

CHAPTER 1. - WATER

Sec. 18-101. - Application and scope.

These rules and regulations are a part of all contracts for receiving water service from the City and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

Deleted: city

(1976 Code, § 13-101; Ord. No. 2001-56, 4- -2002)

Sec. 18-102. - Definitions.

(1) *Customer* means any person, firm, or corporation who receives water service from the City under either an express or implied contract.

Deleted: city

(2) *Household* means any two or more persons living together as a family group.

(3) *Service line* shall consist of the pipe line extending from any water main of the City to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the City's water main to and including the meter and meter box.

Deleted: city

Deleted: city

(4) *Due date* shall mean the date ten days after the date of a bill, except when some other date is provided by contract. The due date is the last date upon which water bills can be paid at net rates.

(5) *Dwelling* means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(6) *Impact Fee* refers to a fee to be paid by any entity making a connection to the public water system of the City of Franklin, which fee is made for the purpose of enabling the City of Franklin to repair and replace its facilities as necessary or to provide for additions, replacements, improvements and expansions to the Franklin Water System, such improvements being required periodically because of growth. The impact fee is a summation of the previous system development and access fees.

Deleted: System development fee refers to a fee to be paid by any person or entity making a connection to the public water system of the City of Franklin, which fee is made for the purpose of enabling the City of Franklin to repair and replace its facilities as necessary.

(7) *Installation fee* refers to a fee to be paid the City of Franklin for the purpose of reimbursing the City its expenses, including labor, equipment and materials, for installing a service line from the water main to the property line of a potential customer, including the meter, meter box, and any related apparatus or equipment.

Deleted: city

(8) Director refers to the Director of the City of Franklin Water Management Department or authorized agent or representative.

Deleted: (8) Access fee refers to a fee to be paid to the City of Franklin for the purpose of providing funds for additions, replacements, improvements and expansions to the Franklin Water System, such improvements being required periodically because of growth. ¶

(9) Department refers to the City of Franklin Water Management Department.

Deleted: 9

Deleted: for Franklin, Tennessee,

Deleted: his

(1976 Code, § 13-102; Ord. No. 2001-56, 4- -2002; Ord. No. 2007-107, § II, 11-13-2007)

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 Appendix A, Comprehensive Fees and Penalties, is required for the transfer of an existing service or an additional service, and a service fee as specified in Appendix A, 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.

Deleted: appendix A, comprehensive fees and penalties

Deleted: appendix A, comprehensive fees and penalties

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.

Deleted: city

Deleted: city

(1976 Code, § 13-103; Ord. No. 2001-56, 4- -2002; Ord. No. 2010-62, § I, 11-23-2010)

Sec. 18-104. - Charges 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 Appendix A, Comprehensive Fees and Penalties, for the discontinuance and reinstatement of service for temporary repairs and for any other purposes for the customer's exclusive benefit.

Deleted: appendix A, comprehensive fees and penalties

(1976 Code, § 13-104; Ord. No. 2001-56, 4- -2002; Ord. No. 2010-62, § II, 11-23-2010)

Sec. 18-105. - Service charges for temporary connection.

Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removal of service in addition to the regular charge for water used. Temporary service for new connections must be approved by the Director.

Deleted: director

(1976 Code, § 13-105; Ord. No. 2001-56, 4- -2002)

Sec. 18-106. - Assessment and collection of impact 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 impact fee and installation fee for all customers is assessed and shall be paid prior to the issuance of a building permit.

Deleted: city

Deleted: 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 impact fee shall be based on the size of the meter needed to serve each customer. The smallest meter shall be a 5/8 × ¼ inch meter, which has a capacity of 12.5 gallons per minute. The impact fee for developments requiring larger meters will be based on its capacity in relation to the capacity of the 5/8 × ¼ inch meter. The developer's engineer shall determine meter sizes. The Director will accept or reject the size of the meter based on:

Deleted: system development

Deleted: system development

Deleted: system development

Deleted: d

Deleted: director

- (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.

Deleted: d

Where applicable, the charges as specified in Appendix A, Comprehensive Fees and Penalties, shall be collected by the City at the time the permit is issued.

