

AN ORDINANCE TO AMEND ORDINANCE NO. 4453-12 ENTITLED, "AN ORDINANCE PROVIDING FOR PERMITS, TAPPING FEES AND A FAIR USER CHARGE SYSTEM OF BILLING FOR USE OF THE JOHNSON CITY, TENNESSEE BRUSH CREEK, KNOB CREEK AND REGIONAL WASTEWATER SYSTEMS; AND ALL ORDINANCES SUPPLEMENTARY THERETO AND AMENDATORY THEREOF, BY REPEALING ORDINANCE 4453-12 AND ENACTING THE FOLLOWING PROVISIONS IN LIEU AND INSTEAD THEREOF

WHEREAS, revenues are required to finance the operation, maintenance, administration and debt service costs of the Brush Creek, Knob Creek & Regional Wastewater Collection and Treatment System of the City of Johnson City, Tennessee; and

WHEREAS, the Board of Commissioners of the City of Johnson City, Tennessee pursuant to the public need thereof and in the public interest are charged with the responsibility of setting sewer service rates such that said wastewater system can, on its own merit, meet its financial obligations; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:

SECTION 18-201: OPERATING AGENCY

That the operating body for the Brush Creek, Knob Creek and Regional Wastewater System shall be the Water/Sewer Department of the City of Johnson City.

SECTION 18-202: OPERATING AUTHORITY

The Water/Sewer Department of Johnson City shall have charge of the management, operation and maintenance of all aspects of the Brush Creek, Knob Creek & Regional Wastewater Systems and all wastewater properties, including all future improvements and extensions and including all real and personal property of every nature comprising part of or used or useful in connection with such system and including all appurtenances, contracts, leases, franchises, and other intangibles.

SECTION 18-203: COSTS OF OPERATING AND MAINTENANCE

All costs of operation, maintenance, administration and debt services shall be paid from the revenues to be derived from such system.

SECTION 18-204: CONNECTION WITH SEWER REQUIRED

Each owner, tenant or occupant of any lot or parcel of land within the Brush Creek, Knob Creek & Regional Wastewater Systems, which lot or parcel abuts upon a street or other public way containing a sanitary sewer or is within two hundred feet of a sanitary sewer, and upon which lot or parcel a building is situated for residential, commercial or industrial use, is hereby required to connect such building with such sanitary sewer and to cease to use any other means for the disposal of sewage waste or polluting matter, and all cesspools, pits and privies on such property shall be a nuisance and shall be abated. Failure to comply with this section shall subject such owner, tenant or occupant to a fine of not exceeding fifty dollars (\$50.00) for each 30-day period from written notice of the availability of such sewer service said owner, tenant or occupant, given by certified mail by the chief department head of the operating authority.

SECTION 18-205: TAPPING FEES

Each person desiring to tap or connect with the Brush Creek, Knob Creek & Regional Wastewater System of the city, shall first obtain a permit therefore from the city and pay in cash to the city a tap or connection fee as hereinafter provided for each tap or connection

prior to the time of the issuance of the permit in accordance with the schedule which follows effective July 1, 2012:

TAPPING FEES

	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
(a) Single Family Residence	\$ 1,550.00	\$ 3,100.00
(b) Small Commercial Users (i.e. service stations, office buildings, other non-residential users, etc.) of less than 10,000 square feet	\$ 1,550.00	\$ 3,100.00
(c) Car Wash	\$ 1,550.00 first bay \$ 900 each additional bay	\$ 3,100.00 first bay \$ 1,800 each additional bay
(d) Apartments, Condominiums Multi-Unit Family Complexes, etc., per unit; Trailer Courts, trailer or unit	\$ 1,550.00 for the first unit \$ 900 for the next (50) units plus \$ 550 for each additional unit	\$ 3,100.00 for the first unit \$ 1,800 for the next (50) units plus \$1,100 for each additional unit
(e) Factories, Shopping Centers, Schools, Warehouses, Parking Garages	\$ 1,550.00 for the first 10,000 sq. ft. of floor space plus \$900 for each additional 10,000 sq. ft. of floor space	\$ 3,100.00 for the first 10,000 sq. ft. of floor space plus \$1,800 for each additional 10,000 sq. ft. of floor space
(f) Motels, Hotels, Hospitals, Nursing Homes, Dormitories		
1) Each Rental unit/room with no in-room kitchen facilities	\$ 1,550.00 for first unit \$550 for each additional unit	\$ 3,100.00 for first unit \$ 1,100 for each additional unit
(g) Rental Housing with private bathroom facilities per bedroom	\$ 1,550.00 for first unit \$550 for each additional rental space	\$ 3,100.00 for first unit \$ 1,100 for each additional rental space

