall be of such length and width as may be deemed suitable by the Planning Commission.
- e. In any long block, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage, facilities, and/or pedestrian traffic.

4-102.11. Lot area requirements for subdivisions within Mt. Juliet's urban growth boundary.

Applicability: Any project submitted to the Mt. Juliet Regional Planning Commission (RPC) for preliminary plat or final plat of a major subdivision (outside of a PUD) including any subdivision application for a parcel located outside the City of Mt. Juliet's corporate limits but within Mt. Juliet's urban growth boundary shall be subject to the following requirements:

- a) No subdivision of a parcel may result in any new lot/parcel having a total area of less than 40,000 square feet.
- b) No subdivision of a parcel is permitted if the applicant will not receive sewer service from the City of Mt. Juliet.
- c) Subsection a) does not apply if:
 - a. The applicant for subdivision requested annexation by the City of Mt. Juliet and the annexation was denied; and
 - b. The applicant is requesting a subdivision of land that is substantially similar to that for which annexation was denied.
- d) Subsection b) does not apply if:
 - a. The applicant for subdivision requested sewer service from the City of Mt. Juliet, and the City of Mt. Juliet, in writing, determined that providing sewer service to the area in question is not in the City of Mt. Juliet's best interest.

(Ord. of 2-20-1997, § 4-102; Res. No. 2-2023, § 1, 9-21-2023)

Sec. 4-103. Streets and pedestrian ways.

4-103.1. Pedestrian ways.

4-103.101. Sidewalks along new streets. Sidewalks shall be required along all "urban" streets ~~(see table 1) [in subsection 4-104.4]~~ constructed in all subdivisions except those proposed for industrial use. ~~Sidewalks may not be required along streets designated as "rural" when all lots fronting such streets are 40,000 square feet or larger in size and have average road frontage of 150 feet or more.~~

4-103.102. Sidewalks along existing streets. Sidewalk shall be provided on any existing street along the frontage of the subdivision. Additional sidewalk may be required, at the discretion of the Director of Engineering, to eliminate gaps in the pedestrian network. ~~Sidewalks may be required along an existing~~

public street when sidewalks presently exist upon property that directly adjoins the proposed subdivision, are included within a plan for pedestrian ways or the reconstruction of the existing street is required by an approved traffic impact study.

4-103.103. *Location of sidewalks.* Sidewalks shall be required along both sides of all streets designated as "residential access lanes or urban residential access streets.". Along streets designated as "urban residential collector or community collector streets" sidewalks shall be required along both sides. Transition of sidewalks from one both sides of a street to another one side may be permitted when topography makes continuation along the same side of the street of the sidewalk impractical. Transitions shall only be made at street intersections. Sidewalks shall be included within the dedicated nontrafficway portion of the right-of-way of all public ways. Concrete curbs are required for all public ways where sidewalks are to be constructed is present. A median strip of grassed or landscaped area shall separate the sidewalks from the adjacent curb, unless otherwise noted by the Director of Engineering. The width of all sidewalks and grass strips shall meet the requirements included in Table 2 of Section 4-104. Sidewalk construction details are shown in Appendix B of these regulations.

at least two feet wide shall separate all sidewalks from adjacent curbs, except within ten feet of intersections no grass strip will be required. No sidewalk shall be constructed closer than one foot from any lot line. Sidewalk construction details shall be shown in appendix B of these regulations.

(Ord. No. 16-2286, 10-15-2015)

4-103.104. *Sidewalk width.* The width of sidewalks shall be as follows. Width shall be exclusive of encroachments such as utility poles, fire hydrants, parking meters, sign standards, street furniture, etc.

Sidewalk Width			
Street Classification	Land Use Classification		
	Residential	Commercial	Industrial
Access lane	5 feet	N/A	N/A
Access street	5 feet	5 feet	N/A
Residential collector	5 feet	N/A	N/A
Community collector	5 feet	6 feet	6 feet
Arterial public way	5 feet	6 feet	6 feet

4-103.105. *Alternative pedestrian ways.* Within PUD districts and developments approved under section 5-104.3, Variable lot residential developments, cluster subdivisions, of the zoning ordinance, the Planning Commission may approve pedestrian walkways at locations other than along the rights-of-way of streets. Within these developments a system of pedestrian walkways may be located within commonly held open space.

4-103.106. *Pedestrian accesses.* Where necessary, pedestrian accessways may be required from a public way to schools, parks, playgrounds, or other nearby public ways. To accomplish this purpose, the Planning Commission may require perpetual unobstructed easements at least 20 feet in width.

4-103.2. *Street standards.* The following standards shall apply to all streets, both public and private:

4-103.201. *Frontage on improved public ways.* No subdivision shall be approved, unless the area to be subdivided shall meet the access requirements set forth in subsection 1-112.107, (Access to lots by public way or private easement) of these regulations. If any new street construction is proposed, all construction shall be in accordance with the provisions of these regulations and accompanying appendices.

4-103.202. *Grading and improvement plan.* No clearing, grading or construction of streets shall begin until construction plans have been prepared in accordance with the specifications required herein and approved. Following approval of such plans, public ways shall be graded and improved to conform to the approved construction plans.

4-103.203. *Improvements in floodable areas.* The finished elevation of proposed public ways subject to flood shall be no less than two feet above the regulatory flood protection elevation. To determine compliance with this requirement the Planning Commission shall require profiles and elevations of public ways subject to flood. All drainage structures shall be sufficient to discharge flood flows without increasing flood height. Where fill is approved by the Planning Commission to bring the finished elevation of any public way to the required elevation, such fill shall not encroach upon a floodway, and the fill shall be protected against erosion by riprap, vegetative cover, or other methods deemed acceptable by the Planning Commission.

4-103.204. *Topography and arrangement.*

- a. All public ways shall be arranged so as to obtain as many of the building sites as possible at or above the grades of the public ways. Grades of public ways shall conform as closely as possible to the original topography. A combination of steep grades and curves shall not be permitted.
- b. All public ways shall be properly integrated with the existing and proposed system of public ways and dedicated rights-of-way as established on the major road plan or the land development plan.
- c. All public ways shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping areas or centers; of population density; and to the pattern of existing and proposed land use.
- d. In commercial and industrial developments, public ways and other access routes shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, pedestrian walks and parking areas, so as to minimize conflict of movement among the various types of traffic, including pedestrian traffic.

4-103.205. *Access to arterial and collector routes.* Where a subdivision borders on or contains an existing or proposed arterial or collector route, the Planning Commission may require that access to such public way be limited by:

- a. The configuration of subdivision lots so that such lots derive vehicular access from streets other than the arterial or collector route;
- b. A series of cul-de-sac, "U" shaped public ways, or short loops entered from and designed generally at right angles to such a parallel public way; or
- c. A marginal access or service public way, separated from the arterial or collector route by a planting or grass strip and having access thereto at suitable points;
- d. Dual points of access in subdivisions. Two points of access to an arterial or collector street shall be required for all residential developments consisting of 100 or more lots and units. The second point of access may connect to adjacent developments as long as the adjacent development has direct access to an arterial or collector street. The Planning Commission may waive this requirement if site conditions tied to the land prohibit a second point of access, provided that a traffic impact study is supplied by the applicant that demonstrates that an adequate and safe level of service can be met. All traffic studies are subject to review by staff and/or an independent professional to determine if recommendations are consistent with the City of Mt. Juliet's transportation programs and needs.

4-103.206. *Traffic impact study.* All subdivisions shall be required to prepare, at the expense of the developer or individual proposing the subdivision, a traffic impact study. At the discretion of the Director of

Engineering, a traffic impact study may be waived for subdivisions generating fewer than 50 peak hour trips and not deriving access from an arterial or collector. A Tennessee licensed engineer specializing in transportation shall prepare such a study in accordance with the traffic impact study guidelines published by the Department of Engineering.

~~Any subdivision containing lots for 100 or more dwelling units shall be required to prepare at the expense of the developer or individual proposing the subdivision a traffic impact study. At the discretion of the Director of Public Works, any subdivision may be required to prepare a traffic impact study. A Tennessee licensed traffic engineer shall prepare such study in accordance with standard practices and procedures. The traffic study is intended to provide information as to current and proposed or projected traffic levels along all streets touching, immediately abutting or directly impacted by the subdivision. Prior to development of the study, the applicant and/or the individual selected by the developer to prepare the study shall meet with the Director of Public Works for purposes of establishing scope and design parameters to be used in preparing such study. Any improvements proposed to offset the traffic impact of the subdivision shall be indicated.~~

4-103.207. *Reserve strips.* Creation of reserve strips adjacent to a proposed public way in such a manner as to deny access from adjacent property to such public way shall generally not be permitted. However, where in the opinion of the Planning Commission the use of a reserve strip would protect the public safety by providing a safer roadway configuration or other element of design that is clearly in the public interest, this prohibition may be waived. In any instance where a waiver to this provision is granted the grounds, for and extent of such waiver shall be noted in the minutes of the Planning Commission meeting where such waiver is approved.

4-103.208. *Street name, regulatory and warning signs.*

- a. *Public streets.* Within all subdivisions the developer shall purchase and install street name and traffic control signs. All signage shall conform to the current edition of the Manual of Uniform Traffic Control Devices published by the United States Department of Transportation. Temporary signs may be installed and maintained in lieu of permanent signs until curbs are installed and backfilled. Such signs shall meet the same standards for height, size and legibility as permanent signs but may be mounted on temporary structures. The Director of Public Works shall verify the installation of temporary street name signs prior to issuance of any building permit.
- b. *Note to appear on plat.* All subdivision plats which require street name signs shall have a note located thereon stating: "No building permit shall be issued for any lot until street name, regulatory and warning signs are installed and verified by the department of public works on all streets on which such lot depends for access."

4-103.3. *Private streets.* No property shall be subdivided which does not obtain access from a public way, street or road. Private streets ~~are not allowed, may be permitted within a subdivision with the approval of the Planning Commission and the Board of Commissioners.~~ Private streets shall be built to the standards contained in this article.

All proposed alleys shall be private. The cross section of all alleys shall be provided prior to approval of the Planning Commission.

4-103.4. *Requirements for dedications, reservations, or improvements.* Where a proposed subdivision adjoins or encompasses either a substandard street, or a route depicted upon the major thoroughfare plan, that is to be opened, widened or realigned, the following shall apply:

4-103.401. *Undeveloped property.*

- a. *Substandard streets.* Substandard streets encompassed by or adjacent to the proposed subdivision shall be improved by the developer in accordance with the minimum standards set

forth in subsection 4-104.4, tables 1 and 2, for the portion of such street that is located within the boundaries of the subdivision or the abutting street half.

- b. *Planned routing.* When applicable, the layout of a street(s) within a subdivision shall conform to the routing depicted upon the major thoroughfare plan. The amount of right-of-way for the type of street required shall be dedicated up to a maximum of that required for construction of "community collector" routes. Where any street so depicted requires a right-of-way greater than that required for construction of a community collector, the developer shall show on the face of the plat an additional area "reserved for future right-of-way" and any required yard area shall be measured from such reservation line.

Regardless of the proposed width or functional character of the planned street adjacent to or encompassed by a proposed subdivision, the developer will not be required, (except as may be necessitated as a result of an approved traffic impact study), to improve or construct any street greater than that of a "community collector street" as [that term is] defined and depicted in these regulations.

4-103.402. *Developed property.* When property containing existing structures is being divided simply to place each structure on a separate lot and the future right-of-way will fall within the footprint of an existing structure, then the subdivider shall be required to note on the face of the plat as, "reserved for future right-of-way" any additional area necessary for compliance with the major thoroughfare plan. The plat shall also contain a note stating, when any existing structure is demolished, the setback requirements for any new structure shall be measured from the reservation line.

4-103.403. *Required improvements or dedications.* All on-site traffic improvements identified as being required in a traffic study prepared in accordance with the requirements of subsection 4-103.206, shall be made by the developer upon land which the developer controls. Any off-site improvements identified in such study shall be made on a pro rata basis to the extent the subdivision contributes to the requirement for such improvement(s). The Director of Public Works shall be responsible for calculating the extent of participation required in off-site improvements.

(Ord. of 2-20-1997, § 4-103)

Sec. 4-104. Functional design criteria.

4-104.1. *Purpose.* The public way design standards set forth in this section are hereby required in order to provide public ways of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and road-maintenance equipment, and to coordinate public ways so as to compose a convenient and safe system and avoid undue hardships to adjoining properties. These provisions are intended to establish appropriate standards for the design of streets in residential subdivisions that will:

1. Promote the safety and convenience of vehicular traffic,
2. Protect the safety of neighborhood residents,
3. Minimize crime in residential areas,
4. Protect the residential qualities of neighborhoods by limiting traffic volume, traffic speed, noise and fumes,
5. Encourage the efficient use of land,
6. Minimize the cost of street construction and thereby restrain the rising cost of housing, and
7. Minimize the construction of impervious surface thereby protecting the quantity and quality of the community's water resources.

4-104.2. *Design hierarchy.* There is, hereby, established a design hierarchy according to street function. The purpose of the hierarchy is to establish clear functional guidelines and limitations to be utilized in the design of streets.

