CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801

BEER BOARD / PUBLIC HEARING / CITY COUNCIL MEETING 6:56 P.M. TUESDAY, NOVEMBER 3, 2026 MARYVILLE MUNICIPAL CENTER

NOTICE: Individuals who wish to speak at council meetings should sign up on the public comment sheets available outside the council chamber. There are sign-up sheets for the following comment periods: public hearings, non-agenda items (Hear Citizens), and existing agenda items. The Mayor will use the sign-up sheets to call upon citizens for comments during the correlating comment period. Please remain seated until called upon to speak.

BEER BOARD

CALL TO ORDER

ROLL CALL

6:56 P.M BEER BOARD

1. CONSIDERATION OF A MOTION TO GRANT A **RETAILER'S OFF-PREMISES** BEER PERMIT TO JYOTI 0926, LLC D/B/A SAM'S MARKET & DELI, 3439 EAST LAMAR ALEXANDER PKWY, MARYVILLE, TN 37804.

Individuals with disabilities who require accommodation for participation in meetings must request accommodation at least 72 hours ahead of the scheduled meeting. Contact the ADA Coordinator, at (865) 273-3430 or email at adainfo@maryville-tn.gov.

Meeting attendees who have difficulty hearing can sign out an assisted listening device prior to the meeting. Please let a member of staff know before the meeting starts to use a device.

ADJOURN

PUBLIC HEARING

6:57 P.M. PUBLIC HEARING

1. A PUBLIC HEARING REGARDING A RESOLUTION TO ANNEX PROPERTY BEING BLOUNT COUNTY TAX MAP 047 PARCELS 037.00, 039.00 AND PORTIONS OF 039.01 AND 041.00 TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARYVILLE, TENNESSEE.

6:58 P.M. PUBLIC HEARING

2. A PUBLIC HEARING REGARDING AN ORDINANCE ON FIRST READING TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE BY DESIGNATING PROPERTY BEING BLOUNT COUNTY TAX MAP 047 PARCELS 037.00, 039.00 AND PORTIONS OF 039.01 AND 041.00 AS RESIDENTIAL.

6:59 P.M. PUBLIC HEARING

3. A PUBLIC HEARING REGARDING AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY ZONING PROPERTY BEING BLOUNT COUNTY TAX MAP 047 PARCELS 037.00, 039.00 AND PORTIONS OF 039.01 AND 041.00 AS RESIDENTIAL

CITY COUNCIL

7:00 P.M.

CALL TO ORDER

ROLL CALL

INVOCATION

APPROVAL OF MINUTES

ACCEPTANCE OF AGENDA

HEAR CITIZENS ON NON-AGENDA ITEMS

BUSINESS

1. CONSIDERATION OF A RESOLUTION TO ANNEX PROPERTY BEING BLOUNT COUNTY TAX MAP 047 PARCELS 037.00, 039.00 AND PORTIONS OF 039.01 AND 041.00 TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARYVILLE, TENNESSEE.

2. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE BY DESIGNATING PROPERTY BEING BLOUNT COUNTY TAX MAP 047 PARCELS 037.00, 039.00 AND PORTIONS OF 039.01 AND 041.00 AS RESIDENTIAL.

3. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY ZONING PROPERTY BEING BLOUNT COUNTY TAX MAP 047 PARCELS 037.00, 039.00 AND PORTIONS OF 039.01 AND 041.00 AS RESIDENTIAL

4. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE BY REDESIGNATING 37.47 ACRES OF PARCEL 014.00 ON BLOUNT COUNTY TAX MAP 057C, GROUP A FROM COMMERCIAL TO RESIDENTIAL

5. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY REZONING 37.47 ACRES OF PARCEL 014.00 ON BLOUNT COUNTY TAX MAP 057C, GROUP A FROM RESIDENTIAL TO CENTRAL COMMUNITY

6. CONSIDERATION OF AN ORDINANCE ON FIRST READING AMENDING THE ANNUAL OPERATING BUDGET OF THE CITY OF MARYVILLE, TENNESSEE FOR FISCAL YEAR 2027

7. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO REPEAL AND REPLACE THE CITY OF MARYVILLE SEWER USE ORDINANCE, TITLE 18 CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF MARYVILLE IN ITS ENTIRETY AND TO ADOPT AND ENACT NEW SEWER USE DOCUMENTS

8. CONSIDERATION OF A RESOLUTION TO ADOPT A FUND BALANCE POLICY FOR THE CITY OF MARYVILLE, TENNESSEE

9. CONSIDERATION OF A MOTION TO SELECT A DEVELOPMENT PROPOSAL FOR PROPERTY LOCATED IN LAUREL BRANCH PARK, PARCEL ID 056 071.11 TO BCP PROPERTIES, LLC AND TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE, APPROVE AND SIGN A CONTRACT

10. CONSIDERATION OF A MOTION TO DECLARE CERTAIN ITEMS AS SURPLUS AND TO AUTHORIZE THEIR DISPOSAL

CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

CONSIDERATION OF A MOTION TO GRANT A **RETAILER'S OFF-PREMISES** BEER PERMIT TO JYOTI 0926, LLC D/B/A SAM'S MARKET & DELI, 3439 EAST LAMAR ALEXANDER PKWY, MARYVILLE, TN 37804.

A) Introduction: This is a new business located in the City of Maryville requesting a **Retailer's off-premises** beer permit. The current background investigation revealed that the applicants meet the criteria for the permit.

B) Financial Impact of Action: The City will realize revenue from beer tax and permit fees.

C) Impact of Action on Other Departments/Agencies:

No additional impact other than enforcement of the beer laws.

D) Proposed Action:

Staff recommends approval based on the information provided

Memo

Date: October 20, 2026

To: Sherri Phillips, Niki Freshour

From: Chief Tony Jay Crisp

RE: Beer Permit

Background investigation has been conducted on:

Current address: Jayendrakumar N. Patel, 11/06/1989 (Ownership 100%)
411 Macon Street,
Maryville, Tennessee 37803

Application address: 59 New Ludlow Road, Apartment #2-C
Chicopee, Massachusetts

For Jyoti 0926, LLC. d/b/a: Sam's Market & Deli:

Sam's Market & Deli
3439 East Lamar Alexander Parkway
Maryville, Tennessee 37804

Based on these findings I have concluded that the applicant is **eligible** to be granted a permit at this time pursuant to the City of Maryville Municipal Code

CITY OF MARYVILLE
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PUBLIC HEARING ITEM BACKGROUND

1. A PUBLIC HEARING REGARDING A RESOLUTION TO ANNEX PROPERTY BEING BLOUNT COUNTY TAX MAP 047 PARCELS 037.00, 039.00 AND PORTIONS OF 039.01 AND 041.00 TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARYVILLE, TENNESSEE.

A) Introduction: East Maryville Baptist Church has requested that the above described property be annexed into the City limits. The total property is 30.303 acres and is located at 1150 Brown School Road. It is partially in Maryville City Limits and partially in unincorporated Blount County. Approximately 20 acres of the total property is to be annexed. The County portion of the property is currently zoned Suburbanizing.

If annexed, police, fire, sanitation, and all other City services would be extended to the property per the Plan of Services.

Staff has prepared an annexation report which details departmental comments and a financial analysis. If annexed, the property would be designated as Residential on the Future Land Use Map and zoned Residential, as requested by the applicant.

The Maryville Municipal Planning Commission recommended approval of the annexation of the entire property at their meeting on October 19, 2026.

The proposed resolution consolidates the annexation and plan of services.

B) Financial Impact of Action: The annexation of the subject property, which is currently developed with a church, will not generate additional property and sales taxes for the City but will provide additional revenue to the Stormwater Utility Fund.

C) Impact of Action on Other Departments/Agencies: Existing City services would be extended to the property per the plan of services.

D) Proposed Action:

- Public Hearing

CITY OF MARYVILLE
400 West Broadway
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(865) 273-3401

PUBLIC HEARING ITEM BACKGROUND

2. A PUBLIC HEARING REGARDING AN ORDINANCE ON FIRST READING TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE BY DESIGNATING PROPERTY BEING BLOUNT COUNTY TAX MAP 047 PARCELS 037.00, 039.00 AND PORTIONS OF 039.01 AND 041.00 AS RESIDENTIAL.

A) Introduction: If City Council approves the annexation request for the subject property, it needs a designation on the Future Land Use Map (FLUM). The property is currently developed with East Maryville Baptist Church and accessory uses to the church.

Adjoining property to the southwest is zoned Residential in the City. Other adjacent properties are zoned Suburbanizing in Blount County.

The applicant has requested the property be designated as Residential on the FLUM, consistent with the Residential zoning.

The Maryville Municipal Planning Commission recommended approval of the requested FLUM designation as requested at their meeting on October 19, 2026.

B) Financial Impact of Action: None for the Future Land Use Map designation.

C) Impact of Action on Other Departments/Agencies: None for the Future Land Use Map designation.

D) Proposed Action:

- Public Hearing

CITY OF MARYVILLE
400 West Broadway
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PUBLIC HEARING ITEM BACKGROUND

3. A PUBLIC HEARING REGARDING AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY ZONING PROPERTY BEING BLOUNT COUNTY TAX MAP 047 PARCELS 037.00, 039.00 AND PORTIONS OF 039.01 AND 041.00 AS RESIDENTIAL

A) Introduction: If City Council approves the annexation request for the subject property, it will need a designation on the City's official Zoning Map. The property is currently developed with East Maryville Baptist Church and accessory uses to the church.

The property is currently zoned Suburbanizing in Blount County. Adjoining property to the southwest is zoned Residential in the City. Other adjacent properties are zoned Suburbanizing in Blount County.

The applicant has requested the Residential zoning designation.

The Maryville Municipal Planning Commission recommended approval of the Business and Transportation zoning district at their meeting on October 19, 2026.

B) Financial Impact of Action: None for the zoning designation.

C) Impact of Action on Other Departments/Agencies: None for the zoning designation.

D) Proposed Action:

- Public Hearing

Maryville, Tennessee
October 6, 2026, 6:55 P.M.

PUBLIC HEARING
AND
REGULAR MEETING

The Maryville City Council convened for a public hearing and regular business meeting on October 6, 2026, at 6:55 p.m. at the Maryville Municipal Center, where the following members were present: Mayor Andy White, presiding, and Councilmembers Sarah Herron, Tommy Hunt, and Fred Metz. Councilmember Drew Miles was absent. Also, present were City Manager Greg McClain, City Recorder Sherri Phillips, and City Attorney Melanie Davis. The Mayor declared a quorum to be present.

Thereupon, the Mayor declared the Council in session for a Public Hearing at 6:55 p.m. regarding an ordinance to amend the Zoning Map of the City of Maryville, Tennessee by rezoning Parcel 009.00 on Blount County Tax Map 057F A from Business and Transportation to High Intensity Retail. After some discussion, the Mayor declared the hearing closed.

Thereupon, the Mayor declared the Council in session for a Public Hearing at 6:56 p.m. regarding an ordinance to amend the Future Land Use Map of the City of Maryville, Tennessee by designating Parcel 071.11 on Blount County Tax Map 056 and Parcel 071.20 on Blount County Tax Map 056 as Commercial. After some discussion, the Mayor declared the hearing closed.

Thereupon, the Mayor declared the Council in session for a Public Hearing at 6:57 p.m. regarding an ordinance to amend the Zoning Map of the City of Maryville, Tennessee by rezoning Parcel 071.11 on Blount County Tax Map 056 and Parcel 071.20 on Blount County Tax Map 056 from Industrial to Business and Transportation. After some discussion, the Mayor declared the hearing closed.

Thereupon, the Mayor declared the Council in session for a Public Hearing at 6:58 p.m. regarding an ordinance to amend the Future Land Use Map of the City of Maryville, Tennessee, by designating 0.355 acres of Parcel 002.01 on Blount County Tax Map 057K A as Mixed Use. After some discussion, the Mayor declared the hearing closed.

Thereupon, the Mayor declared the Council in session for a Public Hearing at 6:59 p.m. regarding an ordinance to amend the Zoning Map of the City of Maryville, Tennessee, by rezoning 0.355 acres of Parcel 002.01 on Blount County Tax Map 057K A from Residential to Business and Transportation. After some discussion, the Mayor declared the hearing closed.

Thereupon, it was moved by Councilmember Herron and seconded by Councilmember Hunt to approve the minutes from the September 1, 2026, Council Meeting. On roll call, the vote was unanimous.

Thereupon, the Mayor signed a Proclamation declaring November 20, 2026, as Arbor Day.

At this time, the Mayor signed a Proclamation recognizing Blount County Mayor Ed Mitchell for his sixteen years of service as Mayor of Blount County.

At this time, Council heard citizens who were addressing non-agenda items. Shaina Kirkland, 1915 W Lamar Alexander Parkway, addressed Council regarding Chief Tony Crisp's management of the Maryville Police Department. Gerald Sinclair, 704 Houston Avenue, addressed Council regarding Flock cameras.

Thereupon, it was moved by Councilmember Herron and seconded by Councilmember Metz to accept the agenda. On roll call, the vote was unanimous to approve the agenda.

THEREUPON, THE FOLLOWING PROCEEDINGS WERE HAD AND ENTERED OF RECORD TO-WIT:

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

> AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY REZONING PARCEL 009.00 BLOUNT COUNTY TAX MAP 057F A FROM BUSINESS AND TRANSPORTATION TO HIGH INTENSITY RETAIL.

Thereupon, it was moved by Councilmember Metz and seconded by Councilmember Herron that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-33 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

> AN ORDINANCE TO AMEND THE FUTURE LAND MAP OF THE CITY OF MARYVILLE, TENNESSEE BY DESIGNATING PARCEL 071.11 ON BLOUNT COUNTY TAX MAP 056 AND PARCEL 071.20 ON BLOUNT COUNTY TAX MAP 056 AS COMMERCIAL.

Thereupon, it was moved by Councilmember Hunt and seconded by Councilmember Herron that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-34 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY REZONING PARCEL 071.11 ON BLOUNT COUNTY TAX MAP 056 AND PARCEL 071.20 ON BLOUNT COUNTY TAX MAP 056 FROM INDUSTRIAL TO BUSINESS AND TRANSPORTATION.

Thereupon, it was moved by Councilmember Herron and seconded by Councilmember Metz that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-35 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY REZONING 0.355 ACRES OF PARCEL 002.01 ON BLOUNT COUNTY TAX MAP 057K A AS MIXED USE.

Thereupon, it was moved by Councilmember Metz and seconded by Councilmember Hunt that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-36 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY REZONING 0.355 ACRES OF PARCEL 002.01 ON BLOUNT COUNTY TAX MAP 057K A FROM RESIDENTIAL TO BUSINESS AND TRANSPORTATION.

Thereupon, it was moved by Councilmember Hunt and seconded by Councilmember Metz that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-37 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET OF THE CITY OF MARYVILLE, TENNESSEE FOR FISCAL YEAR 2027.

Thereupon, it was moved by Councilmember Herron and seconded by Councilmember Hunt that said ordinance be passed on second reading. On roll call, the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2026-38 and recorded in the Ordinance Book of the City.

Thereupon, the following resolution was presented, considered, and placed for adoption:

A RESOLUTION TO ADOPT THE CITY OF MARYVILLE PURCHASING POLICY.

Thereupon, it was moved by Councilmember Metz and seconded by Councilmember Hunt that said resolution be adopted. On roll call, the vote was unanimous. The Mayor declared that said resolution had been adopted. The resolution was signed by the Mayor and City Recorder. The Mayor ordered said resolution numbered 2026-21 and recorded in the Resolution Book of the City.

Thereupon, the following resolution was presented, considered, and placed for adoption:

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR THE TENNESSEE DEPARTMENT OF

TRANSPORTATION (TDOT) STATEWIDE PARTNERSHIP PROGRAM; APPROVING A LOCAL PARTNERSHIP PROPOSAL FOR THE WIDENING OF SR-33 W. BROADWAY AVENUE.

Thereupon, it was moved by Councilmember Metz and seconded by Councilmember Hunt that said resolution be adopted. On roll call, the vote was unanimous. The Mayor declared that said resolution had been adopted. The resolution was signed by the Mayor and City Recorder. The Mayor ordered said resolution numbered 2026-22 and recorded in the Resolution Book of the City.

Thereupon, it was moved by Councilmember Hunt and seconded by Councilmember Metz to consider a motion to declare certain items as surplus and to authorize their disposal. On roll call, the vote was unanimous.

Thereupon, there being no further business, Mayor White adjourned the meeting until the next scheduled meeting unless sooner called by the Mayor or as otherwise provided by law.

_____
Mayor

Attest:

_____
City Recorder

CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

1. CONSIDERATION OF A RESOLUTION TO ANNEX PROPERTY BEING BLOUNT COUNTY TAX MAP 047 PARCELS 037.00, 039.00 AND PORTIONS OF 039.01 AND 041.00 TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARYVILLE, TENNESSEE.

A) Introduction: East Maryville Baptist Church has requested that the above described property be annexed into the City limits. The total property is 30.303 acres and is located at 1150 Brown School Road. It is partially in Maryville City limits and partially in unincorporated Blount County. Approximately 20 acres of the total property is to be annexed. The County portion of the property is currently zoned Suburbanizing.

If annexed, police, fire, sanitation, and all other City services would be extended to the property per the Plan of Services.

Staff has prepared an annexation report which details departmental comments and a financial analysis. If annexed, the property would be designated as Residential on the Future Land Use Map and zoned Residential, as requested by the applicant.

The Maryville Municipal Planning Commission recommended approval of the annexation of the requested property at their meeting on October 19, 2026.

The proposed resolution consolidates the annexation and plan of services.

B) Financial Impact of Action: The annexation of the subject property, which is currently developed with a church, will not generate additional property and sales taxes for the City but will provide additional revenue to the Stormwater Utility Fund.

C) Impact of Action on Other Departments/Agencies: Existing City services would be extended to the property per the plan of services.

D) Proposed Action:

- Pass Resolution

RESOLUTION NO._____

A RESOLUTION TO ANNEX PROPERTY BEING BLOUNT COUNTY TAX MAP 047, PARCELS 037.00, 039.00 AND PORTIONS OF 039.01 AND 041.00 TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARYVILLE, TENNESSEE.

