

ORDINANCE 24-O-21 amending the Murfreesboro City Code, Chapter 33, Water Resources, Article V, Section 33-73, Definitions of Centralized Wastewater Treatment Facility; Section 33-74, Appeal of Denial of Sewer Service; and Section 33-81, Initial Vesting Period of Sewer-Capacity Allocation and Other Sewer Service Rights.

WHEREAS, the City of Murfreesboro previously adopted by Ordinance Section 33-73, Definitions; and Section 33-74, Available Wastewater Collection Capacity, Determination, Reporting, and Tracking; and Section 33-81, Vesting of Sewer-Capacity Allocation and Other Sewer-Service Rights, as its sewer capacity allocation definitions, capacity determination, denial and appeal procedure, and vesting of sewer-capacity allocation and payment requirements (“Code”); and

WHEREAS, upon further review and recommendation by the City of Murfreesboro Water Resources Director, it is in the best interest of the citizens of the City of Murfreesboro that certain amendments be made to the Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Murfreesboro City Code, Section 33-73, Definitions, shall be deleted in its entirety and the following language substituted in lieu thereof:

For purposes of this article, the following words shall have the meanings ascribed to them in this section unless a different meaning is clearly intended from the context:

“Available sewer capacity” means the amount of sewer capacity determined by the Water Resources Department to be available to serve new development projects in accordance with this article.

“Average daily usage” means a mathematical expression that takes the total volume of water used or proposed to be used during a specified period of time divided by the number of days in that period of time, typically expressed in terms of million gallons per day (MGD) or gallons per day (gpd).

“Capacity” means the amount of sewer flow per time that may be handled by the City’s wastewater treatment, pumping, and collection system, or any component, basin, sub-basin, or district of such system.

“Centralized wastewater treatment facility” means the Water Resource Recovery Facility operating under National Pollutant Discharge Elimination System (NPDES) permit number TN0022586.

“Owner/Developer” means the legal owner of a property on which a project is proposed or any person, legal entity, or governmental agency proposing a project on a parcel of property and having financial responsibility for the proposed project.

“Peak-to-average ratio” means the ratio of the maximum wastewater discharge rate to the monthly average daily discharge rate.

“Project” means: (1) any proposed construction of a new building, facility, or group of buildings and/or facilities requiring one or more new water meters or new or larger connections to the City’s Sewer System; or (2) any proposed

renovation of an existing building or facility that requires a new water meter or new or larger connections to the City's Sewer System.

"*Sewer-capacity-allocation resolution*" means a resolution adopted by City Council as provided in Section 33-75(A).

"*Sewer system*" means the City's wastewater treatment, pumping, and collection system.

"*Will-serve letter*" means a letter issued by the City of Murfreesboro Water Resources Department to an owner or developer that the City is able and willing to provide water and/or sewer service to a particular property as of the date the letter is issued, subject to the fees and conditions, if any, set forth in the letter or applicable law and Department policies.

SECTION 2. Murfreesboro City Code, Section 33-74, Available Wastewater Collection Capacity; Determination, Reporting, and Tracking, subsection (C) shall be deleted in its entirety and the following language substitute in lieu thereof the following language:

(C) *Appeal of denial of sewer service.* An owner or developer whose application for sewer service for a project has been denied by the Water Resources Director may appeal that decision to City Council. City Council shall vacate the Water Resources Director's decision if and only if City Council finds that the Director's decision was made in an arbitrary or discriminatory manner, was not supported by material evidence, or was inconsistent with established City policy. Upon vacating the Director's decision, City Council may either remand the matter for reconsideration by the Director or reverse the Director's finding that there is insufficient collection capacity to serve the project.

SECTION 3. Murfreesboro City Code, Section 33-81, Vesting of Sewer-Capacity Allocation and Other Sewer-Service Rights, subsection (C) shall be deleted in its entirety and substitute in lieu thereof the following language:

(C) *Initial vesting period.* No sewer-service rights shall vest in a property until such allocation is approved pursuant to this article and the applicant has paid at least ten percent (10%) of the overall water and sewer connection fees and any applicable special assessment fees required for the requested connection(s). The initial sewer-service rights vested in a property shall expire and lapse for all development and construction on the property thirty (30) months after the allocation's approval, unless:

- (1) In the case of a project where approval of a development plan is not required under the City Code, including the City's Zoning Ordinance, the owner or developer obtains a building permit for the project within the initial vesting period;
- (2) In the case of a project where approval of a development plan is required under the City Code, including the City's Zoning Ordinance, the owner or developer obtains the required approval(s) within the initial vesting period; or
- (3) The owner or developer pays an additional ten percent (10%) of the overall water and sewer connection fees and any applicable special assessment fees for the project within the initial vesting period to extend initial vesting period an additional thirty (30) months. An

owner or developer may renew the initial vesting period three times, for a total initial vesting period of ten years.

Any payments made to initiate or extend the initial vesting period shall be credited to the total water and sewer connection fees for the project and are nonrefundable. Extension of the initial vesting period may be approved administratively by the Water Resources Director upon receipt of the additional payment.

SECTION 4. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1st reading

October 3, 2024

2nd reading

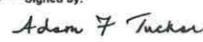
October 17, 2024


Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:


Erin Tucker
City Recorder

Signed by:

Adam F. Tucker
City Attorney