Deleted: appendix A, comprehensive fees and penalties

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

Deleted: recorder

### TEMPORARY FIRE HYDRANT METERS

Temporary fire hydrant meters will be available for a deposit as specified in Appendix A, Comprehensive Fees and Penalties, and a nonrefundable setup fee as specified in Appendix A, Comprehensive Fees and Penalties, 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.

**Deleted:** appendix A, comprehensive fees and penalties

**Deleted:** appendix A, comprehensive fees and penalties

### PRIVATE FIRE HYDRANTS AND SPRINKLER SYSTEMS

An impact fee for connection of private fire hydrants and sprinkler system lines to the City's lines shall be as specified in Appendix A, Comprehensive Fees and Penalties.

**Deleted:** The system development

**Deleted:** city

**Deleted:** appendix A, comprehensive fees and penalties

Radio-read meters will be required on all private fire hydrants and sprinkler systems, at the discretion of the City.

### METER INSTALLATION CHARGE

A double-check backflow preventer with a leak detection meter shall be required on private fire lines. 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 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 Appendix A, Comprehensive Fees and Penalties.

**Deleted:** , per inch diameter of connection to the city's lines

**Deleted:** ; provided however, s

**Deleted:** city

**Deleted:** addition

**Deleted:** water

**Deleted:** d

**Deleted:** appendix A, comprehensive fees and penalties

**Deleted:** above table of

**Deleted:** water and wastewater d

In the event the city does any installation work not covered in the installation fees, the cost of such work shall be charged to the customer according to a schedule of rates established by the 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 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 to the customer's premises shall belong to and be the maintenance responsibility of the customer. When a service line that may not require a meter, as in the case of a dedicated fire 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 the property line, and such portion of the service line shall belong to the City. The remaining portion of the service line beyond the property line to the customer's premises shall belong to and be the maintenance responsibility of the customer.

**Deleted:** box

### 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 measure high flows as in fire flows or other usage through a fire hydrant. In such cases, the Impact 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 Director before final construction plans are submitted and approved.

**Deleted:** SDF and Access

**Deleted:** water d

### 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 sanitary sewer service when such water is not returned to the sanitary sewer system.

(1976 Code, § 13-106; Ord. No. 2001-56, 4- -2002; Ord. No. 2003-14, 3- -2003; Ord. No. 2005-28, 5- -2005; Ord. No. 2007-119, § I, 2-12-2008; Ord. No. 2010-62, § III, 11-23-2010)

Sec. 18-107. - ~~RESERVED.~~

(1976 Code, § 13-107; Ord. No. 2001-56, 4- -2002; Ord. No. 2005-28, 5- -2005; Ord. No. 2007-119, § II, 2-12-2008; Ord. No. 2010-62, § IV, 11-23-2010)

Sec. 18-108. - Main extensions and facilities funded in whole or in part by developers.

In the event that a person has been required to pay all or a part of the cost of constructing water lines or facilities (hereinafter "improvements"), which improvements become part of the Franklin Water System and are available for use and benefit of the customers of the Franklin Water System, that person may be eligible to be reimbursed a portion of its costs of construction of the said improvements.

Reimbursement shall be allowed only by the board of mayor and aldermen and shall be paid from a revenue source established by the Board of Mayor and Aldermen. Cost reimbursement will not be allowed for improvements constructed, on or off-site, for the sole benefit of the development. Costs eligible for reimbursement include labor, equipment, supplies, materials, engineering design, supervision, inspection, legal, and acquisition costs for easements and right-of-way. Fiscal costs, including interest, finance charges, and other similar costs are ineligible for reimbursement.

The person requesting reimbursement must enter into a written agreement with the City prior to commencement of construction of any improvements for which reimbursement is sought. This agreement shall set out:

- (1) A description of the improvements;
- (2) The estimated total eligible costs, as above defined;
- (3) The portion of the cost of such improvements for which reimbursement will be allowed. The latter determination shall be based generally upon the difference in sizing or capacity of the line or facility needed for the development and the size or capacity needed for the system as a whole. However, the board may in its reasonable discretion consider such other factors as are necessary for an equitable sharing of costs of any system improvements so constructed.

Further, prior to dedication and acceptance of the improvements by the City, the person requesting reimbursement must present to the board a detailed statement of the actual eligible costs and the board in its discretion may amend the agreement, and the reimbursement amount, to reflect the actual project costs.

