

ORDINANCE 2010-62

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE CITY OF
FRANKLIN MUNICIPAL CODE, TITLE 18 – WATER AND SEWERS
RELATING TO THE CODIFYING OF VARIOUS FEES AND PENALTIES**

WHEREAS, for the purpose of promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin, Tennessee the Board of Mayor and Aldermen is authorized to prescribe regulations and standards that encourage and advance the quality of life within the City; and

WHEREAS, in the legislative judgment of the Board of Mayor and Aldermen found that ordinances and policies that regulate land use, guide the maintenance of the city's infrastructure, and delivery of essential services must be dynamic and modified from time to time to reflect changes in best practices, model codes, land and labor costs, and safety standards necessary to preserve and promote the private and public interest; and

WHEREAS, the Board of Mayor and Aldermen has decided to create a separate title in the Franklin Municipal Code for the sole purpose of listing all the fees and penalties charged and assessed by the city, entitled Title 22 - Comprehensive Fees and Penalties.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE AS FOLLOWS:

SECTION I: That Title 18, Chapter 1, Section 18-103 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold**, and is approved to read as follows:

Sec. 18-103. Obtaining service.

Any customer or potential customer desiring original service or additional service shall complete a customer application and agreement form. A minimum of 24 business hours notice is required prior to obtaining service. Applications must be approved before any service orders will be issued and work performed.

Additionally, a service fee **as specified in Title 22 – Comprehensive Fees and Penalties** of ~~\$50.00~~ is required for **the transfer of an existing service** original or **an additional service, and a \$25.00 service fee as specified in Title 22 – Comprehensive Fees and Penalties** for new construction. The service fee is not a security deposit and is not refundable. If, for any reason, a customer does not take the service because of not occupying the premises or otherwise, he/she shall forfeit the service fee.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a service fee, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations and general practice, the liability of the city to the applicant for such service shall be limited to the return of any portion of the tap fee paid by the applicant.

SECTION II. That Title 18, Chapter 1, Section 18-104 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-104. Changes for seasonal service and temporary disconnection.

A customer may request a seasonal temporary turn off. There will be a service fee for this service. The account will remain active and there will be a minimum bill assessed for each billing period. In the event that a customer does not wish to pay a minimum bill, service will be terminated and a final bill rendered. At the time the customer wishes to resume service, a new application and service fee will be applicable.

The customer shall pay a service fee **as specified in Title 22 – Comprehensive Fees and Penalties** of ~~\$25.00~~ for the discontinuance and reinstatement of service for temporary repairs and for any other purposes for the customer's exclusive benefit.

SECTION III. That Title 18, Chapter 1, Section 18-106 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-106. Assessment and collection of fees.

Before a new connection is made to the water system or an existing customer increases requirements by expansion of the original served facilities, fees shall be assessed and collected by the city.

The system development fee is paid for the purpose of enabling the city to repair and replace its facilities as necessary. The installation charge is paid to reimburse the city the cost of labor, equipment and materials used in installing the service line and meter. The system development fee and installation fee for all customers is assessed and shall be paid prior to the issuance of a building permit.

The system development fee shall be based on the size of the meter needed to serve each customer. The smallest meter shall be a 5/8 × 3/4 inch meter, which has a capacity of 12.5 gallons per minute. The system development fee for developments requiring larger meters will be based on its capacity in relation to the capacity of the 5/8 × 3/4 inch meter. The developer's engineer shall determine meter sizes. The director will accept or reject the size of the meter based on:

- (1) Information furnished to the director by the person or entity desiring to connect to the waterlines or facilities,
- (2) Information contained in recognized state or national publications,
- (3) Records of similar installations, or
- (4) Information provided from other reliable sources approved by the director.

Where applicable, the following charges **as specified in Title 22 – Comprehensive Fees and Penalties** shall be collected by the recorder at the time the permit is issued.

~~Water Access and System Development Fees~~
~~Base upon a Single Family Unit Equivalent (SFUE) of 350 gal./day Usage~~

Current			
Meter Size	Access Fee	System-Development Fee	Total
5/8" X 3/4"	\$780	\$405	\$1,185
1"	\$3,120	\$1,620	\$4,740
1 1/2"	\$7,488	\$3,888	\$11,376
2"	\$9,984	\$5,184	\$15,168
3"	\$21,840	\$11,340	\$33,180
4"	\$31,200	\$16,200	\$47,400
6"	\$74,880	\$38,880	\$113,760
8"	\$93,600	\$48,600	\$142,200
Proposed			
Meter Size	Access Fee	System-Development Fee	Total
5/8" X 3/4"	\$1,130	\$860	\$1,990
1"	\$4,520	\$3,440	\$7,960
1 1/2"	\$10,848	\$8,256	\$19,104
2"	\$14,464	\$11,008	\$25,472
3"	\$31,640	\$24,080	\$55,720
4"	\$45,200	\$34,400	\$79,600
6"	\$108,480	\$82,560	\$191,040
8"	\$135,600	\$103,200	\$238,800

These fees will be assessed for any connection inside or outside the corporate limits.