WHEREAS, *Tennessee Code Annotated* § 6-51-104 requires that a resolution be adopted by the municipal governing body to extend the corporate boundary; and,

WHEREAS, the applicant has filed a petition to annex property identified as parcels 037.00, 039.00 and portions of 039.01 and 041.00 on Blount County Tax Map 047; and,

WHEREAS, the affected property owners have given written consent for the annexation and thus no referendum is required to effectuate the annexation; and,

WHEREAS, the Maryville Municipal Planning Commission, on October 19, 2026, recommended that this amendment be approved by the Council of the City of Maryville; and

WHEREAS, a public hearing before this body was held on the 3rd day of November, 2026, and notice thereof published in the Daily Times on September 30, 2026; and,

WHEREAS, the annexation of such territory is deemed desirable for the welfare of the residents and property owners of the said affected territory and this City as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, as follows:

SECTION 1. In accordance with *Tennessee Code Annotated* § 6-51-102 and 6-51-104, by request of the property owners, there is hereby annexed to the City of Maryville, Tennessee, and incorporated within the corporate boundaries thereof, the territory comprising parcel numbers 037.00, 039.00 and portions of 039.01 and 041.00 on Blount County Tax Map 047. The aforementioned properties are now annexed in their entirety. This area is more clearly illustrated on the attached Exhibit that is made a part of this resolution.

SECTION 2. Pursuant to the provisions of T.C.A. § 6-51-102 and 6-51-104, there is hereby adopted, for the area bounded as described above, the following plan of services:

a. Police: On the effective date of annexation, the Maryville Police Department will provide the services of police patrol coverage using present personnel and equipment.
b. Fire: Fire has no objection to the annexation of this property. Fire service will continue to be provided to the entire property, as it has for several years.
c. Electric: Electric service is currently provided to the church and other structures at the site. If church is expanded, changes may be required. Charges may apply per rules and regulations and will be addressed as needed.
d. Water: The Water and Sewer Department (WSD) currently provides water to the church and will continue to do so. Future building expansions or additions may require water main extensions in accordance with WSD regulations.
e. Sewer: The Water and Sewer Department (WSD) currently provides sanitary sewer service to the church and will continue to do so. Future building expansions or

additions may require sewer main extensions in accordance with WSD regulations.

f. Streets: No public streets are included with this annexation.
g. Solid Waste: The property currently uses the City's dumpster service and that is expected to continue.
h. Schools: This annexation will have no impact on schools.
i. Inspections and Codes Enforcement: Building inspections will be provided immediately at the same level as existing City service. The same level of service for building-related services will be given to annexed properties as to existing City properties. The same monetary rate for building-related applications will apply to annexed properties as it does to existing City properties.
j. Planning and Zoning: The planning and zoning jurisdiction of the City will extend to the annexed area on the effective date of annexation. City planning jurisdiction and regulations will thereafter encompass the entirety of the annexed area. The annexation resolution shall be accompanied by ordinances to designate the future land use and the zoning to Residential.
k. Engineering: Review of site plan submittals and/or traffic studies. Service provided as needed immediately upon annexation.
l. Street Lighting: Street lighting is not anticipated for this property.
m. Recreation: Recreation is not affected by this annexation.
n. Stormwater: An existing detention pond on the property would require periodic inspection by City personnel along with any enforcement activities should they become necessary. For any proposed developments there will be a review of stormwater management plans and site inspections for compliance with federal, state and City of Maryville ordinances and policies. Service will be provided immediately upon annexation. No known stormwater infrastructure for public dedication is found. The existing detention pond on the property will fall under the City's stormwater control measure inspection and maintenance requirements for property owners. Assuming all subject parcels are combined prior to annexation in accordance with the plat that was being circulated for signatures during the review period for this study, the monthly Stormwater Utility Fee will be increased based on the total square footage of impervious surface upon annexation. Estimated additional impervious area to be added based on the annexation is 108,400 square feet, or 46 ERU's, which amounts to an additional stormwater utility billing of $182.62 per month.
o. Finance: All utility services are provided by the City of Maryville. Parcels 047-037.00 and 041.00 are currently tax exempt and assume it will remain as such. Parcels 047-039.00 and 039.01 are currently classified as Residential and would be taxed as such if annexed into the City.

SECTION 3. This resolution shall become effective upon the second reading and adoption of ordinances designating the annexed property on the City of Maryville's Future Land Use and Zoning maps.

Adopted this _____ day of _____, 2026.

_____
Mayor

ATTEST:

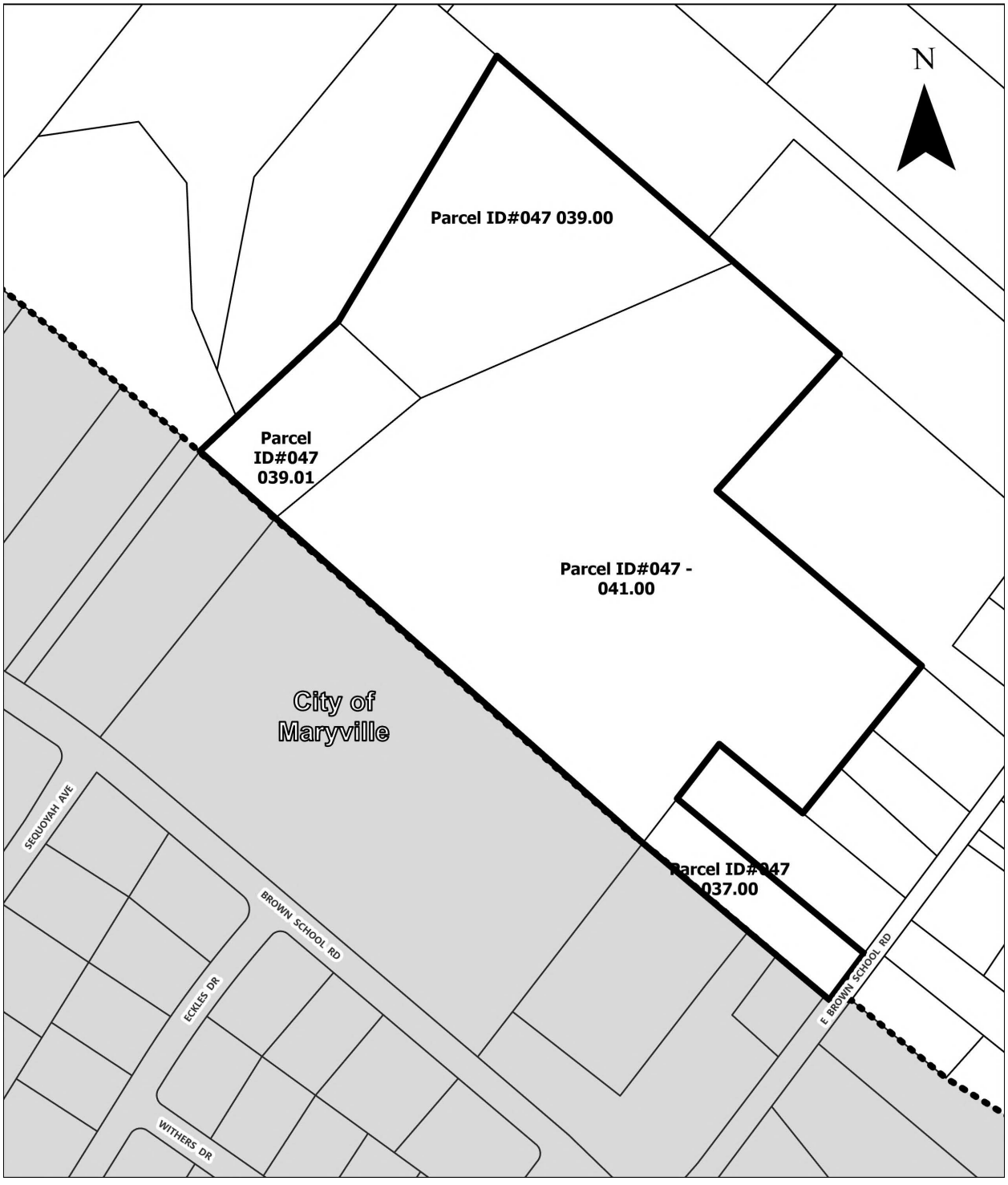
_____
City Recorder

APPROVED AS TO FORM:

_____
City Attorney

Exhibit:

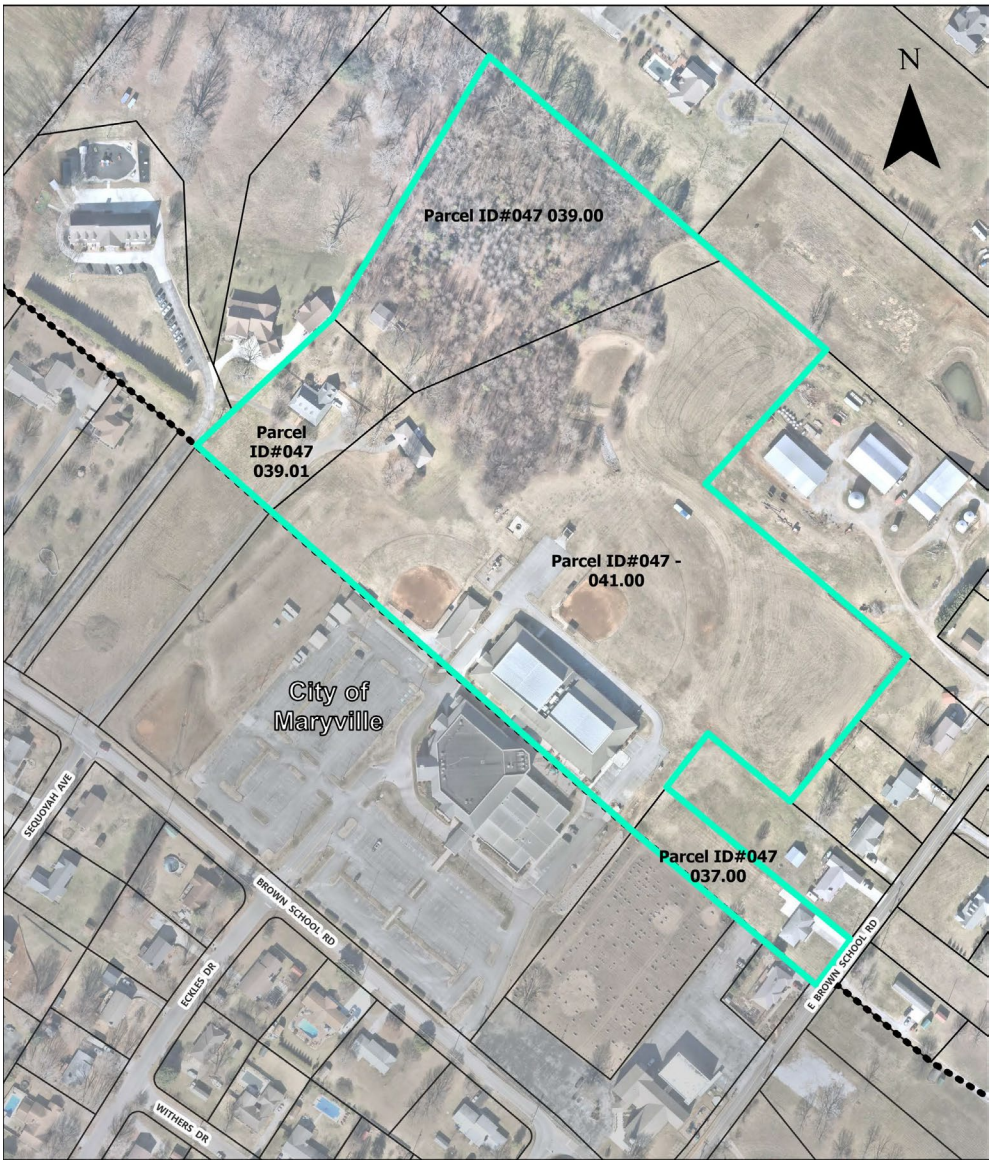
Proposed Annexation



Annexation Report

CITY of MARYVILLE
PEOPLE are the KEY

Proposed Annexation



1150 Brown School Road and adjacent properties
Tax Map 047, Parcels 037.00, 039.00 and portions of 039.01 and 041.00

ANNEXATION SUMMARY

East Maryville Baptist Church is requesting annexation of the Blount County portion of property owned by East Maryville Baptist Church, comprised of 30.303 acres. The acreage to be annexed is approximately 19 acres. The property is currently developed with a church, and a portion of the property is currently in the City.

The property is currently zoned Suburbanizing in unincorporated Blount County. It is within the City of Maryville's Urban Growth Boundary and adjoins the current City limits on the southwest side. The applicant has requested Residential zoning for the property in its entirety which would likewise require a Residential designation on the Future Land Use Map.

A pre-application meeting was held with church representatives to discuss future expansion. Staff advised them to apply to annex the entire property since the expansion was going to be in the Blount County portion of the property. No formal expansion plan has been submitted at this time.

DEPARTMENTAL REPORTS

The information provided below is based on existing conditions and estimated costs based on the best information available at the time. Given the unknown development for the property, costs for service provision and future impacts are difficult to estimate.

POLICE (Ryan Rogers): On the effective date of annexation, the Maryville Police Department will provide the services of police patrol coverage using present personnel and equipment.

FIRE (Steven Talbott): The Fire Department has no comments or concerns with the annexation of this property. Fire service will continue to be provided for the entire property, as it has for several years.

WATER/WASTEWATER (Trevor Hendrix): The Water and Sewer Department (WSD) currently provides water and sewer services to the church and will continue to do so. Future building expansions or additions may require water/sewer main extensions in accordance with WSD regulations.

ELECTRIC AND STREET LIGHTING (James Bond): Electric service is currently provided to the church and other structures at the site. If church is expanded, changes may be required. Charges may apply per rules and regulations and will be addressed as needed. Street lighting is not anticipated for this property.

ENGINEERING AND PUBLIC WORKS

Engineering (Chuck Rowan): Review of site plan submittals and/or traffic studies. Service provided immediately upon annexation.

Streets (Tim Green): This will not affect the street department.

Stormwater Utilities (Jana Brown): An existing detention pond on the property would require periodic inspection by City personnel along with any enforcement activities should they become necessary. For any proposed developments there will be a review of stormwater management plans and site inspections for compliance with federal, state and City of Maryville ordinances and policies. Service will be provided immediately upon annexation. No known stormwater infrastructure for public dedication has been found. The existing detention pond on the property that will fall under the City's stormwater control measure inspection and maintenance requirements for property owners. Assuming all subject parcels are combined prior to annexation in accordance with the plat that has been being circulated for signatures during the review period for this study, the monthly Stormwater Utility Fee will be increased based on the total square footage of impervious surface upon annexation. Estimated additional impervious area to be added based on the annexation is 108,400 square feet, or 46 ERU's, which amounts to an additional stormwater utility billing of $182.62 per month.

Solid Waste (Brad Hurst) The property currently uses the City's dumpster service and that is expected to continue.

Grounds (Edmond Greene): Grounds Maintenance is not affected by this annexation.

DEVELOPMENT SERVICES

Inspections and Code Enforcement (Shawn Marshall): Building inspections will be provided immediately at the same level as existing City service. The same level of service for building-related services will be given to annexed properties as to existing City properties. The same monetary rate for building-related applications will apply to annexed properties as it does to existing City properties.

Planning (Michael Brusseau): The planning and zoning jurisdiction of the City will extend to the annexed area on the effective date of annexation. City planning jurisdiction and regulations will thereafter encompass the entirety of the annexed area. The annexation resolution shall be accompanied by ordinances to designate the future land use and the zoning to Residential.

SCHOOLS (Mike Winstead): Annexation of this property will have no impact on schools.

PARKS AND RECREATION (Joe Huff): Recreation is not affected by this annexation.

FINANCE (Sherri Phillips): All utility services are provided by the City of Maryville. Parcels 047-037.00 and 041.00 are currently tax exempt and assume it will remain as such. Parcels 047-039.00 and 039.01 are currently classified as Residential and would be taxed as such if annexed into the City.

Summary:
The property, which adjoins the City limits to the southwest, will be zoned Residential, the same as the portion of the church-owned property currently in the City. It is an extension of City Limits and Residential zoning from the southwest. Given the property's proximity to the City limits and limited cost of service provision, the annexation appears reasonable.

FINANCIAL IMPACT

The financial impact is based on the property being developed with a church. If it were developed for commercial purposes, additional property and sales taxes would result, as well as additional revenue to the Stormwater Utility Fund.

ANNUAL ESTIMATED COSTS/REVENUES BASED ON DEPARTMENT REPORTS			
General Fund	Revenue per year	One time cost	Recurring cost per year
Police	$0.00	$0.00	$0.00
Fire	$0.00	$0.00	$0.00
Engineering	$0.00	$0.00	$0.00
Streets	$0.00	$0.00	$0.00
Stormwater Maintenance	$0.00	$0.00	$0.00
Solid Waste*	$0.00	$0.00	$0.00
Grounds	$0.00	$0.00	$0.00
Inspections and Codes Enforcement	$0.00	$0.00	$0.00
Planning	$0.00	$0.00	$0.00
Recreation	$0.00	$0.00	$0.00
Finance	$0.00	$0.00	$0.00
Totals	$0.00	$0.00	$00.00
Stormwater Utility	Revenue per year	One time cost	Recurring cost per year
Stormwater Utility Rate ($3.97 per ERU per 2,400sqft of impervious surface) if developed	$2191.44	$0.00	$2191.44
Totals	$2191.44	$0.00	$2191.44
Schools	Revenue per year	One time cost	Recurring cost per year
Net cost per new student	$0.00	$0.00	$0.00
Totals	$0.00	$0.00	$0.00
Water & Sewer**	Revenue per year	One time cost	Recurring cost per year
Inside the city rates	0.00	0.00	0.00
Totals			
Electric Department**	Revenue per year	One time cost	Recurring cost per year
Usage charges	-	-	-
Totals	$0.00	$0.00	0

Utility accounts are enterprise funds which must operate based on the revenue received for services. The school system is funded from a variety of sources which includes an allocation from the General Fund.

*Commercial Garbage Service may or may not be opted into.