4-104.201. *New streets.* Each proposed street shall be classified and designed for its entire length to meet or exceed the minimum standards for one of the following street types:

- a. Residential access lane.
- b. Residential access street.
 - ~~(1) Rural residential access street.~~
 - ~~(2) Urban residential access street.~~
- c. Residential collector street.
 - ~~(1) Rural residential collector street.~~
 - ~~(2) Urban residential collector street.~~
- d. Minor Collector Street
- e. Community collector street.
- ef. Arterial street.

4-104.202. *Existing streets.* During the plan review process each street abutting or affecting the design of a subdivision or land development that is not already classified on the major thoroughfare plan shall be classified according to its function, design and use by the Planning Commission at the request of the applicant. The classification of existing streets shall include the hierarchy of subsection 4-104.201, above, and may also include classifications of higher order as determined by the adopted major thoroughfare plan.

4-104.203. *Traffic volume calculations.* New streets shall be classified based on the number of vehicular trips expected to utilize the roadway using the following methodology:

- a. ~~a. Trip generation rates. The following chart shall be used to determine the anticipated average daily traffic level of proposed residential development. Table 1 shall be used to determine the anticipated average daily traffic on the proposed street.~~

Table 1. Approximate Trip Generation Rates

Average Weekday Trip Generation Rates Housing Type	ADT Per Dwelling Unit
Single-family detached dwellings	<u>8-9.5 trips</u>
Cluster or townhouses	7 trips
Garden apartments (1—4 stories) Apartments	<u>6-5 trips</u>
Retirement complex Senior Housing	3.5 trips
<u>Commercial</u>	<u>Consult ITE Trip Generation Manual</u>

- b. *Volume calculations.* Calculation of traffic volumes shall be accomplished by using the following formula:

(Factor for dwelling type) x (Number of units receiving access from street) = Design ADT

4-104.3. *Residential street design criteria and service restrictions.* The material contained within this segment is intended to provide information as to the intended function, design capacity and service limitations of the

various street types presented in subsection 4-104.2, above. The order of presentation proceeds from smallest capacity street to the greatest. For each street identified within the hierarchy, the following design elements are presented:

- (1) Street function.
- (2) Design capacity and service restrictions.
- (3) Street access criteria.

4-104.301. *Residential access lane.*

- a. *Street function.* A residential access lane is a frontage street that provides access to abutting properties; it shall be designed to carry no more traffic than that generated by those properties that gain direct access from the street.
- b. *Design capacity and service restriction.* Each residential access lane shall be designed so that no section of the street conveys an ~~average daily traffic (ADT) volume~~ greater than ~~200-250~~ or serves more than 25 single-family dwellings. Each half ~~of~~ a loop street may be regarded as a single ~~local residential~~ access ~~street lane~~ and the total traffic volume generated on a loop street shall not exceed ~~400-500~~ ADT.
- c. *Street access.* Residential access lanes may intersect or take access from any street type. ~~Residential access lanes shall be laid out to discourage through traffic. As such, residential access lanes shall not intersection with multiple collectors nor shall residential access lanes be stubbed with the intention of extending to adjacent parcels. Both ends of a loop street, however, must intersect the same collecting street and be laid out to discourage through traffic.~~

4-104.302. *Residential access street.*

- a. *Street function.* Residential access streets are designed to provide access to individual properties as well as access to the higher classification street network. The residential access street provides for neighborhood circulation and may carry neighborhood traffic and through movements. ~~Residential access streets differ in design depending upon the location of such streets. The rural residential street is intended to maintain the rural character of the area or neighborhood. It is designed as a curbless paved street section, with gravel shoulders for emergency parking and open roadside ditches for drainage. The urban residential street performs the same function as the rural residential street except within an urban environment. The urban residential street is designed as a curb street.~~
- b. *Design capacity and service restriction.* The residential access street is designed to convey an average daily traffic (ADT) volume in the range of 500 to 1,000.
- c. *Street access.* If the total design traffic exceeds 500 ADT, a residential access street shall be provided with no fewer than two access intersections to streets of higher classification in the street hierarchy. For residential access streets with less than 500 ADT, one access intersection to a street of higher order is allowed.

4-104.303. *Residential collector street.*

- a. *Street function.* The residential collector street provides access to individual properties and collects and distributes neighborhood traffic from residential streets to community collector and arterial streets.
- b. *Design capacity and service restriction.* The residential collector street is intended to serve anticipated traffic volumes ranging from 1,000 to 2,500 trips per day. Whenever possible, residential collector streets shall be designed to have no residential lots fronting directly on them. When this is not possible, the amount of residential frontage shall not exceed the limits set

forth in the accompanying chart. In addition, only lots having frontages of 100 feet or more may front on collector streets and space shall be provided on these lots for turnaround so that vehicles will not have to back onto collector streets.

Percent of the Total Length of Residential Collector Streets, Which May Have Residential Lots Fronting on and Taking Access from the Collector Street				
ADT Level	1,000—1,999	1,200—1,599	1,600—1,999	2,000+
Percent of allowable access frontage	20%	10%	5%	0%

4-104.304. *Community collector street.*

- a. *Street function.* Community collector streets collect and distribute traffic from ~~residential~~ other collector and other residential streets to the arterial transportation systems.
- b. *Design capacity and service restriction.* The community collector street is designed for anticipated traffic volumes ~~ranging from between 2,500 to 6,000 and 15,000~~ trips per day. ~~Community collector streets shall be designed to have no residential lots fronting directly on them. Access to individual residential lots shall be prohibited.~~

4-104.305 Minor collector.

- a. *Street function.* Minor collector streets collect and distribute traffic from residential neighborhoods and commercial uses. The street may connect to community collector or arterial streets.
- b. *Design capacity and service restrictions.* The minor collector street is intended to serve mixed residential and commercial traffic volumes ranging from 2,500 to 6,000 trips per day. Whenever possible, commercial properties shall limit the number of access points. Access to adjacent parcels shall be planned to limit the number of driveways along the corridor. Access to individual residential lots shall be prohibited.

4-104.306 Arterial.

- a. *Street function.* Arterials are intended to serve local and regional traffic. Arterials extend through the city limits or connect to other arterials or interstates.
- ~~a-b.~~ *Design capacity and service restrictions.* Arterials are intended to serve traffic volumes exceeding 15,000 trips per day. Access to individual residential lots is prohibited. Access to residential communities or commercial areas shall be provided by lower classification streets whenever possible.

4-104.4. *General design.* The general design of all public ways shall conform to the standards in tables 1 and 2, that follow, hereafter.

4-104.401. *Rights-of-way and pavement width.* Minimum rights-of-way and pavement width shall be provided as required to meet the design standards for the various classifications of streets set out in ~~tables 1 and 2~~ Table 1.

- a. *Reduction in right-of-way width.* The City may reduce the required right-of-way width for residential streets under the following conditions:
 - (i) The site is located within a planned unit development or a variable lot size residential development under applicable provisions of the zoning ordinance.

- (ii) The potential for future development will alter neither the street classification nor the design standards proposed. As a condition for varying the right-of-way requirements, the City may require binding agreements to insure no additional access to or use of the street.
- (iii) In no instance shall a right-of-way be less than 30 feet. In granting the reduced right-of-way width, it shall be determined that sufficient width will be available to provide for all the following (unless separate right-of-way for them is being provided elsewhere to the satisfaction of the City, or they are clearly not required by the proposed development):

Pavement.

Curbs.

Shoulders.

Utility easements.

Drainage swales.

Pedestrian and/or bicycle paths.

Street trees or other planting strips.

Turning lanes.

Cut or fill slopes (the right-of-way shall extend five feet beyond the crest or toe of these slopes).

Table 1. General Design Standards for Streets

<u>Standard</u>	<u>Access Lane</u>	<u>Access Street</u>	<u>Residential Collector</u>	<u>Minor Collector</u>	<u>Community Collector</u>	<u>Arterial</u>
<u>Design Speed</u>	<u>25 mph</u>	<u>30 mph</u>	<u>35 mph</u>	<u>35 mph</u>	<u>40 mph</u>	<u>45 mph</u>
<u>ROW Width</u>	<u>50'</u>	<u>55'</u>	<u>65'</u>	<u>75'</u>	<u>110'</u>	<u>125'</u>
<u>Pavement Width</u>	<u>22'</u>	<u>24'</u>	<u>24'</u>	<u>36'</u>	<u>52'</u>	<u>52'</u>
<u>Landscaped Median</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>16'</u>	<u>27'</u>
<u>Bicycle Lane Width</u>	<u>0'</u>	<u>0'</u>	<u>4'</u>	<u>4'</u>	<u>4'</u>	<u>4'</u>
<u>Grass Strip</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>
<u>Sidewalk Width</u>	<u>5'</u>	<u>5'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>
<u>Outer Buffer</u>	<u>0.5'</u>	<u>2'</u>	<u>2'</u>	<u>1'</u>	<u>2'</u>	<u>2'</u>
<u>Maximum Grade</u>	<u>10%</u>	<u>10%</u>	<u>7%</u>	<u>7%</u>	<u>7%</u>	<u>5%</u>
<u>Minimum Grade</u>	<u>1%</u>	<u>1%</u>	<u>1%</u>	<u>1%</u>	<u>1%</u>	<u>1%</u>
<u>Max. Grade at Intersections</u>	<u>5%</u> <u>(within 50')</u>	<u>5%</u> <u>(within 50')</u>	<u>3%</u> <u>(within 75')</u>	<u>3%</u> <u>(within 75')</u>	<u>3%</u> <u>(within 100')</u>	<u>3%</u> <u>(within 100')</u>
<u>Maximum Superelevation</u>	<u>0.08</u>					
<u>Horizontal Curvature</u>	<u>Curvature shall be designed per AASHTO standards based on speed and slopes.</u>					

Table 1. Minimum Right-of-Way or Easement And Pavement Width by Street Type and Intensity of Development (in feet)

<u>Street Type</u>	<u>Residential Service</u>			<u>Nonresidential</u>	
	<u>Low-density</u>	<u>Medium-density</u>	<u>High-density</u>		
	<u>Up to 2 DUPA*</u>	<u>3 to 8 DUPA*</u>	<u>9 or more DUPA*</u>		

	ROW	Pavement	ROW	Pavement	ROW	Pavement	ROW	Pavement	ROW	Pavement
Access lane										
Urban	40°	20	40°	20	40°	26	N/A	N/A	N/A	N/A
Rural	40°	18	40°	18	40°	26	N/A	N/A	N/A	N/A
Access street										
Urban	40	22	40	22	50	36	50	36	50	36
Rural	40	20	40	20	N/A	N/A	N/A	N/A	N/A	N/A
Residential Collector										
Urban										
2,000 or less ADT	50	22	50	22	60	38	N/A	N/A	N/A	N/A
More than 2,000 ADT	50	24	50	24	60	40	N/A	N/A	N/A	N/A
Rural										
2,000 or less ADT	50	20	50	20	N/A	N/A	N/A	N/A	N/A	N/A
More than 2,000 ADT	50	22	50	22	N/A	N/A	N/A	N/A	N/A	N/A
Community Collector										
Urban	60	38	60	38	70	48	70	48	70	48
Rural	50	24	50	24	N/A	N/A	N/A	N/A	N/A	N/A
Notes:										
°DUPA. Dwelling units per acre.										
Urban streets. All streets classified as urban are curbed streets. These street sections are to be utilized on all properties located within the City regardless of size of lots and on all lots smaller than one acre in size located within the unincorporated portion of the planning jurisdiction.										
Rural streets. Streets classified as rural may be utilized only to serve lots 40,000 square feet or larger in size										
°The Planning Commission may permit a right-of-way of 30 feet minimum width when the subdivision is within a planned unit development district or is developed as a variable lot residential development.										