TEMPORARY FIRE HYDRANT METERS

Temporary fire hydrant meters will be available for a deposit **as specified in Title 22 – Comprehensive Fees and Penalties** of \$3,000.00 and a nonrefundable setup fee **as specified in Title 22 – Comprehensive Fees and Penalties** of \$500.00 payable by certified check or money order. Water use will be billed at the inside commercial rate. If the meter is damaged, the cost of the damaged meter will be deducted from the deposit. Use of the fire meter will be for no more than 30 days. Temporary fire hydrant meters will be assigned to a designated fire hydrant. Removal of the fire hydrant meter to any other location will revoke the deposit fee.

PRIVATE FIRE HYDRANTS AND SPRINKLER SYSTEMS

The system development fee for connection of private fire hydrants and sprinkler system lines to the city's lines shall be **as specified in Title 22 – Comprehensive Fees and Penalties** ~~\$500.00~~ per inch diameter of connection to the city's lines.

Radio-read meters will be required on all private fire hydrants and sprinkler systems.

METER INSTALLATION CHARGE

A double-check backflow preventer with a leak detection meter shall be required on private fire lines; provided however, should any unauthorized water flow be detected through the leak detection meter, the city reserves the right to mandate at the owners expense installation of a fire line meter with radio read capabilities. In addition upon determination of the water director, radio read meters will be required on all private fire hydrants and sprinkler systems that are deemed inaccessible by the city at all times. **The meter installation fee shall be as specified in Title 22 – Comprehensive Fees and Penalties.**

INSTALLATION FEE SCHEDULE (ALL CUSTOMERS)

Meter Size	Complete Installation	Installation of Meter and Meter Box Only
3/4 X 5/8"	\$ 720	\$ 300
1"	854	356
1½"	1,375	625
2"	2,117	1,297
3"	3,480	1,506
4"	5,230	2,541
6"	7,035	4,498
8"	13,438	9,803

In the event the city does any installation work not covered in the above table of installation, the cost of such work shall be charged to the customer according to a schedule of rates established by the water and wastewater department.

The standard connection charge and the private fire service connection charge shall be paid prior to the issuance of a construction permit for the installation of water facilities to serve the customer(s), prior to the issuance of a building permit, or prior to the issuance of a permit to tap a water main, whichever occurs first.

Service lines connected to the public water system shall be located and installed in accordance with the established standards of the city. When a service line is completed and accepted by the city as part of the public water system, the city shall be responsible for the maintenance and upkeep of such service line from the water main to and including the water and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box to the customer's premises shall belong to and be the maintenance responsibility of the customer.

LOW FLOW - HIGH FLOW METERS

A low flow - high flow meter is described as being two meters installed parallel to each other in the same meter box and tied to the same service line. One meter is smaller than the other and measures the normal usage of the customer. The other meter is much larger and is used to measured high flows as in fire flows or other usage through a fire hydrant. In such cases, the SDF and Access Fees are calculated on one-meter size larger than the small or low flow meter. By example, if the low flow meter is a two-inch meter and the high flow meter is a six-inch meter the fees will be calculated for a three-inch domestic meter. In addition, applicable fire line access and SDF access shall be paid at the rate of the larger meter. Each proposed application for this type

meter shall be reviewed and approved by the water director before final construction plans are submitted and approved.

IRRIGATION METERS

An irrigation meter is a meter designated for measuring the flow of water off the normal domestic water service line, intended for outdoor watering. The intended use for this meter is to allow for deduction of charges for water service when such water is not returned to the sanitary sewer system.

SECTION IV. That Title 18, Chapter 1, Section 18-107(4) of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-107. Water line access fee.

* * *

(4) Information provided from other reliable sources approved by the director.

The access fee shall be no less than **as specified in Title 22 – Comprehensive Fees and Penalties \$1,186.00**. However an access fee greater than that listed herein for access to any specific section of a water main may be established by resolution of the board of mayor and aldermen upon recommendation of the appropriate committee.