(1976 Code, § 13-108; Ord. No. 1296, 11- -1994; Ord. No. 2001-56, 4- -2002)

Sec. 18-109. - Variances from and effect of preceding rules as to extensions.

Board of mayor and aldermen may grant a variance or waiver from requirement of this chapter, upon written request by a developer or owner of property subject to this chapter. The board of mayor and aldermen shall grant the waiver or variance only upon finding that a strict application of such requirement would result in confiscation of the property.

**Deleted:** water

**Deleted:** Water line access fee

**Deleted:** In order to provide funds for additions, replacements and improvements to the Franklin Water System, such improvements being required periodically because of increases in needs due to expanding service requirements, the City of Franklin hereby establishes a waterline access fee, hereinafter referred to as the "access fee." The access fee is to be assessed to any person or entity connecting to the waterlines or facilities of the City of Franklin for the purpose of furnishing water service to a new or enlarged residential, commercial or industrial site. ¶ For the purpose of this section, the point of connection to the system shall be that point at which any new line or service tap is connected to an existing line in the Franklin Water System. Such point may be remote from the site of the development or customer requiring service. ¶

The access fee shall be based on the size of the meter to be used for the development. 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. ¶

The access fee shall be no less than as specified in appendix A, comprehensive fees and penalties. 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.

**Deleted:** after review by the appropriate committee

**Deleted:** generated from the water line access fee account

**Deleted:** city

**Deleted:** , the cost of "up-sizing."

**Deleted:** city

The authority to make water main extensions under section 18-108 is permissive only and nothing contained therein shall be construed as requiring the City to make water main extensions or to furnish service to any person or persons.

Deleted: city

(1976 Code, § 13-109; Ord. No. 2001-56, 4- -2002)

Sec. 18-110. - Construction of water lines.

All persons who undertake the construction of water lines located in, or affecting water service provided by, the City of Franklin shall comply with the requirements and regulations set forth in the "General Requirements and Technical Specifications, Water Management Department, City of Franklin, Tennessee," latest edition, along with any amendments, additions, or alteration that may thereafter be adopted by the board of mayor and aldermen by resolution, copies of which may be purchased in the office of the city recorder.

Upon completion of the construction of any such water line, and upon approval by the City, such water lines and mains shall become the property of the City. The persons paying the cost of constructing such lines and mains shall execute all written instruments required by the City that are necessary to provide evidence of the City's ownership of such lines and mains. In consideration of such lines and mains being transferred to the City, the City shall incorporate said mains as an integral part of the City's water system and shall furnish water therefrom in accordance with this chapter.

Deleted: city  
Deleted: city  
Deleted: city  
Deleted: city  
Deleted: city  
Deleted: city  
Deleted: city

When for cause shown, the board of mayor and aldermen determines that it is in the best interest of the water system and the general public to extend water service, without requiring strict compliance with this section, and/or the requirements of the standard water and sewer specifications, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the board of mayor and aldermen.

The authority to extend water service is permissive only, and nothing contained herein shall be construed as requiring the City to provide water service to any person or entity.

Deleted: city

(1976 Code, § 13-110; Ord. No. 95-67, 1- -1996; Ord. No. 98-74, 12- -1998; Ord. No. 2000-18, 5- -2000; Ord. No. 2001-56, 4- -2002; Ord. No. 2013-40, § I, 12-10-2013)

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.

Deleted: city  
Deleted: city  
Deleted: city

(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 Appendix A, Comprehensive Fees and Penalties, 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.

Deleted: city  
Deleted: appendix A, comprehensive fees and penalties

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.

Deleted: city  
Deleted: city

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 Appendix A, Comprehensive Fees and Penalties.

Deleted: city  
Deleted: appendix A, comprehensive fees and penalties

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.

Deleted: city

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 fine as specified in Appendix A, 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.

Deleted: city  
Deleted: city  
Deleted: appendix A, comprehensive fees and penalties

(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.

Deleted: city  
Deleted: city  
Deleted: city

(5) Any unauthorized removal or tampering with the meter shall result in a fine as specified in Appendix A, Comprehensive Fees and Penalties, per occurrence.