**Utility fees are based on usage.

ANNEXATION SCHEDULE

October 19, 2026	5:00 PM	**Maryville Municipal Planning Commission:** Recommendations: Plan of Services Annexation Land Use Designation Zoning
November 3, 2026	6:56 PM 7:00 PM	**Public Hearings:** Plan of Services Annexation Land Use Designation Zoning **Maryville City Council:** 1st reading Zoning and Land Use Designation Resolution for Annexation and Plan of Services
December 1, 2026	7:00 PM	**Maryville City Council:** 2nd reading Zoning and Land Use
December 1, 2026		Annexation resolution effective upon second reading of the FLUM and Zoning ordinances.

CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

2. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE BY DESIGNATING PROPERTY BEING BLOUNT COUNTY TAX MAP 047 PARCELS 037.00, 039.00 AND PORTIONS OF 039.01 AND 041.00 AS RESIDENTIAL.

A) Introduction: If City Council approves the annexation request for the subject property, it needs a designation on the Future Land Use Map (FLUM). The property is currently developed with East Maryville Baptist Church and accessory uses to the church.

Adjoining property to the southwest is zoned Residential in the City. Other adjacent properties are zoned Suburbanizing in Blount County.

The applicant has requested the property be designated as Residential on the FLUM, consistent with the Residential zoning.

The Maryville Municipal Planning Commission recommended approval of the requested FLUM designation as requested at their meeting on October 19, 2026.

B) Financial Impact of Action: None for the Future Land Use Map designation.

C) Impact of Action on Other Departments/Agencies: None for the Future Land Use Map designation.

D) Proposed Action:

- Approve first reading.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE BY DESIGNATING PROPERTY BEING BLOUNT COUNTY TAX MAP 047, PARCELS 037.00, 039.00 AND PORTIONS OF 039.01 AND 041.00 AS RESIDENTIAL

WHEREAS, the property being parcels 037.00 and 039.00 and portions of 039.01 and 041.00 on Blount County Tax Map 047 have been annexed into the City of Maryville at the owners' request; and

WHEREAS, the Council of the City of Maryville, Tennessee desires to amend the Future Land Use Map as identified in the City of Maryville Land Use Plan -2035; and

WHEREAS, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

WHEREAS, the change to the Future Land Use Map advances the public health, safety and welfare of the City of Maryville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE as follows**:**

SECTION 1. That property comprising parcel numbers 037.00. 039.00 and portions of 039.01 and 041.00 on Blount County Tax Map 047 annexed into the corporate limits be designated as Residential on the Future Land Use Map. Said property is shown on the attached Exhibit.

SECTION 2. That the provisions of this Ordinance shall be effective upon its final adoption, the public welfare requiring it.

ADOPTED this _____day of _____, 2026.

_____
Mayor

ATTEST:

_____
City Recorder

APPROVED AS TO FORM:

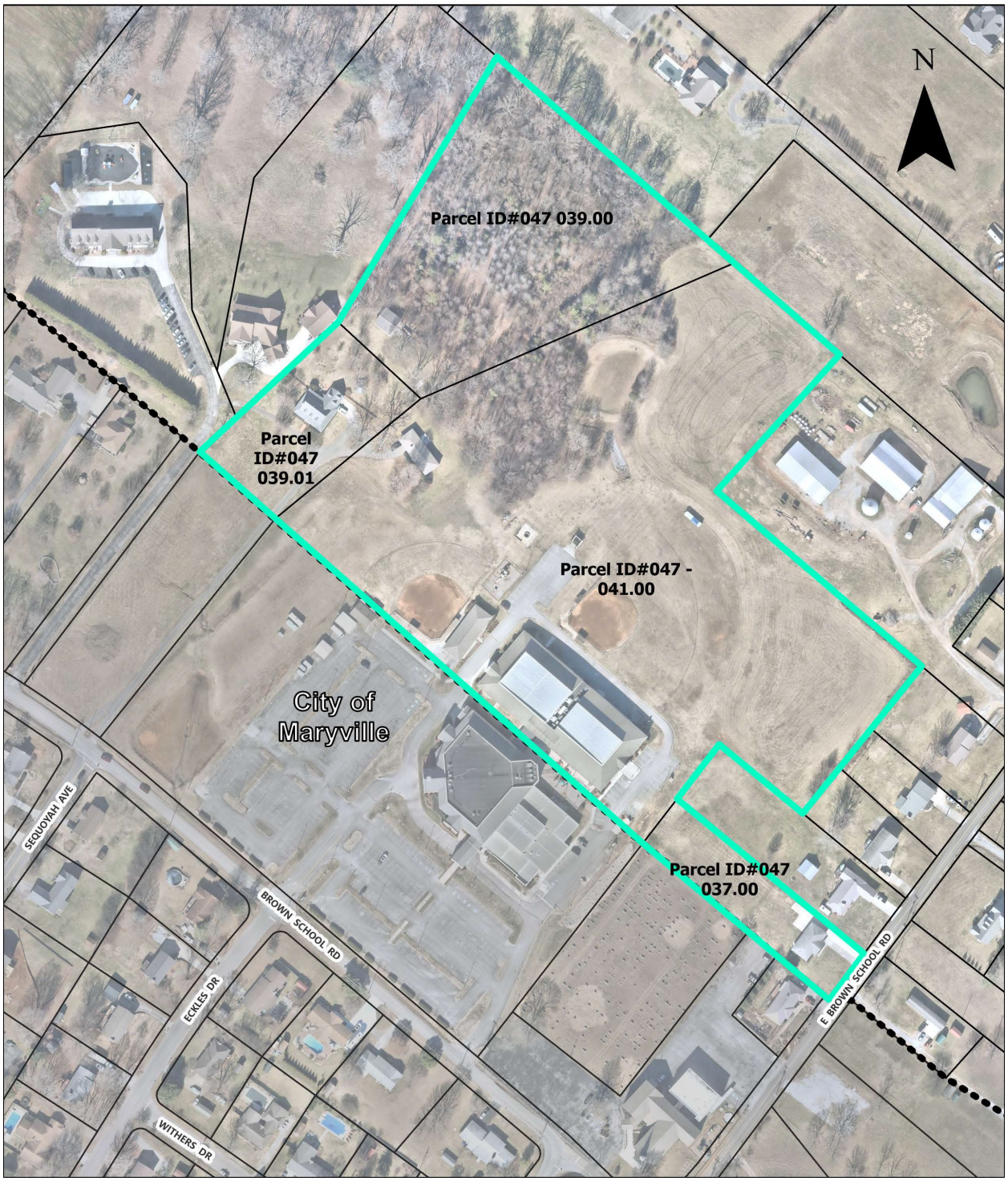
_____
City Attorney

Passed 1st reading on this _____day of _____, 2026_____
City Recorder

Passed 2nd reading on this ____ day of _____, 2026 _____
City Recorder

Exhibit:

Proposed Annexation



CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

3. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY ZONING PROPERTY BEING BLOUNT COUNTY TAX MAP 047 PARCELS 037.00, 039.00 AND PORTIONS OF 039.01 AND 041.00 AS RESIDENTIAL

A) Introduction: If City Council approves the annexation request for the subject property, it will need a designation on the City's official Zoning Map. The property is currently developed with East Maryville Baptist Church and accessory uses to the church.

The property is currently zoned Suburbanizing in Blount County. Adjoining property to the southwest is zoned Residential in the City. Other adjacent properties are zoned Suburbanizing in Blount County.

The applicant has requested the Residential zoning designation.

The Maryville Municipal Planning Commission recommended approval of the Business and Transportation zoning district at their meeting on October 19, 2026.

B) Financial Impact of Action: None for the zoning designation.

C) Impact of Action on Other Departments/Agencies: None for the zoning designation.

D) Proposed Action:

- Approve first reading.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY ZONING PROPERTY BEING BLOUNT COUNTY TAX MAP 047 PARCELS 037.00, 039.00 AND PORTIONS OF 039.01 AND 041.00 AS RESIDENTIAL

WHEREAS, the Council of the City of Maryville, Tennessee desires to amend the Zoning Map of the City of Maryville, Tennessee to zone property recently annexed into the City; and

WHEREAS, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

WHEREAS, the rezoning advances the public health, safety and welfare of the City of Maryville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE as follows**:**

SECTION 1. That property comprising parcel numbers 037.00, 041.00 and portions of 039.01 and 041.00 on Blount County Tax Map 047 recently annexed into the corporate limits be zoned Residential. Said property is shown on the attached Exhibit.

SECTION 2. That the provisions of this Ordinance shall be effective upon its final adoption, the public welfare requiring it.

ADOPTED this _____ day of _____, 2026.

_____
Mayor

ATTEST:

_____
City Recorder

APPROVED AS TO FORM:

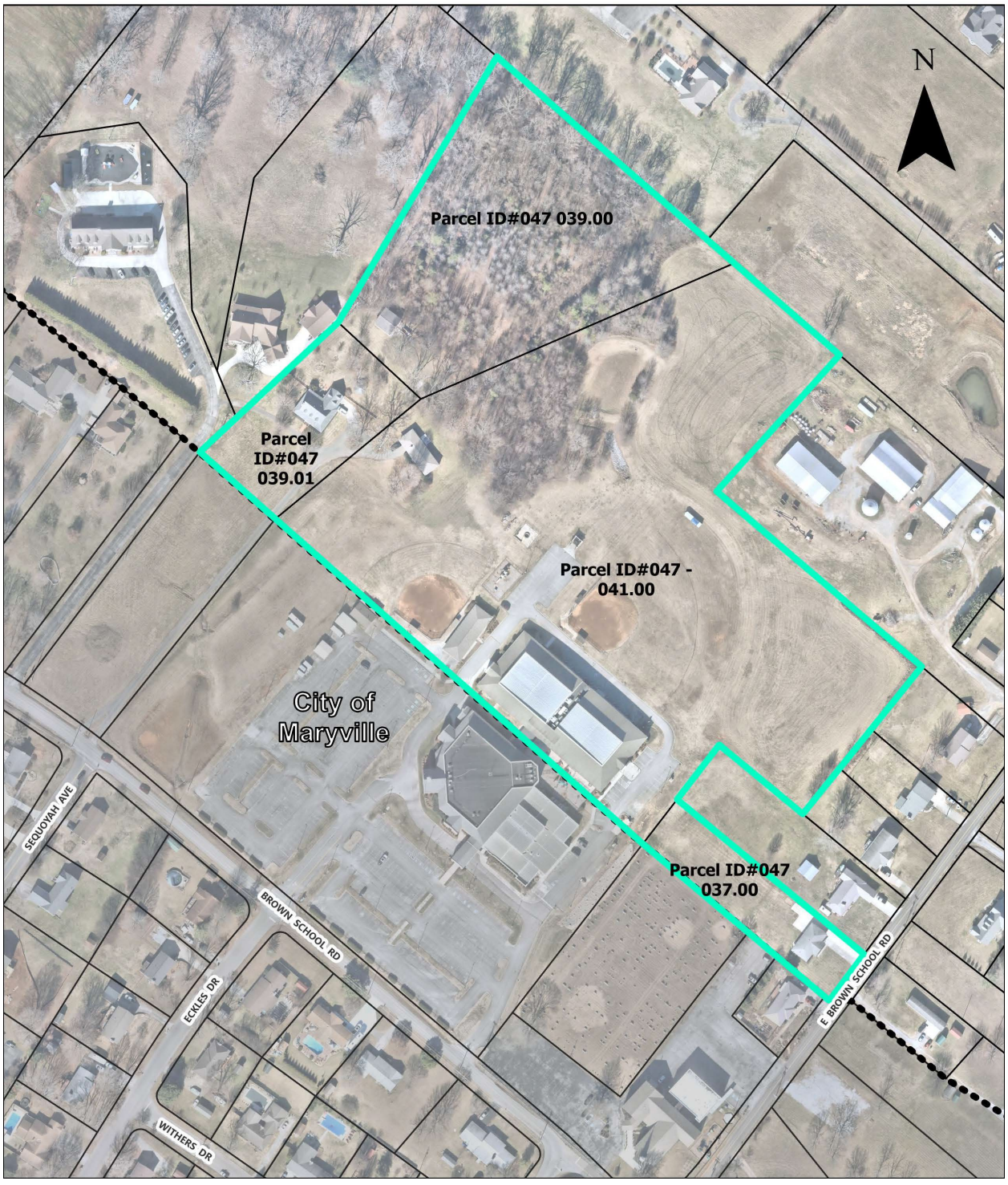
_____
City Attorney

Passed 1st reading on this _____day of _____, 2026 _____
City Recorder

Passed 2nd reading on this _____ day of _____, 2026 _____
City Recorder

Exhibit:

Proposed Annexation



CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

4. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE BY REDESIGNATING 37.47 ACRES OF PARCEL 014.00 ON BLOUNT COUNTY TAX MAP 057C, GROUP A FROM COMMERCIAL TO RESIDENTIAL

A) Introduction: Julie Sharpe, on behalf of the Maryville Housing Authority, is requesting a change to the Future Land Use Map for property located at 311 Atlantic Avenue from Commercial to Residential.

B) The subject parcel is partially developed with residential uses owned and managed by the Maryville Housing Authority. Adjacent properties are currently zoned Central Community, Residential and High Intensity Retail. The proposed rezoning is an extension of Central Community from the southeast, is compatible with the surrounding development and zoning pattern, and will facilitate the future development of the remainder of the property.

The Future Land Use Map designates the property and the surrounding area to the northwest as Commercial and the adjacent properties to the southeast and southwest as Industrial. Property to the northeast, across McCammon Avenue is zoned General Business E in the City of Alcoa. The proposed Residential Future Land Use Map designation reflects the actual use of the property for residential development.

The Maryville Municipal Planning Commission recommended approval of the requested change to the Future Land Use Map at their meeting on October 19, 2026.

C) Financial Impact of Action: No Impact.

D) Impact of Action on Other Departments/Agencies: No impact.

E) Proposed Action:

- First Reading

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE CITY OF MARYVILLE, TENNESSEE BY DESIGNATING PROPERTY BEING BLOUNT COUNTY TAX MAP 057C, GROUP A, PARCEL 014.00 AS RESIDENTIAL.

WHEREAS, the property being parcel 014.00 on Blount County Tax Map 057C, Group A has been annexed into the City of Maryville at the owners' request; and

WHEREAS, the Council of the City of Maryville, Tennessee desires to amend the Future Land Use Map as identified in the City of Maryville Land Use Plan - 2035; and

WHEREAS, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

WHEREAS, the change to the Future Land Use Map advances the public health, safety and welfare of the City of Maryville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE as follows**:**

SECTION 1. That property comprising parcel number 014.00 on Blount County Tax Map 057C, Group A be designated as Residential on the Future Land Use Map. Said property is shown on the attached Exhibit.

SECTION 2. That the provisions of this Ordinance shall be effective upon its final adoption, the public welfare requiring it.

ADOPTED this _____ day of _____, 2026.

_____
Mayor

ATTEST:

_____
City Recorder

APPROVED AS TO FORM:

_____
City Attorney

Passed 1st reading on this _____day of _____, 2026 _____
City Recorder

Passed 2nd reading on this _____ day of _____, 2026 _____
City Recorder

Exhibit:

W BESSEMER ST
CELTIC RD
ROCKDALE LN
PACIFIC AVE
POINT CIR
POINT CIR
GULF CIR
GULF CIR
ISLAND DR
BAY CIR
BAY CIR
ISLAND DR
MCCAMMON AVE
TNT DR
057C A 014.00
PORT PL
PORT PL
OCEAN
OCEAN DR
ATLANTIC AVE
COVE CIR
COVE CIR
CAPE DR
CAPE DR
CORAL CIR
HOME AVE
WADE CIR
HOOVER ST
BUNGALOW ST

CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

5. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY REZONING 37.47 ACRES OF PARCEL 014.00 ON BLOUNT COUNTY TAX MAP 057C, GROUP A FROM RESIDENTIAL TO CENTRAL COMMUNITY

A) Introduction: Julie Sharpe, on behalf of the Maryville Housing Authority is requesting rezoning of property located at 311 Atlantic Avenue from Residential to Central Community.

B) The parcel proposed for rezoning is partially developed with residential uses owned and managed by the Maryville Housing Authority. Adjacent properties are currently zoned Central Community, Residential and High Intensity Retail. The proposed rezoning is an extension of Central Community from the southeast, is compatible with the surrounding development and zoning pattern, and will facilitate the future development of the remainder of the property.

The request is contingent on City Council approving an amendment to the Future Land Use Map from Commercial to Residential.

The Maryville Municipal Planning Commission recommended approval of the rezoning at their meeting on October 19, 2026.

C) Financial Impact of Action: No impact.

D) Impact of Action on Other Departments/Agencies: No impact.

E) Proposed Action:

- First Reading

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY ZONING PROPERTY BEING BLOUNT COUNTY TAX MAP 057C, GROUP A, PARCEL 014.00 AS CENTRAL COMMUNITY

WHEREAS, the Council of the City of Maryville, Tennessee desires to amend the Zoning Map of the City of Maryville, Tennessee to zone property recently annexed into the City; and

WHEREAS, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

WHEREAS, the rezoning advances the public health, safety and welfare of the City of Maryville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE as follows**:**

SECTION 1. That property identified as parcel number 014.00 on Blount County Tax Map 057C, Group A be zoned Central Community. Said property is shown on the attached Exhibit.

SECTION 2. That the provisions of this Ordinance shall be effective upon its final adoption, the public welfare requiring it.

ADOPTED this _____ day of _____, 2026.

_____
Mayor

ATTEST:

_____
City Recorder

APPROVED AS TO FORM:

_____
City Attorney

Passed 1st reading on this _____day of _____, 2026 _____
City Recorder

Passed 2nd reading on this ____ day of _____, 2026 _____
City Recorder

Exhibit:

W BESSEMER ST
CELTIC RD
ROCKDALE LN
PACIFIC AVE
POINT CIR
POINT CIR
GULF CIR
GULF CIR
MCCAMMON AVE
ISLAND DR
BAY CIR
BAY CIR
ISLAND DR
TNT DR
057C A 014.00
PORT PL
PORT PL
OCEAN DR
OCEAN DR
ATLANTIC AVE
COVE CIR
COVE CIR
CAPE DR
CAPE DR
CORAL CIR
WADE CIR
HOOVER ST
BUNGALOW ST
HOME AVE

CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

6. CONSIDERATION OF AN ORDINANCE ON FIRST READING AMENDING THE ANNUAL OPERATING BUDGET OF THE CITY OF MARYVILLE, TENNESSEE FOR FISCAL YEAR 2027.