The access fee for residential customers is assessed and shall be paid prior to the issuance of a construction permit for the installation of water facilities to serve developments or individual customers, prior to the issuance of a building permit. The access fee for all other customers is assessed and shall be paid prior to the issuance of a building permit. Funds paid to the city as access fees shall be deposited in a special account for the purpose of providing funds for additions, replacements and improvements to the Franklin water system.

SECTION V. That Title 18, Chapter 1, Section 18-111 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-111. Water meters.

(1) All water meters shall be installed, tested, repaired, and removed by the city, or pursuant to the specifications, regulations and requirements of the city. No meter shall be installed without the consent of the city. No meter shall be tampered with or removed.

(2) In the event that any water meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible by the City of Franklin for purposes of monitoring water usage, or if the meter is not brought up to grade according to city specifications, the customer responsible for the meter shall be fined **as specified in Title 22 – Comprehensive Fees and Penalties \$50.00** for each month in which the meter is unreadable, or not otherwise in compliance, for any period of time. During the time that the meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible, or otherwise not in compliance, the customer shall pay to the city the minimum monthly payment for water service.

In addition, upon either discovery or notice by the city of the fact that the meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable, inaccessible, or not brought to grade, the customer shall immediately take measures to have the meter unobstructed and or uncovered so that it may be read and is accessible by the city. In addition, when the meter is uncovered and or unobstructed, the customer responsible shall pay for the total consumption since the last available reading.

If any damage results from the meter being obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible, or otherwise not in compliance with city specifications, the customer shall be billed for the repairs and/or replacement of the meter, but shall not be billed less than **as specified in Title 22 – Comprehensive Fees and Penalties \$500.00.**

Any repairs, replacement or relocation of meters, boxes, service lines or associated utilities, necessitated by damage to meters, boxes, service lines or associated utilities, or failure to install according to city specifications, shall be paid by the responsible customer and shall be billed at full replacement price. All materials shall be billed at full retail value along with associated equipment and labor costs. There shall be a one-hour minimum labor charge for repair replacement or relocation of any damaged water utilities.

The costs of any relocation of an existing service requested by a customer shall be billed to such customer. All materials shall be billed at full retail value along with associated labor and equipment costs. There shall be a one-hour minimum labor charge for relocation of any water utilities.

(3) Service shall not commence to any new customer if the meter is obstructed, covered, damaged, or otherwise unreadable or inaccessible by the city, or is not brought to grade or otherwise not installed according to city specifications. In addition, the monthly bill for service shall remain the responsibility of the builder, and there shall be a ~~\$50.00~~ fine **as specified in Title 22 – Comprehensive Fees and Penalties** for each month in which the meter is obstructed, covered, damaged or otherwise unreadable or inaccessible by the city or is not brought to grade or otherwise not installed according to city specifications.

(4) If a customer in whose name new service has been extended fails, after reasonable notice by the city, to correct any improperly installed water, as herein before described, the city reserves the right to refuse new service to the builder at other locations in the city until the deficiency is corrected.

(5) Any unauthorized removal or tampering with the meter shall result in a fine **as specified in Title 22 – Comprehensive Fees and Penalties** of ~~\$500.00~~ per occurrence.

SECTION VI. That Title 18, Chapter 1, Section 18-114 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strike through~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-114 Billing.

All water bills may be rendered weekly, semi-monthly, or monthly, at the option of the city.

Water bills must be paid on or before the due date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the due date.

In the event a bill is not paid on or before ten days after the discount date, the customer's service shall be discontinued without further notice. The city shall not be liable for any damages resulting from discontinued service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on a weekend or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the city if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. Any unauthorized removal or tampering with the meter will result in a fine **as specified in Title 22 – Comprehensive Fees and Penalties** of ~~\$500.00~~ per occurrence.

SECTION VII. That Title 18, Chapter 1, Section 18-116 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-116 Reconnect ~~Disconnect~~ service charge.

Whenever service is disconnected, as provided in section 18-114 and section 18-115, above, prior to reinstatement of that customer's service, a charge **as specified in Title 22 – Comprehensive Fees and Penalties** of ~~\$35.00~~ shall be paid to the office of the city recorder if the reconnection is made during normal business hours, and a charge **as specified in Title 22 – Comprehensive Fees and Penalties** of ~~\$75.00~~ shall be paid to the office of the city recorder if the reconnection is made during nonbusiness hours, holidays, or on weekends. This disconnect service charge also applies if the service technician is en route to disconnect service.

SECTION VIII. That Title 18, Chapter 1, Section 18-119(2) of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-119 Inspections; fees.