Deleted: city  
Deleted: appendix A, comprehensive fees and penalties

(1976 Code, § 13-111; Ord. No. 2001-56, 4- -2002; Ord. No. 2010-62, § V, 11-23-2010)

Sec. 18-112. - Meter tests.

The City will, at its own expense, make routine tests of meters when it considers such tests desirable.

Deleted: city

In testing meters, the water passing through a meter will be measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the measured amounts of water within the percentage shown in the following table:

Meter Size	Percentage
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

If a customer requests a meter test, and the test results indicate that the meter is reading lower than actual water flow or reads within these percentages, the customer must pay all expenses related to testing the meter.

Deleted: are

(1976 Code, § 13-113; Ord. No. 2001-56, 4- -2002)

Sec. 18-113. - Multiple services through a single meter.

No customer shall supply water service to more than one dwelling or premise from a single service line.

(1976 Code, § 13-114; Ord. No. 97-61, 12- -1997; Ord. No. 2001-56, 4- -2002)

Sec. 18-114. - Billing for water service.

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

Deleted: city

The bills will consist of charges for the user service fee, consisting of the availability charge, the customer service charge and the consumption service charge, as well as other services obtained by the customer from the City in accord with the agreement between the customer and the City and the provisions of the Municipal Code.

Deleted: city

Deleted: city

The water service bill is based on gallons of water delivered. An availability charge applies if water is available, even if the customer has not connected to the sewer or there is no consumption for the period.

Water 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 water. 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 15 days after the discount date, the customer's service may 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.

Deleted: city

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.

Deleted: city

If a water 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 Appendix A, Comprehensive Fees and Penalties, per occurrence.

Deleted: city

Deleted: appendix A, comprehensive fees and penalties

The wastewater (sewer) service charge shall not apply to separately metered water delivery points that are owned, maintained and read by the water provider where there is no potential for the wastewater stream of entering the wastewater stream (e.g., separately metered irrigation and cooling tower applications). All irrigation and reclaimed service shall be priced under nonresidential rates.

Bills will be issued to the party or parties who obtain service under the provisions of section 18-103 of this Code ("obtaining service"). Residential customers will have consolidated bills presented for other services including, but not limited to, wastewater, solid waste, and stormwater in accordance with the provisions of this Code.

Service pricing will be as either residential or nonresidential (commercial) as shown in appendix A as follows:

A. *Residential* is for a residential property owner whose property meets all of the following criteria and will have water service provided and billed under residential rate provisions using residential rates:

1. The property is used as a detached single-family residential living unit by an owner or tenant and is intended to be used as a residential dwelling; and
2. The property is classified by the Williamson County Assessor as a residential or homebelt property; and
3. Is served by a single water meter serving a single residential living unit; and
4. The development consists primarily of similar units and not mixed-use or attached dwellings which are classified as "multiresidential".
5. The occupant (owner or tenant) has a unique utility service contract with the City or water district. An addendum to the water supply contract authorizes the City to provide and be paid for City provided services if served water from MVUD, Milcrofton, HB&TS or Brentwood (specific addendums are in their contracts for City services).

Deleted: city

Deleted: city

Deleted: city

Deleted: city

B. *Multiresidential* customers are those that live in residential living units containing the following characteristics. Service is priced at residential rates using "multiple minimums". Multiple minimums apply when more than one living unit is served from one water meter. This allows for water service to be priced as if each living unit were measured and billed separately. The effect is that total consumption is divided by total units to determine the pricing per unit and billed to the party contracting for service. Living units with one meter/unit will result in being priced as if they are residential.

1. The property is used as an attached or detached multi-family residential living unit by an owner or tenant and is intended to be used as residential dwellings; and
2. The property is classified by the Williamson County Assessor as a residential (condominiums, townhomes, duplexes, triplexes) or commercial property (apartments, duplexes, triplexes) or governmental property (Franklin Housing Authority); and
3. The development consists primarily of similar mixed-use or attached dwellings which are not classified as "residential" above.
4. The occupant (owner or tenant) typically does not have a utility service contract with the City or water district and the contract for service is typically with a commercial enterprise, an agent of the owner/tenant (e.g. an homeowner's association or property management firm) or a government entity (Franklin Housing Authority). An addendum to the water supply contract authorizes the City to provide and be paid for City provided services if served water from MVUD, Milcrofton, HB&TS or Brentwood (specific addendums are in their contracts for City services).

