

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

AN ORDINANCE OF THE CITY OF CROSSVILLE, TENNESSEE CODE REPLACING SECTIONS 18-106, 18-107, 18-108 and 18-109.

**WHEREAS**, The City Council desires to create certain guidelines for Water and Sewer Connections and Main Line Extensions:

**NOW, THEREFORE, BE IT ORDAINED** by the City of Crossville, Tennessee as follows:

**SECTION I.** That Title 18, Chapter 1, Sections 6, 7, 8, and 9, be replaced in its entirety as follows:

**§18-107 Water and Sewer Connections and Main Line Extension**

(A) Definitions

- a. Abutment Act – the development and financing of needed infrastructure improvements (water lines, sewer lines, roads, and the like) in accordance with T.C.A.: 7-33-303 et seq. This method is only available for properties within the City limits.
- b. Capacity Fee - A fee that must be paid prior to connection to the sewer line. Capacity fee will be calculated by the cost of sewer plant expansion to clean estimated gallons per day of the addition. The capacity fee will be calculated by the City Engineering Department and approved by City Council.
- c. Failed Subdivision – A “failed” subdivision is one in which the developer for whatever reason, does not complete the project as approved through the regional planning commission. In addition, any bond money or letters of credit are not sufficient for the planning commission to complete the work. If the water lines and roads are bought up to City specifications and accepted by the City, the subdivision will no longer be considered a “failed” subdivision.
- d. Materials Cost - Any out-of-pocket expense for the construction of the utility apart from the expense for existing City staff and existing City equipment.
- e. Multi-Purpose Use – Property with the ability and intent of having a multiple purpose structure or structures located upon it. For example, multi-family housing (apartment complex or mobile home park), strip malls, or subdivisions (residential, commercial, or industrial)
- f. Private Line – shall consist of a pipe line extending between the customer’s structure and the City’s water meter assembly or main sewer line, which shall be near the service line.
- g. Service Line – shall consist of the pipeline extending from any main line of the City to private property. Where the water meter assembly, for water lines, is located on private property, the service line shall be construed to include the pipe line extending from the City’s main line to and including the water meter assembly. However, this assembly must be near the service line.

- h. Single-Purpose Use – Property with the ability and intent of having a single purpose structure located upon it. For example, single family structure, single entity standalone commercial business (gas station) or industrial (a single industrial plant or facility)
- i. Special Tap Fee - A fee that must be paid upon request to connect to the main line utility. The Special Tap Fee is calculated as, Total Cost of the Project, plus 10%, divided by the total number of lots that benefit from the utility extension.
- j. Total Project Cost - Includes engineering costs, project fees, permits, labor, equipment cost, and materials.

(B) General Statements

- a. The provisions of this section shall apply to all water main line and sewer main line extensions to areas within the City's utility system. This section shall in no event be applicable to main line extensions within land development projects, even though accompanied by the erection of occasional houses within the areas. The requirements and procedures for main line extensions within land development projects are to be set forth in the Crossville Regional Planning Commission Subdivision Regulations. All water and sewer main line extensions shall be reviewed by the Crossville Regional Planning Commission and their recommendation sent to City Council.
- b. All water main lines installed pursuant to the provisions of this section shall be of any material approved by the City engineers or State Department of Environment and Conservation, and shall be of not less than six inches in diameter, unless specified by City Staff. All gravity sewer main lines installed pursuant to the provisions of this section shall be not less than eight inches in diameter and shall meet the specifications prescribed by the City. However, an appropriately sized low pressure sewer system line may be installed when it is deemed to be in the best interest of the City for financial, geographical and/or other municipal considerations. The City will designate the size, type and/or brand or pump and line. (The requirements, procedures and specifications for low pressure sewer and grinder pump installation are set forth in § 18-132.) All water and sewer mains shall be installed either by municipal forces or by other forces working directly under the supervision of the City. The placement and relocation of water line must not be below four and one-half feet from finished grade level. The placement and relocation of gravity sewer lines will be at a grade level determined by City officials. The placement and relocation of low pressure and force main sewer lines will be at a minimum grade level of two feet and a maximum grade level of five feet. Final inspection by the City will be required following installation and prior to final hook-up.
- c. Upon completion of the extensions and their approval by the City, the water and sewer main lines shall become the property of the City.

- d. When excavated material is placed over a utility line and alters the depth beyond the maximum depth, the utility must be raised or otherwise relocated by the excavator and/or developer to the standards delineated above.
- e. The persons paying the cost of construction of the main lines shall execute any written instruments requested by the City to provide evidence of the City's title to the main lines. In consideration of such main lines being transferred to it, the City shall incorporate the main lines as an integral part of the City water system and sewer system and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to the limitations as may exist because of the size and elevation of the main lines.