Table 2. General Design Standards For Streets

	Residential Street	Nonresidential Street
Design speed (mph)		
Access lane	25	N/A
Access street	30	30
Residential collector	35	N/A
Community collector	40	40
Maximum percentage grade		
Access lane	12 percent	N/A
Access street	10 percent	7 percent
Residential collector	7 percent	N/A
Community collector	7 percent	7 percent
Minimum percentage grade		
All streets	1 percent	1 percent
Horizontal curvature>		
Vehicle curves are to be designed as per AASHTO standards for various design speeds and slopes		

Maximum superelevation (foot)	0.08	0.08
Minimum tangent between reverse curves		
Vehicle curves are to be designed as per AASHTO standards for various design speeds and slopes		
Minimum stopping sight distances (in feet)		
Access lane	150	N/A
Access street	200	250
Residential collector	250	N/A
Community collector	300	300
Minimum radius of return at intersections		
Applies where a deflection angle of 15 degrees or more in the alignment of pavement occurs.		
At right-of-way	25 ft.	30 ft.
At pavement	30 ft.	50 ft.
Minimum sight distance (in feet)		
The sight distance is measured from a point 4½ feet above the centerline of the roadway surface to a point 4 inches above the centerline of the roadway surface.		
Access lane	100	N/A
Access street	150	200
Residential collector	200	N/A
Community collector	250	250
Intersection	Across corners 75 ft. back	Across corners 75 ft. back
Maximum grade at intersections		
Access lane (w/in 50 ft.)	5 percent	N/A
Access street (w/in 50 ft.)	5 percent	3 percent
Residential collector	3 percent	N/A
Community collector (w/in 100 ft.)	3 percent	3 percent
Pavement crown		
The paved surface shall slope downward from the centerline of the street outward to the edge of the paved surface on each side two-fifths of an inch per foot.		
<p>Note. Turnaround standard (no outlet streets) A 40-foot pavement radius for a cul-de-sac or a "Y" or "T" turnaround with 60-foot length, 20-foot width shall be provided at the terminus of all permanent dead-end access streets serving residential property. The turnaround, including sidewalk where required, shall be within the right-of-way. The maximum length of permanent cul-de-sac streets shall be 700 feet and shall serve no more than 14 dwelling units. Temporary cul-de-sac streets may be a maximum of 1,000 feet in length.</p>		

- b. *Increase in right-of-way width.* The City may increase the required right-of-way width for residential streets under the following conditions:
- (i) If proposed lots are large enough for further subdivision that may change the street classification in the future to a higher order street, the City may require that the right-of-way width for the higher order street be provided.
 - (ii) In unusual circumstances, the provision of the elements listed in subpart [subsection] a(iii) of this section may require right-of-way width in excess of that established in table 1 (above).

4-104.402. *Stopping sight distance.* All streets shall maintain adequate stopping sight distance at all points along the road. No combination of vertical or horizontal curves may reduce stopping sight distance below the values provided in AASHTO's *A Policy of Streets and Highways*. Should the grade on the

major road exceed 3%, adjustments to the required sight distance may be required at the discretion of the Director of Engineering.

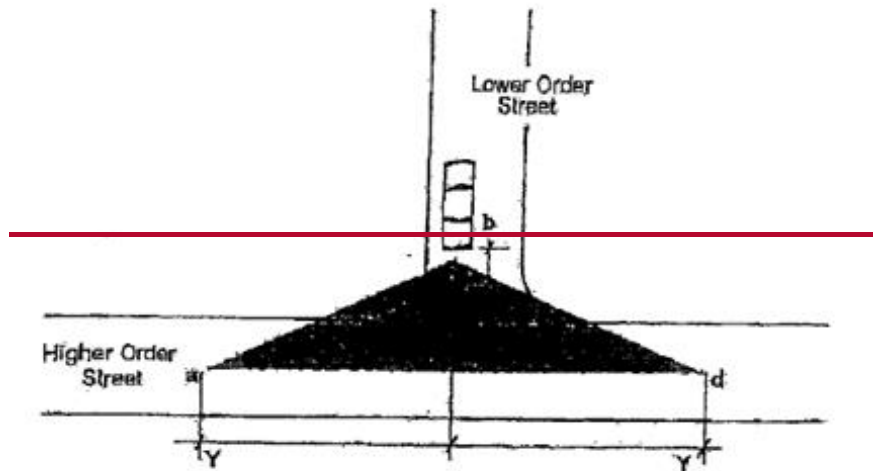
4-104.40~~23~~ *Intersections.*

- a. Pavement shall intersect as nearly as possible to a 90-degree angle for a minimum of 50 feet from the intersection. A proposed intersection of two new public ways at an angle of less than 75 degrees shall not be permitted. Not more than two public ways shall intersect at any one point, unless specifically approved by the Planning Commission.
- b. Centerline off-sets of less than 150 408feet between T-type intersections within public ways shall not be permitted, except where the intersected public ways have separated dual drives without median breaks at either intersection. Where public ways intersect arterial or collector routes, the alignment of such streets shall be continuous. Intersections of arterial or community collector streets shall be at least 800 feet apart.
- c. Minimum curb or edge of pavement radius shall be determined according to the specifications for the street of higher classification in the street system hierarchy, as specified below: This minimum should not be confused as the right-of-way return radius but is the curb edge of pavement.

Minimum Radius of Returns At Street Intersections	
Street Classification	Minimum Return Radius*
Residential access lane	10 feet
Residential access street	10 feet
Residential collector	15 feet
Community collector	30 feet
Higher order street	As determined by the City Engineer
*This is the minimum. The actual spacing shall be determined by the City Engineer based upon the traffic characteristics of the higher order street.	

Legend for Vision Clearance Area Illustration		
∕	=	Corner sight distance, measured from point "c" and "c" to "d."
b	=	Eye level from a car stopped at the intersection on the minor road; for this regulation "b" is situated 3.75 feet above the higher order street.
a and d	=	A point 4.5 feet above the centerline of the higher order street.
c	=	Approximate center of intersection.
The entire area of the clear sight triangle described by points "a," "b," "c," shall be designed to provide an unobstructed view across it from point "b" to all points 4.5 feet above the roadway along the centerline from point "a" to point "d."		

~~Vision Clearance Area~~



Street of Lower Order Minimum Corner Sight Distance		
Minimum Corner Sight Distance "Y"		
Major Road Type	Design Speed	Y (in feet)
Higher order street	50 mph	500
Higher order street	40 mph	400
Community collector	40 mph	400
Residential collector	35 mph	350
Residential access street	30 mph	300
Residential access lane	25 mph	250

- d. Whenever a proposed street intersects an existing or proposed street of higher order in the street hierarchy, the street of lower order shall be made a stop street. The street of lower order shall also be designed to provide a minimum corner sight distance as specified in table 1.
- e. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two-percent grade for a distance of 60 feet, measured from the nearest right-of-way line of the intersecting public way.
- f. The cross-slope on all public ways, including intersections, shall be three percent or less.
- g. All new streets and driveways shall provide adequate intersection sight distance, as defined by AASHTO's A Policy on Streets and Highways. Should the grade on the major road exceed 3%, adjustments to the required sight distance may be required at the discretion of the Director of Engineering. The required sight distance values are provided in Table 2.

Table 2. Minimum Intersection Sight Distance

<u>Design Speed (mph)</u>	<u>Required Sight Distance (feet)</u>					
	<u>2-Lane</u>		<u>3-Lane</u>		<u>5-Lane/Divided</u>	
	<u>Left-Turn</u>	<u>Right-Turn</u>	<u>Left-Turn</u>	<u>Right-Turn</u>	<u>Left-Turn</u>	<u>Right-Turn</u>
<u>25</u>	<u>280</u>	<u>240</u>	<u>315</u>	<u>240</u>	<u>335</u>	<u>280</u>

<u>30</u>	<u>335</u>	<u>290</u>	<u>375</u>	<u>290</u>	<u>400</u>	<u>335</u>
<u>35</u>	<u>390</u>	<u>335</u>	<u>440</u>	<u>335</u>	<u>465</u>	<u>390</u>
<u>40</u>	<u>445</u>	<u>385</u>	<u>500</u>	<u>385</u>	<u>530</u>	<u>445</u>
<u>45</u>	<u>500</u>	<u>430</u>	<u>565</u>	<u>430</u>	<u>600</u>	<u>500</u>
<u>50</u>	<u>555</u>	<u>480</u>	<u>625</u>	<u>480</u>	<u>665</u>	<u>555</u>
<u>Left-Turn sight distance is measured looking right. Right-turn sight distance is measured looking left.</u>						

Sight triangles are to be kept clear of landscaping, signs, parking, or other obstructions that may otherwise restrict the available sight distance.

- h. Intersections, at the discretion of the Director of Engineering, shall be configured to dissuade speeding. Horizontal deflection speed reduction measures, such as roundabouts or median islands, shall be proposed instead of vertical deflection devices.

4-104.~~403~~404. *Acceleration and deceleration lanes.*

- a. Deceleration or turning lanes may be required by the city along existing and proposed streets as determined by the traffic study using the warrants provided in TDOT's Highway Systems Access Manual, or where the City can justify the need.
- b. Deceleration lanes shall be designed to the following standards:
- The lane width shall be the same as the required width of the through lanes, based on roadway classification.
 - The minimum total deceleration lengths shall match the table below.

Minimum Deceleration Lengths

<u>Design Speed (mph)</u>	<u>Minimum Deceleration Length (ft)</u>
<u>30</u>	<u>160</u>
<u>40</u>	<u>275</u>
<u>50</u>	<u>425</u>
<u>60</u>	<u>605</u>
<u>Note: If grades exceed 3%, use the adjustment factors included in Table 3-2 in a Policy on Geometric Design of Highways and Streets.</u>	

- Acceleration lanes are only required when indicated as needed by a traffic impact study. The design shall be as per the recommendation of the Director of Engineering.

4-104.~~404~~405. *Marginal access and one-way streets.*

- a. Classification and design of marginal access streets. Marginal access streets may be utilized as an alternative to stripping off lots along existing or proposed collector or higher order streets. Marginal access streets shall be classified and designed to conform to the design standards and service restrictions of either residential access lanes or residential access streets as anticipated daily traffic may dictate.
- Intersection spacing. The minimum distance between intersections of the marginal access street with residential collectors shall be 300 feet. Minimum distances with higher order streets shall be determined by the Director of Public Works based upon the traffic characteristics of the higher order street.

- ii. *Distance between travelways.* A minimum distance of 30 feet shall be provided between the paved portion of the marginal access street and the paved portion of the higher order street. This area shall be used to provide a visual screen between the roadways by landscaping and/or use of a berm.
- b. *Utilization and design of one-way streets.* One-way streets may be permitted as loop streets or marginal access streets where there is need to separate the directions lanes to preserve natural features to avoid excessive grading for street construction on steep slopes. Pavement and curb transitions shall be designed and constructed in accordance with standards provided by the Director of Public Works.

4-104. ~~405406~~. *Arrangement of dead-end streets.*

a. *Temporary stub streets.*

- i. *Residential access lane and residential access street stub streets.* Residential access lanes and access street stub streets may be permitted only within subsections of phased development for which the proposed street extension in its entirety has been approved as part of a preliminary plat.
- ii. *Collector stub streets.* Stub streets may be permitted or required by the City on collector streets provided that the future extension of the street is deemed desirable by the City and conforms to the adopted major throughfare plan.
- iii. *Temporary turnarounds.* All stub streets shall be provided with a turnaround paved to an outside radius of 35 feet. No turnaround is required if the stub street provides access to four or less lots or housing units. In the later case, a sign indicating a dead-end street shall be posted.

b. *Permanent dead-end public ways.*

- i. ~~*General design standards.* Where a public way does not extend beyond the boundary of the subdivision and its continuation is not required by the planning commission for access to adjoining properties, its terminus shall be no closer than 150 feet from the boundary. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.~~
- ii. ~~*Cul-de-sac requirements.* For more effective police and fire protection, permanent dead-end public ways shall be limited to 700 feet measured from the nearest intersection to the center of the cul-de-sac. No dead-end street shall provide access to more than 25 units.~~
- iii. ~~*Design of turnarounds.* Permanent dead-end streets shall terminate in a cul-de-sac matching the design standards included in these regulations. Alternative turnarounds may be considered with approval of the Planning Commission and Fire Marshal.~~
 - i. ~~*General design standards.* Where a public way does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than 150 feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnabout shall be provided at the end of a dead-end public way in accordance with the design standards of these regulations. For greater convenience to traffic and more effective police and fire protection, permanent dead-end public ways shall, in general, be limited in length in accordance with the design standards of these regulations.~~
 - ii. ~~*Design of turnarounds.* The type of turnaround required shall be determined by the Planning Commission based upon the recommendation of the Director of Public Works. In general the design standards presented in Table 2 [in subsection 4-104.4],~~

~~shall apply. The Planning Commission will consider alternative terminations when the street is located upon steep slopes and excessive cut or fill will be required to meet the design standards of the typical sections.~~

4-104. ~~406~~407. *Railroads and limited access highways.* Railroad right-of-way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

- a. In residential areas, a buffer strip at least 25 feet in depth in addition to the normally required depth of the lot may be required adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening; the placement of structures hereon is prohibited."
- b. In commercial or industrial areas, the nearest public way extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial usage.
- c. Public ways parallel to a railroad, when intersecting a public way which crosses the railroad at grade, shall to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

4-104. ~~407~~408. *Bridges.* Bridges of primary benefit to the subdivider, as determined by the Planning Commission, shall be constructed at the full expense of the subdivider without reimbursement from the governing body. The sharing of expenses for the construction of bridges not of primary benefit to the subdivider, as determined by the Planning Commission, shall be fixed by special agreement between the governing body and the subdivider.

(Ord. of 2-20-1997, § 4-104)



.M E M O R A N D U M

Date: June 20, 2024

To: Luke Winchester, Chairman
and Planning Commission

From: Shane Shamanur, PE
Director of Engineering

Re: Update to the Development Code Subdivision
Regulations Article IV

OVERVIEW: The subject item is the proposed update to the Mt. Juliet Land Use Development Code to bring the specifications up to federal standards, remove inconsistencies, and correct language on out-of-date texts. The updates are recommended in the Subdivision Regulations between sections 4-102.503 and 4-104.403.