* * *
(2) If in the opinion of the director of water and wastewater director or his designee, after appropriate inspection, any work inspected under the terms of this chapter fails to comply with the law, and notice is given to the permittee or his agent, and any reinspection of the same work is required, then a fee **as specified in Title 22 – Comprehensive Fees and Penalties** of ~~\$50.00~~ per reinspection may be assessed against and collected from the permittee or his agent. No portion of the permitted work shall continue without first paying the reinspection fee.

SECTION IX. That Title 18, Chapter 1, Section 18-129 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-129. Schedule of rates.

The following rates shall be **as specified in Title 22 – Comprehensive Fees and Penalties**, and are hereby established for water distributed within the City of Franklin's water service area.

PROPOSED DEVELOPMENT FEES AND WATER RATES

Access, System Development (SDF), Installation and Irrigation Meter Fees					
Meter Size	Access-Fee	SDF	Installation—Meter Only	Installation—Complete-Tap	Irrigation Meter
3/4"	\$ 1,186.00	\$ 903.00	\$ 315.00	\$ 756.00	\$ 3,150.00
1"	4,746.00	3,612.00	374.00	897.00	4,725.00
1 1/2"	11,390.00	8,619.00	656.00	1,444.00	6,300.00
2"	15,187.00	11,558.00	1,362.00	2,223.00	7,875.00
3"	33,222.00	25,284.00	1,581.00	3,654.00	9,450.00
4"	47,460.00	36,120.00	2,668.00	5,492.00	11,025.00
6"	113,904.00	86,688.00	4,723.00	7,387.00	12,600.00
8"	142,380.00	108,360.00	10,293.00	14,110.00	14,175.00
Water Rates					
<i>Residential-inside, per 1,000 gallons</i>			<i>Residential-outside, per 1,000 gallons</i>		
Minimum bill (1,000 gal.)			\$7.22	Minimum bill (1,000 gal.)	\$9.22
Next 9,000 gal.			3.72	Next 9,000 gal.	5.80
Next 15,000 gal.			4.65	Next 15,000 gal.	6.38
All additional usage			5.58	All additional usage	6.96
<i>Commercial-inside, per 1,000 gallons</i>			<i>Commercial-outside, per 1,000 gallons</i>		
Minimum bill			\$10.01	Minimum bill	\$10.81
All usage			3.72	All usage	5.80

SECTION X. That Title 18, Chapter 1, Section 18-132 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a strikethrough and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-132. Penalty and administrative costs.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be fined **as specified in Title 22 – Comprehensive Fees and Penalties** \$50.00. Each day of continued violation shall constitute a separate offense. Violators shall reimburse the city for actual administrative costs associated with enforcement of this chapter not to exceed **the amount**

specified in Title 22 – Comprehensive Fees and Penalties \$1,000.00, in addition to any other remedy at law that may be available to the city.

SECTION XI. That Title 18, Chapter 2, Section 18-206(1)(c) of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-206. Building sewer or service line connections.

* * *
 (1) Permits.
 * * *

(c) If in the opinion of the director of water and wastewater or his designee, after appropriate inspection, any work inspected under the terms of this chapter fails to comply with the law, and notice is given to the permittee or his agent, and any reinspection of the same work is required, then a fee **as specified in Title 22 – Comprehensive Fees and Penalties** of \$50.00 per reinspection may be assessed against and collected from the permittee or his agent. No portion of the permitted work shall continue without first paying the reinspection fee.

SECTION XII. That Title 18, Chapter 2, Section 18-206(2)(a) of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-206. Building sewer or service line connections.

* * *
 (2) Assessment and collection of tap fees.
 * * *

(a) The installation charge is assessed and shall be paid whenever the city provides labor, equipment or materials to install the portion of the service line between the sewer main and the customer's part of the service line. The installation charge consists of the cost of labor, materials and equipment involved in installing the service line and required appurtenances, and will be paid in accordance with the following schedule **as specified in Title 22 – Comprehensive Fees and Penalties.**

EXHIBIT A. PROPOSED DEVELOPMENT FEES AND SANITARY SEWER RATES

Access, System Development (SDF) and Installation Fees

<i>Meter size</i>	<i>Access fee</i>	<i>System development fee (SDF)</i>	<i>Installation fee, tap in place</i>	<i>Installation fee, tap not in place</i>
3/4"	\$ 2,100.00	\$ 1,444.00	\$263.00	\$1,240.00
1"	8,400.00	5,775.00	263.00	1,240.00
1 1/2"	20,160.00	13,860.00	263.00	1,240.00
2"	26,880.00	18,480.00	263.00	1,240.00
3"	58,800.00	40,425.00	263.00	1,240.00
4"	84,000.00	57,750.00	263.00	1,240.00
6"	201,600.00	138,600.00	263.00	1,240.00
8"	252,000.00	173,250.00	263.00	1,240.00