Deleted: city

Deleted: city

Deleted: city

Deleted: city

C. *Nonresidential* is a customer who does not meet the requirements as a residential or multiresidential customer but may have living units on the property. Included are farms, healthcare facilities, hospitals, assisted living facilities, hotels (including extended stay facilities) and common properties for residential and multiresidential developments. All "irrigation water" shall be classified as nonresidential even if delivered to a residential customer. Water pricing will be under nonresidential (commercial) rate provisions.

(1976 Code, § 13-115; Ord. No. 97-61, 12- -1997; Ord. No. 2001-56, 4- -2002; Ord. No. 2010-62, § VI, 11-23-2010; Ord. No. 2012-19, § I, 8-28-2012)

**Editor's note**— Section I of Ord. No. 2012-19, adopted Aug. 28, 2012, changed the title of § 18-114 from "Billing" to "Billing for water service."



Sec. 18-115. - Discontinuance or refusal of service.

- (1) The board of mayor and aldermen shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:
  - (a) Nonpayment of bill or other charges.
  - (b) Partial payment of bill or other charges.
  - (c) City of Franklin rules, regulations or policies.
  - (d) Customer's application and agreement for service.
  - (e) Any threat to public health on the customer's premises, which may endanger other customers.
  - (f) Tampering with City of Franklin equipment or stealing service.
  - (g) In the event that a customer has allowed more than one service on one tap.
  - (h) Customer noncompliance with a declared water shortage emergency.
- (2) Such right to discontinue service shall apply to:
  - (a) All service received through a single connection or service, even though more than one customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant; and
  - (b) Irrigation services.
- (3) Discontinuance of service by the City for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

Deleted: City

Deleted: city

(1976 Code, § 13-116; Ord. No. 2001-56, 4- -2002; Ord. No. 2007-107, § III, 11-13-2007)

Sec. 18-116. - Reconnect 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 Appendix A, Comprehensive Fees and Penalties, 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 Appendix A, Comprehensive Fees and Penalties, 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.

Deleted: appendix A, comprehensive fees and penalties

Deleted: city

Deleted: appendix A, comprehensive fees and penalties

(1976 Code, § 13-116A; Ord. No. 2001-56, 4- -2002; Ord. No. 2007-107, § IV, 11-13-2007; Ord. No. 2010-62, § VII, 11-23-2010)

**Editor's note**— Section VII of Ord. No. 2010-62, adopted Nov. 23, 2010, changed the title of § 18-116 from "Disconnect service charge" to "Reconnect service charge."

Sec. 18-117. - Discontinuance of service by customer.

Customers who wish to discontinue service must request termination of service in writing. No telephone request for cutoffs will be honored. The customer in whose name the service is furnished or their legal representative must request the termination. A minimum of three days notice is required. The customer will be responsible for all charges, which accrue, to the end of the termination date including the minimum charge.

(1976 Code, § 13-117; Ord. No. 2001-56, 4- -2002)

Sec. 18-118. - Access to customers' premises.

The City's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the City, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations.

Deleted: city

Deleted: city

(1976 Code, § 13-118; Ord. No. 2001-56, 4- -2002)

Sec. 18-119. - Inspections; fees.

- (1) The City shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time.
- (2) If in the opinion of the 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 Appendix A, Comprehensive Fees and Penalties, 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.
- (3) The City reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by City ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the City.
- (4) Any failure to inspect or reject a customer's installation or plumbing system shall not render the City liable nor responsible for any loss or damage that might have been avoided, had such inspection or rejection been made.

Deleted: city

Deleted: director

Deleted: of water and wastewater director

Deleted: appendix A, comprehensive fees and penalties

Deleted: city

Deleted: city

Deleted: city

Deleted: city

(1976 Code, § 13-119; Ord. No. 2001-56, 4- -2002; Ord. No. 2005-66, 10- -2005; Ord. No. 2010-62, § VIII, 11-23-2010)

Sec. 18-120. - Customer's responsibility for system's property.

Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the City shall be and remain the property of the City. Each customer shall provide space for and exercise proper care to protect the property of the City on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer.