(h)	Additional existing units on same lot or parcel of land with existing residence and connected to the same sewer tap	\$ 1,550.00	\$ 3,100.00
(i)	New Residences located in areas developed under the regulations governing the subdivision of land of governing the subdivision of land of the Johnson City Regional Planning Commission in which adequate and proper sewer lines constructed in conformity with applicable statutes of the State of Tennessee and Ordinances of the City pertaining to sanitation have been constructed as a part of private subdivision development	\$ 1,050.00	\$ 2,100.00
(j)	On-Site Residential Pumping System		
	1) Standard On-Site Residential Pump	\$ 3,500.00	\$ 7,000.00
	2) Extra Volume Storage Pump	\$ 4,900.00	\$ 9,800.00

BOONES CREEK DRAINAGE BASIN TAPPING FEES

	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
(a) Single Family Residence	\$ 2,745.00	\$ 5,490.00
(b) Small Commercial Users (i.e. service stations, office buildings, other non-residential users, etc.) of less than 10,000 square feet	\$ 2,745.00	\$ 5,490.00
(c) Car Wash	\$ 2,745.00 first bay \$ 1,610 each additional bay	\$ 5,490.00 first bay \$ 3,220 each additional bay
(d) Apartments, Condominiums Multi-Unit Family Complexes, etc., per unit; Trailer Courts, trailer or unit	\$ 2,745.00 for the first unit \$ 1,610 for the Next (50) units plus \$ 850 for each additional unit	\$ 5,490.00 for the first unit \$3,220 for the next (50) units plus \$1,700 for each additional unit
(e) Factories, Shopping Centers, Schools, Warehouses, Parking Garages	\$ 2,745.00 for the first 10,000 sq. ft. of floor space plus \$1,610 for each additional 10,000 sq. ft. of floor space	\$ 5,490.00 for the first 10,000 sq. ft. of floor space plus \$ 3,220 for each additional 10,000 sq. ft. of floor space
(f) Motels, Hotels, Hospitals, Nursing Homes, Dormitories		
1) Each Rental unit/room with no in-room kitchen facilities	\$ 2,745.00 for first unit \$1,000 for each	\$ 5,490.00 for first unit \$ 2,000 for each

	additional unit	additional unit
(g) Rental Housing with private bathroom facilities per bathroom	\$ 2,745.00 for first unit \$1,000 for each additional rental space	\$ 5,490.00 for first unit \$ 2,000 for each additional rental space
(h) Additional existing units on same lot or parcel of land with existing residence and connected to the same sewer tap	\$ 2,745.00	\$ 5,490.00
(i) New Residences located in areas developed under the regulations governing the subdivision of land of governing the subdivision of land of the Johnson City Regional Planning Commission in which adequate and proper sewer lines constructed in conformity with applicable statutes of the State of Tennessee and Ordinances of the City pertaining to sanitation have been constructed as a part of private subdivision development	\$ 2,745.00	\$ 5,490.00
(j) On-Site Residential Pumping System (Requires Evaluation & Written Approval)		
1) Standard On-Site Residential Pump	\$ 3,920.00	\$ 7,840.00
2) Extra Volume Storage Pump	\$ 5,420.00	\$ 10,840.00

Where multiple categories apply, the Water/Sewer Department Director or designee shall calculate the appropriate tap fee and provide the calculation in writing.

SECTION 18-206: PERMITS AND INSPECTION FEES

Any facility requiring sewer service outside the corporate limits of the City of Johnson City shall obtain a permit issued by the City and shall also have an inspection conducted by the City. The permit and inspection fee shall be twenty-five dollars (\$25.00) for sewer connections categorized under Section 18-205 of this ordinance as: a, b, c, h, and i. The permit and inspection fee shall be seventy-five dollars (\$75.00) for sewer connections categorized under Section 18-205 of this ordinance as: d, e, f, g, and j. The permit and inspection fee shall be paid to the City at the time the application for service is filed. Permit fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to public sewers.

SECTION 18-207: USE OF EXISTING SYSTEMS

All cesspools, privies, privy vaults and septic tank systems in use in the Brush Creek, Knob Creek and Regional Wastewater Systems may continue to be used, if kept in a proper and sanitary condition, until such time as a sewer shall be constructed in a street or alley abutting or adjacent to or within two hundred feet of the property on which the same may be located, so that such property may obtain the use of and be connected with such sewer when the same shall be connected therewith as provided in Section 18-204.

SECTION 18-208: DETERMINATION OF COSTS

There shall be and there are hereby established monthly rates and charges for the use of the Brush Creek, Knob Creek & Regional Wastewater Systems and for the services supplied by the wastewater system. Said charges shall be based upon the costs categories of: 1)

Administration Costs including billing and accounting costs, 2) Operation and Maintenance Costs of the Wastewater Treatment System.