SECTION XIII. That Title 18, Chapter 2, Section 18-206(3) of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

(3) *Schedule of rates.* ~~These fees~~ **Wastewater Access and System Development Fees as specified in Title 22 – Comprehensive Fees and Penalties** will be assessed for any connection inside or outside the corporate limits **and shall be based upon Single-Family Unit Equivalent (SFUE) of 350 gal./day discharge.**

Wastewater Access and System Development Fees
Base upon Single-Family Unit Equivalent (SFUE) of 350 gal./day Discharge

Current			
Meter Size	Access Fee	System Development Fee	Total
5/8" X 3/4"	\$ 995	\$ 1,470	\$ 2,465
1"	\$ 3,980	\$ 5,880	\$ 9,860
1 1/2"	\$ 9,552	\$ 14,112	\$ 23,664
2"	\$ 12,736	\$ 18,816	\$ 31,552
3"	\$ 27,860	\$ 41,160	\$ 69,020
4"	\$ 39,800	\$ 58,800	\$ 98,600
6"	\$ 95,520	\$141,120	\$236,640
8"	\$119,400	\$176,400	\$295,800
Proposed			
Meter Size	Access Fee	System Development Fee	Total
5/8" X 3/4"	\$ 2,000	\$ 1,375	\$ 3,375
1"	\$ 8,000	\$ 5,500	\$ 13,500
1 1/2"	\$ 19,200	\$ 13,200	\$ 32,400
2"	\$ 25,600	\$ 17,600	\$ 43,200
3"	\$ 56,000	\$ 38,500	\$ 94,500
4"	\$ 80,000	\$ 55,000	\$135,000
6"	\$192,000	\$132,000	\$324,000
8"	\$240,000	\$165,000	\$405,000

This fee shall be paid in total to the City of Franklin after development plan approval and before any sewer infrastructure construction commences within a development.

SECTION XIV. That Title 18, Chapter 2, Section 18-207(5) of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 207 – Sewer line access fee.

* * *

(5) The access fee shall be no less than **as specified in Title 22 – Comprehensive Fees and Penalties** \$2,100.00 per SFU; however, an access fee greater than ~~\$2,100.00 per the SFU as specified in Title 22 – Comprehensive Fees and Penalties~~ for access to any specific section of a sewer main may be established by resolution of the board of mayor and aldermen upon recommendation of the appropriate committee.

SECTION XV. That Title 18, Chapter 2, Section 18-210 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a strikethrough and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-210. Sewer service charges.

A sewer service charge **as specified in Title 22 – Comprehensive Fees and Penalties** shall be authorized and collected from any person discharging into the sanitary sewer system of the city at the rates shown on the table below. No municipal employee shall accept payment of water service charges from any customer without receiving at the same time payment for all sewer service charges owned by such customer. Water service may be discontinued for nonpayment of the sewer service charge.

Sanitary Sewer Rates			
<i>Residential-inside, per 1,000 gallons</i>		<i>Residential-outside, per 1,000 gallons</i>	
Minimum bill (1,000 gal.)	\$10.05	Minimum bill (1,000 gal.)	\$11.21
Next 14,000 gal.	-3.61	Next 14,000 gal.	-5.62
Over 15,000 gal.	-2.82	Over 15,000 gal.	-4.47
<i>Commercial-inside, per 1,000 gallons</i>		<i>Commercial-outside, per 1,000 gallons</i>	
Minimum bill (1,000 gal.)	\$13.00	Minimum bill	\$15.00
Next 14,000 gal.	-4.42	Next 14,000 gal.	-6.91
Over 15,000 gal.	-3.43	Over 15,000 gal.	-5.02

SECTION XVI. That Title 18, Chapter 2, Section 18-212(3)(a) of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a strikethrough and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-212. - Enforcement.

* * *

(3) *Administrative and civil penalties.*

(a) Any person or user who does any of the following acts or omissions shall be subject to a civil or administrative penalty **as specified in Title 22 – Comprehensive Fees and Penalties** of up to ~~\$10,000.00~~ per day for each day during which the act or omission continues or occurs:

(i) Violates any effluent standard or limitation imposed by a pretreatment program.