Deleted: city

Deleted: city

Deleted: city

(1976 Code, § 13-120; Ord. No. 2001-56, 4- -2002)

Sec. 18-121. - Customer's responsibility for violations.

Where the City furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him.

Deleted: city

(1976 Code, § 13-121; Ord. No. 2001-56, 4- -2002)

Sec. 18-122. - Supply and resale of water.

All water shall be supplied within the City exclusively by the City and no customer shall, directly or indirectly, sell, sublet, assigns, or otherwise dispose of the water or any part thereof unless approved by the City and gain all State of Tennessee regulatory approval.

Deleted: city  
Deleted: city  
Deleted: city

(1976 Code, § 13-122; Ord. No. 2001-56, 4- -2002)

Sec. 18-123. - Unauthorized use of or interference with water supply.

No person shall turn on or turn off any of the City's stop cocks, meters, hydrants, spigots, fire plugs, or valves without permission or authority from the City. When any stop cock, meter or valve for any customer's premises is turned on or off without permission or authority from the City there shall be a rebuttable presumption that the customer committed such act.

Deleted: city  
Deleted: city  
Deleted: city

(1976 Code, § 13-123; Ord. No. 2001-56, 4- -2002)

Sec. 18-124. - Installation of detector checks on fire mains for water usage.

- (1) New construction. For all new construction, when fire mains serving hydrants, standpipe systems, or automatic sprinkler systems are installed, regardless of size, except for public fire hydrants and mains, a double detector check shall be installed. The plumbing official or Director or their representatives shall inspect and approve installation. Said double detector check must be of a type approved by the Tennessee Department of Environment and Conservation and the Standard Plumbing Code as adopted by the City of Franklin, and must be installed in a readily accessible location.
- (2) Existing fire protection systems. A double detector check must be installed in all existing systems within 120 days of the effective date of this chapter. Installation in existing systems shall be subject to the same inspections and specifications as stated in subsection (1) for new construction.
- (3) Violations of this section shall be punishable by a fine up to an amount established by law with each day of noncompliance deemed to be a separate offense.

Deleted: of the Franklin Water and Wastewater Department

(1976 Code, § 13-124; Ord. No. 2001-56, 4- -2002)

Sec. 18-125. - Damages to property due to water pressure.

The City shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the City's water mains.

Deleted: city  
Deleted: city

(1976 Code, § 13-125; Ord. No. 2001-56, 4- -2002)

Sec. 18-126. - Liability for cutoff failures.

The City's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

Deleted: city

- (1) After receipt of at least ten days' written notice to cut off water service, the City has failed to cut off such service.
- (2) The City has attempted to cut off a service but such service has not been completely cut off.
- (3) The City has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the City's main.

Deleted: city  
Deleted: city  
Deleted: city  
Deleted: city

Except to the extent stated above, the City shall not be liable for any loss or damage resulting from cutoff failures.

Deleted: city

(1976 Code, § 13-126; Ord. No. 2001-56, 4- -2002)

Sec. 18-127. - Restricted use of water.

In times of emergencies or in times of water shortage, the City reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use, including but not limited to immediate termination of irrigation service. Customers shall not be responsible for reconnection charges in the event of a declared emergency, unless the service was terminated for noncompliance.

Deleted: city

(1976 Code, § 13-127; Ord. No. 2001-56, 4- -2002; Ord. No. 2007-107, § V, 11-13-2007)

Sec. 18-128. - Interruption of service.

The City will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The City shall not be liable for any damages for any interruption of service whatsoever.

Deleted: city

Deleted: city

In connection with the operation, maintenance, repair, and extension of the City's water system, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The City shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption.

Deleted: city

Deleted: city

(1976 Code, § 13-128; Ord. No. 2001-56, 4- -2002)

Sec. 18-129. - Schedule of rates.

The schedule of rates shall be as specified in Appendix A, Comprehensive Fees and Penalties, established for water distributed within the City of Franklin's water service area.