A) Introduction: In the course of the fiscal year, certain adjustments to the budget ordinance are necessary.

B) Financial Impact of Action: Changes to certain estimated revenues and budgeted appropriations as recommended by Staff.

- Increase the Fleet Maintenance Fund by $28,000.

C) Impact of Action on Other Departments/Agencies: Approval of budget amendment allows for budget revisions as described in attached ordinance.

D) Proposed Action: Approval- 1st Reading

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET OF THE CITY OF MARYVILLE, TENNESSEE FOR FISCAL YEAR 2027

WHEREAS, the budget process is one of the most important activities undertaken by governments for the public welfare with the budget process being used to make program, service and capital decisions and allocate scarce resources to programs, services and capital;

WHEREAS, *Tennessee Code Annotated* Title 6 Chapter 56 Section 208 allows the governing body to amend the annual budget ordinance in the same manner as any other ordinance may be amended;

WHEREAS, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds first be appropriated before being expended and that only funds that are available may be appropriated;

WHEREAS, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of their source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds;

WHEREAS, the budget ordinance is the legal document whereby the governing body appropriates funds and thereby gives the legal authority for expenditures of the City as required by state law;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, as follows:

SECTION 1. The Fleet Maintenance Fund revenue and appropriation budget will be adjusted as shown below:

	Revenue Amount	Appropriation Amount
Fund Balance	$28,000	
Equipment Purchase		$28,000
Total Change	$28,000	$28,000

A new truck tire changer will need to be purchased due to the failure of the current equipment. The Fleet Maintenance Fund appropriations will be increased by $28,000. The increase will be offset with the use of fund balance.

SECTION 2. That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

ADOPTED this _____ day of _____, 2026.

_____
Mayor

ATTEST:

_____
City Recorder

APPROVED AS TO FORM:

_____
City Attorney

Passed 1st reading on this _____day of _____, 2026 _____
City Recorder

Passed 2nd reading on this _____day of _____, 2026 _____
City Recorder

CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801
(865) 273-3401

AGENDA ITEM BACKGROUND

7. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO REPEAL AND REPLACE THE CITY OF MARYVILLE SEWER USE ORDINANCE, TITLE 18 CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF MARYVILLE IN ITS ENTIRETY AND TO ADOPT AND ENACT NEW SEWER USE DOCUMENTS.

A) Introduction: The City of Maryville Water and Sewer Department (WSD) has a sewer use ordinance containing limits on wastewater discharged by others and protection limits for the Regional Wastewater Treatment Plant (RWWTP) influent. The Tennessee Department of Environment and Conservation (TDEC) requires that these limits be periodically reviewed and updated when necessary. An internal technical review revealed the need to update these limits. The proposed revisions were approved by TDEC.

B) **Financial Impact of Action:** There is no immediate financial impact.

C) **Impact of Action on Other Departments/Agencies:** None

D) **Proposed Action:** Staff recommends passage of the ordinance.

ORDINANCE NO. 2026-_____

AN ORDINANCE ON FIRST READING TO REPEAL AND REPLACE THE CITY OF MARYVILLE SEWER USE ORDINANCE, TITLE 18 CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF MARYVILLE IN ITS ENTIRETY AND TO ADOPT AND ENACT A NEW SEWER USE DOCUMENT.

WHEREAS, the City of Maryville (the "City") has a sewer use ordinance, and

WHEREAS, the Sewer Use Ordinance Section 18-202.4 incorporates by reference the City's limitations on wastewater strength, and

WHEREAS, the Sewer Use Ordinance Section 18-202.5 incorporates by reference the City's criteria to protect the treatment plant influent, and

WHEREAS, the City has been directed by the State Department of Environment and Conservation ("TDEC") to periodically review and update its local limits and plant protection criteria in accordance with federal Environmental Protection Agency ("EPA") pretreatment regulations, and

WHEREAS, the City desires to make revisions to its sewer use ordinance, and

WHEREAS, the City Council of the City of Maryville has the authority to amend its sewer use ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE as follows:

SECTION 1. The, Sewer Use Ordinance, Section 18 Chapter 2 is repealed in its entirety and replaced with the following language that is hereby adopted and enacted:

SEWER USE ORDINANCE

PUBLIC AND PRIVATE SEWERS

Chapter 2 of Title 18 of the City of Maryville Municipal Code regarding the use of Public and Private Sewers and Drains, Private Sewage Disposal, the Installation and Connection of Building Sewers, and the Discharge of Wastes into the Public Sanitary Sewerage System.

SEWER USE ORDINANCE
MARYVILLE MUNICIPAL CODE TITLE 18 - CHAPTER 2

SEWAGE AND HUMAN EXCRETA DISPOSAL[1]

1 See Title 12 of this code for plumbing regulations.

SEWER USE ORDINANCE

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CHAPTER 2
SEWAGE AND HUMAN EXCRETA DISPOSAL

18-201 GENERAL PROVISIONS

18-201.1 Purpose and Policy

This Ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Maryville, Tennessee, hereinafter known as the City and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977, as amended, and the State of Tennessee's General Pretreatment Regulations, and the Federal Pretreatment Regulations (40 CFR, Part 403).

The objectives of this Ordinance are:

(a) To protect the public health;

(b) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge or biosolids;

(c) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system;

(d) To improve the opportunity to recycle and reclaim wastewaters, biosolids and sludges from the system; and

(e) To provide for equitable distribution of the cost of the municipal wastewater system.

This Ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Ordinance shall apply to the City of Maryville and to persons outside the City who are, by contract or agreement with the City, users of the City of Maryville's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the City Manager or his representative shall administer, implement, and enforce the provisions of this Ordinance.

18-201.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

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

- Administrative Penalty. A punitive monetary charge unrelated to actual treatment costs which is assessed by the control authority rather than a court of law.

- Administrative Order. A document which orders the violator to perform a specific act or refrain from an act. For example, an order may require users to attend a show cause hearing, cease and desist discharging or undertake activities pursuant to a compliance schedule.

- Administrator. The Administrator of the Environmental Protection Agency.

- Appeal Authority. The local appeal authority shall consist of the current members of the City Council of the City of Maryville, whose chairman shall be the Mayor, or any member(s) of the City Council or any officer(s) or employee(s) of the City so designated as the Appeal Authority by the City Council. The Appeal authority shall conduct hearings concerning appeals of the decisions of the Hearing Authority.

- Approval Authority. The Director of the Division of Water Resources, Tennessee Department of Environment and Conservation (TDEC). The approval authority is responsible for approval and oversight of the control authority pretreatment programs, including the evaluation of the effectiveness of local enforcement.

- Authorized Representative of Industrial User.

    (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 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 the Control Authority.

- Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 18-202.1 [40 CFR 403.5(a)(1) and (b)]. 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.

- Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade (68 degrees Fahrenheit) expressed in terms of weight [pounds per day (lb/day)] and concentration [milligrams per liter (mg/l)].

- Biosolids. Sludge which complies with the requirements of 40 CFR Part 503 and is applied to the land in order to condition the soil or fertilize crops and/or vegetables.

- Building Drain. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning three (3) feet outside the inner face of the building wall.

- Building Sewer. That part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a POTW, private sewer, individual sewage disposal system or other point of disposal.

- Bypass. The intentional diversion of waste streams from any portion of a User's treatment facility.

- Categorical Standards; Categorical Pretreatment Standards. National Categorical Pretreatment Standards or Pretreatment Standard.

- Categorical Industrial User. An industrial user subject to categorical pretreatment standards.

- Cease and Desist Order. An administrative order directing a user to immediately halt illegal or unauthorized discharges.

- Chronic Violation. The term used to describe violations of a Wastewater Discharge Permit when the limit for any one parameter listed in the permit is exceeded by any magnitude for 66 percent or more of the total industrial self-monitoring plus Control Authority compliance monitoring measurements made in a six-period. .

- City. The City of Maryville, Tennessee.

- City Manager. The person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Section, or his duly authorized representative.

- Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria; plus any additional pollutants identified in the publicly owned treatment works NPDES permit, where the publicly owned treatment works is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's NPDES permit.

- Compliance Order. An administrative order directing a noncompliant user to achieve or restore compliance by a date specified in the order.

- Compliance Schedule. A schedule of required activities (also called milestones) necessary for a user to achieve compliance with all pretreatment program requirements with dates for achieving each milestone.

- Composite Sample. Twenty-Four Hour Flow Proportional Composite Sample. A sample consisting of several wastewater portions during a 24-hour period in which the portions are proportional to the flow and combine to form a representative sample.

- Consent Order. An administrative order embodying a legally enforceable agreement between the control authority and the noncompliant user designed to restore the user to compliance status.

- Control Authority. The City Manager of the City of Maryville or his designated representative.

- Cooling Water. The water discharge from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

- Criminal Prosecution. A criminal charge brought by the control authority against an accused violator. The alleged criminal action may be a misdemeanor or a felony and is defined as willful, negligent, knowing and/or intentional violations. A court trial-by-jury is generally required and, upon conviction, punishment may include a monetary penalty, imprisonment or both.

- Customer. Any individual, partnership, corporation, co-partnership, company, joint stock company, trust, estate, government entity, or any other legal entity or their legal agents or assigns who receives sewer service from the City under either an expressed or implied contract requiring payment to the City for such service. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

- Daily Average Loading. The average over a three (3) month period of waste constituents found in a 24-hour period in the sewage entering the influent of the POTW treatment plant.

- Daily Maximum Limits. The maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharge over the course of the day. Where daily maximum limits are expressed in units of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

- Domestic Waste(s). Liquid wastes (I) from the non-commercial preparation, cooking, and handling

of food, or (ii) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

- Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

- Federal Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

- Felony. A crime punishable by imprisonment for greater than one year (depending on state law).

- Fees. A schedule of charges imposed to recover treatment and or administrative costs (not punitive in nature).

- Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.

- Grab Sample. A grab sample is an individual sample collected from a waste stream, on a one-time basis, over a period of time not exceeding 15 minutes.

- Hearing Authority. The administrative board responsible for the administration and enforcement of an approved pretreatment program and the provisions of TCA 69-3-123 through 69-3-129. The local hearing authority shall consist of the City Manager of the City of Maryville, and any member(s) of the City Council or any officer(s) or employee(s) of the City so designated as the Hearing Authority by the City Manager. The Hearing authority shall conduct hearings concerning the pretreatment program in accordance with TCA 69-3-123 through 69-9-129.

- Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

- Indirect Discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

- Industrial User. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 502 of the Act (33 U.S.C. 1342).

- Injunction, Injunctive Relief. A court order which restrains or compels action by the user.

- Instantaneous Maximum Limit. The maximum allowable concentration of a pollutant determined from the analysis of any discrete or composited sample collected, independent of the flow rate and the duration of the sampling event.

- Interference. A discharge that, alone or in conjunction with a discharge or discharges from other

sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or collection system.

- Jurisdiction. The extent of authority of a governmental entity's power to make and enforce laws.

- Litigation. An enforcement action brought in a judicial (court) forum.

- Misdemeanor. A crime punishable by imprisonment of less than one year (depending on state law).

- Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

- New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard. In order to be considered a new source, the following provisions must be met:

  (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.

    (i) Construction on the 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 this section but otherwise alters, replaces or adds to existing process or production equipment.

    (ii) Construction of a new source as defined under this section has commenced if the Owner or operator has:

      1. Begun, or caused to begin as a part of a continuous on-site construction program:

        a. Any placement, assembly or installation of facilities or equipment; or

        b. 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

2. 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 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 section.

- National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

- Normal Sewage. Sewage shall be regarded as normal for the City, if analyses show a daily average loading of not more than 300 milligrams per liter of BOD5; not more than 800 milligrams per liter of COD; not more than 300 milligrams of total suspended solids; not more than 30 milligrams per liter of ammonia-nitrogen; not more than 60 milligrams per liter of total nitrogen; and not more than 100 milligrams per liter of ether soluble matter (oil and grease).

- Notice of Violation. A control authority document notifying a user that it has violated pretreatment standards and requirements. Generally used when the violation is relatively minor and the control authority expects the violation to be corrected within a short period of time.

- Pass-through. Violation of the State issued pass-through limits established for the discharge from the POTW treatment plant.

- Penalty. A monetary or other punitive measure, usually associated with a court action, for a violation of the law.

- Person. Any individual, partnership, co-partnership, firm, company corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicted by the context.

- pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

- Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

- Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

- Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR Section 403.6(d).

- Pretreatment Requirements or Standards. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user, including, but not limited to, discharge limits, sampling requirements, analytical requirements, reporting requirements and compliance schedules.

- Priority Pollutants. A list of 126 pollutants established by EPA and considered hazardous to the environment or to humans.

- Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles are carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half (½) inch in any dimension.

- Public Sewer. A sewer in which all owners of abutting properties have equal rights and are controlled by public authority.

- Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons inside and outside the City who are, by contract or agreement with the City, users of the City's POTW.

- POTW Treatment Plant. The portion of the POTW designed to provide treatment to wastewater.

- Sanitary Sewer. A sewer which carries sewage from dwellings (including apartment houses and hotels) office buildings, factories, or institutional buildings and into which storm, surface, and groundwaters are not intentionally admitted.

- Self Monitoring. Sampling and analysis of wastewater performed by the user.

- Sewer. A pipe or conduit for carrying sewage and other waste liquids.

- Shall is mandatory; May is permissive.

- Show Cause Hearing. A formal hearing requiring the user to appear before the local hearing authority and demonstrate why the control authority should not take a proposed enforcement action against the user.

- Significant Industrial User. Any industrial user of the City's wastewater disposal system who (i) is

subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or (ii) has an average discharge flow of 25,000 gallons per day or more of process wastewater to the POTW; or (iii) contributes 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (iv) is designated as such by the Control Authority, Approval Authority or EPA on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

- Significant Non-Compliance. Criteria used by the control and approval authorities to identify important violations and/or patterns of noncompliance. This criteria is used to establish enforcement priorities and comply with special reporting requirements. An industrial user is in significant noncompliance if its violation(s) meets one or more of the following criteria:

  (i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits;

  (ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

  (iii) Any other violation of a Pretreatment Standard or Requirement as defined by Section 18-202 (Daily Maximum, long-term average, Instantaneous Limit, narrative standard, or Best Management Practices) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass-through at the POTW, including endangering the health of POTW personnel or the general public;

  (iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

  (v) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in the discharge permit or an enforcement order for starting construction, completing construction, or attaining final compliance;

  (vi) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

  (vii) Failure to accurately report non-compliance;

  (viii) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

- Significant Violation. A violation which remains uncorrected 45 days after notification of

noncompliance; or which is part of a pattern of noncompliance over a twelve-month period; or which involves a failure to accurately report noncompliance; or which results in the POTW exercising its emergency authority under 40 CFR 403.8(f) (2)(vi)(B) and 403.8(f)(2)(vii).

- Sludge or Sewage Sludge. The solid, semi-solid or liquid residue generated during the treatment of domestic sewage in a POTW. Sludge includes, but is not limited to, scum or solids removed in primary, secondary or advanced wastewater treatment processes as well as any material derived from sewage sludge. Sludge does not include grit and/or screenings generated during preliminary treatment.

- Slug Discharge. Any discharge of a non-routine, episodic nature, including, but not limited to an accidental spill or a non-customary batch discharge.

- Slug Control Plan. A plan to control slug discharges, which shall include, as a minimum, (i) description of discharge practices, including non-routine batch discharges; (ii) description of stored chemicals, (iii) procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a discharge prohibition under this Ordinance, or 40 CFR 403.5(b), with procedures for follow-up written notification within 5 days; (iv) 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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

- State. The State of Tennessee Department of Environment and Conservation.

- Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

- Storm Sewer or Storm Drain. A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters, upon approval of the Mayor or his representative.

- Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from.

- Surcharge. A fee charged to users in excess of the normal sewer use charge to cover the additional expenses incurred by the POTW for treatment of compatible pollutants of a higher concentration than the POTW treatment plant was designed to treat, but which do not cause an interference with the POTW.

- Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

- Technical Review Criteria (TRC) Violation. The term used to describe violations of a Wastewater Discharge Permit when:

(a) The limit for BOD, total suspended solids, ammonia-nitrogen, or fats, oils and grease is exceeded by 40 percent for 33 percent or more of the total industrial self-monitoring plus Control Authority compliance monitoring measurements made in a six-month period; or

(b) The limit for any other pollutant, except pH, is exceeded by 20 percent for 33 percent or more of the total industrial self-monitoring plus Control Authority compliance monitoring measurements made in a six-month period.

- Testimony. A solemn declaration made by a witness under oath in response to interrogation by a lawyer or public official which is used as evidence.

- Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

- Unpolluted Water or Waste. Any water or waste containing no free or emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor in receiving water; toxic and poisonous substances in suspension, colloidal state or solution; and noxious or odorous gases and/or other polluting materials.

- User. Any customer who contributes, causes or permits the contribution of wastewater into the City's POTW.

- Wastewater. The liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

- Wastewater Discharge Permit. As set forth in Section 18-205.3 of this ordinance.

18-201.3 Abbreviations

The following abbreviations shall have the designated meanings:

. BOD5 - Five-day Biochemical Oxygen Demand.
. CFR - Code of Federal Regulations.
. COD - Chemical Oxygen Demand.
. CWA - Clean Water Act.
. EPA - Environmental Protection Agency.
. l - Liter.
LEL – Lower explosive Limit
. mg - Milligrams.
. mg/l - Milligrams per liter.
. NPDES - National Pollutant Discharge Elimination System.
. POTW - Publicly Owned Treatment Works.
. SIC - Standard Industrial Classification.
. SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
. TSS - Total Suspended Solids.
. USC - United States Code.

