

**Ordinance 2019-25**

**AN ORDINANCE TO AMEND TITLE 18 – WATER AND SEWER**

WHEREAS, in its legislative judgment, the Board of Mayor and Aldermen has 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 Franklin Board of Mayor and Aldermen have, on behalf of the citizens of Franklin, invested in public water and sanitary sewer systems; and

WHEREAS, the City of Franklin is endeavoring to equitably charge fees for services provided by the Water Management Department to provide for ongoing repair, replacement, and capacity improvements; and

WHEREAS, the City of Franklin has made public sewer available (adjacent to or within 200 feet of the property line or easement on which the principal structure is located) to properties having a functioning septic system; and

WHEREAS, the City of Franklin Municipal Code allows property owners with available sewer and a functioning septic system to elect not to connect to the public sanitary sewer system provided that, “An availability charge applies if sewer is available, even if the customer has not connected to the sewer or there is no consumption for the period.” (Sec. 18-210). This is generally referred to as the minimum charge and has been the practice of the billing office; and

WHEREAS, the City of Franklin Municipal Code includes a contradictory reference in Sec. 18-204(5)(a), referring to the same customer situation and indicating “A sanitary sewer service charge, based upon water usage, shall be assessed ...”; and

WHEREAS, the City of Franklin desires to eliminate this inconsistency in Sec. 18-204(5)(a).

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 of the Franklin Municipal Code is hereby amended as follows. Section 18-204(5)(a) shall be deleted in its entirety, and replaced as follows:

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(a) A monthly sanitary sewer availability charge will be assessed from the date the public sanitary sewer is available. Payment is due monthly. At such time it is determined to connect to the public sanitary sewer system, payment of the sanitary sewer availability charge shall not relieve the property owner from the requirements of all installation and impact fees as applicable prior to obtaining the permit and authorization to commence work.

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**Section II:** BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect 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 S. Stuckey**  
City Administrator/Recorder

By: \_\_\_\_\_  
**Dr. Ken Moore**  
Mayor

Approved as to form by:

\_\_\_\_\_  
William E. Squires  
Assistant City Attorney

PASSED FIRST READING

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PASSED SECOND READING:

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