BACKGROUND & ANALYSIS: The Mt. Juliet Land Use Development Code provides guidance on the design of streets and driveways within the City of Mt. Juliet. However, some specifications no longer meet the standards set forth by AASHTO and TDOT. The changes recommended below are meant to align the City of Mt. Juliet's standards with current best practices:

Sec 4-102. – Lot requirements

Section 4-102.503 *Minimum clearance* provides guidance on the minimum corner clearance for driveways on arterials and collectors. It is recommended that the language be removed and replaced with the following:

The corner clearance is defined as the distance between the property frontage along the major road and the tangent face of a driveway accessing the minor roadway. The edge clearance is defined as the distance between the frontage boundary and the tangent edge of the driveway. The minimum corner or edge clearance, regardless of roadway classification, shall adhere to the guidance within the Tennessee Department of Transportation's Highway System Access Manual, including all subsequent amendments and/or revisions.

Sec 4-103. – Streets and pedestrian ways

Section 4-103.101 *Sidewalks along new streets* shall be revised to eliminate language on rural streets. The language shall be removed and replaced with the following:

Sidewalks shall be required along all streets constructed in all subdivisions except those proposed for industrial use.

Section 4-103.102 Sidewalks along existing streets shall be revised to mandate sidewalk along any property frontage along a public way. The language shall be replaced with the following:

Sidewalk shall be provided on any existing street along the frontage of the subdivision. Additional sidewalk may be required, at the discretion of the Director of Engineering, to eliminate gaps in the pedestrian network.

Section 103.103 *Location of sidewalks* provides guidance on placing sidewalks within the right-of-way. It is recommended that the language differentiating by classification be removed as it is redundant. The language shall be updated to the following:

Sidewalks shall be required along both sides of all streets. Transition of sidewalks from both sides of a street to one side may be permitted when topography makes continuation of the sidewalk impractical. Transitions may only be made at street intersections. Sidewalks shall be included within the dedicated nontrafficway portion of the right-of-way of all public ways. Concrete curbs are required for all public ways where sidewalk is present. A median strip of grassed or landscaped area shall separate sidewalks from the adjacent curb, unless otherwise noted by the Director of Engineering. The width of all sidewalks and grass strips shall meet the requirements included in Table 2 of Section 4-104. Sidewalk construction details are shown in Appendix B of these regulations.

Section 4-103.104 *Sidewalk width* shall be removed, and the guidelines added to Table 2 in Section 4-104.

Section 4-103.201 *Frontage on improved public ways* shall be revised to correct the referenced subsection from 1-112.107 to 1-113.107 (Access to lots by public way or private easement).

Section 4-103.206 *Traffic Impact Study* shall be revised to reference the traffic study policy published by Public Works. The language shall be replaced with the following:

All subdivisions shall be required to be prepare, at the expense of the developer or individual proposing the subdivision, a traffic impact study. At the discretion of the Director of Engineering, a traffic impact study may be waived for subdivisions generating fewer than 50 peak hour trips and not deriving access from an arterial or collector. A Tennessee licensed engineer specializing in transportation shall prepare such a study in accordance with the traffic impact study guidelines published by the Department of Engineering.

Section 4-103.3 *Private streets* shall be revised to allow private streets with the approval of the planning commission. The language shall be replaced with the following:

No property shall be subdivided which does not obtain access from a public way, street, or road. Private streets may be permitted within a subdivision with approval of the Planning Commission and the Board of Commissioners. Private streets shall be built to the standards contained in this article.

All proposed alleys shall be private. The cross section of all alleys shall be provided prior to approval of the Planning Commission.

Sec 4-104. – Functional design criteria

Section 4-104.201 New streets shall be revised to remove urban and rural designations and add minor collector to the list of classifications. The text should be replaced with the following:

Each proposed street shall be classified and designed to meet or exceed the minimum standards for the following street types:

- a. Residential Access Lane*
- b. Residential Access Street*
- c. Residential Collector Street*
- d. Minor Collector Street*
- e. Community Collector Street*
- f. Arterial Street*

Section 4-104.203 Traffic volume calculations shall be updated to reflect the approximate rates provided in ITE's Trip Generation Manual, 12th Edition. The text shall be replaced with the following:

New streets shall be classified based on the number of vehicular trips expected to utilize the roadway using the following methodology:

- a. Trip generation rates. Table 1 shall be used to determine the anticipated average daily traffic on the proposed street.*

Table 1. Approximate Trip Generation Rates

<i>Land Use</i>	<i>ADT per Unit</i>
<i>Single Family Detached</i>	<i>9.5 Trips</i>
<i>Townhomes</i>	<i>7 Trips</i>
<i>Apartments</i>	<i>5 Trips</i>
<i>Senior Housing</i>	<i>3.5 Trips</i>
<i>Commercial</i>	<i>Consult ITE Trip Generation Manual</i>

- b. Volume calculations. Calculation of traffic volumes on residential streets shall be accomplished using the following formula:*

$$\text{Design ADT} = (\text{ADT per unit}) \times (\text{Number of units receiving access from street})$$

Section 4-104.301 Residential access lane shall be revised to update the ADT requirements. Subsection b and c shall be replaced with the following:

b. Design capacity and service restrictions. Each residential access lane shall be designed so no section of the street conveys an ADT greater than 250 or serves more

than 25 single-family dwellings. Each half of a loop street may be regarded as a single local access street and the total ADT shall not exceed 500.

c. Street access. Residential access lanes may intersect or take access from any street type. Residential access lanes shall be laid out to discourage through traffic. As such, residential access lanes shall not intersect with multiple collectors nor shall residential access lanes be stubbed with the intention of extending to adjacent parcels.

Section 4-103.302 *Residential access street* shall be revised to remove language differentiating urban and rural streets. Subsection a shall now read:

- a. Street function. Residential access streets are designed to provide access to individual properties as well as access to higher classification street networks. The residential access streets provide neighborhood circulation and may carry neighborhood traffic and through movements.*

Section 4-104.303 *Residential collector street* shall be revised so that the first range of ADT in the table reads 1,000-1,199.

Section 4-104.304 shall be inserted to include Minor collectors. The existing language shall be redesignated 4-104.305. The section on Minor Collectors shall read:

- a. Street function. Minor collector streets collect and distribute traffic from residential neighborhoods and commercial uses. The street may connect to community collector or arterial streets.*
- b. Design capacity and service restrictions. The minor collector street is intended to serve mixed residential and commercial traffic volumes ranging from 2,500 to 6,000 trips per day. Whenever possible, commercial driveways shall limit the number of access points. Access to adjacent parcels shall be planned to limit the number of driveways along the corridor. Access to individual residential lots shall be prohibited.*

Section 4-104.305 shall be added to include community collectors. The existing language shall be revised and shall read:

- a. Street function. Community collector streets collect and distribute traffic from other collectors to arterial transportation systems.*
- b. Design capacity and service restriction. The community collector street is designed for anticipated traffic volumes between 6,000 and 15,000 trips per day. Access to individual residential lots shall be prohibited.*

Section 4-104.306 shall be added to include arterials. The section shall read:

- a. Street function. Arterials are intended to serve local and regional traffic. Arterials extend through the city limits or connect to other arterials or interstates.*
- b. Design capacity and service restrictions. Arterials are intended to serve traffic volumes exceeding 15,000 trips per day. Access to individual residential lots is prohibited. Access to residential communities or commercial areas shall provided by lower classification streets whenever possible.*

Section 4-104.401. Remove Table 1 and differ to Table 2 and Appendix B. Table 2 shall be revised to show standards by roadway classification and renumbered Table 1. The section shall now read:

Minimum rights-of-way and pavement widths shall be provided as required to meet the design standards for various roadway classifications of streets set in Table 1.

- a. *Reduction in right-of-way width. The City may reduce the required right-of-way width for residential streets under the following conditions:*
 - i. *The site is located within a planned unit development or variable lot size residential development under applicable provisions of the zoning ordinance.*
 - ii. *The potential for future development will alter neither the street classification nor the design standards proposed. As a condition for varying the right-of-way requirements, the City may require a binding agreements to insure no additional access to or use of the street.*
 - iii. *In no instance shall a right-of-way be less than 30 feet. In granting the reduced right-of-way width, it shall be determined that sufficient width will be available to provide all the following (unless separate right-of-way for them is being provided elsewhere to the satisfaction of the City, or they are clearly not required by the proposed development):*
 1. *Pavement*
 2. *Curbs*
 3. *Shoulders*
 4. *Utility easements*
 5. *Drainage swales*
 6. *Pedestrian and/or bicycle paths*
 7. *Street trees or other planting strips*
 8. *Turning lanes*
 9. *Cut or fill slopes (the right-of-way shall extend five feet beyond the crest or toe of these slopes.)*

Table 1. General Design Standards for Streets

<i>Standard</i>	<i>Access Lane</i>	<i>Access Street</i>	<i>Residential Collector</i>	<i>Minor Collector</i>	<i>Community Collector</i>	<i>Arterial</i>
<i>Design Speed</i>	<i>25 mph</i>	<i>30 mph</i>	<i>35 mph</i>	<i>35 mph</i>	<i>40 mph</i>	<i>45 mph</i>
<i>ROW Width</i>	<i>50'</i>	<i>55'</i>	<i>65'</i>	<i>75'</i>	<i>110'</i>	<i>125'</i>
<i>Pavement Width</i>	<i>22'</i>	<i>24'</i>	<i>24'</i>	<i>36'</i>	<i>52'</i>	<i>52'</i>
<i>Landscaped Median</i>	<i>0'</i>	<i>0'</i>	<i>0'</i>	<i>0'</i>	<i>16'</i>	<i>27'</i>
<i>Bicycle Lane Width</i>	<i>0'</i>	<i>0'</i>	<i>4'</i>	<i>4'</i>	<i>4'</i>	<i>4'</i>
<i>Grass Strip</i>	<i>6'</i>	<i>6'</i>	<i>6'</i>	<i>6'</i>	<i>6'</i>	<i>6'</i>
<i>Sidewalk Width</i>	<i>5'</i>	<i>5'</i>	<i>6'</i>	<i>6'</i>	<i>6'</i>	<i>6'</i>
<i>Outer Buffer</i>	<i>0.5'</i>	<i>2'</i>	<i>2'</i>	<i>1'</i>	<i>2'</i>	<i>2'</i>
<i>Maximum Grade</i>	<i>10%</i>	<i>10%</i>	<i>7%</i>	<i>7%</i>	<i>7%</i>	<i>5%</i>

<i>Minimum Grade</i>	<i>1%</i>	<i>1%</i>	<i>1%</i>	<i>1%</i>	<i>1%</i>	<i>1%</i>
<i>Max. Grade at Intersections</i>	<i>5% (within 50')</i>	<i>5% (within 50')</i>	<i>3% (within 75')</i>	<i>3% (within 75')</i>	<i>3% (within 100')</i>	<i>3% (within 100')</i>
<i>Maximum Superelevation</i>	<i>0.08</i>					
<i>Horizontal Curvature</i>	<i>Curvature shall be designed per AASHTO standards based on speed and slopes.</i>					

Insert the following as Section 4-104.402 Stopping sight distance: All streets shall maintain adequate stopping sight distance at all points along the road. No combination of vertical or horizontal curves may reduce stopping sight distance below the values provided in AASHTO's *A Policy of Streets and Highways*. Should the grade on the major road exceed 3%, adjustments to the required sight distance may be required at the discretion of the Director of Engineering. Renumber the existing 4-104.402 to 4-104.403 *Intersections*

Section 4-104.403 Intersections remove the figure and table on intersection sight distance. The following shall be inserted as 4-104.403 (g) and (h):

- g. All new streets and driveways shall provide adequate intersection sight distance, as defined by AASHTO's *A Policy on Streets and Highways*. Should the grade on the major road exceed 3%, adjustments to the required sight distance may be required at the discretion of the Director of Engineering. The required sight distance values are provided in Table 2.

Table 2. Minimum Intersection Sight Distance

Design Speed (mph)	Required Sight Distance (feet)					
	2-Lane		3-Lane		5-Lane/Divided	
	Left-Turn	Right-Turn	Left-Turn	Right-Turn	Left-Turn	Right-Turn
25	280	240	315	240	335	280
30	335	290	375	290	400	335
35	390	335	440	335	465	390
40	445	385	500	385	530	445
45	500	430	565	430	600	500
50	555	480	625	480	665	555
<i>Left-Turn sight distance is measured looking right. Right-turn sight distance is measured looking left.</i>						

Sight triangles are to be kept clear of landscaping, signs, parking, or other obstructions that may otherwise restrict the available sight distance

- h. Intersections, at the discretion of the Director of Engineering, shall be configured to dissuade speeding. Horizontal deflection speed reduction measures, such as roundabouts or median islands, shall be proposed instead of vertical deflection devices.

Section 4-104.403 shall be revised to include warrants for deceleration lanes. The section shall be replaced with the following:

- a. Deceleration or turning lanes may be required by the city along existing and proposed streets as determined by the traffic study using the warrants provided in TDOT's Highway Systems Access Manual, or where the City can justify the need.
- b. Deceleration lanes shall be designed to the following standards:
 - i. The lane width shall be the same as the required width of the through lanes, based on roadway classification.
 - ii. The minimum total deceleration lengths shall match the table below.