The distribution of the total yearly costs of the operation and maintenance costs of the wastewater system shall result in payment in proportion to each user's contribution to the total wastewater loading of the system. As a minimum the total wastewater loading per customer (user) shall be determined by three (3) factors as follows:

- (a) Wastewater flow in gallons per day or other appropriate unit rate of flow,
- (b) Biochemical Oxygen Demand (BOD) expressed in pounds per day or other appropriate weight per unit for time units, and
- (c) Suspended Solids (SS) expressed in pounds per day or other appropriate weight per unit of time units.

If it is determined by the City that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the dischargers of such parameters in proportion to the amount of discharge.

SECTION 18-209: CLASSIFICATION OF USERS

Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the users' contribution of wastewater loads; each class being identified as follows:

Class I: Those users whose biochemical oxygen demand is two hundred milligrams per liter (200 mg/l) by weight, and whose suspended solids discharge is two hundred milligrams per liter (200 mg/l) by weight or less.

Class II: Those users whose biochemical oxygen demand exceeds two hundred milligrams per liter concentration (200 mg/l) by weight and/or whose suspended solids exceeds two hundred milligrams per liter concentration (200 mg/l).

SECTION 18-210: COMPUTATION OF COSTS

A. Operation and Maintenance Costs Recovery

- (1) All users who fall under Class I shall pay a single unit charge expressed as dollars per 1,000 gallons of water purchased (\$/1,000 gallons) with the unit charge being determined in accordance with the following formula:

$$C_i = \frac{T.S.C.}{V_t}$$

Where;

C_i = The Class I total unit cost in \$/1,000 gallons.

T.S.C. = The total system yearly operation and maintenance costs as determined by yearly budget projections.

V_t = The total volume of wastewater contribution from all users per year as determined from projections from one city fiscal year to the next.

- (2) All users who fall within the Class II classification shall pay the same base unit charge per 1,000 gallons of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

- (3) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the Brush Creek, Knob Creek or Regional Wastewater Systems is in excess of those described in Section 18-208 - Class I users, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge if deemed necessary by the Director of the Department of Water and Sewer Services:

$$C_u = V_c V_u + B_c B_u + S_c S_u$$

Where;

C_u = Total user charge per unit of time.

V_c = Total cost for transportation and treatment of a unit of wastewater volume.

V_u = Volume contribution per unit of time.

B_c = Total cost for treatment of a unit of biochemical oxygen demand (BOD).

B_u = Total BOD contribution from a user per unit of time.

S_c = Total cost of treatment of a unit of suspended solids.

S_u = Total suspended solids contribution from a user per unit of time.

B. Administrative and Debt Service Costs Recovery

All users, whether Class I or Class II shall pay an additional charge which shall be based on all costs necessary to bill, collect, and administer the wastewater program and that revenue necessary to repay all debts acquired by the City in order to design and construct said Brush Creek, Knob Creek and Regional Wastewater systems.

SECTION 18-211: FREQUENCY OF ANALYSIS

- (a) The waste discharges of each Class II user discharging same into the city sanitary sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes shall be made semi-annually, or more often as may be deemed necessary, by the Director of the Department of Water and Sewer Services, or his authorized assistants.
- (b) Samples shall be collected in such a manner as to be representative of the actual quality of the wastes. The laboratory methods used in the examination of said wastes shall be those set forth in the latest edition of "Standard Methods" for the Examination of Water and Wastewater published by the American Public Health Association.

SECTION 18-212: DISPUTED ANALYSIS: REGAUGING AND SAMPLING OF WASTES

In the event that an analysis of wastes, determined by the samplings and gauging of wastes from a person or industry by the City is disputed; a program of resampling and gauging, with subsequent chemical determination may be instituted as follows:

- (1) The person or industrial user interested must submit a request for resampling and gauging of their wastes to the Director by letter and bind themselves to bear the expenses incurred by the city in resampling and gauging and subsequent determination of the wastes.
- (2) The chemist or engineer employed by the company responsible for the request submitted to the city must confer with the city's person in charge of gauging and sampling. They will establish the length of the re-run and the methods to be employed to determine the flow and to sample the flow.

- (3) The chemist or engineer engaged by the person or industry may be present during the gauging and sampling operation and also in the City's laboratory during the chemical analysis.
- (4) The results of the analysis, determined from the quantity and quality of the flow shall be considered the analysis of record and shall be used to establish current billing procedures.