- (ii) Violates the terms or conditions of a permit issued pursuant to a pretreatment program.
- (iii) Fails to complete a filing requirement of a pretreatment program.
- (iv) Fails to allow or perform an entry, inspection, monitoring, or reporting requirement of a pretreatment program.
- (v) Fails to pay user or cost-recovery charges imposed by a pretreatment program.
- (vi) Violates a final determination or order of the director or the appropriate committee.

SECTION XVII. That Title 18, Chapter 2, Section 18-212(3)(e) of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-212. - Enforcement.

* * *
 (3) Administrative and civil penalties.
 * * *

(e) Any administrative civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner of environment and conservation for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). Provided, however, the sum of the penalties imposed by this section and by § 69-3-115(a) shall not exceed the amount **specified in Title 22 – Comprehensive Fees and Penalties** \$10,000.00 per day for each day during which the act or omission continues to occur.

SECTION XVIII. That Title 18, Chapter 2, Section 18-218 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-218. Penalty.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined **as specified in Title 22 – Comprehensive Fees and Penalties.** \$50.00. Each day of continued violation shall constitute a separate offense.

SECTION XIX. That Title 18, Chapter 3, Section 18-305 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-305. Inspections.

The director shall inspect all properties served by the public water supply where cross-connections with the public water supply are possible. If in the opinion of the director of water and wastewater or his designee, after appropriate inspection, any work inspected under the terms of this chapter fails to comply with the law, and notice is given to the permittee or his agent, and any reinspection of the same work is required, then a fee **as specified in Title 22 – Comprehensive Fees and Penalties** of \$50.00 per reinspection may be assessed against and collected from the

permittee or his agent. No portion of the permitted work shall continue without first paying the reinspection fee. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the superintendent as approved by the Tennessee Department of Environment and Conservation. The director shall have the right to enter at any reasonable time any property served by a connection to the Franklin Water System for the purpose of inspecting the piping system therein for cross-connections, auxiliary intakes, bypasses or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. The city may also employ an independent contractor to perform inspection and testing of back-flow prevention devices under this section and may pass the cost of such inspection and testing on to the customer as part of the customer's monthly water bill. Any such independent contractor shall have the same authority, as would a city employee to enter onto any property at reasonable times to perform such inspections.

SECTION XX. That Title 18, Chapter 3, Section 18-310 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-310. Penalty.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined **as specified in Title 22 – Comprehensive Fees and Penalties** \$50.00. Each day of continued violation shall constitute a separate offense.

SECTION XXI. That Title 18, Chapter 4, Section 18-405 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-405. Reclaimed water use permit.

Every site must obtain a reclaimed water permit from the City of Franklin prior to receiving reclaimed water. Permits will only be issued after the site has met all of the permit conditions. If in the opinion of the director of water and wastewater or his designee, after appropriate inspection, any work inspected under the terms of this chapter fails to comply with the law, and notice is given to the applicant or his agent, and any reinspection of the same work is required, then a fee **as specified in Title 22 – Comprehensive Fees and Penalties** of \$50.00 per reinspection may be assessed against and collected from the applicant or his agent. No portion of the permitted work shall continue without first paying the reinspection fee.

SECTION XXII. That Title 18, Chapter 4, Section 18-407 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-407. Collection of effluent disposal assessment fees.

The effluent disposal assessment (EDA) fee is paid for the purpose of enabling the city to dispose of treated wastewater to repair, replace and expand its reclaimed water facilities, as

necessary, and to reduce the impact of increase potable water demand on the Franklin Water System.

The EDA fee shall be based on the size of the potable water meter needed to serve each customer. The smallest meter shall be a 5/8 X 3/4 inch meter, which has a capacity of 12.5 gallons per minute. The system development fee for developments requiring larger meters will be based on its capacity in relation to the capacity of the 5/8 X 3/4 inch meter. The developer's engineer shall determine meter sizes. The director will accept or reject the size of the meter based on:

- (1) Information furnished to the director by the person or entity desiring to connect to the waterlines or facilities,
- (2) Information contained in recognized state or national publications.
- (3) Records of similar installations, or
- (4) Information provided from other reliable sources approved by the director. Where applicable, the following charges shall be **as specified in Title 22 – Comprehensive Fees and Penalties and** collected by the recorder at the time the permit is issued.

EFFLUENT DISPOSAL ASSESSMENT FEE (EDA)

Meter Size	GPM	EDA FEE
5/8 x 3/4 inch	12.5	—450
1 inch	50	—1,800
1-1/2 inches	120	—4,320
2 inches	160	—5,760
3 inches	350	12,600
4 inches	500	18,000
6 inches	1200	43,200
8 inches	1500	54,000

These fees will be assessed for any connection inside or outside the corporate limits.