Minimum Deceleration Lengths

Design Speed (mph)	Minimum Deceleration Length (ft)
30	160
40	275
50	425
60	605
Note: If grades exceed 3%, use the adjustment factors included in Table 3-2 in a <i>Policy on Geometric Design of Highways and Streets</i> .	

- iii. Acceleration lanes are only required when indicated as needed by a traffic impact study. The design shall be as per the recommendation of the Director of Engineering.

Section 4-104.405 (b.) shall be revised to include restrictions on allowable length, number of units, and design of permanent dead end public ways. The section shall be replaced with the following:

- i. *General design standards.* Where a public way does not extend beyond the boundary of the subdivision and its continuation is not required by the planning commission for access to adjoining properties, its terminus shall be no closer than 150 feet from the boundary. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.
- ii. *Cul-de-sac requirements.* For more effective police and fire protection, permanent dead-end public ways shall be limited to 700 feet measured from the nearest intersection to the center of the cul-de-sac. No dead-end street shall provide access to more than 25 units.
- iii. *Design of turnarounds.* Permanent dead-end streets shall terminate in a cul-de-sac matching the design standards included in these regulations. Alternative turnarounds may be considered with approval of the Planning Commission and Fire Marshal.

RECOMMENDATION: Staff recommends forwarding this item to the Board of Commissioners with a positive recommendation.



Mt. Juliet, Tennessee

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

Staff Report

File #: 1187
11.H.

Agenda Date: 5/12/2025

Agenda #:

Title:

AN ORDINANCE TO AMEND THE CITY OF MT. JULIET LAND DEVELOPMENT CODE, PART B, ZONING REGULATIONS, ARTICLE IX. PARKING, LOADING AND ACCESS REGULATIONS

ORDINANCE 2025-

AN ORDINANCE TO AMEND THE CITY OF MT. JULIET LAND DEVELOPMENT CODE, PART B, ZONING REGULATIONS, ARTICLE IX. PARKING, LOADING AND ACCESS REGULATIONS

WHEREAS, the Board of Commissioners of the City of Mt. Juliet desires to amend the City of Mt. Juliet Land Development Code, Part B, Zoning Regulations, Article IX. Parking, Loading and Access Regulations; and

WHEREAS, the amendments to Article IX will amend and update the City of Mt. Juliet Zoning Regulations to ensure it remains consistent with current state standards, eliminates internal inconsistencies, and reflects accurate, up-to-date language for clarity and enforceability; and

WHEREAS, the proposed updates to Zoning Regulations Article IX of the Mt. Juliet Land Development Code are intended to support consistent application of the code and improve its effectiveness; and

WHEREAS, the following Sections of Article IX of the Zoning Regulations are desired to be amended as follows:

ARTICLE	SECTION	SECTION TITLE
Article IX	Section 9-106	On-street parking
Article IX	Section 9-107	Access management

;and

WHEREAS, the specific amendments desired to be made to Article IX of the Zoning Regulations are exhibited in redline form in the attached document; and

WHEREAS, the desired amendments to the Zoning Regulations were considered and positively recommended by the City of Mt. Juliet Planning Commission on April 17, 2025.

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

Section 1. Zoning Regulations, Article IX, Section 9-106, is retitled and amended to read in its entirety as follows, which includes subsections 9-106.1 through 9-106.4:

Sec. 9-106. On-street parking.

9-106.1 *Parking on existing public streets.* No person shall park their vehicle or trailer on a public street between the hours of 1AM to 5AM without approval of the Traffic Commission.

9-106.2 *Parking on proposed streets.* No parking shall be permitted on any new street without approval of the Planning Commission. All new on-street parking shall be provided by designated spaces outside the travel lane.

9-106.3 *On-street parking design.* All on-street parking shall be provided by parallel parking spaces. These spaces shall be at least 22 feet long and 9 feet deep, including the width of the gutter. No perpendicular or angled parking shall be provided within the public right-of-way.

Sidewalks constructed next to on-street parking shall include an additional 2 feet of width to provide pedestrians with a clear path around car doors.

9-106.4 *Location of on-street parking.* No parking shall be provided on arterials, community collectors, or minor collectors. Parking along residential collectors shall be limited to areas serving community amenities.

Section 2. Zoning Regulations, Article IX, Section 9-106 Access management, is renumbered to Section 9-107 and is amended to read in its entirety as follows, which includes subsections 9-107.1 through 9-107.6:

9-107.1 *Traffic Impact Studies.* All development deriving access from the public rights-of-way shall submit a traffic study up to the standards published by Public Works and Engineering.

9-107.2 *Access Control.* Individual parcels shall access the public rights-of-way based on the criteria set forth in the Tennessee Department of Transportation's Highway Systems Access Manual (HSAM) to the greatest extent possible. The HSAM includes requirements on the following:

- i. Number of driveways
- ii. Driveway spacing
- iii. Median opening spacing
- iv. Corner clearance
- v. Edge clearance
- vi. Driveway throat length
- vii. Driveway width
- viii. Radius of curvature

9-107.3 *Deviations.* It may not be possible to meet the requirements outlined in the HSAM for every parcel. Developments shall conform to the requirements to the greatest extent possible. Mitigation may be required, at the discretion of the Planning Commission, for requirements that are not met. Mitigation may include, but is not limited to, restricted access driveways, shared driveways, and frontage roads.

9-107.4 *Joint and shared accessways.*

1. *Joint use driveways.* Wherever feasible, the City may require the establishment of a joint use driveway to serve two or more properties. If a proposed development abuts an existing development that contains an existing joint access driveway, the vehicular circulation of the proposed development shall be designed to connect to the abutting access and circulation areas. If a proposed development abuts existing undeveloped property, the vehicular circulation of the proposed development shall contain a joint access driveway which is designed to connect to the abutting property when such property is developed.
2. *Cross access corridors.* The Planning Commission, in conjunction with the City Engineer shall be authorized to designate cross access corridors on properties adjacent to arterial and major collector streets. All developments within the affected area shall be designed so as to provide for mutual coordinated parking, access and circulation systems.
3. *Recording access easements.* Whenever joint access driveways or cross access corridors are provided in accordance with the provisions of this section, no development plan shall be approved unless such plan grants an easement for cross access to and from abutting properties. Such designation shall be referenced on all plats of subdivision for any affected property.
4. *Closing of interim driveways.* Whenever a permanent joint use driveway and/or a cross access corridor is constructed as required by the provisions of this section, all preceding temporary or interim driveways shall be closed and eliminated. The owner(s) of all properties which involve the use of a permanent joint use driveway and/or a cross access corridor shall enter into a written agreement with the City to be recorded in the public records of the County and running with the land, that existing temporary and/or interim driveways shall be closed and eliminated following construction of both sides of a joint access.

9-107.5 *Turn Lanes.* The installation of turn lanes can increase the safety of roadways. However, turn lanes can have a negative impact vulnerable users such as bicycles and pedestrians. Turn lanes shall be installed only if the warrants included in the HSAM are met and with approval of the Planning Commission.

9-107.6 *Sight Distance.* All new access points shall be designed to exceed AASHTO standards for intersection sight distance, as defined in the Subdivision Regulations Section 4-104.

BE IT FURTHER ORDAINED

Section 3. 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 4. 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 5. This ordinance shall take effect on the earliest date allowed by law.

PASSED:

FIRST READING:

SECOND READING:

James Maness, Mayor

Kenny Martin, City Manager

ATTEST:

Sheila S. Luckett, MMC City Recorder

APPROVED AS TO FORM:

Samantha A. Burnett, City Attorney

ARTICLE IX. PARKING, LOADING AND ACCESS REGULATIONS

Sec. 9-101. Purposes and applicability.

9-101.1 *Purposes.* The following regulations on accessory off-street parking spaces are adopted in order to provide needed spaces off the streets for parking in connection with all activities which may be located in the City to reduce traffic congestion resulting from use of the streets as places of storage for automobiles, to protect the character of neighborhoods, to provide for a higher standard of development within the area and thus promote and protect the public health, safety and general welfare.

9-101.2 *Applicability.*

1. *General[ly].* For every use, activity, or structure permitted by this ordinance and for all buildings or structures erected in accordance therewith, there shall be provided sufficient space for access and off-street standing, parking, circulation, unloading and loading of motor vehicles that may be expected to transport its occupants, whether as patrons, residents, customers, employees, guests, or otherwise, to an establishment, activity, or place of residence at any time under normal conditions for any purpose. When a use is expanded, accessory off-street parking and loading shall be provided in accordance with the regulations herein for the area or capacity of such expansion in combination with the previously existing uses, structure, or activity.
2. *New and complying development.* New development occurring after the effective date of this ordinance and development existing on the effective date of this ordinance and complying with the number of off-street parking spaces required by this article shall be subject to the following provisions:
 - a. Every use of a building or land hereafter established shall provide the minimum off-street parking and loading spaces as required by this article.
 - b. The number of parking and loading spaces required by this article may be reduced when the land use or floor area of a building is changed or reduced to a use or floor area for which fewer parking or loading spaces are required.
 - c. When a building is expanded or a land use is changed so as to increase the number of spaces required, the number of such spaces shall be increased.
3. *Existing noncomplying development.* Developments with legally noncomplying parking and loading areas shall be subject to the following provisions:
 - a. *No reduction below requirements.* Existing parking and loading spaces shall not be reduced below the minimum required by this article.
 - b. *Redevelopment not increasing parking requirements.* Zoning permits and certifications of zoning compliance may be issued for a change of use or remodeling or structural alterations in developments containing legally noncomplying parking and loading areas, without requiring compliance with this article, provided that such redevelopment does not result in an increase in the number of required parking or loading spaces.
 - c. *Redevelopment increasing parking requirements.* Developments with legally noncomplying parking and loading areas shall be subject to the following provisions:
 - i. *Minor change.* Any building expansion or change of use that results in an increase of 25 percent or less over the number of parking spaces that would be required under this article

for the lot prior to the redevelopment activity shall be required to provide only the additional parking or loading spaces in excess of the number that would be required under this article for the previous development. Only the expanded portion of the parking or loading area shall be required to comply with the provisions of this article.

- ii. *Major change.* Any building expansion or change of use that results in an increase of more than 25 percent over the number of parking spaces that would be required under this article for the lot prior to the redevelopment activity shall be required to bring the entire development on the lot into full compliance with all of the provisions of this article.

(Ord. of 10-23-2009, § 9-101)

Sec. 9-102. General provisions.

9-102.1 *Use of residential parking facilities.* Facilities accessory to a residential use which are developed in any residential district in accordance with the requirements of this article shall be used solely for parking of passenger automobiles or commercial vehicles of not more than ten tons [of] gross weight owned by occupants of the dwelling structures to which such facilities are accessory, or by guests of such occupants.

9-102.2 *Repair, service or sales use of parking facilities.* It shall be unlawful to use any required off-street parking or loading facilities for motor vehicle repair work, service, display or sales of any kind, except as expressly permitted elsewhere in this article.

9-102.3 *Use of required parking as commercial or public lot.* No area designated as a required parking area in connection with any designated building or use shall be operated as a commercial or public parking lot providing parking spaces for the general public or for the occupants, tenants, customers, clients or residents of any other use or activity for a fee or other compensation.

9-102.4 *Ingress and egress.* All entrances and exits to parking and loading areas from a public right-of-way shall be subject to specific approval of the Planning Commission by approval of a site development plan in accordance with article XIV, subsection 14-103.4. In no event shall parking and loading spaces be provided in a manner requiring the backing out of vehicles into public rights-of-way.

9-102.5 *Location of parking or loading space.* All required off-street parking or loading spaces shall be provided on the same parcel of land occupied by the use or building to which it is appurtenant. Provided, however, that where there are, in the judgment of the Planning Commission, practical difficulties in satisfying the requirement for parking space and/or if the public safety or convenience would be better served by another location, the Planning Commission may authorize subject to the following conditions an alternative location:

1. Required accessory off-street parking facilities may be provided elsewhere than on the lot on which the principal use served is located, provided that the property occupied as parking is in the same possession, either by deed, by easement, or by long-term lease which has a term equal to or exceeding the projected life of the facility occupied by the principal use, and further provided that the owner shall be bound by covenants filed on record in the Office of the County Clerk, requiring the owner and his heirs and assigns, as well as subsequent owners, heirs or assigns, to maintain the required number of off-street parking spaces during the existence of such principal use.
2. Pedestrian access shall be available within a walking distance of not more than 500 feet measured from the nearest point of public access to the building to the nearest part of the accessory parking area.
3. Such separated parking space shall be usable without causing unreasonable traffic congestion, detriment to any residential neighborhood, or hazard to pedestrians or vehicular traffic.

9-102.6 *Phasing of parking facilities within industrial developments.* When any manufacturing activity is located within any industrial district, the construction of required parking spaces may be phased as required by occupant loading facilities.

9-102.7 *Zoning of accessory parking.* All accessory parking facilities, whether provided in fulfillment of or in excess of the requirements of this article, and whether located on the same or on a different lot from the principal use, shall be located on property zoned within the same or a less restrictive zoning district as the principal use served by the parking.