18-202 **DISCHARGE REGULATIONS**

18-202.1 General Discharge Prohibitions

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will Pass-Through or interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State or local Pretreatment Standards or Requirements. A User may not contribute the following substances to the POTW:

a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or by injurious in any other way to the POTW or to the operation of the POTW. No pollutant shall be discharged which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flash point of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage or improperly shredded garbage with particles greater than one-half inch (½") in any dimension.

c) Any wastewater having a pH less than 5.0 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, biosolids, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with the sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or

disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, the Clean Water Act, or Federal or State criteria applicable to the sludge management method being used.

g) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit, the receiving water quality standards, or cause a pass-through violation.

h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 65ºC (150ºF) or cause the influent of the wastewater treatment plant to exceed 40ºC (104ºF) unless the POTW treatment plant is designed to accommodate such temperature.

j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW. In no case shall a slug discharge have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

k) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Control Authority in compliance with applicable State or Federal regulations.

l) Any wastewater which causes a hazard to human life or creates a public nuisance.

m) Any stormwater (flow occurring during or following any form of natural precipitation and resulting therefrom), surface water, groundwater, roof runoff, subsurface drainage, to any sanitary sewer. Stormwater drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the State. Uncontaminated industrial cooling water or unpolluted process waters may be discharged on approval of the State to a storm sewer or natural outlet. Landfill leachate and discharge from temporary groundwater remediation projects may be discharged to the sewer system in accordance with this Chapter upon approval by the Control Authority.

n) Any wastewater containing fats, wax, grease, petroleum oil, nonbiodegradeable cutting oil or products of mineral oil origin, or other substances which may solidify or become viscous at temperatures between 0°C(32°F) and 40°C(104°F) and/or cause interference or pass-through at the POTW treatment plant.

o) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

p) Any trucked or hauled pollutants, except at discharge points designated by the POTW and in accordance with the requirements of this Ordinance.

When the Control Authority determines that a User(s) is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Control Authority shall 1) Advise the User(s) of the impact of the contribution on the POTW and 2) Develop effluent limitations for such User(s) to correct the interference with the POTW.

18-202.2 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that sub-category, shall immediately supersede the limitations imposed under this Ordinance. The affected users shall come into compliance with said limitations by the date specified by the Federal regulation.

18-202.3 Modification of Federal Categorical Pretreatment Standards

Where the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Control Authority may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403)- "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Control Authority may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

18-202.4 Limitations on Wastewater Strength

No person or User shall discharge wastewater to the POTW in excess of the concentration set forth in Table 18-202.4 (next page) unless: (1) an exception has been granted the User by the Control Authority; or (2) the wastewater discharge permit of the User provides as a special permit condition a higher interim concentration level in conjunction with a requirement that the User construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in Table 18-202.4 within a fixed period of time.

TABLE 18-202.4
Limits on Wastewater Discharged by Users

Parameter	Daily Maximum Limit (mg/L)
Arsenic	0.04056
Cadmium	0.04620
Chromium, Total	2.08800
Copper	0.79720
Cyanide	0.04698
Lead	0.28292
Mercury	0.00351
Molybdenum	Report Only
Nickel	0.45593
Selenium	Report Only
Silver	0.11641
Zinc	1.61885
Benzene	0.09309
Carbon Tetrachloride	0.69897
Chloroform	2.73365
Ethyl Benzene	0.33570
Methylene Chloride	0.74388
Naphthalene	0.04730
Phenols, Total	2.87306
Phthalates, Total	1.88877
Tetrachloroethylene	0.45570
Trichloroethylene	0.83970
Toluene	0.37170
1,1,1-Trichloroethane	2.22570
1,2-Transdichloroethylene	0.04320

Any User discharging wastewater having pollutants in excess of the concentrations listed above may be subject to fines and/or other enforcement actions as outlined in Section 18-208 hereinafter.

18-202.5 Criteria to Protect the Treatment Plant Influent

No person or user shall discharge any waters or wastes which cause the wastewater arriving at the treatment facility to exceed any of the concentration limits shown in Table 18-202.5 hereinafter. Users may be subject to reporting and monitoring requirements for all or a part of these parameters.

The Control Authority shall monitor the treatment works influent for the parameters in Table 18-202.5. In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the Control Authority shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the City Council such remedial measures as are necessary, included, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The Control Authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

TABLE 18-202.5
Protection Limits at Treatment Works Influent

Parameter	Daily Maximum Limit (mg/L)
Arsenic	0.00541
Cadmium	0.00558
Chromium, Total	0.25000
Copper	0.13601
Cyanide	0.00972
Lead	0.03329
Mercury	0.00040
Nickel	0.05258
Silver	0.02030
Zinc	0.26906
Benzene	0.01304
Carbon Tetrachloride	0.08036
Chloroform	0.31724
Ethyl Benzene	0.04000
Methylene Chloride	0.09615
Naphthalene	0.00976

Phenols, Total	0.35523
Phthalates, Total	0.26386
Tetrachloroethylene	0.05333
Trichloroethylene	0.09600
Toluene	0.00440
1,1,1-Trichloroethane	0.25000
1,2-Transdichloroethylene	0.00750

18-202.6 Compatible Pollutants

The POTW treatment plant was designed to treat specific waste load concentrations and mass loading of certain compatible pollutants, which include five-day biochemical oxygen demand (BOD_5), chemical oxygen demand (COD), total suspended solids (TSS), settleable solids (SS), total dissolved solids (TDS) and ammonia-nitrogen (NH_3-N). If a User discharges concentrations or mass loadings of compatible pollutants which exceed the limits set forth in the Wastewater Discharge Permit, added operation and maintenance costs will be incurred by the POTW, and this additional cost may be passed on to the user through surcharges for excess compatible pollutants. Surcharges shall be established by the Control Authority based on the cost to treat the excess compatible pollutants. The Control Authority reserves the right to establish maximum allowable discharge limits for compatible pollutants in order to protect the POTW treatment plant and to revise surcharges based on changes in operating costs.

18-202.7 State Requirements

State requirements and limitation on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Ordinance.

18-202.8 Control Authority's Right of Revision

The Control Authority reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 18-201 of this Ordinance.

18-202.9 Dilution of Discharge

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State. The combination of process wastes and domestic wastes prior to discharge is not considered dilution.

18-202.10 Slug Discharges

18-202.10.A. Protection from Slug Discharges

Each User shall provide protection from slug discharge of prohibited materials or other

substances regulated by this Ordinance. Facilities to prevent slug discharge of prohibited material shall be provided and maintained at the Owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Control Authority for review, and shall be approved by the Control Authority before construction of the facility. All existing Users shall complete such a plan within 180 days from the effective date of this ordinance. No User who commences contribution to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until a slug discharge control plan has been approved by the Control Authority. Significant Industrial Users are required to notify the Control Authority immediately of any changes at its facility affecting potential for a Slug discharge.

Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of a slug discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

18-202.10.B. Written Notice of Slug Discharges

Within five (5) days following a slug discharge the User shall submit to the Control Authority a detailed written report describing the cause of the discharge and the 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 POTW, fish kills, or any other damage to person 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.

18-202.10.C. Notice to Employees

A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a slug discharge. Employers shall insure that all employees who may cause or suffer such a slug discharge to occur are advised of the emergency notification procedure. In lieu of placing notices on bulletin boards, the User may submit an approved Slug Control Plan.

18-202.11 Discharge of Hazardous Wastes

All industrial users shall notify the Control Authority, the EPA Region IV Resource Conservation and Restoration Division, and the Tennessee Department of Environment and Conservation Division of Solid Waste Management 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. The notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other).

If the Industrial User discharges more than 100 kilograms of such wastes per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimate of the mass and concentration of such constituents discharged during that calendar month, and an estimate of the mass and

concentration of such constituents expected to be discharged during the following 12 months.

Notification shall be provided within 180 days of the discharge. Notification need be submitted only once for each hazardous waste discharged; however, advance notification of substantial change is required.

Industrial Users are exempt from notification requirements during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Tennessee Rule 0400-1-11-.02(4)(a) and (4)(d).

If new regulations identify additional characteristics of hazardous wastes or list new hazardous wastes, notification of the appropriate authorities by the industrial user is required within 90 days of the effective date of such regulations.

If notification is required, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

18-202.12 Limitations on the Use of Garbage Grinders

Garbage grinders shall discharge only properly shredded garbage into the POTW. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the POTW sewers. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials, or garden refuse.

18-202.13 Limitations on Point of Discharge

No person shall discharge any substance directly into a manhole or other opening in a POTW sewer other than through an approved building sewer unless he shall have been issued a temporary permit by the Control Authority. The Control Authority shall incorporate in such temporary permit such conditions as it deems reasonably necessary to insure compliance with the provisions of this article and the User shall be required to pay applicable charges and fees therefore.

18-203 **PRIVATE SEWAGE DISPOSAL AND HOLDING TANK WASTE DISPOSAL**

18-203.1 Private Sewage Disposal Systems

Where any residence, office, recreational facility or other establishment used for human occupancy is not accessible to the POTW, the User shall provide a private sewage disposal system. Where any residence, office, recreational facility or other establishment used for human occupancy has the building drain located below the elevation necessary to obtain a sufficient grade in the building sewer, but is otherwise accessible to the POTW, the Owner shall provide a private on-site sewage pumping station subject to review and approval by the Control Authority.

A private sewage disposal system may not be constructed within the City limits unless a certificate is obtained from the Control Authority stating that the POTW is not accessible to

the property and no POTW extension is proposed for construction in the immediate future. No certificate shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the City of Maryville and the Blount County Environmental Health Department.

Any private sewage disposal system must be constructed in accordance with the requirements of the State of Tennessee, the Blount County Environmental Health Department and the City of Maryville, and must be inspected and approved by an authorized representative of the City Manager. The Owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times. When access to the POTW becomes available, refer to Section 18-205.1 of this document for connection requirements. Once the building sewer has been connected to the POTW the private sewage disposal system shall be cleaned of solids and filled with suitable material. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Blount County Health Department.

18-203.2 Septic Tank Pumping, Hauling and Discharge

No person owning vacuum, septic tank or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received a Septage Transporter Permit from the Control Authority. All applicants for a Septage Transporter Permit shall complete such forms as required by the Control Authority, pay appropriate fees, and agree in writing to abide by the provisions of this article and any special conditions or regulations established by the Control Authority. Such permits shall be valid from date of issuance to the end of the calendar year provided that such permit shall be subject to revocation by the Control Authority for violation of any provision of this article or reasonable regulation established by the Control Authority. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste collected from septic tanks located in Blount County, Tennessee.

18-203.3 Other Holding Tank Waste

No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the Control Authority. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such User shall pay any applicable charges or fees therefore, and shall comply with the conditions of the permit issued by the Control Authority and the Solids Waste Disposal Act (42 USC 6901, et. seq.). Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank, provided such discharge is made into an approved facility designed to receive such waste.

18-203.4 Fees

For each permit issued under the provisions of this ordinance, an annual service charge set as specified in Section 18-204 shall be paid to the City. Any such permit granted shall be for one full calendar year or fraction of the calendar year, and shall continue in full force and

effect from the time issued until the ending of the calendar year unless sooner revoked, and shall be non-transferable. All users discharging septic tank or holding tank wastes to the POTW shall pay appropriate fees to be established as specified under Section 18-204.

18-203.5 Designated Disposal Locations

The Control Authority shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm association or corporation to empty or clean such equipment at any place other than a place so designated. The Control Authority may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the effective operation of the POTW.

18-203.6 Revocation of Permit

Failure to comply with all the provisions of this Ordinance shall be sufficient cause for the revocation of the disposal permit by the Control Authority. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving as a septic tank or wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the POTW.

18-204 **CHARGES AND FEES**

18-204.1 Purpose

It is the purpose of this Section to provide for the recovery of costs from users of the POTW for the implementation of the program established herein and to provide a schedule of charges and fees which will enable the City to comply with the revenue requirements of Section 204 of the Clean Water Act. Specific charges and fees shall be adopted by a separate Ordinance; this Section describes the procedure to be used in calculating the charges and fees. Additional charges and fees to recover funds for capital outlay, bond service costs and capital improvements may be assessed by the City. These charges and fees shall be recovered through the user classification established hereinafter. The applicable charges or fees shall be set forth in the City's schedule of charges and fees.

18-204.2 Types of Charges and Fees

The City may adopt charges and fees which may include, but are not limited to:

a) User classification charges;

b) Fees for monitoring requested by a user;

c) Fees for permit application;

d) Appeal fees;

e) Charges and fees based on wastewater constituents and characteristics;

f) Fee for use of garbage grinders;

g) Fees for holding tank wastes;

h) Fees for reimbursement of administrative costs related to the Pretreatment Program;

i) Fees for monitoring, inspection and surveillance procedures;

j) Fees for reviewing slug discharge prevention procedures and construction;

k) Fees for allowing connection of building sewers to the POTW;

l) Fees for consistent removal by the City of pollutants otherwise subject to Federal Pretreatment Standards;

m) Other fees as the Control Authority may deem necessary to carry out the requirements of this ordinance.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the City. For established fees refer to current Water and Wastewater Rate Schedule and the City of Maryville Customer Service Policy.

18-205 **ADMINISTRATION**

18-205.1 Use of Public Sewers Required

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Maryville or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the City of Maryville or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

(c) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or
other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within 60 days after date of

official notice to do so, provided that said public sewer is within 300 feet of the building drain as defined herein. Any sewers not connected within the 60 days shall be placed on billing.

18-205.2 Wastewater Dischargers Require Permit

It shall be unlawful to discharge to the POTW any wastewater except as authorized by the Control Authority in accordance with the provisions of this Chapter.

18-205.3 Wastewater Discharge Permits

18-205.3.A. General Permits

All Significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing Significant Industrial Users connected to or contributing to the POTW shall obtain a Wastewater Discharge Permit within 180 days after the effective date of this Ordinance.

18-205.3.B. Permit Application

Users required to obtain a Wastewater Discharge Permit shall complete and file with the Control Authority an application in the form prescribed by the Control Authority accompanied by any application fee that may be required. Existing Significant Industrial Users shall apply for a Wastewater Discharge Permit within 60 days after the effective date of this Ordinance, and proposed new Users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the Significant Industrial User may be required to submit all or some of the following information, in units and terms appropriate for evaluation:

1) Name, address, and location (if different from the address);

2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

3) Measurement of Pollutants-

(a) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;

(b) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged including time and duration of contribution;

(c) Instantaneous, Daily Maximum, long-term average concentrations or mass loading, where required, including daily, monthly and seasonal variations, if any;

(d) Wastewater constituents and characteristics representative of daily operations including, but not limited to, those mentioned in Section 18-202 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in

accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard.

4) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;

5) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the Significant Industrial User to meet applicable Pretreatment Standards;

6) If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards, the shortest schedule by which the Significant Industrial User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

   (a) 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 required for the User to meet the applicable Pretreatment Standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)

   (b) No increment referred to in paragraph (1) shall exceed 9 months.

   (c) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Control Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.

7) Each product produced by type, amount, process or processes and rate of production;

8) Type and amount of raw materials processed (average and maximum per day);

9) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

10) Any other information as may be deemed by the Control Authority to be necessary to evaluate the permit application.

The Control Authority will evaluate the data furnished by the Significant Industrial User and may require additional information. After evaluation and acceptance of the data furnished, the Control Authority may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

11) All wastewater discharge permit applications must be signed by an Authorized Representative as defined in 18-201.2 and contain the certification statement in 18-205.4.E.

18-205.3.C. Permit Modifications

Within nine months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a Significant Industrial User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by 18-205.3, the Significant Industrial User shall apply for a Wastewater Discharge Permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the Significant Industrial User with an existing Wastewater Discharge Permit shall submit to the Control Authority within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (5) and (6) of Section 18-205.3.B.

18-205.3.D. Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance, EPA's Pretreatment Standards and Regulations promulgated under the authority of Section 307(b) and (c) of the Federal Water Pollution Control Act (as provided for in 40 CFR 403.8(f)(1)(iii), and all other applicable regulations, User charges and fees established by the City. Permits may contain the following:

1) Statement of duration (5 years or less);

2) Statement of non-transferability;

3) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;

4) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;

5) All wastewater samples must be representative of the User's discharge

6) Limits on the average and maximum wastewater constituents and characteristics;

7) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

8) Requirements for installation and maintenance of inspection and sampling facilities;

9) Specifications and Best Management Practices for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

10) Compliance schedule;

11) Requirements for maintaining and retaining records relating to wastewater discharge and Best Management Practices as specified by the Control Authority for a period of at least three (3) years, and affording the Control Authority access thereto. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or the City's POTW or when requested by the TDEC or EPA.;

12) Requirements for submission of technical reports or discharge reports (see 18-205.4);

13) Requirements for notification of the Control Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

14) Requirements for notification of slug discharges. All categorical and non-categorical Industrial Users shall notify the Control Authority immediately of all discharges that could cause problems to the Control Authority, including any slug loadings, in accordance with Section 18-202.10; and

15) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this Ordinance.

18-205.3.E. Permits Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

The User shall apply for permit reissuance a minimum of 180 days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification of the Control Authority during the term of the permit as limitations or requirements as identified in 18-202 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of any change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

18-205.3.F Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation. A

Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Control Authority. Any succeeding Owner or User shall receive a copy of and also comply with the terms and conditions of the existing permit.

18-205.4 Reporting Requirements for Permittee

18-205.4.A Baseline Monitoring Reports

Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Control Authority a report which contains the information listed below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Control Authority a report which contains the information listed in below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

Users described above shall submit the information set forth below.

(1) The name and address of the facility, including the name of the operator and owner.

(2) A list of any environmental control permits held by or for the facility.

(3) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

(4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula in accordance with 40 CFR 403.6(e).

(5) Measurement of pollutants.
   a. The User shall provide the information required in 18-205.3.B.(3).
   b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
   c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula

in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

d. Sampling and analysis shall be performed in accordance with 18-205.4.C(3);
e. The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(6) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in 18-201.2 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in 18-205.3.B(6) of this ordinance.

(8) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 18-205.4.E of this ordinance and signed by an Authorized Representative as defined in 18-201.2.

18-205.4.B. Compliance Date 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 POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Control Authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed and certified in accordance with Section 18-205.4.E by an Authorized Representative of the User as defined in 18-201.2.

18-205.4.C. Periodic Compliance Reports

1) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority, a report indicating the nature and concentration of pollutants in the effluent and the measured or estimated average and maximum daily flows for the reporting period, which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in the permit application. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may agree to alter the months during which the above reports are to be submitted. 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 Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.