The EDA fee will be paid by all new Franklin water and sewer customers, and shall be paid along with the wastewater access fee required in chapter 2 of title 18.

SECTION XXIII. That Title 18, Chapter 4, Section 18-408 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strike through~~ and inserting the text noted in **bold, and** is approved to read as follows:

Sec. 18-408. Reclaimed water connection and meter installation charge.

The reclaimed water connection fee and water installation charge shall be paid by all customers required to use reclaimed water or that request reclaimed water service. The charge shall be due and payable at time of application for reclaimed water service. The reclaimed water connection and meter installation charge will be paid in accordance with the following schedule as set forth in **Title 22 – Comprehensive Fees and Penalties.:**

CONNECTION AND METER INSTALLATION FEE SCHEDULE

Meter Size	Reclaimed Water Connection Fee	Complete Installation	Total Fee
3/4" x 5/8"	\$500	\$ 720.00	\$ 1,220.00
1"	\$500	\$ 853.50	\$ 1,354.00
1-1/2"	\$500	\$ 1,375.00	\$ 1,875.00
2"	\$500	\$ 2,116.50	\$ 2,617.00
3"	\$500	\$ 3,480.00	\$ 3,980.00
4"	\$500	\$ 5,230.00	\$ 5,730.00
6"	\$500	\$ 7,035.00	\$ 7,535.00
8"	\$500	\$13,438.00	\$13,938.00

The reclaimed water connection fee may be waived if the reclaimed water system was installed to serve the property by the owner, developer or other entity.

In the event the city does any installation work not covered in the above schedule, the cost of such work shall be charged to the customer according to a schedule of rates established by the water management department.

Reclaimed water service lines connected to the reclaimed water system shall be located and installed in accordance with the established standards of the city. When a service line is completed and accepted by the city as part of the reclaimed water system, the city shall be responsible for the maintenance and upkeep of such service line from the reclaimed water main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box to the customer's premises shall belong to and be the maintenance responsibility of the customer.

SECTION XXIV. That Title 18, Chapter 4, Sections 18-412 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold**, with all other language remaining unchanged, and is approved to read as follows:

Sec. 18-412. Reclaimed water meters.

* * *

(2) In the event that any reclaimed water meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible by the City of Franklin for purposes of monitoring water usage, or if the meter is not brought up to grade according to city specifications, the customer responsible for the meter shall be fined **as specified in Title 22 – Comprehensive Fees and Penalties** ~~\$50.00~~ for each month in which the meter is unreadable, or not otherwise in compliance, for any period of time. During the time that the meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible, or otherwise not in compliance the customer shall pay to the city the minimum monthly payment for water service.

In addition, upon either discovery or notice by the city of the fact that the meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable, or inaccessible, or not brought to grade, the customer shall immediately take

measures to have the meter unobstructed and or uncovered so that it may be read and is accessible by the city. In addition, when the meter is uncovered and or unobstructed, the customer responsible shall pay for the total consumption since the last available reading.

If any damage results from the meter being obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible, or otherwise not in compliance with city specifications the customer shall be billed for the repairs and/or replacement of the meter, but shall not be billed less than **the amount specified in Title 22 – Comprehensive Fees and Penalties \$500.00.**

Any repairs, replacement or relocation of meters, boxes, service lines or associated utilities, necessitated by damage to meters, boxes, service lines or associated utilities, or failure to install according to city specifications, shall be paid by the responsible customer and shall be billed at full replacement price. All materials shall be billed at full retail value along with associated equipment and labor costs. There shall be a one hour minimum labor charge for repair replacement or relocation of any damaged water utilities.

The costs of any relocation of an existing service requested by a customer shall be billed to such customer. All materials shall be billed at full retail value along with associated labor and equipment costs. There shall be a one hour minimum labor charge for relocation of any water utilities.

(3) Service shall not commence to any new customer if the meter is obstructed, covered, damaged, or otherwise unreasonable or inaccessible by the city, or is not brought to grade or otherwise not installed according to city specifications. In addition, the monthly bill for service shall remain the responsibility of the builder, and there shall be a ~~\$50.00~~ fine **as specified in Title 22 – Comprehensive Fees and Penalties** for each month in which the meter is obstructed, covered, damaged, or otherwise unreadable or inaccessible by the city or is not brought to grade or otherwise not installed according to city specifications.

* * *

(5) Any unauthorized removal or tampering with the meter shall result in a fine **as specified in Title 22 – Comprehensive Fees and Penalties.** ~~of \$500.00 per occurrence.~~

SECTION XXV. That Title 18, Chapter 4, Sections 18-415 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~striketrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-415. Billing.