(C) Installation and Financial Responsibility for Water Main Line Extensions and Connections

- a. The Crossville Regional Planning Commission will review and recommend for approval or denial of any main line utility extensions to the City Council for final approval or denial.
- b. The property owner or developer will be responsible for all standard tap fees (this includes main line tap and standard service tap), engineering costs, and TDEC review fees
  - i. Fees may vary if located inside the City limits of Crossville or outside the City limits, per fee schedule as established by Crossville City Council.
- c. For mainline water extensions to be installed by the City or their contractor, all funds as defined below, must be paid to the City within 60 days of approval by City Council, by certified check.
- d. For main line water extensions to be installed by the customer or their private contractor, a 12-month agreement must be signed and a Letter of Credit must be submitted to the City within 60 days of approval, for the total cost of the main line extension, plus 10%. The agreement shall expire 30 days prior to the Letter of Credit
- e. If the fees are not paid or an agreement with letter of credit is not provided within the 60-day period, the approval will be voided and the process must start over.
- f. Inside City Limits
  - i. *Single purpose use extensions.* All water main line extensions for single purpose use shall be installed by the City or a contractor by bid or a private contractor hired by the customer, under the supervision of the City, and the customer will be responsible for all materials cost associated with the utility line extension project. The size of the line will be determined by City staff. However, for any line sized larger than is required in this section, the City will be responsible for the difference in the cost of materials

- ii. *Multi-purpose use extensions.* All water main line extensions for multi-purpose use shall be installed by the City or a contractor by bid or a private contractor hired by the customer (see item number 2 above), and all costs of the project will be the responsibility of the developer or land owner. The size of the line will be determined by City staff. However, for any line sized larger than is required in this section, the City will be responsible for the difference in the cost of materials
- g. Outside City Limits
  - i. All water main line extensions for single or multi-purpose use shall be installed by the City or a contractor by bid or a private contractor hired by the customer, and all costs of the project will be the responsibility of the developer or land owner. The size of the line will be determined by City staff. However, for any line sized larger than is required in this section, the City will be responsible for the difference in the cost of materials
- h. Property Requesting Annexation
  - i. Once a request for annexation has been received by the City, approved for annexation by the Planning Commission, and passed by the City Council, the property will be classified as inside City limits and any water extensions that have been requested to it shall be done in accordance with § 18-107(C)(f)(i). The timeframe for water main line extension shall be determined by the City and listed in the Plan of Services for the annexation.

(D) Installation and Financial Responsibility for Sewer and Main Line Extensions and Connections

- a. The Crossville Regional Planning Commission will review and recommend for approval or denial of any main line sewer extensions or connections to the City Council for final approval or denial.
- b. The property owner or developer will be responsible for all standard tap fees (this includes main line tap and standard service tap), engineering costs, and TDEC review fees
  - i. Fees may vary if located inside the City limits of Crossville or outside the City limits, per fee schedule as established by Crossville City Council.
- c. Sewer main line extensions are not permitted outside of the Crossville City limits. Annexation will be required prior to authorization of the sewer main line extension.
- d. Sewer tap connections will not be permitted outside of the Crossville City limits for any existing sewer line that is located within the City limits. Annexation will be required prior to authorization of the sewer main line extension.
- e. Upon staff review, a sewer tap connection may be permitted outside the City of Crossville City limits for any existing sewer line, if that existing sewer line is located outside the City limits and annexation is not feasible.
  - i. Approval or denial will be based on staff's review of capacity and accessibility
  - ii. Outside tapping fees will apply, per fee schedule as established by Crossville City Council.

- iii. A capacity fee and any additional fees must also be paid
- f. For main line sewer extensions to be installed by the City or their contractor, all funds as defined below, must be paid to the City within 60 days of approval by City Council, by certified check.
- g. For main line sewer extensions to be installed by the customer or their private contractor, a 12-month agreement must be signed and a Letter of Credit must be submitted to the City within 60 days of approval, for the total cost of the main line extension, plus 10%. The agreement shall expire 30 days prior to the Letter of Credit.
- h. If the fees are not paid or an agreement with letter of credit is not provided within the 60-day period, the approval will be voided and the process must start over.
- i. Inside City Limits
  - i. *Single purpose use extensions.* All sewer main line extensions for single purpose use shall be installed by the City, a contractor by bid, or a private contractor hired by the customer, under the supervision of the City. The customer will be responsible for all materials cost associated with the utility line extension project. The size of the line will be determined by City staff. However, for any line sized larger than is required in this section, the City will be responsible for the difference in the cost of materials
  - ii. *Multi-purpose use extensions.* All sewer main line extensions for multi-purpose use shall be installed by the City, a contractor by bid, or a private contractor hired by the customer. All costs of the project will be the responsibility of the developer or land owner. The size of the line will be determined by City staff. However, for any line sized larger than is required in this section, the City will be responsible for the difference in the cost of materials
- j. Property Requesting Annexation
  - i. Once a request for annexation has been received by the City, approved for annexation by the Planning Commission, and passed by the City Council, the property will be classified as inside City limits and any sewer extensions that have been requested to it shall be done in accordance with § 18-107(D)(h)(i). The timeframe for sewer main extension shall be determined by the City and listed in the Plan of Services for the annexation.