2) The Control Authority may impose mass limitation on Users which the Control Authority has reason to believe are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the Periodic Compliance Report required by sub-paragraph (1) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the Significant Industrial User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the Wastewater Discharge Permit.

3) All analyses shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analytical Procedures for Screening of Industrial Effluents for Priority Pollutants", dated April, 1977 and amended thereto, or with any other sampling and analytical procedures approved by the Administrator.

4) All periodic compliance reports must be signed and certified in accordance with Section 18-205.4.E.

18-205.4.D. .Permit Limit Violations

If sampling performed by a User indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the

sampling and analysis for the parameter(s) violated and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. The User shall also provide written notice of the violation within 5 days of becoming aware of the violation.

18-205.4.E. Certification Statements

The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 18-205.3.B, baseline monitoring reports under Section 18-205.4.A, compliance date reports under Section 08-205.4.B, and periodic compliance reports required by Section 18-205.4.C

The following certification statement must be signed by an Authorized Representative as defined in 18-201.2:

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.

18-205.5 Monitoring Facilities

The Control Authority shall require to be provided and operation at the User's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Control Authority may, when such location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. 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.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Control Authority's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Control Authority.

18-205.6 Inspection and Sampling

The Control Authority shall inspect the facilities of any User to ascertain whether the

purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Control Authority or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Control Authority, State, and EPA shall have the right to set up on the User's property such devices as are necessary for them to conduct sampling inspections, compliance monitoring and/or metering operations.

The Control Authority will establish those pollutants to be sampled, at the Users expense, at the prescribed minimum frequency shown in the User's permit. The User must collect samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional sampling or grab sampling is authorized by the Control Authority, 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 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 Control Authority, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136 as amended. Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication “Sampling and Analytical Procedures for Screening of Industrial Effluents for Priority Pollutants”, dated April, 1977 and amended thereto, or with any other sampling and analytical procedures approved by the Administrator. The User shall submit monitoring reports to the Control Authority of those priority pollutants to be sampled at the frequency prescribed in the Wastewater Contribution permit. The results of any and all sampling of the User's discharge shall be reported, including sampling which exceeds the required minimum frequency. Failure to comply with these requirements may result in enforcement action as set forth in 18-208.

For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 205.4, a minimum of four (4) 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 Control Authority may authorize a lower minimum. For the reports required by paragraphs Section 18-205.4, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the City, State, and EPA will be permitted to enter, without delay, for the purposes of

performing their specific responsibilities.

18-205.7 Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Control Authority shall be provided, operated and maintained at the User's expense. Detailed plans prepared by a Professional Engineer registered in the State of Tennessee showing the pretreatment facilities and operating procedures shall be submitted to the Control Authority for review, and shall be acceptable to the Control Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Control Authority under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Control Authority prior to the User's initiation of the changes.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the City, EPA or State upon request.

18-205.8 Confidential Information

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon request to the State and/or EPA for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State, any state agency, or the EPA in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

18-205.9 Public Notification

In compliance with 40 CFR Part 403.8, the Control Authority must annually publish in the local newspaper a list of industrial users which, during the previous twelve months, were in significant non-compliance with the pretreatment program requirements.

18-206 BUILDING SEWERS AND CONNECTIONS

18-206.1 Application for Sewer Service

No unauthorized person shall uncover, make any connections with or opening into, use, alter,

or disturb any POTW or appurtenances thereof. Authorization may be obtained from the Control Authority upon review of pertinent plans and payment of the appropriate fees.

The customer or his/her agent shall make application at the Customer Service Dept. The Application shall be supplemented by any plans, specifications or other information such as grease traps needed by restaurants, dining halls or other types of eating establishments, considered pertinent in the judgment of the Control Authority. A fee schedule is in effect for all connections, said fees shall be paid to the Control Authority at the time the application is filed. Applicants for non residential sewer service shall provide a description of the constituents of the waste and may be required to provide a laboratory analysis of the waste, or of a similar waste stream if there are other facilities in operation.

18-206.2 Connections

All costs and expense incident to the installation and connection of the building sewer shall be borne by the Customer. The Customer shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The connection to the POTW shall be inspected by the Control Authority before the underground portion is buried.

18-206.3 Installation and Maintenance

The new building sewer may be brought into the building below the basement floor when gravity flow from the building to the POTW at a minimum grade consistent with the requirements of the Control Authority is possible. Where basement or floor elevations to be served are lower than the ground overflow elevation of the upstream manhole of the POTW line servicing the property, adequate precautions by the installation of check valves or other approved backflow prevention devices to help protect against flooding shall be provided by the Owner. The Control Authority shall have the right to review and approve all check valves and backflow prevention devices. Said check valves or backflow prevention devices shall be located such as to provide access for maintenance and shall be installed in a valve pit to allow access without excavation for normal maintenance operations. In all buildings in which a building drain is too low to permit gravity flow to the POTW, wastes carried by said building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the Customer. Pumps or other devices shall be reviewed and approved by the Control Authority.

No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a build sewer or building drain which in turn is connected directly or indirectly to the POTW. If, during periodic system inspections, the City locates a point of entry of infiltration/inflow in an Owner's building sewer, the Owner shall repair the defect(s) at his/her own expense and furthermore notify the City upon completion so that an inspection of the repair can be made prior to covering of the repair.

All excavation for building sewer installation shall be adequately guarded with barricades and lights or other means so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Control Authority.

All building connections and maintenance shall be subject to the currently adopted version of the International Plumbing Code by ICC, as amended by the City of Maryville and the Rules, Regulations, Rates and Policies of the City of Maryville Water and Sewer Department. The Rules, Regulations, Rates and Policies of the City of Maryville Water and Sewer Department are available on the City's website and on file with the State of Tennessee. In cases of conflict the stricter requirements shall rule.

18-207 GREASE, OIL AND SAND TRAPS AND SEPARATORS

18-207.1 General Requirements

Gravity-type separators, interceptors or other such devices for the removal of oil, grease, sand, grit, glass, entrails or other such material likely to create or contribute to a blockage of the wastewater collection system or otherwise interfere with the operation of the POTW are required at commercial sources where required by the International Plumbing Code or where required by other Ordinance or Regulation of the City of Maryville. Such devices shall be of a type and capacity approved by the Control Authority and shall be located as to be readily and easily accessible for cleaning, pumping and inspection.

18-207.2 Design, Review and Approval of Traps and Separators

During the site plan review conducted by the City of Maryville personnel of proposed commercial and industrial developments, the need for traps or separators will be determined. If a trap or separator is required, detailed plumbing plans shall be submitted to the Control Authority prior to commencement of construction.

Minimum grease trap size shall be 1000 gallons.

All grease traps shall meet design criteria as described in Rules, Regulations, Rates and Policies Manual. Persons wishing to install precast concrete septic tanks or concrete tanks shall submit to the Control Authority design drawings. A field inspection shall be required to ensure the installation complies with the approved drawings and adequate baffling was installed.

18-207.3 Exemptions

Commercial sources in operation prior to January 19, 1993 are excluded from the minimum requirements of this Section, but shall be required to install and maintain a gravity-type separator, interceptor or other such device at the kitchen sink for removal of oil and grease. Such devices shall be the largest type available that will fit under the sink and shall not be connected to any dishwashers. Such devices will be allowed to remain in service until such time as the Control Authority determines the device is not preventing prohibited substances from entering the POTW or the device is not being maintained with adequate frequency. If the Control Authority makes such a determination, the establishment shall install a device in full compliance with this Section.

18-207.4 Maintenance of Traps and Separators

It shall be the duty of every establishment required to have traps or separators to maintain the

devices, have the devices pumped whenever the level of grease or other substance has reached the top of the effluent pipe from the device, or when it appears to the Control Authority that prohibited substances are leaving the device and are being discharged into the POTW.

Each establishment is required to maintain a maintenance log with an original copy of the manifest on all traps and separators. The log shall show the date of all cleanings, the name of the person and organization performing the cleaning and the disposition of the removed substances. The establishment must obtain a manifest confirming the pumping, hauling, and disposal of waste from the hauler. The maintenance log and manifests shall be available during business hours for examination by the Control Authority. Failure to comply with the reporting requirements shall be deemed a violation of this Chapter of the Maryville Municipal Code.

18-207.5 Disposal of Trap and Separator Wastes

Acceptable disposal options for the wastes removed from traps and separators include recycling collectors and trash disposal or commercial collectors. Disposal methods shall comply with all State all local regulations.

18-207.6 Periodic Inspection of Traps and Separators

Personnel from the City of Maryville shall be permitted ready access to inspect all traps and separators for compliance with the Municipal Code. If found in violation, the User shall be issued a seven (7) day notice to come into compliance. Failure to correct noncompliance within the seven day period will result in termination of water service. If termination of water service will possibly result in a threat to public health, the trap or separator will be pumped and cleaned by City of Maryville personnel. The User shall reimburse the City of Maryville for all labor, equipment, supplies and disposal costs incurred by the City to pump and clean the trap or separator. The charges will be added to the User's utility bill.

18-207.7 Charges and Fees

Users required to install and maintain a gravity-type
separator, interceptor or other such device shall be subject to an annual fee as required by the current Water and Wastewater Rate Schedule. All fees will appear on the User's utility bill. In the event that the User fails to pay the fee, water service shall be terminated until such time as all fees and any other charges, including late charges, have been paid.

18-207.8 Violations

Any person who willfully or negligently violates any provision of this Section or any Orders or permits issued hereunder shall be subject to enforcement action as set forth in Section 18-208 herein.

18-208 **ENFORCEMENT**

18-208.1 Enforcement Policy

All enforcement actions taken by the Control Authority against Users that are in violation of this Ordinance shall be in accordance with the City of Maryville's Pretreatment Enforcement Response Plan, as adopted and amended by the Maryville City Council, and with TCA 69-3-

123 through 69-3-129, from which the authority for such action is derived.

18-208.2 Administrative Enforcement Remedies

18-208.2.A. Notification of Violation

Whenever the Control Authority finds that any User has violated an Order of the Control Authority or willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder, the Control Authority may serve upon such person a written notice by registered mail stating the nature of the violation. Within 10 days of the date of the Notification of Violation, a plan for the satisfactory correction thereof, to include specific required actions, shall be submitted to the Control Authority by the User. Submission of this plan in no way relieves the User of liability for any violation occurring before or after the receipt of the Notice of Violation.

18-208.2.B. Consent Orders

The Control Authority 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 period also specified by the Order. Consent Orders shall have the same force and effect as Administrative Orders issued pursuant to Section 18-207.2.D and E, below.

18-208.2.C. Show Cause Hearing

The Control Authority may order any User who causes or allows an unauthorized discharge to enter the POTW or contributes to violation of this Ordinance or wastewater permit or Order issued hereunder, to show cause before the Hearing Authority why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting to be held by the Hearing Authority regarding the violation, the proposed enforcement action and the reasons for such action, and directing the User to show cause before the Hearing Authority 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 10 days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified User appears as noticed, immediate enforcement action may be pursued.

The Hearing Authority may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the City to:

a) Issue in the name of the Hearing Authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

b) Take the evidence;

c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Hearing Authority for action

thereon.

At any hearing held pursuant to this Ordinance, testimony taken shall be under oath and may, at the request of either party, be recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the Hearing Authority has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and/or these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued, including the installation of pretreatment technology, additional self-monitoring and management practices.

Decisions of the Hearing Authority may be appealed to the Appeal Authority within 30 days. If an appeal is not made to the local appeal authority within 30 days of notification of such decision, User shall be deemed to have consented to such decision and it shall become final.

18-208.2.D. Compliance Order

In accordance with TCA 69-3-123, when the Control Authority finds that a User has violated an Order of the Control Authority or willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder, an order may be issued to the User responsible for the discharge directing that, following a specific 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 as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

18-208.2.E. Cease and Desist Order

In accordance with TCA 69-3-123, when the Control Authority finds that a User who is found to have violated an Order of the Control Authority or who willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder, the Control Authority may issue an order to cease and desist all such violations and direct those persons in noncompliance to: (1) comply forthwith; (2) take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

18-208.2.F. Administrative Penalties

Any User who is found to have violated an Order of the Control Authority or who willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder shall be fined not more than Ten Thousand Dollars ($10,000.00) per day as authorized by TCA 69-3-115 for each offense. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. In addition to the fines provided herein, the Control Authority may recover reasonable

attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the Orders, rules regulations and permits issued hereunder. Such assessments may be added to the User's next scheduled sewer service charge, and the Control Authority shall have the same collection remedies that the City has to collect service charges.

18-208.2.G. Emergency Suspension

The Control Authority may, without notice, suspend the wastewater treatment service and/or a Wastewater Discharge Permit of a User when such suspension is necessary, in the opinion of the Control Authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City to violate any condition of its NPDES Permit.

Any User notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Control Authority shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The Control Authority shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge, unless the termination proceedings set forth in Section 18-207.2.H. are initiated against the User.

Any User whose wastewater treatment service and/or Wastewater Discharge Permit is suspended shall submit a detailed written statement describing the cause of the harmful contribution and the measures taken to prevent any future occurrence to the Control Authority within 5 days of the occurrence.

18-208.2.H. Revocation of Permit

Any User who is found to have violated an Order of the Control Authority or who willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder or any applicable State and Federal regulations, is subject to having his permit revoked in accordance with the procedures of this Section of this Ordinance:

a) Violation of conditions of the permit;

b) Failure of a User to accurately report the wastewater constituents and characteristics of his discharge;

c) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics; or

d) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring.

18-208.3 Judicial Remedies

18-208.3.A. Legal Action

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system, in any other way violates this Sewer Use Ordinance or its Industrial Wastewater Discharge Permit, contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the Control Authority, the Control Authority, through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court for the County in which the violation occurred.

18-208.3.B. Injunctive Relief

Whenever a User is found to have violated an Order of the Control Authority or willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder, the Control Authority, through counsel, may initiate proceedings in the Chancery Court of the County in which the activities occurred for the issuance of injunctive relief or any other relief available in law or equity.

18-208.3.C. Civil Penalties

(1) Any User who is found to have violated an Order of the Control Authority or who willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder, shall be fined not more than Ten Thousand ($10,000) Dollars for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations and permits issued hereunder.

(2) (i) The Control Authority may assess any person or User for damages to the POTW resulting from that person's or User's pollution, violation, or failure or neglect in complying with any permit(s) or Order(s) issued pursuant to the provisions of the pretreatment program, this Ordinance, or TCA 69-3-123, 69-3-124, or 69-3-125.

(ii) If any appeal from such assessment is not made to the local appeal authority within 30 days of notification of such assessment, the person or User shall be deemed to have consented to such assessment and it shall become final.

(iii) Damages may include any expenses incurred in investigating and enforcing the pretreatment program, this Ordinance or TCA 69-3-123 through 69-3-129; in removing, correcting, and/or terminating any pollution; and also compensation for any actual damages caused by the pollution or violation.

(iv) Whenever any assessment has become final because of a person's or User's failure to appeal within the time provided, the Control Authority may apply to the appropriate Court for judgment, and seek execution of such judgment.

The Court, in such proceedings, shall treat failure to appeal such an assessment as a confession of judgment in the amount of the assessment.

(3) The Control Authority may petition the court to impose, assess, and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefits gained through the User's violation, corrective actions taken by the User, the compliance history of the User, and any other factors as justice requires.

18-208.3.D. Criminal Prosecution

Any User who is found to have violated an Order of the Control Authority or who willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a penalty not to exceed $500.00 per violation per day.

18-208.4 Supplemental Enforcement Remedies

18-208.4.A. Annual Publication of Significant Violations

The Control Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Non-compliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users which are found to be in significant violation in accordance with Section 18-205.9 of this Ordinance.

18-208.4.B. Performance Bonds

The Control Authority may decline to reissue a permit to any User who is found to have violated an Order of the Control Authority or who willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder unless such User first files with the Control Authority a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Hearing Authority to be necessary to achieve consistent compliance.

18-208.4.C. Liability Insurance

The Control Authority may decline to reissue a permit to any User who has failed to comply with the provisions of this Ordinance or any Order or previous permit issued hereunder unless such User first submits proof that it has obtained financial assurances sufficient to restore or repair any POTW damage caused by its discharge.

18-208.4.D. Water Supply Severance

Whenever a User is found to have violated an Order of the Control Authority or willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder, water service to the User may be severed and service will only recommence, at the User's expense, after the User has satisfactorily demonstrated its ability to comply.

18-208.4.E. Public Nuisances

Any violation of the prohibitions or effluent limitations of this Ordinance or any permit or Order issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the Control Authority. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances as well as all provisions of this Ordinance, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance.

18-208.4.F. Informant Rewards

The Control Authority is hereby authorized to pay for information leading to the discovery of noncompliance by a User. In the event that the information provided results in an Administrative Penalty levied against the User, the Control Authority is authorized to disperse up to 10 percent of the collected penalty to the informant up to a maximum of $10,000 per reward payment.

18-208.5 Affirmative Defenses

18-208.5.A. Treatment Upsets

(1) Any User which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless and improper operation, shall inform the Control Authority thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report shall be filed by the User within 5 days. The report shall contain:

(i) A description of the upset, its cause(s), and impact on the discharger's compliance status;

(ii) The duration or expected duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored;

(iii) All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset.

(2) A User which complies with the notification provisions of this Section in a timely manner shall have an affirmative defense to any enforcement action brought by the Control Authority for any noncompliance with this Ordinance, or any Order or permit issued hereunder to the User, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.

18-208.5.B. Treatment Bypasses

(1) A bypass of the treatment system or any portion thereof is prohibited unless all of the following conditions are met:

(i) The bypass was unavoidable in order to prevent loss of life, personal injury or severe property damage;

(ii) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

(iii) The User properly notified the Control Authority as described in 18-208.5.B.(2) below.

(2) Users must provide immediate notice to the Control Authority upon discovery of an unanticipated bypass. A written submission shall also be provided within 5 days of the time the 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 Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(3) A User may request approval of the Control Authority for a bypass which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Users anticipating such a bypass must submit notice to the Control Authority at least 10 days in advance. The Control Authority may only approve the anticipated bypass if the circumstances satisfy those set forth in 18-208.5.B.(1) above.