SECTION 18-213: MONTHLY RATES

A. Recovery of All Costs

There shall be and hereby are established monthly rates and charges necessary to recover the costs associated with the administrative, debt service, and operation and maintenance of the Johnson City Brush Creek, Knob Creek & Regional Wastewater Systems based on the 100% metered quantities of water purchased and in accordance with the following rate schedule. To be in effect with all bill calculations beginning August 1 for FY 2018-2019 and July 1 for FY 2019-2020 and for all subsequent fiscal years.

	<u>Inside City FY 2018-2019</u>	<u>Outside City FY 2018-2019</u>
Base Charge Per Bill	\$6.04	\$11.72
Rate per 1000 gallons	\$6.06	\$11.76

	<u>Inside City FY 2019-2020</u>	<u>Outside City FY 2019-2020</u>
Base Charge Per Bill	\$6.34	\$11.98
Rate per 1000 gallons	\$6.36	\$12.02

	<u>Inside City FY 2020-2021</u>	<u>Outside City FY 2020-2021</u>
Base Charge Per Bill	\$6.65	\$12.24
Rate per 1000 gallons	\$6.68	\$12.29

	<u>Inside City FY 2021-2022</u>	<u>Outside City FY 2021-2022</u>
Base Charge Per Bill	\$6.98	\$12.49
Rate per 1000 gallons	\$7.01	\$12.55

For Class II Users an additional charge for strength of waste is as follows:

	<u>Inside City</u>	<u>Outside City</u>
(a) BOD (based on the wastewater flow and discharge of concentration of BOD)	\$503.07/ton	\$1006.11/ton
(b) SS (suspended solids based on the wastewater flow and the discharge concentration suspended solids)	\$262.09/ton	\$524.17/ton

SECTION 18-214: MONTHLY BILLS

Each water meter shall be read periodically and sewer bills rendered as promptly as may be possible following respective readings. Residential customers who seasonally use water for irrigation are allowed to purchase an irrigation meter for water use not returned to the wastewater systems. Commercial, institutional, governmental, and industrial customers with ongoing large processes may apply for a deduct water meter approval to measure only those segregated volumes not discharged to the wastewater systems. A system of billing shall be established by the finance department commonly known as "cycle billing." A penalty of ten percent of the sewer charge shall be added after billing due date if the bill has not been paid.

If the bill is not promptly paid two days after the billing due date, then the same shall become delinquent and service shall be discontinued as provided in Section 16. Such service shall not be continued again until all delinquent charges and all penalties shall have been paid. An additional charge of twenty-five dollars (\$25) shall be made for reinstating service when such delinquent bill or bills are paid.

SECTION 18-215: WATER AND SEWER BILLS TO BE COMBINED

Water bills and sewer bills may be combined in one statement in such manner as to require the payment of both water charges and sewer charges as a unit.

SECTION 18-216: DISCONTINUANCE OF SERVICE UPON FAILURE TO PAY BILLS, ETC.

Payments of such bills as presented under Section 18-206 and 18-213 shall be enforced by discontinuing either the water service, the sewer service, or both except to the extent that the city cannot do so without impairment of the contract rights vested in the holders of the outstanding bonds payable from the revenues of the water and sewer systems of the city.

SECTION 18-217: SERVICE CHARGES

A service charge of \$25.00 will be made for each water tap; connection of new service (\$12.50 for automatic landlord turn-on agreement or \$50.00 for same day service); transfer of service; account name change; reconnection of service following non-payment of bill to include returned checks; and meter checks (no charge for first two during last twelve (12) months). A service charge of \$25.00 will be added to an account turned over to a collection agency. A \$75.00 service fee will be charged for tampering with water meters, locks, or attempting illegal hook-ups. Tapping fees are presented under Section 18-205 not paid within 10 days of issuance of a building permit will be subject to a service fee of an additional ten (10) percent of the tapping fee.

SECTION 18-218: OTHER CHARGES

For approved septage haulers a biannual permit is required. The permit fee is two hundred dollars (\$200.00) to be paid prior to the acceptance of septage by City. A fee of fifty dollars (\$50.00) per 1000 gallons of septage received is required at the time of discharge. The fee for each 1000 gallons of septage will not be prorated for partial loads.

NOW THEREFORE BE IT FURTHER ORDAINED, that all ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

BE IT FURTHER ORDAINED, that the invalidity of any section, clause, sentence, or provisions of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.

BE IT FURTHER ORDAINED, that this ordinance shall go in operation and take effect from and after its passage on third and final reading, the public welfare requiring it.

PASSED ON FIRST READING 28 JUNE 2018

PASSED ON SECOND READING 05 JULY 2018

PASSED ON THIRD READING 19 JULY 2018

APPROVED AND SIGNED IN OPEN MEETING

/s/ David Tomita

MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

/s/ James H. Epps, IV
STAFF ATTORNEY