(E) Failed Subdivisions

- a. Extension of water and sewer lines in a failed subdivision will be approved only under the following circumstances:
  - i. If located inside the City of Crossville, a majority of property owners have petitioned the City to be developed under the abutment act.
  - ii. If located adjacent to the City limits, a majority of property owners have petitioned the City to be annexed and then developed under the abutment

act.

- iii. If located outside the City limits and not adjacent thereto, a developer receives approval from the appropriate planning commission to either install utility main line extensions or re-subdivide the area.

(F) Special Tap Fees

- a. The Crossville Regional Planning Commission may recommend a Special Tap Fee be used for the proposed main line utility extension.
- b. The main line extension may be inside or outside the City limits. If located outside the City limits, then it is only applicable to water main line extensions.
- c. The Special Tap Fee may be used within "Failed Subdivisions."
- d. The Special Tap Fee must be approved by City Council to recover all or a portion of the total cost of a main line extension for the specified area.
- e. All property owners will be required to pay the Special Tap Fee and all other associated fees prior to the connection to the main line utility.
- f. Any property which would otherwise be subject to the Special Tap Fee, but already has water or sewer service from an existing utility main line is exempt.

(G) Private Lines

- a. Private lines cannot legally be installed in a public right-of-way without the permission of the governing body. Private lines must be installed by the owner/developer who will be responsible for all costs and maintenance. The City of Crossville will not assume ownership of a private line except under special circumstances approved by City Council. In no event will the City assume ownership unless such line meets all minimum standards of the Crossville Municipal Code, The Crossville Regional Planning Commission Subdivision Regulations, and/or the Cumberland County Planning Commission Subdivision Regulations. Private lines will not be approved in an existing subdivision.
- b. For requests located out of the City limits of Crossville, no requests will be reviewed by the City until either:
  - i. Written permission has been given by the county government, or any other private or governmental unit controlling such right-of-way; or
  - ii. Private easements have been obtained from all property owners in the affected area
- c. For private lines located inside the City limits, requests will be considered by the City under the following conditions:
  - i. If private easements have been obtained from all property owners in the affected area; or

- ii. City Council has approved the use of public right-of-way for the installation of a private water line.

(H) Service Lines

- a. Requests for service line extensions will be presented to the Crossville Regional Planning Commission for review, who will make a recommendation to the City Council.
- b. Unless otherwise approved by City Council, a service line will extend no further than 75' from a utility main line.
- c. A list of requests will be maintained by the Public Works Department and presented to the Crossville Regional Planning Commission to be ranked according to the priorities established in Crossville Municipal Code § 18-130. Higher priority requests may be inserted by the City Council at any time and move lower priority projects further down the line.
- d. Service lines will be installed by the City from the utility main line to the property line at the expense of the City. Prior to a new service line being installed by the City, the applicant shall pay any fees the City deems necessary.
- e. When a service line is completed, the City shall be responsible for the maintenance and upkeep of the service line from the main line to and including the meter and meter box, and the portion of the service line shall belong to the City. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer.

(I) Connection Charges

- a. All water and sewer tapping fees shall be paid in advanced based on estimated costs and shall be adjusted by additional payment or refund upon completion by anyone directly or indirectly commencing service. All connections to the water and sewer system shall be made by the City or contractors working directly for the City. Tapping fees shall not be accepted until the City Manager has determined that service is available or can be extended to the customer. It shall be illegal for anyone to receive water or sewer service without complying with the above procedures.
- b. Any customer receiving water or sewer service without complying with the above procedures shall be assessed a penalty amounting to three times the normal tapping fee in effect at the time the violation is discovered. The penalty shall be in addition to the normal tapping fee.

(J) Variance from and effect of Preceding Rules as to Extensions

- a. Whenever the City Council is of the opinion that it is to the best interest of the water system to construct a water and sewer main line extension without requiring strict compliance with sections A-I of this ordinance, the extension may be constructed upon the terms and conditions as shall be approved by the majority of the members of the City Council.

- b. The authority to install water and sewer main line extensions under this ordinance is permissive only, and nothing contained therein shall be construed as requiring the City to install water main line extensions or to furnish service to any person or persons.

**SECTION II.** This ordinance shall take effect from and after its final passage, the public welfare requiring it.

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Mayor

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Council Member

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Council Member

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Council Member

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Council Member

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

Passed 1<sup>st</sup> Reading: \_\_\_\_\_  
Passed 2<sup>nd</sup> Reading: \_\_\_\_\_  
Passed 3<sup>rd</sup> Reading: \_\_\_\_\_