All reclaimed water bills may be rendered weekly, semi-monthly, or monthly, at the option of the city.

Reclaimed water bills must be paid on or before the due date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the due date.

In the event a bill is not paid on or before ten days after the due date, the customer's service shall be discontinued without further notice. The city shall not be liable for any damages resulting from discontinued service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on weekend or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the city if the envelope is date - stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available.

Any authorized removal or tampering with the meter shall result in a remedial fine **as specified in Title 22 – Comprehensive Fees and Penalties.** ~~of \$500.00 per occurrence.~~

SECTION XXVI. That Title 18, Chapter 4, Sections 18-417 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-417. Disconnect service charge.

Whenever service is disconnected, as provided for in § 18-414 and § 18-415, above, prior to reinstatement of that customer's service, a charge **as specified in Title 22 – Comprehensive Fees and Penalties** ~~of \$35.00~~ shall be paid to the office of city recorder if the reconnection is made during normal business hours, and a charge **as specified in Title 22 – Comprehensive Fees and Penalties** ~~of \$75.00~~ shall be paid to the office of city recorder if the reconnection is made during nonbusiness hours, holidays or on weekends. This disconnect service charge also applies if the service technician is in route to disconnect service.

SECTION XXVII. That Title 18, Chapter 4, Sections 18-420(2) of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-420. Inspections; fees.

* * *
(2) If in the opinion of the director of water and wastewater director or his designee, after appropriate inspection, any work inspected under the terms of this chapter fails to comply with the law, and notice is given to the permittee or his agent, and any reinspection of the same work is required, then a fee **as specified in Title 22 – Comprehensive Fees and Penalties** ~~of \$50.00~~ per reinspection may be assessed against and collected from the permittee or his agent. No portion of the permitted work shall continue without first paying the reinspection fee.

SECTION XXVIII. That Title 18, Chapter 4, Sections 18-429 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-429. Schedule of reclaimed water rates.

The following rates shall be **as specified in Title 22 – Comprehensive Fees and Penalties** ~~and are hereby established~~ for reclaimed water distributed within the corporate limits of the City of Franklin, Tennessee. ~~by the City of Franklin:~~

Reclaimed Water Rate ~~\$0.87/1,000~~ gallons

The minimum amount of water billed will be 1,000 gallons.

For all reclaimed water furnished by the City of Franklin to consumers outside the corporate limits of the City of Franklin, the rate charged shall be the same rate charged to consumers who are furnished water within the corporate limits of the City of Franklin, Tennessee.

SECTION XXIX. That Title 18, Chapter 4, Sections 18-432 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold** and is approved to read as follows:

Sec. 18-432. Penalty.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be fined **as specified in Title 22 – Comprehensive Fees and Penalties.** ~~\$50.00.~~ Each day of continued violation shall constitute a separate offense.

SECTION XXX. **BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE,** that this Ordinance shall take effect from and after its passage on second and final reading, the public health, safety and welfare requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

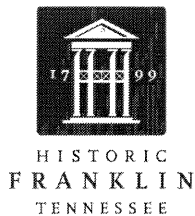
BY: _____
ERIC S. STUCKEY
City Administrator/ Recorder

BY: _____
JOHN C. SCHROER
Mayor

PASSED FIRST READING:

November 9, 2010

PASSED SECOND READING:



MEMORANDUM

October 19, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *ESS*
Vernon Gerth, ACA - Community and Economic Development

SUBJECT: Codifying Fees: Title 18 – Water and Sewers

Purpose

The purpose of this ordinance amendment completes our work to codify all the fees and penalties located within our Municipal Code into a single title, Title 22 - Comprehensive Fees and Penalties. Title 18 – Water and Sewers is presented for consideration by the Board of Mayor and Aldermen (BOMA).

Background

Serving our residents is a top priority and communicating accurate information in a timely manner is essential to achieving a quality and appreciated service. With twenty-two titles in the city's Municipal Code, it is often difficult for customers and staff to identify applicable fees and penalties. A typical scenario may require a customer to visit more than one department to obtain information that should be readily available from any employee or on the city's website. Codifying fees and penalties to a single location will improve our services.

Financial Impact

The codifying effort has increased clarity and accuracy in the identifying and collection of various fees and penalties.

Recommendation

A motion to approve is recommended.

Attachments

- Ordinance 2010-62 amendment for Title 18 – Water and Sewers
- Ordinance 2010-63 amendment for Title 22 – Comprehensive Fees and Penalties