9-102.8 *Joint parking facilities.* Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided and used collectively or jointly in any zoning district in which separate off-street parking facilities for each constituent use would be permitted, subject to the following provisions:

1. A legally sufficient written agreement assuring perpetual joint usage of said common parking for the combination of uses or buildings is properly drawn and executed by the parties concerned, approved as to form and execution by the City Attorney, and filed with and made part of the application for a building permit.
2. Up to 25 percent of the parking spaces required for a theater or other place of evening entertainment, for a church, for multifamily dwelling units, or for a school, may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during evening hours, if specifically approved by the Planning Commission and Board of Commissioners; provided, however, that written agreement assuring the retention for such purpose shall be properly drawn and executed by the parties concerned, approved as to form and execution by the City Attorney, filed and made part of the application for a building permit. Such approval may be rescinded by the Board of Commissioners of the City and additional parking shall be obtained by the owners in the event that the Board determines that such joint use is resulting in a public nuisance or otherwise adversely affecting the public health, safety or welfare.

9-102.9 *Variance in the required number of parking and loading spaces.* The number of parking and loading spaces to be constructed may be less than the number of spaces required herein in the event that the following conditions are met to the satisfaction of the Planning Commission:

1. Evidence is submitted firmly documenting that the special nature of the use, activity, or building proposed requires less parking area or spaces than required by this ordinance for the same.
2. The site development plan submitted to and approved by the Planning Commission in accordance with article XIV, subsection 14-103.3, indicates that the location and layout of that portion of the parking requirement deemed unnecessary can and will be constructed accordingly in the event that the Planning Commission determines at any time that all or any portion of this parking is necessary in the interest of the public health, safety and welfare.
3. In no event shall that portion of the required parking or loading which is so designated, but not constructed as provided herein be counted as open space or other nonpaved area required by other provisions of this ordinance.

(Ord. of 10-23-2009, § 9-102)

Sec. 9-103. Off-street parking space requirements.

9-103.1 *Computing parking requirements.* The number of parking spaces required for a specific development proposal shall be based on the requirements listed in subsection 9-103.2, Number of parking spaces required, and the following provisions:

1. *Unlisted uses.* Upon receiving a development application for a use not specifically listed in this section, the Zoning Administrator shall apply the parking requirements specified for a listed use most similar to the use for which said permit is requested.
2. *Multiple uses.* Lots containing more than one use shall provide parking in an amount equal to the total of the requirements for all uses, unless a shared parking arrangement is approved pursuant to subsection 9-102.6, Joint parking facilities.
3. *Fractions.* When measurements determining the number of required spaces result in fractions, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall be rounded upward to the next highest full number.
4. *Bench seating.* Where seating consisting of benches or pews, the equivalent number of seats shall be determined using the standards of the City's building code.
5. *Floor area.* For the purpose of computing parking requirements that are based on the amount of square footage in buildings, calculations shall be on a gross floor area basis, unless otherwise specifically indicated.

9-103.2 *Number of parking spaces required.* The number of off-street parking spaces shall be provided for the specific unit of measure for the following specified uses within the activity types indicated:

1. *Residential activities.*
 - a. *Permanent activities.*
 - i. One-family detached, two-family detached dwellings: two spaces per dwelling unit.
 - ii. Multifamily dwelling: 1½ spaces for each dwelling unit with one bedroom; two spaces for each dwelling unit with two or more bedrooms.
 - iii. Manufactured homes: two spaces per manufactured home.
 - iv. Where occupancy is to be primarily by persons over the age of 60: the number of developed spaces may be reduced to one space per dwelling unit. There must be room on the lot to provide 1½ spaces per dwelling unit in the future.
 - b. *Semi-transient activities.*
 - i. Boarding[house] or roominghouse, apartment, hotel: one space for each dwelling or rooming unit.
2. *Community facility activities.*

Activity Type		Unit of Measurement
Administrative services		One space for each 300 square feet of gross floor area, plus one for each three employees.
Child care facilities		
	Child care center	One space per five persons accommodated for the first 50 persons, plus one space for each additional ten persons accommodated over 50.
	Family child care and group child care homes	One space for each nonresident or nonfamily member employee (such spaces are in addition to spaces required for the dwelling).
	Community assembly	One space for each two seats or one-half of the capacity in persons, whichever is greater.
Cultural and recreation services		

	Art galleries, libraries, museums, zoological and botanical gardens, planetariums and aquariums	One space for each 800 square feet of gross floor area.
	Swimming pools	30 percent of capacity.
	Parks, playgrounds and playfields	Ten spaces for each acre of land devoted to recreation, plus one space for each four spectator seats.
	Recreation centers and gymnasiums	50 percent of the capacity, plus one space for each two employees.
Educational facilities		
	Kindergarten and nursery	One space for each employee, plus one space for each four students.
	Elementary and middle schools, grades 1-7	Two spaces for each classroom or one space for each five seats in the auditorium or one space for each eight students, teachers and employees, whichever is greater.
	High school, grades 8-12	Four spaces for each classroom or one space for each given five seats in the auditorium or one space for each four students, teachers and employees, whichever is greater.
	Vocational or trade schools	One space for each 1,000 square feet of gross floor area, plus one space for each six seats in any associated auditorium.
Essential public transport		
	Communication and utility services	Two spaces per facility.
	Extensive impact facilities, airports, air cargo terminals, heliports or aeronautical devices	One space for each two employees, plus one space for every 100 square feet of gross floor area.
	Correctional or detention institutions	One space for each two employees, plus one space for each patrol car.
	Bus and transit terminals	One space for each 100 square feet of waiting room.
	Railroad yards and other transportation equipment marshaling and storage yards	One space for each two employees.
	Stadiums, sports arenas, auditoriums and bandstands	One space for each four seats.
	Water and sewage treatment plants	One space for each employee.
	All other activities	See note 1.
Health care facilities		
	Centers for observation or rehabilitation, convalescent homes	One space for each four beds, plus one space for each 1,000 square feet of gross floor area.
	Hospitals	1½ spaces for each bed.
	Medical or dental clinics	Five spaces for each staff member or doctor or dentist or two spaces for each treatment or examination room, whichever is greater.
	Intermediate impact, colleges, junior colleges and universities	One space for each 1,000 square feet of gross floor area suited for academic purposes, plus one space for each six seats in an auditorium, arena, or stadium on the same lot.
	All other activities	See note 1.

Religious facilities		
	All activity types	One space for each three seats.
	Special institutional care facilities	See note 1.
Special personal and group care facilities		
	Associations for [the] physically or mentally handicapped	One space for each employee.
	Day care facilities for elderly persons	One space for each employee, plus one space for each four elderly persons receiving care.
	Nursing homes	One space for each employee, plus one space for each two patients.

3. *Commercial activities.*

- a. *Uses located on freestanding sites.* The provisions of this subsection shall apply to uses which are located on individual lots of record where no parking is shared with any other use or activity.

	Activity Type	Spaces Required (area in sq. ft.)
(One parking space is required per unit of gross floor area indicated)		
i.	Adult entertainment	One space per four permanent seats, plus one space for every 25 square feet of area where temporary seats are used.
ii.	Animal care and veterinarian services	300
iii.	Automotive and marine craft sales, service and repair	500
iv.	Banking, financial, insurance and real estate services	300
v.	Convenience retail sales and services	150
vi.	Entertainment and amusement services, limited:	
	(a) Art galleries (commercial)	400
	(b) Motion picture theaters	For (b) and (c), one space per four permanent seats, plus one space for every 25 square feet of area where temporary seats are used.
	(c) Theaters (legitimate)	For (b) and (c), one space per four permanent seats, plus one space for every 25 square feet of area where temporary seats are used.
	(d) Bowling alleys and billiard parlors	See note 1.
	(e) Coin-operated amusement	See note 1.
	(f) Commercial sporting facilities	See note 1.
	(g) Dance, studios and schools	See note 1.
	(h) Exhibition halls and commercial auditoriums	See note 1.
	(i) Gardens (botanical and zoological)	See note 1.
	(j) Marinas, boat docks and boat rental	See note 1.
	(k) Recording and motion picture production studios	See note 1.
	(l) Theatrical producers, band, orchestras and entertainers	See note 1.
vii.	General business and communications services	400
viii.	General retail sales and services	250

ix.	Group assembly and outdoor recreation	One space per four permanent seats, plus one space for every 25 square feet of area where temporary seats are used or as may be determined by the Planning Commission. See note 1.
x.	Outdoor material and equipment sales and repair yards	1,000
xi.	Professional services, medical	300
xii.	Professional services, nonmedical	400
xiii.	Restaurant, full-service	150 (or one space for each four seats, whichever is greater)
xiv.	Restaurant, take-out	100 (or one space for each four seats, whichever is greater)
xv.	Scrap operations	See note 1.
xvi.	Self-service storage	One space for each 5,000 square feet of gross floor area, plus two spaces for the rental office and one space for each employee.
xvii.	Transient habitation	One and one quarter (1.25) spaces for each unit in a building serving transient guests.
xviii.	Warehousing goods, transport and storage	One space per 3,000 square feet of gross floor area, plus one space per 7,000 square feet of open storage area.
xix.	Wholesale sales	One space per 1,000 square feet of open storage or gross floor area devoted to storage, plus one space per 300 square feet of office and display area.

Note(s)—1. Due to the extreme variability of parking requirements for certain uses, the requirements for all new structures shall be determined by the Planning Commission as part of the review process of a site development plan based upon pertinent factors with each individual situation. In the case of existing structures the Zoning Administrator shall determine the parking requirements.

4. *Manufacturing activities.* One space for each 1,500 square feet of gross floor area or one space for each three employees during the largest shift, whichever is greater.

(Ord. of 10-23-2009, § 9-103; Ord. No. 2017-28, §§ 1, 2, 5-8-2017)

Sec. 9-104. Off-street parking lot design standards.

9-104.1 *Design objectives.* Parking areas shall be designed with careful regard given to orderly arrangement, topography, amenity of view, ease of access and as an integral part of the overall site design. For reasons of use and appearance, it is desirable that parking areas be level or on terraces formed with the slope of the land. Changes in level between such terraces should be formed by retaining walls or landscaped banks. Efforts shall be made to ensure that a parking area does not dominate a site or building. Such efforts may include depressing the level of the parking area, construction of earth berms, dividing large lots into smaller sub-lots and other similar techniques. Wherever possible, the size of parking areas visible from public streets shall be minimized.

9-104.2 *Submission of site plan.* Any application for a building permit, or for a conditional use permit where no building permit is necessary, that requires five or more accessory off-street parking spaces to be provided on a zone lot, shall be accompanied by a site development plan drawn to scale and fully dimensioned. Said plan shall

show the location design and layout of such parking facilities and shall be subject to approval by the Planning Commission. A site plan drawn to meet the requirements of article XIV, subsection 14-103.3, will comply. There shall be included either as a part of the parking area site plan or as a separate plan a landscaping plan for the parking area. Such landscape plan shall show any trees, shrubs, flowers, or ground covers together with; retaining walls or screens; walkways; and traffic barriers. (See article X.)

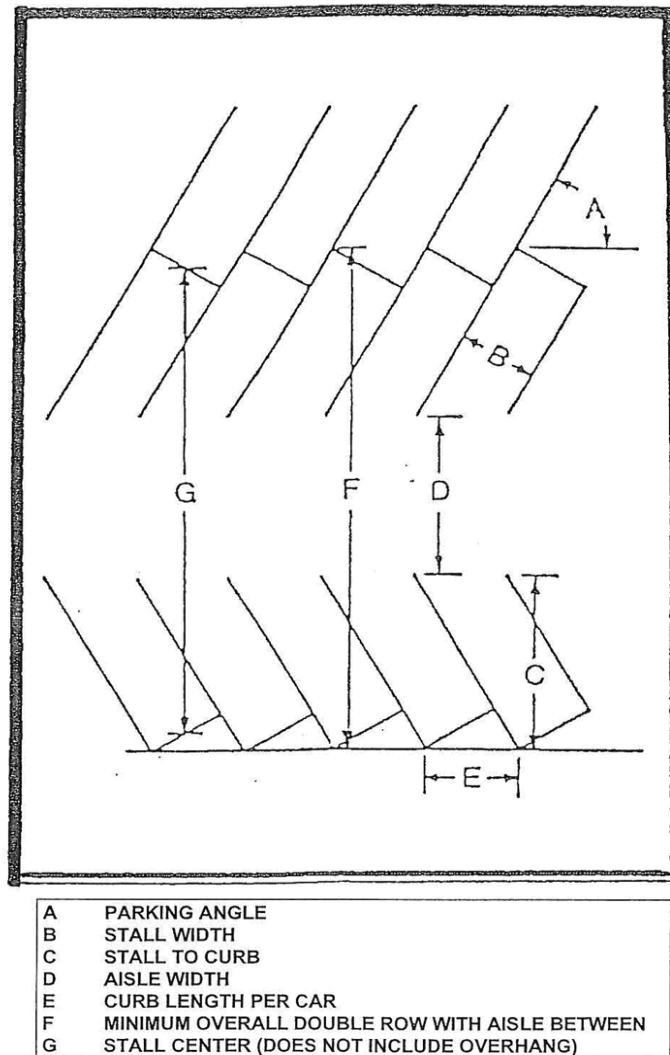
9-104.3 *Design of parking stalls and maneuvering spaces.*

1. *Dimensions of parking spaces.* Except as otherwise provided by this subsection, the minimum dimensions of parking stalls and maneuvering spaces shall be as shown in table 9-104.3.