Deleted: following

Deleted: appendix A, comprehensive fees and penalties

(1976 Code, § 13-112; Ord. No. 2000-09, 5- -2000; Ord. No. 2001-04, 3- -2001; Ord. No. 2001-56, 4- -2002; Ord. No. 2005-28, 5- -2005; Ord. No. 2007-119, § III, 2-12-2008; Ord. No. 2009-46, § I, 8-25-2009; Ord. No. 2010-02, § I, 2-9-2010; Ord. No. 2010-62, § IX, 11-23-2010)

Sec. 18-130. - Water shortage policy.

(1) No water furnished by the City shall be wasted. Waste of water includes, but is not necessarily limited to the following:

Deleted: city

- (a) Permitting water to escape down a gutter, ditch or other surface drain;
- (b) Failure to repair a controllable leak of water; and
- (c) Failure to put to reasonable beneficial uses any water withdrawn from the City's system.
- (d) The mayor is hereby authorized to declare a water shortage emergency to exist, and the mayor may declare an end to a water shortage emergency.

Deleted: city

In declaring a water shortage emergency, such emergency shall be designated Status 1 or Status 2 in accordance with conditions as determined by the Director of the Water and Wastewater System of the City of Franklin.

(2) Water Shortage Emergency Status 1 exists when:

- (a) The total volume of water in the City raw water reservoir drops to less than that required to supply the water treatment plant for 30 days with the plant operating at its design capacity of 2.0 MGD (million gallons per day); or
- (b) When the water level in two or more of the distribution system reservoirs cannot be brought above the two-thirds full mark in a 48-hour period.

When the water supply reaches Water Shortage Emergency Status 1, the mayor, upon the recommendation of the appropriate committee of the City of Franklin, may declare any or all of the uses of water identified as nonessential use Category 1 provided for in this resolution as being prohibited and said prohibition shall remain in full and effect until the next meeting of the Franklin Board of Mayor and Aldermen. The list of nonessential uses may be increased or decreased pending the next meeting of the Franklin Board of Mayor and Aldermen.

(3) Water shortage Emergency Status 2 exists when:

- (a) The total volume of water in the City raw water reservoir drops to less than that required to supply the water treatment plant for 15 days with the plant operating at its design capacity of 2.0 MGD, or
- (b) When the water level in two or more of the distribution system reservoirs cannot be brought above the one-quarter full mark within a 48-hour period.

If Water Shortage Emergency Status 2 is reached, the mayor, upon recommendation of the appropriate committee of the City of Franklin, may declare any or all of the nonessential uses provided for in this resolution as being prohibited and the same shall remain in full force and effect until the next meeting of the Franklin Board of Mayor and Aldermen. During Emergency Status 1 or 2, the mayor may increase or decrease the number of prohibited nonessential uses and/or the extent to which the prohibition applies pending the next meeting of the Franklin Board of Mayor and Aldermen.

(4) Nonessential uses during water shortage emergency.

- (a) *Nonessential Use, Category 1.* The following uses are declared to be Nonessential Uses, Category 1:
  - (i) Washing sidewalks, driveways, parking areas, tennis courts, patios, or other exterior paved areas, except by the City of Franklin for the public safety.
  - (ii) Filling or refilling swimming pool.
  - (iii) Noncommercial washing of privately owned motor vehicles, recreational vehicles, trailers and boats.
  - (iv) Any use of water from a fire hydrant except for fighting fires, or use by the City of Franklin.
  - (v) Watering of lawns, landscaped areas, or ball fields, except that gardens, trees, shrubs or other plants other than grass or lawns may be watered to sustain the life of the plant material from 8:00 P.M. to 6:00 A.M., using only hand held mechanisms, buckets, or other similar devices.
  - (vi) Water any portion of a golf course.
  - (vii) Use of water for dust control or compaction during construction.
- (b) *Nonessential Use Category 2.* The following uses are declared to be Nonessential Uses, Category 2:
  - (i) Use by a laundromat in excess of 70 percent of the amount of water used by it during the corresponding billing period for the previous year. If the laundromat was not operating the previous year, an estimated amount shall be computed by the City from its records.

Deleted: city

Deleted: city

Deleted: city

(ii) Use by a motor vehicle washing facility in excess of 70 percent of the amount used by it during the corresponding billing period the previous year. If the facility was not operating the previous year, an estimated amount shall be computed by the City from its records. This subsection shall not apply to any facility that recycles water in a manner satisfactory to the Department and has received written approval and exemption from this subsection by the Department.