18-209 **SEVERABILITY**

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

18-210 **CONFLICT**

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

18-211 **EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

SECTION 2. The provisions of the Ordinance shall take effect immediately upon final passage, the public welfare requiring it.

ADOPTED this _____ day of _____, 2026.

_____
Mayor

ATTEST:

_____
City Recorder

APPROVED AS TO FORM:

_____
City Attorney

Passed 1st Reading on this _____ day of_____, 2026

_____
City Recorder

Passed 2nd Reading on this _____ day of_____, 2026

_____
City Recorder

ATTACHMENT A.

City of Maryville
Pretreatment Enforcement Response Plan

Water and Sewer Department
City of Maryville, Tennessee

August 4, 2021

City of Maryville Pretreatment Enforcement Response Plan

for the

Water and Sewer Department
City of Maryville, Tennessee

Adopted by Council, First Reading: TBD
Adopted by Council, Second Reading: TBD
Received Letter of Approval from State: TBD

Prepared by:

Danny E. Kimsey
Environmental Compliance Inspector

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ABBREVIATIONS

AO	Administrative Order
AP	Administrative Penalty
CA	Civil Action/Litigation
CFR	Code of Federal Regulations
CI	Criminal Investigation
COA	City of Alcoa
COM	City of Maryville
EPA	Environmental Protection Agency
IU	Industrial User
KCUD	Knox-Chapman Utility District
M	Minor Noncompliance
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
PC	Phone Call/Personal Visit
PERP	Pretreatment Enforcement Response Plan
POTW	Publicly Owned Treatment Works
RWWTP	Regional Wastewater Treatment Plant
S	Significant Noncompliance
SCH	Show Cause Hearing
SUO	Sewer Use Ordinance
T	Technical Noncompliance
TCA	Tennessee Code Annotated
TS	Termination of Service
WSD	Water and Sewer Department
WWTP	Wastewater Treatment Plant

FORWARD

The Pretreatment Enforcement Response Plan (PERP) has been prepared in response to the promulgation of 40 CFR 403.8 (f) (5), requiring that each POTW develop and implement an enforcement response plan. Contained herein is information concerning the City of Maryville's Pretreatment Program and procedures for use by the City's personnel in the response to, investigation of, and enforcement of incidents of noncompliance with the Program. Portions of the information contained herein have been excerpted from the U.S. EPA's "Guidance for Developing Control Authority Enforcement Response Plans"; Title 40, Part 403 of the Code of Federal Regulations; and Title 69, Chapter 3 of the Tennessee Code Annotated.

PART I – INTRODUCTION

The City of Maryville (COM), as operator of the Maryville Regional Wastewater Treatment Plant (RWWTP) and as holder of the RWWTP's National Pollutant Discharge Elimination System (NPDES) Permit, is responsible for administration and enforcement of the sewage Pretreatment Program. This program applies to all contributors of flow into the RWWTP. By agreement, the RWWTP treats sewage from the wastewater collection systems of the City of Alcoa (COA) and Knox-Chapman Utility District (KCUD). Therefore, COM's Pretreatment Program also applies to customers of COA and KCUD. COM personnel regardless of the utility serving the customer perform administration and enforcement of the program.

The authority for COM's Pretreatment Program is derived from both Federal and State regulations. Title 40 of the Code of Federal Regulations (CFR), Part 403 titled "General Pretreatment Regulations for Existing and New Sources of Pollution" sets forth specific requirements and responsibilities of Federal, State, and Local governments for implementation of pretreatment programs. Quoting from Section 403.2 of 40 CFR, the objectives of the Federal pretreatment regulations are:

"(a) To prevent the introduction of pollutants into POTW's (Publicly Owned Treatment Works) which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge;

(b) To prevent the introduction of pollutants into POTW's which will pass through the treatment works or otherwise be incompatible with such works; and

(c) To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludge's."

Guidance and authority from the State of Tennessee has been promulgated by Title 69, Chapter 3 of the Tennessee Code Annotated (TCA), also known as "The Water Quality Control Act of 1977." Sections 69-3-123 through 69-3-129 of TCA specifically address sewage pretreatment. Title 18, Chapter 2 of the Maryville Municipal Code (Sewer Use Ordinance (SUO)), provides local authority for the program. The SUO is complemented by agreements with COA and KCUD granting its enforcement within their jurisdictions.

The daily administration of the pretreatment program is conducted by the Environmental Compliance Inspector. The Inspector is responsible for issuance of permits, review of monitoring reports, screening of data, submittal of reports, consultation with industries, and other routine matters associated with the program. Other Water and Sewer Department (WSD) personnel are available as needed, including, but not limited to, the Wastewater Treatment Plant Superintendent, Deputy Director of Water and Sewer and Environmental Engineer. Should the expertise and / or time required exceed that of staff personnel; consultants are hired to assist the Inspector. The City attorney provides legal assistance and/or other legal counsel retained by COM.

Funding of the program is provided by the Maryville City Council by appropriation of revenues collected by the WSD Department. Administration of the Department is the responsibility of the City Manager and the Public Utility Director.

PART II – ENFORCEMENT RESPONSE GUIDE

Table II-1 presents an Enforcement Response Guide that will be used in the response to violations against the Pretreatment Program. Definitions of noncompliance categories are also contained therein. Using this table as a guide will ensure that City personnel administer the SUO in a logical and equitable manner.

This guide should not be considered as all encompassing with respect to its listings of incidents of noncompliance and options for enforcement. Violations may be discovered that are not included in this table. In such cases City personnel will use similar logic in determining appropriate enforcement remedies. Likewise, enforcement actions may be pursued that are not listed in the guide. When warranted, the SUO will be enforced to the fullest extent allowed under Local, State and Federal Laws.

As noted in Part I, the Environmental Compliance Inspector, or his designee, will be responsible for daily administration and enforcement of the SUO. However, the services of other personnel, such as the City Attorney, will be enlisted as enforcement actions escalate beyond routine administrative procedures (e.g. Notification of Violation).

TABLE II-1

ENFORCEMENT RESPONSE GUIDE

Abbreviations:

AO	Administrative Order (e.g. Compliance Order, Cease and Desist Order)	NOV	Notification of Violation
AP	Administrative Penalty	PC	Phone Call / Personal Visit
CA	Civil Action / Civil Litigation	POTW	Publicly Owned Treatment Works
CI	Criminal Investigation	S	Significant Noncompliance
IU	Industrial User	SCH	Show Cause Hearing
M	Minor Noncompliance	T	Technical Noncompliance
		TS	Termination of Service

NONCOMPLIANCE	NATURE OF VIOLATION	VIOLATION CATEGORY	OPTIONS FOR ENFORCEMENT ACTION
DISCHARGE W / O PERMIT			
1. Un-permitted Discharge	IU unaware of SUO requirements; No harm to POTW or Environment	T	PC; NOV w / Permit Application
	IU unaware of SUO requirements; Damage to POTW and / or Environment	S	AO; AP; CA
	Continued discharge after notification	M / S	CA; CI; TS
2. Discharge w / Expired Permit	IU fails to submit renewal within 10 days of due date	T	PC; NOV
	Continued discharge after notification	M / S	AO; AP; CA; TS
VIOLATION OF DISCHARGE LIMIT			
1. Permit Limit Exceeded	Single occurrence; minor w / o harm to POTW and / or Environment	M	PC; NOV; AO; AP
	Single occurrence; significant w / harm to POTW and / or Environment	S	AO; AP; SCH; CA
	Recurring w / o harm to POTW and / or Environment	S	AO; AP
	Recurring w / harm to POTW and / or Environment	S	AO; AP; SCH; CA; TS

REPORTING AND MONITORING VIOLATIONS 1. Reporting Violations	Improper signature / certification	T	PC; NOV
	Improper signature / certification after NOV	M	AO; SCH
	Insignificant, single occurrence (e.g. 2 days late)	T	PC; NOV
	Insignificant, recurring	M	AO; AP; SCH; CA
	Minor, single occurrence (e.g. Failure to provide all required data; Failure to report additional monitoring)	M	NOV; AO; AP
	Minor, recurring	M / S	AO; AP; SCH; CA
	Failure to report spill or change in discharge w / o harm to POTW and / or Environment; single occurrence	M	NOV; AO
	Failure to report spill or change in discharge w / o harm to POTW and / or Environment; recurring	M / S	AO; AP; SCH; CA
	Failure to report spill or change in discharge w / harm to POTW and / or Environment; single occurrence	S	AO; AP; CA
	Failure to report spill or change in discharge w / harm to POTW and / or Environment; recurring	S	SCH; CA; TS
	Falsification of information	S	CI; TS
	Report greater than 45 days late	S	NOV; AO; AP; SCH; CA; CI; TS
2. Improper Monitoring	Failure to monitor for all pollutants, single occurrence	M	NOV; AO
	Failure to monitor for all pollutants, recurring	M /S	AO; AP; CA; CI

REPORTING AND MONITORING VIOLATIONS CONT. 3. Improper Sampling	Improper sampling procedure, documentation, etc.; single occurrence	M	NOV; AO
	Improper sampling procedure, documentation, etc.; recurring	M /S	AO; AP; CA; CI
4. Failure to install or Maintain Monitoring Equipment	Delay of 30 days or less	M	NOV; AO
	Delay of 30 to 90 days; disregard of NOV	M /S	AO; AP; SCH
	Delay exceeds 90 days; recurring	S	CA; CI; TS
5. Compliance Schedules	Milestone missed by less than 30 days and will not affect final deadline	T /M	NOV; AO; AP
	Milestone missed by less than 30 days and will affect final deadline w / justifiable cause for delay	M	AO; AP
	Milestone missed by less than 30 days and will affect final deadline w / o justifiable cause for delay	S	AP; SCH; CA; TS
	Recurring violation or violation of AO	S	SCH; CA; CI; TS
OTHER VIOLATIONS 1. Dilution of waste streams to meet permit limits	Initial violation	M /S	AO; AP
	Recurring violation	S	SCH; TS
2. Failure to correct noncompliance or cease discharge	No harm to POTW and / or Environment	M / S	NOV; AO; AP; CA; SCH; TS
	Harmful to POTW and / or Environment	S	AO; AP; CA; CI; TS

OTHER VIOLATIONS CONT.			
3. Failure to properly operate and / or maintain pretreatment facility	No harm to POTW and / or Environment	M / S	NOV; AO; AP; SCH; TS
	Harmful to POTW and / or Environment	S	AO; AP; CA; CI; TS
4. Entry denied during site visit	Entry denied or pass withdrawn; Access to records denied	M/S	Obtain warrant from governing law enforcement agency
5. Illegal discharge	No harm to POTW and / or Environment; single occurrence	M	AO; AP
	Harmful to POTW and / or Environment; single occurrence	S	AO; AP; CA; CI; TS
	Recurring; violation of AO	S	CA; CI; TS

NONCOMPLIANCE CATEGORIES

TECHNICAL NONCOMPLIANCE

Any violation of the Sewer Use Ordinance that involves an incomplete or late (ten (10) days or less) permit application / renewal, an incomplete or late monitoring report, discharging regulated wastewater without a permit while being unaware of the SUO and without harm to the POTW and / or the environment. For the purposes of this definition, incompleteness of a permit or report shall not include omission of required analytical data. An example of incompleteness with respect to this definition is an improper signature.

MINOR NONCOMPLIANCE

Any violation of the SUO that is more severe than a Technical Violation but is not an incident of Significant Noncompliance (as defined in the SUO).

Examples:

1. Failure to respond to a Notification of Violation within ten (10) days.
2. Submittal of reports, permit renewals, etc. from eleven (11) to forty-four (44) days late.
3. Failure to report a spill or change in discharge that does not affect the POTW and / or the environment.

SIGNIFICANT NONCOMPLIANCE

Criteria used by the control and approval authorities to identify important violations and/or patterns of noncompliance. This criteria is used to establish enforcement priorities and comply with special reporting requirements. An industrial user is in significant noncompliance if its violation(s) meets one or more of the following criteria:

(i) Chronic violations of wastewater discharge limits;

(ii) Technical Review Criteria (TRC) violations;

(iii) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the City determines has caused, alone or in combination with other discharges, interference or pass-through at the POTW, including endangering the health of POTW personnel or the general public;

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(v) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in the discharge permit or an enforcement order for starting construction, completing construction, or attaining final compliance;

(vi) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(vii) Failure to accurately report non-compliance;

(viii) Any other violation or group of violations, which the Control Authority determines, will adversely affect the operation or implementation of the local pretreatment program.

PART III – ENFORCEMENT RESPONSE

III.1 – General Enforcement

The enforcement actions that are expected to be utilized in the administration of COM's Pretreatment Program are described in detail in Section 18-208 of the SUO. It is the intent of COM to resolve all violations of the SUO at the lowest response level possible. Generally, the order of escalating actions will be as follows:

1. Phone Call / Personal Visit (PC)
2. Notification of Violation (NOV)
3. Administrative Order (AO)
4. Administrative Penalty (AP)
5. Show Cause Hearing (SCH)
6. Civil Action / Litigation (CA)
7. Criminal Investigation (CI)
8. Termination of Service (TS)

For any given violation, each level may not be utilized. For example, most Technical and Minor Noncompliance (See Table III-1) should be resolved at the NOV and AO level. Conversely, a violation that is an imminent threat to the POTW, its workers, or the environment may require an immediate termination of service with penalties, civil actions, permit requirements, etc. resolved thereafter.

The likely response levels for each noncompliance category, in escalating order, are listed in Table III-1. Again, this listing should not be considered as being exhaustive, nor is it mandatory that each action be taken for a given violation.

TABLE III-1

Violation Category	PC	NOV	AO	AP	SCH	CA	CI	TS
Technical	X	X		X				
Minor		X	X	X	X	X		
Significant		X	X	X	X	X	X	X

The Environmental Compliance Inspector, or his designee, will be responsible for tracking the violations and determining, with the assistance of other personnel (e.g. Public Utility Director, City Attorney), the appropriate response to be taken for each violation. A file will be maintained for each permitted industrial user for their relevant pretreatment program information. Data to be maintained in such files shall include, but not limited to, the following:

* Discharge Permit
* Baseline Monitoring Reports
* Records of On-Site Inspections
* Self-Monitoring Reports
* Chain-of-Custody Forms
* Correspondence

III.2 – Determination of Enforcement Action

Determination of the level of enforcement a given violation warrants will be based upon three factors:

1. Compliance history of the Industrial User;
2. Effect of the violation on the POTW and / or the environment; and
3. Economic benefit of violation.

Correspondence, NOVs, etc. that are maintained in the user's file will be closely tracked to follow any trends in pretreatment violations. Recurring offenses, such as tardiness in submittal of reports, may be relatively insignificant but could be an indication of a lack of attention given to the IU's pretreatment program. Industries that systematically violate the SUO will be closely monitored to ensure compliance with discharge parameters. Likewise, the enforcement actions taken against such industries will be escalated to call attention to the importance of sewage pretreatment and to recover costs incurred through increased monitoring. For the purposes of enforcement, compliance history will encompass the previous 3 years. Each category of noncompliance may be scored separately. For example, one Technical and one Minor noncompliance by an IU within a given compliance period will not automatically warrant a response for a second offense. Each category may be enforced separately unless there appears to be a "trend" of noncompliance.

The effect of a violation on the POTW or the environment will be an important factor in the determination of an enforcement response. Possible adverse effects to the POTW include, but are not limited to, the following:

1. Injury or death to POTW employees;
2. Damage to collection system (lines, pumps, etc.);
3. Destruction of bacteria critical to the treatment process;
4. Damage to treatment units;
5. Interference / Pass-through; and
6. Contamination of sludge.

Damage to the environment would primarily involve the impact of a pollutant that passes through the POTW and is discharged into the receiving waters of the Tennessee River. Such effects could involve aquatic life, recreational uses of the waters, etc. Any costs associated with damages to the POTW or environment may be assessed against the violating user in addition to other fines, penalties, etc.

Finally, the economic benefit realized by the IU during the violation will be considered in the assessment of enforcement actions. The user should not consider violation of the SUO as an option to pretreatment. Determination of the economic benefit will be determined by using references such as EPA's Guidance Manual for Calculation of Economic Benefit of Noncompliance with Pretreatment Standards (1984).

Of the three factors mentioned, compliance history and effect of the violation on the POTW and / or environment will be considered for each offense. Economic benefit will be applied in addition to these two factors when a violation is recurring, in direct defiance of an administrative or court order, severely impacts the POTW / environment, or when otherwise deemed appropriate.

III.3 - Technical Noncompliance

All incidents of Technical Noncompliance are void of any harm to the POTW or environment. Therefore, the governing factor for the enforcement of such violations is the compliance history of the user.

In a given compliance history of 3 years, responses against violating industries will be in accordance with Table III-2. Beyond a third offense, incidents will be enforced as a Minor Noncompliance.

TABLE III-2

Violations Within 3 Years	Options for Enforcement	Maximum AP
1st offense	PC; NOV; AO; AP	$1,000.00 / day
2nd offense	NOV; AO; AP	$1,000.00 / day
3rd offense (See Table III-3)	Upscale to Minor Noncompliance (See Table III-3)	$1,000.00 / day

1. Response to Technical Noncompliance Violations will occur within five (5) business days of the violation's detection.
2. Beginning with the 3rd offense, the Technical Noncompliance will be considered a Minor Noncompliance / 1st offense. Thereafter, the procedures for Minor Noncompliances will apply.

III.4 - Minor Noncompliance

As with Technical Noncompliances, Minor Noncompliances do not involve damage to the POTW or environment. Compliance history will be the primary factor in determination of the response action. However, in cases of recurring offenses, the economic benefit of the violation may be considered in the assessment of administrative penalties or in the decision to take civil actions.

The definition of Minor Noncompliance is much broader than that of Technical Noncompliance and, therefore, encompasses a much broader range of violations. In that respect, some leniency may be used in the decision to upscale recurring violations to the significant category and in the decision to assess administrative penalties or seek civil actions. As a general guide, Table III-3 will be used in response to incidents of Minor Noncompliance.

