

**ORDINANCE 2023-9**

**AN ORDINANCE TO AMEND SECTION 12-302 OF THE BELLE MEADE MUNICIPAL CODE (“THE STORMWATER FEE ORDINANCE”) TO RENUMBER SUBSECTIONS THAT HAVE BEEN PREVIOUSLY MISNUMBERED AND TO AMEND PROVISIONS CONCERNING BILLING, DELINQUENCIES, AND COLLECTIONS.”**

**WHEREAS**, the current version of Section 12-302 (a copy of which is attached as Exhibit 1 for reference) divides that section into eleven (11) subsections, but, due to a codification error, after sub-section (5), begins renumbering the remaining subsections as (2) through (7); and

**WHEREAS**, correctly numbered the subsections of Section 12-302 are (1) to (11); and

**WHEREAS**, in addition to correcting this codification error, there is a need to amend the Stormwater Fee Ordinance to strengthen and clarify provisions concerning, billing, delinquencies and collections;

**NOW THEREFORE:**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BELLE MEADE AS FOLLOWS:**

**SECTION 1.** Section 12-302 of the Belle Meade Municipal Code is hereby amended to such that subsections of that section are renumbered (1) through (11).

**SECTION 2.** Section 12-302 (5) is hereby amended to add the following sentence at the beginning of that subsection:

(5) Stormwater User Fee. There shall be imposed on each and every property in the City, except exempt property, a stormwater user fee. The owner of each non-exempt property shall be obligated to pay stormwater user fees. . . .

**SECTION 3.** Section 12-302 (6) (misnumbered in the current version of the ordinance as Section 12-302 (3) on page 12-48 of the Belle Meade Municipal Code) is hereby amended to delete that subsection in its entirety and to substitute the following therefor:

(6) Stormwater user fee billing, delinquencies, and collections.

(a) A stormwater user fee bill may be sent through the United States mail or by alternative means, notifying all customers of the amount of the bill, the date the payment is due, and the date when past due. Failure to receive a bill is not justification for non-payment. Regardless of the status of the party to whom the

bill is initially directed, the owner of each parcel of developed land shall be ultimately obligated to pay the stormwater service fee.

(b) If a customer is under-billed or if no bill is sent for developed land, the city may backbill for a period of up to ten (10) years but shall not assess penalties for any delinquency.

(c) The stormwater user fee shall be paid by the due date on the bill and shall become delinquent as of sixty (60) days following the billing. Any unpaid stormwater user's fee shall bear penalties if it remains unpaid after sixty (60) days following billing.

(d) A late charge will be based upon the unpaid balance with interest thereon at the maximum legal rate, published annually in the Tennessee Administrative Register. Interest shall be applied for each 30-day period or fraction thereof from the date of delinquency until paid. The city shall be entitled to recover attorney's fees incurred in collecting delinquent stormwater user fees. Any charge due under this section which shall not be paid may be recovered at law by the municipality.

(e) Mandatory statement. To the extent that state law, T.C.A. § 68-221-1112, requires it, each bill that shall contain stormwater user fees shall also contain the following statement in bold font: "**THIS FEE HAS BEEN MANDATED BY CONGRESS**". The stormwater user fee is not a tax but a utility service charge.

**SECTION THREE.** This ordinance shall become effective fifteen days after its passage, the health, safety, and welfare of the citizens of Belle Meade requiring it.

Passed on First Reading: June 21, 2023

Passed on Second Reading: July 12, 2023

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Rusty Moore, Mayor

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Rusty Terry, City Recorder