Parking Space and Aisle Dimensions

DIMENSIONS IN FEET							
Parking Angle A	Stall Width B	Stall Depth C	Aisle Width D	Curb Length E	Wall Module Width F	Interlock Module Width G	Stall Depth to Interlock H
90 Degree Parking Angle, Two-Way Aisle							
90	9.00	17.5	26.0	9.00	61.00	61.0	17.5
60 Degree Parking Angle, Two-Way Aisle							
60	8.5	18.0	26.0	9.7	62.0	59.0	19.7
75 Degree Parking Angle, One-Way Aisle							
75	8.5	18.0	22.0	10.4	59.0	57.0	17.5
60 Degree Parking Angle, One-Way Aisle							
30	98.5	18.0	18.0	17.0	54.0	51.0	16.5
45 Degree Parking Angle, One-Way Aisle							
45	8.5	18.0	15.0	12.7	48.0	44.0	18.6
Parallel	8.0	22.0	15.0	22.0	23.0	23.0	23.0

ILLUSTRATION 9-104.3
PARKING SPACE AND AISLE DIMENSIONS



2. *Parallel parking.* Parallel parking spaces shall have a minimum length of 20 feet and a minimum width of eight feet. A minimum width of ten feet shall be required if any structure or obstacle that would impede the opening of a car door is within two feet of the curbside of a parallel parking space.
3. *Residential parking.* Parking areas designed solely for a single dwelling unit and not sharing a common parking area shall be a minimum of eight feet wide and 20 feet long. Such parking spaces may be located on a driveway or in an enclosed garage and may be placed end to end, but no portion of any parking space shall be located with the right-of-way of a public street or a public alley.
4. *Layout.* All off-street parking spaces, other than those designed solely for a single dwelling unit and not sharing a common parking area, shall comply with the following design requirements:
 - a. Each off-street parking spaces shall open directly onto an aisle or driveway that is not a public street or a public alley.
 - b. Aisles and driveways shall not be used for parking vehicles.

- c. Parking spaces shall be designed to permit entry and exit without moving any other vehicle.
 - d. No parking space shall be located so as to block access by emergency vehicles.
 - e. No off-street parking spaces shall be located within the right-of-way of a public street, public alley or required joint access easement.
 - f. For parking areas including ten or more spaces, a minimum queuing distance of 20 feet shall be provided along all access drives between the street right-of-way line and the nearest parking space.
5. *Paving standards.* All parking spaces and access drives of parking areas with five or more spaces shall be surfaced with asphalt or concrete, or other hard-surfaced dustless materials and shall be constructed to provide for adequate drainage.
 6. *Marking.* Parking areas containing five or more spaces shall delineate each space by single or double stripes on each side of the space. Except for parallel parking spaces, stall width shall be measured from the centerline of one stripe to the centerline of the other stripe.
 7. *Curbs.* Curbs shall be provided to prevent any vehicle using a parking area from encroaching on any public right-of-way, required landscaping area or adjacent property.

9-104.4 *Handicapped parking.* Refer to the latest adopted version of the ICC/ANSI A117.1 and Chapter 11 of the International Building Codes (IBC).

9-104.5 *Queuing requirements for drive-through facilities.* In addition to meeting the off-street parking requirements of this section, drive-through facilities shall meet the following standards:

1. *Minimum dimensions.* Each queue space shall be a minimum of ten feet by 20 feet in size. Unless otherwise indicated, queuing shall be measured from the point of ultimate service to the end of the queuing lane.
2. *Design.* Each queue lane shall be clearly defined and designed so as not to conflict or interfere with other traffic using the site. A bypass lane, a minimum of 12 feet wide, shall be provided if a one-way traffic flow is used in the parking lot. The bypass lane shall be clearly designated and distinct from the queuing area.
3. *Number of queue spaces.* The minimum number of queue spaces, including the vehicle being serviced, shall be provided as indicated in [following] table 9-104.5:

Table 9-104.5 Required Queuing Spaces	
Activity Type/Land Use	Minimum Queue Spaces
Bank teller lane	5
Automated teller machine	3
Restaurant drive-through	5
Carwash stall, automatic	5
Carwash stall, self-service	3
Oil change station	4
Dry cleaning or laundry	3
Photo lab	4
General retail	4
Gasoline pump island	30 feet from each end of pump island

(Ord. of 10-23-2009, § 9-104; Ord. of ; Ord. No. 2011-70, § 1, 12-12-2011)

Sec. 9-105. Off-street loading.

9-105.1 *Computing loading requirements.* The number of loading spaces required for a specific development proposal shall be based on the requirements listed in subsection 9-105.2, Off-street loading space requirements, and the following provisions:

1. *Unlisted uses.* Upon receiving a development application for a use not specifically listed in this section, the Zoning Administrator shall apply the loading requirements specified for a listed use most similar to the use for which said permit is requested.
2. *Multiple uses in a building.* When a building contains more than one use, and the floor area used for each use is below the minimum for required loading spaces but the aggregate total floor area is greater than the minimum, then off-street loading space shall be provided as if the entire building was used for that use in the building for which the most spaces are required.
3. *Fractions.* When measurements determining the number of required additional loading spaces beyond the floor area ranges given in subsection 9-105.2, Off-street loading spaces requirements, result in fractions, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall be rounded upward to the next highest full number.

9-105.2 *Off-street loading space requirements.* The minimum number of off-street loading spaces to be provided for a building shall be as indicated in table 9-105A.

9-105.3 *Loading area design standards.*

1. *Size of required berths.* The minimum required dimensions of loading spaces, open or enclosed, shall be 12 feet in width by 55 feet in length, with a minimum vertical clearance of 15 feet. Where tractor-trailer units will be using the facility, the minimum length shall be 65 feet.
2. *Paving standards.* All open off-street loading spaces shall be surfaced with asphalt or concrete, or other hard-surfaced dustless materials, and shall be constructed to provide for adequate drainage.

Table 9-105A. Required Off-Street Loading Spaces		
Activity Type/Land Use	Gross Floor Area (in square feet)	Loading Spaces
Outside material and equipment sales; restaurant, full-service; restaurant, fast food; warehousing goods, transport and storage		
	Less than 2,000	None
	2,001 to 10,000	1
	10,001 to 25,000	2
	25,001 to 40,000	3
	40,001 to 60,000	4
	60,001 to 100,000	5
	Each additional 80,000	1
All manufacturing		
	Less than 5,000	None
	5,001 to 20,000	1
	20,001 to 40,000	2
	40,001 to 60,000	3
	40,001 to 100,000	4
	Each additional 80,000	1
Automotive and marine craft sales, service and repair		

Created: 2024-09-16 10:14:47 [EST]

	Less than 10,000	None
	10,001 to 25,000	1
	25,001 to 40,000	2
	40,001 to 60,000	3
	60,001 to 100,000	4
	Each additional 80,000	1
Convenience retail sales and services, general; retail sales and services; group assembly; commercial outdoor recreation		
	Less than 10,000	None
	10,001 to 25,000	1
	25,001 to 40,000	2
	40,001 to 60,000	3
	60,001 to 100,000	4
	Each additional 150,000	1
Health care facilities; professional services, medical and nonmedical		
	Less than 10,000	None
	10,001 to 100,000	1
	100,001 to 300,000	2
	Each additional 300,000	1
Community assembly; transient habitation		
	Less than 20,000	None
	20,001 to 100,000	1
	100,001 to 300,000	2
	Each additional 300,000	1
Scrap operation		
	Less than 25,000	None
	25,001 to 60,000	1
	60,001 to 100,000	2
	Each additional 100,000	1

3. *Use of loading area.* Required off-street loading spaces and associated aisles and maneuvering areas shall be used for vehicle loading only. No sales, storage, display of merchandise (including automobiles), repair work or dismantling shall be permitted in such areas.
4. *Layout.* All off-street loading spaces shall comply with the following design requirements:
 - a. No off-street loading space shall be located within the right-of-way of a public street. Any loading dock or door shall be set back far enough from the right-of-way so that no portion of the right-of-way is occupied by trucks or other vehicles while loading or unloading.
 - b. The location of the loading area shall not interfere with the free circulation of vehicles in the off-street parking area. Where loading areas are directly adjacent to or integrated with an off-street parking lot, the city may require installation of physical barriers or other means of separating loading areas from parking areas and pedestrian traffic.
 - c. No loading space shall be located so as to block access by emergency vehicles.

(Ord. of 10-23-2009, § 9-105)

Sec. 9-106. On-street parking.

9-106.1 *Parking on existing public streets.* No person shall park their vehicle or trailer on a public street between the hours of 1AM to 5AM without approval of the Traffic Commission.

9-106.2 *Parking on proposed streets.* No parking shall be permitted on any new street without approval of the Planning Commission. All new on-street parking shall be provided by designated spaces outside the travel lane.

9-106.3 *On-street parking design.* All on-street parking shall be provided by parallel parking spaces. These spaces shall be at least 22 feet long and 9 feet deep, including the width of the gutter. No perpendicular or angled parking shall be provided within the public right-of-way.

Sidewalks constructed next to on-street parking shall include an additional 2 feet of width to provide pedestrians with a clear path around car doors.

9-106.4 *Location of on-street parking.* No parking shall be provided on arterials, community collectors, or minor collectors. Parking along residential collectors shall be limited to areas serving community amenities.

Sec. 9-~~106~~107. Access management.

9-107.1 *Traffic Impact Studies.* All development deriving access from the public rights-of-way shall submit a traffic study up to the standards published by Public Works and Engineering.

9-107.2 *Access Control.* Individual parcels shall access the public rights-of-way based on the criteria set forth in the Tennessee Department of Transportation's Highway Systems Access Manual (HSAM) to the greatest extent possible. The HSAM includes requirements on the following:

- i. Number of driveways
- ii. Driveway spacing
- iii. Median opening spacing
- iv. Corner clearance
- v. Edge clearance
- vi. Driveway throat length
- vii. Driveway width
- viii. Radius of curvature

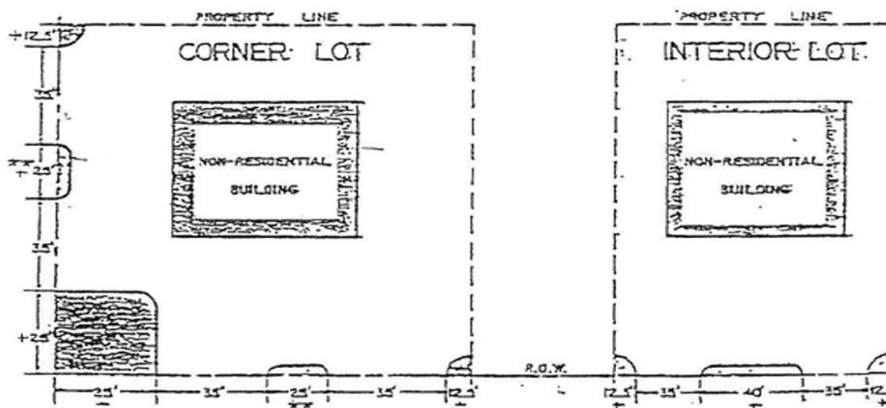
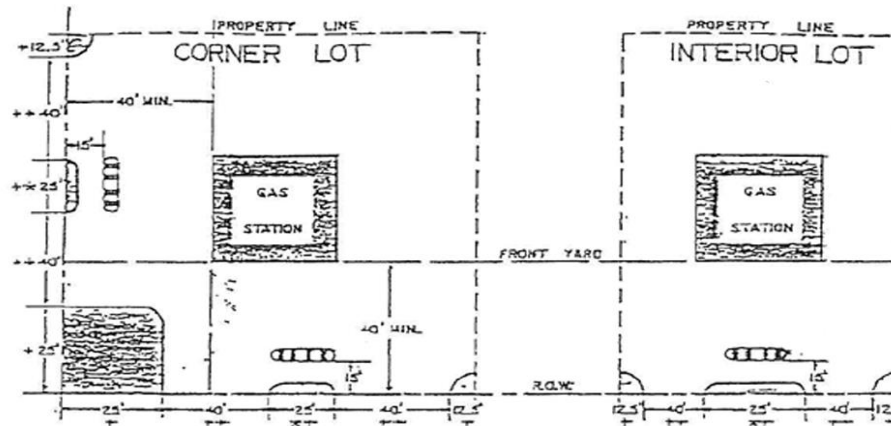
9-107.3 *Deviations.* It may not be possible to meet the requirements outlined in the HSAM for every parcel. Developments shall conform to the requirements to the greatest extent possible. Mitigation may be required, at the discretion of the Planning Commission, for requirements that are not met. Mitigation may include, but is not limited to, restricted access driveways, shared driveways, and frontage roads.