The Environmental Compliance Inspector, or his designee, will seek the most severe enforcement option for instances of blatant disregard of the SUO, violations that could threaten the POTW and / or environment, or when warranted by other conditions of the violation. Conversely, the Inspector may negotiate surcharges for occasional violations to the user's permit that pose no threat to the POTW or the environment (e.g. violations of BOD limit that are within the treatment capabilities of the RWWTP).

TABLE III-3

Violations Within 3 Years	Options for Enforcement	Maximum AP
1st offense	NOV; AO; AP	$1,000.00 / day
2nd offense	AO; AP	$1,500.00 / day
3rd offense	AO; AP; SCH; CA	$2,000.00 / day
4th offense	AO; AP; SCH; CA	$2,500.00 / day
More than 4 (See Table III-4)	AO; AP; SCH; CA; Upscale to Significant Noncompliance (See Table III-4)	$3,000.00 / day

1. Responses to Minor Noncompliance Violations will commence within ten (10) business days of the violation's detection.
2. The economic benefit realized by the IU may be assessed additionally with the total not to exceed $10,000.00 / day.

III.5 - Significant Noncompliance

A Significant Noncompliance (as defined in the Sewer Use Ordinance) is the most severe category of violation and, therefore, has the potential for the most severe enforcement response(s). In addition to the options for Minor Noncompliance, a Significant Noncompliance may also result in termination of service, recovery of costs incurred through damages to the POTW or environment, and criminal investigation. Because the assessment of the response will be much more complex for a Significant Noncompliance, it will be viewed from one of two positions:

1. Significant Noncompliance Without Damage to the POTW and / or Environment; and
2. Significant Noncompliance With Damage to the POTW and / or Environment.

1. Significant Noncompliance Without Damage

A Significant Noncompliance that does not threaten to damage the POTW or the environment will generally be responded to in accordance with Table III-4. When damage is not involved, the primary factor in determining the response will be compliance history. The "good faith" of the user will also be considered.

TABLE III-4

Violations Within 3 Years	Options for Enforcement	Maximum AP
1st offense	NOV; AO; AP	$3,000.00 / day
2nd offense	AO; AFP; SCH	$4,000.00 / day
3rd offense	AO; AP; SCH; CA	$5,000.00 / day
4th offense	AO; AP; SCH; CA	$6,000.00 / day
More than 4	AO; AP; SCH; CA; TS	$8,500.00 / day

1. Responses to a violation of Significant Noncompliance without threat of damage to the POTW / Environment will commence within fifteen (15) days of the violation's detection.
2. The economic benefit realized by the IU may be assessed additionally with the total not to exceed $10,000.00 / day.

For violations that have no impact on the RWWTP operations (e.g. violation of BOD Limit) and when the user is operating its facilities in good faith, an agreement may be made between the City and the IU to assess a surcharge for such violations. After such an agreement is reached, each noncompliance with respect to that particular parameter(s) would be viewed as a first offense. Any public notices required for such violations will contain (1) an explanation of the contractual arrangements between the City and the IU, and (2) a note that no adverse effects are being experienced by the receiving waters of the Tennessee River or Little River Embayment.

Within the general classification of "Significant Noncompliance Without Damage to the POTW and / or Environment" are violations that, by nature, are threats to the POTW and environment. Because of this potential, these violations will be dealt with in a more severe fashion.

Referring to Table II-1, listed below are Significant Noncompliances that are examples of violations considered to be threatening:

1. Falsification of information;
2. Recurring incidents of inadequate monitoring / sampling;
3. Failure to install monitoring equipment;
4. Failure to meet compliance schedules;
5. Failure to properly operate / maintain pretreatment facilities; and
6. Denial of access.

Enforcement options that will be considered in these and similar instances are:

1. Criminal Investigation;
2. Termination of Service; and
3. Issuance of Penalties up to $10,000.00 / day.

Any criminal investigation will be handled by the local law enforcement agency. Pretreatment files of the violating user will be made available to the law

enforcement agency to determine if evidence of criminal intent exists. City personnel will be available to assist in the collection of information necessary for the prosecution of such cases.

2. Significant Noncompliance W / Damage –

Incidents of Significant Noncompliance that result in damage to the POTW or the environment will be responded to as shown in Figure III-1. In all cases, the cost for damages will be assessed against the user in addition to any penalties. Administrative Penalties will be levied according to the Schedule shown in Table III-5.

FIGURE III-1

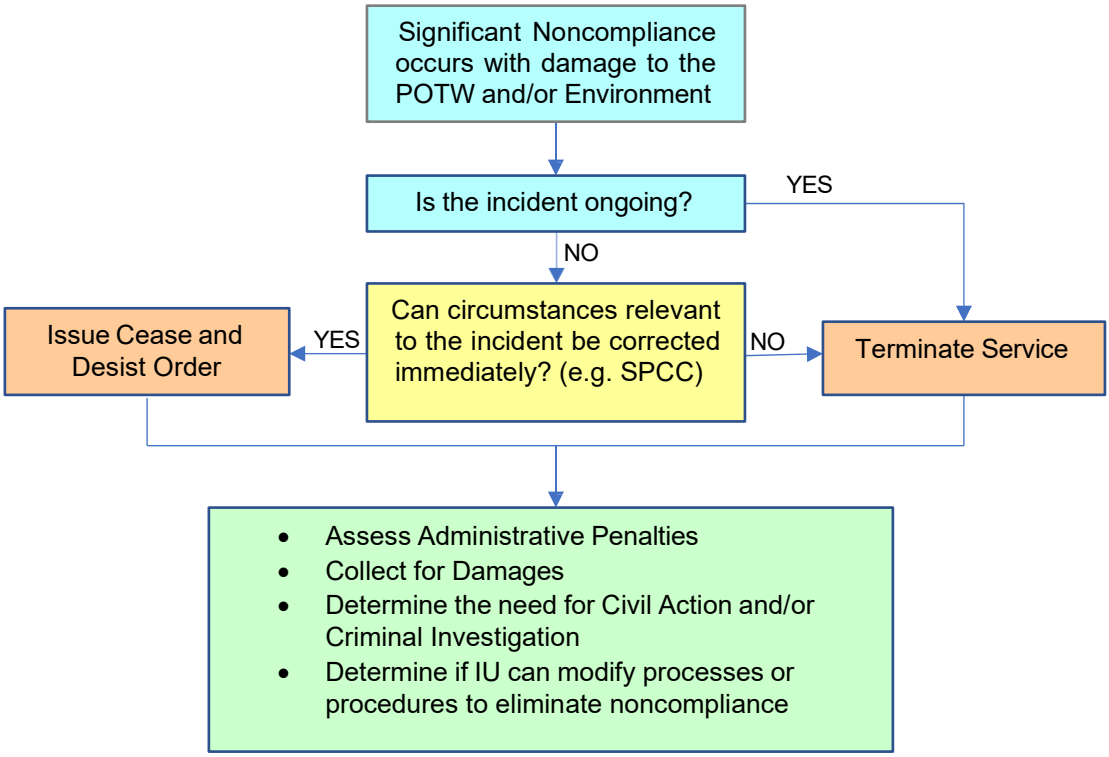

TABLE III-5

Violations Within 3 Years	Amount of Administrative Penalty
1st offense	$5,000.00 / day *
2 or more	$10,000.00 / day

* The economic benefit realized by the IU may be assessed additionally with the total not to exceed $10,000.00 / day.

Responses to such violations will be swift. When conditions warrant, action (e.g. termination of service) will begin immediately upon detection of the violation. However, in no case will a response commence later than fifteen (15) days following detection.

CITY OF MARYVILLE
404 West Broadway
Maryville, TN 37801
(865) 273-3400

AGENDA ITEM BACKGROUND

8. CONSIDERATION OF A RESOLUTION TO ADOPT A FUND BALANCE POLICY FOR THE CITY OF MARYVILLE, TENNESSEE.

A) Introduction: The primary purpose of the Fund Balance Policy is to maintain adequate working capital for cash flow purposes and to provide adequate contingency reserves, while maintaining reasonable tax rates. The Fund Balance Policy provides guidance regarding the City's process for maintaining adequate fund balances and fully complies with State law and requirements. This update is to update to the Maryville City Schools fund balance policy changing from 7% to a range of 10% - 15% to provide more operational flexibility and policy compliance.

B) Proposed Action: Adoption of Fund Balance Policy.

C) Financial Impact of Action: None

D) Impact of Action on Other Departments/Agencies: Compliance with the adopted Fund Balance Policy.

E) Staff Recommendation: Approval

RESOLUTION NO. _____

A RESOLUTION TO ADOPT A FUND BALANCE POLICY FOR THE CITY OF MARYVILLE.

WHEREAS, The City of Maryville in accordance with Governmental Accounting Standards Board desires to provide guidelines during the preparation and execution of the annual budget to ensure that sufficient reserves are maintained to provide contingency reserves while also maintaining reasonable tax rates; and

WHEREAS, The Fund Balance Policy is established as a basis of long-term perspective recognizing that stated thresholds are considered minimum balances and that the main objective of establishing and maintaining a Fund Balance Policy is for the City of Maryville to be in a strong fiscal position that will allow for better position to weather negative economic trends.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, AS FOLLOWS:

SECTION 1. The Fund Balance Policy attached to this resolution, incorporated herein by reference, is hereby adopted; and

SECTION 2. That this resolution shall take effect forthwith upon its passage, the public welfare requiring it.

Adopted the _____ Day of _____.

_____

Mayor

ATTEST:

_____

City Recorder

APPROVED AS TO FORM:

_____

City Attorney

City of Maryville, Tennessee
Fund Balance Policy

The primary purpose of the Fund Balance Policy is to maintain adequate working capital for cash flow purposes and to provide adequate contingency reserves, while maintaining reasonable tax rates. Fund balance policy levels are normally stated as a percent of either revenues or of expenditures. The City of Maryville has determined that for our purposes appropriate fund balance levels would be best calculated as a percent of revenues.

Governmental Funds

Governmental Funds have five possible categories of fund balance. The first two categories are nonspendable and restricted which are generally considered restricted; meaning that they can never be spent (such as supplies inventory) or are subject to restrictions legally enforceable by third parties (such as granters or State revenue that may only be used for specific purposes). The remaining three categories are considered unrestricted and include the following:

- Committed - use is limited by the legislative body by ordinance or resolution;
- Assigned - less formal restriction of use, such as a planned use of fund balance in the next year's budget or purchase order encumbrances; and
- Unassigned - available for any purpose.

By definition, only the General Fund can have unassigned fund balance.

General Fund

The General Fund accounts for all general operations of the City. All revenues that are not restricted for specific purposes, including all local taxes, are recorded in the General Fund. Rather than an allocation of taxes, budgeted amounts are transferred from the General Fund to Debt Service Fund, General Purpose School Fund and Capital Projects Fund.

The Government Finance Officers Association recommends that the General Fund normally maintain an unrestricted fund balance of at least two months (16.67%) of operating revenues. However, each government should evaluate its own unique characteristics to determine the adequacy of their unrestricted fund balance. Factors to consider include:

- normal cash flow;
- Volatility or uncertainty of specific revenues or expenditures;
- The likelihood of significant natural disasters; and
- Potential reductions in State aid and/or federal grants.

The most significant factor that impacts the City of Maryville is property taxes, the source of our largest revenue. Property taxes are due by November 30th and, as such, property tax collections for the first four months of the fiscal year are limited. A single company also owns over 15% of the city's total taxable assessed value of property. Additionally, because the majority of debt principal payments are due on June 1st, the City of Maryville recognizes its lowest cash level at this time.

Considering both, cash flow needs and the need for a strong contingency in case of emergencies or other matters that may arise, the fund balance of the General Fund should be at least 25% of revenues. While keeping the best interest of our citizens in mind and maintaining reasonable tax rates, the fund balance of the General Fund should also not exceed 40% of revenues.

Based on the above, our policy is to maintain fund balance in the General Fund between 25% and 40% of revenues. Should fund balance fall below 25% of revenues at the end of any fiscal year, the City Manager shall provide City Council with a plan to increase fund balance until it exceeds 25% of revenues over a period of not more than three years.

General Purpose School Fund

While Maryville City Schools (Schools) are part of the City of Maryville, their operations are separate and fall under the direction of the separately elected Maryville City School Board of Education. State law requires all school boards in Tennessee to maintain fund balance of at least 3% of revenues. The Schools receive their share of property tax revenue from Blount County, with collections primarily received December through March. Considering both, cash flow needs and the need for a strong contingency in case of emergencies or other matters that may arise, the Schools will maintain an unrestricted fund balance between 10% and 15% of revenues.

Debt Service Fund

All debt service payments are funded by a transfer from the General Fund. Maryville College is responsible for providing payments equal to the capitalized lease obligation payments for the Clayton Performing Arts Center through June 2021, in the amount of approximately $1.1 million each year. Maryville College has made all required payments through December 31, 2017 and is expected to make future required payments. Because debt service payments are provided by a transfer from the General Fund, the City does not need to maintain a significant fund balance in the Debt Service Fund. However, it is our intent to slowly increase fund balance in the Debt Service Fund to at least $500,000 to provide an additional reserve for contingencies.

Special Revenue Funds

Special Revenue Funds account for revenue restricted for specific purposes. The City's policy is to always maintain a positive fund balance and never budget more than is available from current revenues and existing fund balance.

Proprietary Funds

The City has two proprietary funds - the Electric Utility Fund and the Water and Sewer Utility Fund. The Government Finance Officers Association recommends a working capital focus for proprietary funds rather than a Net Position focus. Because utility funds require significant capital investment, the primary concerns are to maintain both adequate working capital and reasonable rates that are comparable to nearby utilities. Maintaining working capital requires a combination of expense control, rate setting and the use of debt, as necessary, to fund capital requirements.

The primary components of working capital are cash, accounts receivables, inventory, accounts payable and the current portion of long-term debt. For the City's utilities, all of these components of working capital other than cash are relatively consistent, so that focusing on cash rather than working capital provides a better measure for the City.

In proprietary funds, assets less liabilities is called "net position" rather than "fund balance". Maintaining a positive unrestricted net position and having a positive annual change in net position are indications that rates are adequate.

Electric Utility Fund

The City's Electric Fund purchases all power from TVA. Purchased power is typically around 85% of all annual operating expenses and averages almost $5 million per month. A cash balance equal to at least one month of the purchased power cost, about 7% of operating revenues, should be maintained. Based on this information, our policy is to maintain the following positions: cash at a balance of at least 7% of annual operating revenues, a positive unrestricted net position and a positive change in unrestricted net position each year. Recognizing that cash is also impacted by both expenditures for capital projects and debt issuance for capital projects, should cash balances be less than the stated policy position of 7% of operating revenues for more than three consecutive months, the City Manager shall provide City Council with a report detailing the reasons for cash being below the policy minimum and the plan for restoring the balance to exceed 7% of annual operating revenues. In addition, if there is a negative change in unrestricted net position for any fiscal year, the City Manager shall provide City Council with a report detailing the reasons therefore and actions to be taken to insure the same does not happen in the subsequent year.

Water and Sewer Utility Fund

The City's Water and Sewer Fund is significantly impacted by weather in that water usage increases in hotter weather and that operating costs are mostly fixed costs. In addition, capital costs typically are 15% or more of total costs. Our policy is to maintain the following positions: cash at a balance of at least 20% of annual operating revenues, a positive unrestricted net position and a positive change in unrestricted net position each year. Recognizing that cash is also impacted by both expenditures for capital projects and debt issuance for capital projects, whenever cash balances are less than the stated policy minimum of 20% of operating revenues for more than three consecutive months, the City Manager shall provide City Council with a report detailing the reasons for cash being below the policy minimum and the plan for restoring the balance to exceed 20% of annual operating revenues. In addition, if there is a negative change in unrestricted net position for any fiscal year, the City Manager shall provide City Council with a report detailing the reasons therefore and actions to be taken to insure the same does not happen in the subsequent year.

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AGENDA ITEM BACKGROUND

9. CONSIDERATION OF A MOTION TO SELECT A DEVELOPMENT PROPOSAL FOR PROPERTY LOCATED IN LAUREL BRANCH PARK, PARCEL ID 056 071.11 TO BCP PROPERTIES, LLC AND TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE, APPROVE AND SIGN A CONTRACT

A) Introduction:

The City of Maryville issued a request for proposals for development of City owned property at Laurel Branch Park at the southwest corner of Robert C. Jackson and Big Springs Drive, Parcel ID 056 071.11. The City received one proposal from BCP Properties, LLC for an extended-stay hotel containing approximately 126 guestrooms.

A meeting has been held with the developer to clarify some items in the proposal. Once the final details of the proposal have been approved, the City can enter into a contract with the successful proposer.

B) Financial Impact of Action:

The development will generate additional property and sales tax. A successful development will also bring additional economic benefits to existing businesses in the adjacent area.

C) Impact of Action on Other Departments/Agencies:

Increased inspection and some utility work during the construction phase.

D) Proposed Action:

Pass Motion.

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AGENDA ITEM BACKGROUND

10. CONSIDERATION OF A MOTION TO DECLARE CERTAIN ITEMS AS SURPLUS AND TO AUTHORIZE THEIR DISPOSAL.

A) Introduction: Consideration of a motion to declare certain items as surplus and to authorize their disposal.

B) Proposed Action: Council is requested to consider a motion to declare certain items as surplus. The following items are no longer used or are a part of our equipment replacement schedule, and we believe that we can sell them at auction and realize a substantial financial gain. The items are as follows:

1. #728 1990 SULLAIR 185DPG AIR COMPRESSOR 103233
2. #694 2015 Dodge Durango AWD 1C4RDJFG0FC938500
3. #668 2017 Dodge Durango AWD 1C4FDJFG5HC615272
4. #721 2015 Dodge Durango AWD 1C4RDJFG8FC938499
5. Motorola Batteries and Chargers
6. Pallet of Miscellaneous Tools
7. Craftsman Rolling Toolbox
8. Craftsman Air Compressor and Vice on Stand
9. Lot of "Stack-On" Gun Safes
10. 20 Foot Outdoor Christmas Tree
11. Lot of Christmas Wreaths
12. Large Bear and Reindeer Christmas Decorations

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C) Financial Impact of Action: As these items are no longer being used, any funds received by their sale would be returned to the original funds source from which the items were obtained.

D) Staff Recommendation: Staff recommends approval.