

CITY OF SPARTA, TENNESSEE

ORDINANCE NO. _____

AN ORDINANCE ADOPTING REGULATIONS FOR EXTENDING SEWER SERVICES

WHEREAS, the State of Tennessee has charged the City of Sparta with the responsibility for managing growth and development of urban growth areas adjoining the city that are likely to become a part of the city within a reasonable period of time; and

WHEREAS, the location of sanitary sewer service is a critical factor in regulating growth in an effective manner, and the city should not extend such services to areas over which it has no control; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPARTA, TENNESSEE, THAT:

SECTION 1. Extension of Sewer Service.

1. The City of Sparta may of its own initiative, or when requested by property owners within an urban growth area, extend sanitary sewer service subsequent to annexation. In no event shall the city extend sewer service into an area that has not first been annexed into the City of Sparta.
2. When the city sewer service is sought for property outside an urban growth area, extension of sewer service may be approved only after the urban growth area boundary has been amended and the property annexed into the city.
3. Subject to item number 2 above, any extension shall be in compliance with a utility agreement with the developer to include:
 - a. The City shall be provided an accurate legal description and the names of all owners and occupants of the property;
 - b. The City shall be provided a binding commitment by the owners of the property that all lines and facilities for such service will be completed to City standards in accordance with all City Ordinances and regulations;

- c. All costs involved in providing the lines and other facilities required for such service will be paid in full by the owners of the property; and ownership of all main lines, pumping and other facilities will vest in the City upon their completion and acceptance by the city;
- d. The City shall be provided a Bill of Sale transferring the ownership of all main lines, pumping and other facilities constructed for such service to the City immediately upon their completion and acceptance by the city;
- e. The City shall be provided with easements satisfactory to allow entry upon private property for maintenance and repair of all main lines, pumping and other facilities constructed for such service which are not located within public rights of way, which easements shall be provided immediately upon completion of said main lines;
- f. The City shall be provided accurate as-builts of all lines, pumping and other facilities constructed for such service immediately upon their completion and acceptance by the city;
- g. The City shall be provided a bond issued by a corporate surety authorized to do business in the State of Tennessee to insure the successful operation of all lines, pumping and facilities constructed for such service for a period of two (2) years from the date service is commenced in such form that performance hereunder by the surety may be directly required by the City;
- h. The City shall be provided a binding commitment by the owners and occupants of the property to pay all connection fees and other charges prescribed by City Ordinances at the time of connection and all regular monthly service charges and outside utility surcharges prescribed by City Ordinances during the period of service;
- i. The City shall be provided a binding commitment by the owners and occupants to provide such documents and take such steps as may be required by the City Ordinance or administration or otherwise to insure that all the Board of Mayor and Aldermen's policies and conditions relative to any grant of utilities outside the City limits will be complied with by all existing and future owners and occupants of the property served under penalty of cessation of such service, injunctive relief against noncompliance and any other legal or equitable remedy allowed by law.

SECTION 2. City Not Required to Furnish Sewer Service. The City shall not have an express or implied obligation to provide sewer service to any property outside the City limits unless the Board of Mayor therefor approves a specific contract and Aldermen and the owners and occupants of the property continue to comply therewith in all respects. This ordinance shall not affect the city's existing policies and regulations for extending sanitary sewer services in areas that are currently located inside the corporate limits of the City of Sparta.

SECTION 3. Prior Contracts Not Affected. This Ordinance shall not affect or alter the terms of any contract for such service entered into prior to the effective date of this Ordinance.

SECTION 4. Savings Clause. If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of the ordinance or its application to other persons or circumstances shall not be affected.

SECTION 5. Effective Date. This Ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed 1st reading _____, 2004

Passed 2nd reading _____, 2004

Passed 3rd reading _____, 2004

Mayor

Recorder