~~9-106.1 *Traffic impact studies.* See the Subdivision Regulations for details and requirements regarding traffic study requirements for development or redevelopments.~~

~~9-106.2 *Protection of residential areas.* In order to minimize the destabilizing effects on residential areas, access to commercial and industrial activities shall be designed so as to minimize the intrusion of nonresidential and nonlocal traffic onto local residential streets.~~

~~9-106.3 *Access control.* In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following access control regulations shall apply (see illustration 9-106A):~~

ILLUSTRATION 9-106A
DRIVEWAY CONSTRUCTION



+ NO MAXIMUM

++ Also Applies to Trucking Terminals and Other Commercial and Industrial Uses Customarily Having a Large Volume of Tractor-Trailer Vehicular Traffic.

* 40' Minimum State Highways (at Least as Wide as Adjacent Driveway)

** 35' Minimum on State Highways (at Least as Wide as Adjacent Driveway)

1. ~~Access from arterial or collector public ways. The city may require:~~
 - a. ~~That corner lots or double frontage lots not derive access from arterial or collector public ways.~~
 - b. ~~That access to residential lots from collectors and minor arterial shall be provided by joint driveways.~~
 - c. ~~That direct access to residential lots from major arterial highways designated in the major thoroughfare plan not be permitted.~~
2. ~~Minimum separation between driveways. For each permitted nonresidential driveway, there shall be a corresponding minimum road frontage of:~~
 - a. ~~At least 200 feet along routes designated in the major thoroughfare plan as rural arterial highways and six lane urban arterial highways.~~

b. ~~At least 150 feet along routes designated in the major thoroughfare plan as five lane and three lane urban arterial highways.~~

c. ~~At least 100 feet along routes designated in the major thoroughfare plan as four lane urban arterial highways and two lane collector highways.~~

The City will consider requests for modifications to this standard to permit the construction of double driveways, serving the same property from the same street, on a case by case basis. Double driveways shall be allowed only on lots with more than 150 feet of road frontage. In all cases, the separation between double driveways shall be at least 25 feet and shall also be greater than the width of the wider adjoining driveway. The City may require that access to proposed new lots be provided indirectly via cross connections, joint access easements, or local access roads. Nonresidential lots of record as of the date of the enactment of this ordinance shall have direct access to at least one public way.

3. ~~Minimum clearances.~~ The minimum corner clearance between proposed new driveways and existing or proposed thoroughfares shall be at least 50 feet. In order to ensure adequate storage space for vehicles stopped at a signalized intersection, the City may require that the nearside corner clearance shall be at least 100 feet. Corner clearances shall be as defined in the Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way, adopted by the Tennessee Department of Highways and effective April 3, 1967. Except when access is via a joint driveway, the distance between the frontage property line and the tangent projection of the nearest edge of each driveway, measured along the edge of the public way, shall be at least 15 feet for nonresidential driveways and at least five feet for residential driveways.

4. ~~Design standards for nonresidential driveways.~~

a. ~~For access to thoroughfares where the posted speed limit is 35 mph, or less, all nonresidential driveways shall be constructed with a minimum return radius of 15 feet and a minimum horizontal width of 25 feet.~~

b. ~~For access to thoroughfares where the posted speed limit is 40 mph, nonresidential driveways shall be constructed with:~~

i. ~~A minimum return radius of 20 feet and a minimum driveway width of 30 feet.~~

ii. ~~A minimum return radius of 25 feet and a minimum driveway width of 25 feet.~~

c. ~~For access to thoroughfares where the posted speed limit is 45 mph, nonresidential driveways shall be constructed with a right turn deceleration lane and:~~

i. ~~A minimum return radius of 25 feet and a minimum driveway width of 40 feet.~~

ii. ~~A minimum return radius of 30 feet and a minimum driveway width of 30 feet.~~

d. ~~The City will review proposed driveway designs for access to other thoroughfares on a case-by-case basis.~~

e. ~~Where required, deceleration lanes shall be designed to provide for sufficient reduction in travel speeds as well as for vehicle storage.~~

f. ~~Driveway openings shall be no wider than necessary to ensure conformance with this standard.~~

g. ~~All nonresidential driveways shall be permanently paved. Lanes shall be clearly designated and lane uses shall be clearly and permanently marked.~~

h. ~~The centerline of every nonresidential two way driveway shall intersect the centerline of the public way at an angle between 75 and 90 degrees.~~

-
- ~~i. For other nonresidential driveways, the intersection angle shall be subject to the approval of the City.~~
- ~~5. Design standards for residential driveways. Where permitted, residential driveways fronting collector and arterial routes designated in the major thoroughfare plan shall be designed so as to avoid requiring vehicles to back onto these highways.~~
- ~~6. Relationship to state standards. Where the driveway design and location standards listed above are not in conformance with the standards of the Tennessee Department of Transportation, the City may require conformance with whichever standard is more restrictive.~~

~~9-106107.4 Joint and shared accessways.~~

1. *Joint use driveways.* Wherever feasible, the City may require the establishment of a joint use driveway to serve two or more properties. If a proposed development abuts an existing development that contains an existing joint access driveway, the vehicular circulation of the proposed development shall be designed to connect to the abutting access and circulation areas. If a proposed development abuts existing undeveloped property, the vehicular circulation of the proposed development shall contain a joint access driveway which is designed to connect to the abutting property when such property is developed.
2. *Cross access corridors.* The Planning Commission, in conjunction with the City Engineer shall be authorized to designate cross access corridors on properties adjacent to arterial and major collector streets. All developments within the affected area shall be designed so as to provide for mutual coordinated parking, access and circulation systems.
3. *Recording access easements.* Whenever joint access driveways or cross access corridors are provided in accordance with the provisions of this section, no development plan shall be approved unless such plan grants an easement for cross access to and from abutting properties. Such designation shall be referenced on all plats of subdivision for any affected property.
4. *Closing of interim driveways.* Whenever a permanent joint use driveway and/or a cross access corridor is constructed as required by the provisions of this section, all preceding temporary or interim driveways shall be closed and eliminated. The owner(s) of all properties which involve the use of a permanent joint use driveway and/or a cross access corridor shall enter into a written agreement with the City to be recorded in the public records of the County and running with the land, that existing temporary and/or interim driveways shall be closed and eliminated following construction of both sides of a joint access.

~~9-107.5 Turn Lanes. The installation of turn lanes can increase the safety of roadways. However, turn lanes can have a negative impact vulnerable users such as bicycles and pedestrians. Turn lanes shall be installed only if the warrants included in the HSAM are met and with approval of the Planning Commission.~~

~~9-107.6 Sight Distance. All new access points shall be designed to exceed AASHTO standards for intersection sight distance, as defined in the Subdivision Regulations Section 4-104.~~

~~9-106.5 Visibility areas. In order to safely accommodate vehicular movements to and from public streets, the following sight distance and visibility provisions shall be required:~~

- ~~1. Street intersections. At all points of intersection of public and private streets no fence, wall, hedge or other planting or structure that will obstruct vision at any point above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by the said right-of-way lines and a straight line joining said right-of-way lines at points where they are 35 feet distant from the intersection of the right-of-way lines and measured along said right-of-way lines.~~

2. ~~Driveway intersections.~~ In all zone districts, no fence, wall, hedge or other planting or structure that will obstruct vision at any point where any private driveway intersects a public street shall be erected, placed or maintained within 35 feet in all directions measured from all points along the property line across vehicles are intended to pass.

9-106.6 ~~Measurement.~~ For the purposes of this section, distances shall be measured in the following manner:

1. ~~Distance between driveways.~~ Distances between driveways shall be measured along the right-of-way line from the nearest points of intersection of the driveways with the right-of-way line. In the event that the curb return of a driveway begins outside of the right-of-way, the point of intersection of the extension of the driveway curb or edge shall be used for measurement purposes.
2. ~~Distance from intersection.~~ The distance from street intersections shall be measured from the nearest intersection of the existing right-of-way lines or extension thereof. For streets designated to be widened at a future time by the adopted major thoroughfare plan, measurement shall be made from the ultimate right-of-way.
3. ~~Distance from ramps of limited access highways.~~ The distance from ramps for limited access highways shall be measured from the point where the right-of-way for the ramp intersects the right-of-way for the street serving the lot.

(Ord. of 10-23-2009, § 9-106; Ord. No. 2015-4, § 1, 1-12-2015)



MEMORANDUM

Date: June 20, 2024

To: Luke Winchester, Chairman
and Planning Commission

From: Shane Shamanur, PE
Director of Engineering

Re: Update to the Development Code Article IX -
Parking, Loading, and Access

OVERVIEW: The subject item is the proposed update to the Mt. Juliet Land Use Development Code to bring the specifications up to state standards, remove inconsistencies, and correct language on out-of-date texts. The updates are recommended to update Zoning Regulations Article IX.

BACKGROUND & ANALYSIS: The Mt. Juliet Land Use Development Code provides guidance on the parking requirements for private development and accessing the public right-of-way from private lots. The intent of this proposed revision is to update the parking regulations and bring the access management requirements up to the standards set forth in TDOT's Highway Systems Access Manual (HSAM).

It is recommended a new subsection be inserted following 9-101. This subsections shall be 9-102 *On-Street Parking* and all subsequent subsections in Article IX shall be renumbered. The subsection shall include the following:

“Section 9-102 On-Street Parking

9-102.1 *Parking on Existing Public Streets.* No person shall park their vehicle or trailer on a public street between the hours of 1AM to 5AM without approval of the Traffic Commission.

9-102.2 *Parking on Proposed Street.* No parking shall be permitted on any new street without approval from the Planning Commission. All new on-street parking shall be provided by designated spaces outside the travel lane.

9-102.3 *On-street parking design.* All on-street parking shall be provided by parallel parking spaces. These spaces shall be at least 22 feet long and 9 feet deep, including the width of the gutter. No perpendicular or angled parking shall be provided withing the public right-of-way.

Sidewalks constructed next to on-street parking shall include an additional 2 feet of width to provide pedestrians with a clear path around car doors.

9-102.4 *Location of on-street parking.* No parking shall be provided on arterials, community collectors, or minor collectors. Parking along residential collectors shall be limited to areas serving community amenities. “

It is recommended that Section 9-106 is replaced with the following:

“9-106.1 *Traffic Impact Studies.* All development deriving access from the public right-of-way shall submit a traffic study up to the standards published by Public Works and Engineering.

9-106.2 *Access Control.* Individual parcels shall access the public right of-way based on the criteria set forth in the Tennessee Department of Transportation’s (TDOT) Highway Systems Access Manual (HSAM) to the greatest extent possible. The HSAM includes requirements on the following:

1. Number of driveways
2. Driveway spacing
3. Median opening spacing
4. Corner clearance
5. Edge clearance
6. Driveway throat length
7. Driveway width
8. Radius of curvature

9-106.3 *Deviations:* It may not be possible to meet the requirements outlined in the HSAM for every parcel. Developments shall conform to the requirements to the greatest extent possible. Mitigation may be required, at the discretion of the Planning Commission, for requirements that are not met. Mitigation may include, but is not limited to, restricted access driveways, shared driveways, and frontage roads.

9-106.4 *Shared Driveways and Interparcel Connections.*

1. Shared driveways. Wherever feasible, the City may require the development to establish shared use driveways to serve two or more properties. If the incoming development abuts a property with an existing shared driveway, vehicular access shall be derived from the existing shared driveway. If the proposed development abuts an undeveloped property, the vehicular circulation shall be designed to allow the adjacent property to connect if development occurs.
2. Cross access corridors. The Planning Commission, in conjunction with the City Engineer, shall be authorized to designate cross access corridors on properties adjacent to arterials and collectors. All development within the affected area shall be designed to provide for mutual coordinated parking, access, and circulation systems.
3. Recording access easements. Whenever shared driveways or cross access corridors are provided in accordance with the provisions in this section, no development shall be approved unless such plan grants an easement for cross access to and from the abutting properties. Such designation shall be referenced on all plats of subdivision for any affected property or recorded by instrument.
4. Closing interim driveways. Whenever a permanent shared driveway and/or cross access corridor is constructed as required by the provisions of this section, all preceding temporary or interim driveways shall be closed and eliminated. The owner(s) of all properties which involve the use of a permanent shared driveway and/or cross access corridor shall enter into a written agreement

with the City to be recorded in the public records of the County and running with the land that existing temporary and/or interim driveways shall be closed and eliminated following the construction of both sides of a joint access driveway and/or cross access corridor.

9-106.5 *Turn Lanes*. The installation of turn lanes can increase the safety of roadways. However, turn lanes can have a negative impact vulnerable users such as bicycles and pedestrians. Turn lanes shall be installed only if the warrants included in the HSAM are met and with the approval of the Planning Commission.

9-106.6 *Sight Distance*. All new access points shall be designed to exceed AASHTO standard for intersection sight distance, as defined in the Subdivision Regulations Section 4-104. “

RECOMMENDATION: Staff recommends forwarding this item to the Board of Commissioners with a positive recommendation.