

ORDINANCE 2017-31

TO BE ENTITLED: "AN ORDINANCE TO AMEND TITLE 23, CHAPTER 2 OF THE FRANKLIN MUNICIPAL CODE RELATIVE TO THE LATE PAYMENT PENALTY FOR STORMWATER BILLING."

WHEREAS, the City of Franklin renders water, sewer, stormwater and other service to residents;
and

WHEREAS, the Board of Mayor and Aldermen establishes and adopts the fees necessary to adequately cover the cost of such service as required by the State of Tennessee; and

WHEREAS, the payments due for such services are to be paid monthly; and

WHEREAS, it is the policy of the City to impose a penalty for payments received after the due date; and

WHEREAS, the Board of Mayor and Aldermen believes it is in the best interest of the City of Franklin to reference such late payment penalty in the Franklin Municipal Code.

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

SECTION I. That Title 23, Chapter 2, Section 23-203 of the City of Franklin Municipal Code is hereby amended to include after the existing paragraph, the following text shown in **bold** so that it reads as follows:

"Sec. 23-203. – Stormwater user fee collection.

The stormwater user fee for metered property shall be billed and collected monthly with the monthly city's utility services bill for those properties within the corporate limits of the city utilizing the city utilities and billed and collected separately as stormwater user fees for those properties not utilizing other city utilities. All such bills for stormwater user fees shall be rendered monthly by the utilities department. The stormwater user fee for those properties utilizing city utilities is part of a consolidated statement for utility customers, which is generally paid by a single payment. In the event that a partial payment is received, the payment shall be applied pro-rata to each account billed on the consolidated statement in the proportion that an individual account bears to the total consolidated statement of all current charges for all accounts. The stormwater user fee for unmetered property shall be billed at regular intervals. All bills for stormwater user fees shall become due and payable in accordance with the rules and regulations of the utilities department pertaining to the collection of the stormwater user fees. **Stormwater bills must be paid on or before the due date shown thereon to obtain the net or discount rate, otherwise the gross rate shall apply which includes a penalty of ten percent of the net amount billed for stormwater. Failure to receive a bill will not release a customer from payment obligation, nor extend the due date.**"

SECTION II. Severability. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION III. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the City of Franklin prior to the effective date of this ordinance.

SECTION IV: 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 for the health, safety and welfare of the citizens of Franklin, Tennessee, requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
Eric Stuckey
City Administrator/Recorder

By: _____
Dr. Ken Moore
Mayor

Approved as to form by:

Kristen L. Corn
Assistant City Attorney

PASSED FIRST READING _____

PASSED SECOND READING _____