Deleted: city

Deleted: Franklin Water and Sewer

Deleted: department

(iii) The maximum amount of water sold and supplied to any utility district shall not exceed 70 percent of the amount used by it during the corresponding billing period of the previous year. If the utility district was not operating the previous year, an estimated amount shall be computed by the City from its records.

Deleted: city

(iv) Any nonresidential use in excess of 70 percent of the amount used by the customer during the corresponding billing period for the previous year. If the customer was not operating the previous year, an estimated amount shall be computed by the City from its records. The Director, with the concurrence of the city recorder, may increase the percentage for any connection use or customer if it is determined that such increase is necessary to protect the public health, safety, and welfare or to spread equitably among the water users of the City the burden imposed by the shortage of the City's water supply.

Deleted: city

Deleted: director

Deleted: of the water and wastewater department

Deleted: city

(v) Water served for drinking purpose, restaurants or public or nonpublic eating establishments unless such water is specifically requested by the patron or customer.

Deleted: city

(c) *Nonessential Category 3.* The following use is declared to be Nonessential Uses, Category 3:

(i) Any use by a motor vehicle washing facility or other nonresidential use or use by any utility district in excess of 50 percent of the amount used by the customer during the corresponding billing period of the previous year. If the customer was not operating the previous year, an estimated amount shall be computed by the City from its records.

Deleted: city

(5) Exceptions to nonessential uses. Effluent reuse or well water shall not be subject to the restrictions in this title.

(6) Board of mayor and aldermen action.

(a) The Franklin Board of Mayor and Aldermen may declare a water shortage emergency irrespective of whether the water supply has reached Water Shortage Emergency Status 1 or 2. Only the board may terminate or end a water shortage emergency declared by the board.

(b) The Franklin Board of Mayor and Aldermen may prohibit any Nonessential Use, Category 1, during any period that a water shortage emergency has been declared, irrespective of whether the water shortage has reached Water Shortage Emergency Status 1 or not.

(c) The Franklin Board of Mayor and Aldermen may prohibit any nonessential use when the water supply of the City has reached the Water Shortage Emergency Status 1.

Deleted: city

(d) Any water shortage emergency described by the mayor shall continue until the next meeting of the Franklin Board of Mayor and Aldermen. If the board does not take action to terminate the water shortage emergency, the same shall continue in full force and effect. The board may terminate or modify any limitations on nonessential use of water.

In the absence of affirmative action by the Franklin Board of Mayor and Aldermen, the action of the mayor shall be final.

(7) Notice. Upon the declaration of the existence of a water shortage emergency by the mayor or the board, the city recorder shall notify the local newspapers and radio stations and furnish detailed information concerning the existence of the water shortage emergency and all prohibited uses. In addition, a newspaper ad shall be published once per week in any weekly local newspapers, informing the public of the water shortage emergency and any prohibition concerning the nonessential uses. Every practical effort shall be made to keep the water-using public informed of conditions during any declared water shortage emergency.

(8) Customer noncompliance.

(a) Any failure of a customer to comply with the requirements of a declared water shortage shall be reported to any official of the City and shall be immediately investigated by the Director or his designated agent. If noncompliance is found to exist, the Director shall request immediate compliance by the customer. Should the customer fail or refuse to immediately comply with the Director's request the Director shall immediately discontinue water service to the customer in question.

- Deleted: city
- Deleted: director
- Deleted: of the water and wastewater department
- Deleted: director
- Deleted: d
- Deleted: d
- Deleted: city

(b) Any customer whose service is disconnected because of failure to comply with the requirements of a declared water shortage emergency shall have the right, after the first such disconnection, to have service reconnected upon payment to the City of its customary reconnection charge and upon execution of a written, sworn statement under penalty of perjury that he will comply with the requirements of the declared emergency. If service is disconnected because of a subsequent failure to comply, such customer shall have the right to request reinstatement of service only upon approval of the assistant city administrator for public works (A.C.A.), such as for compliance with the Americans with Disabilities Act. The A.C.A. may grant approval subject to such reasonable terms and conditions as the A.C.A. may impose or may refuse to reinstate service.

Deleted: and utilities

(c) The decision of the A.C.A. may be appealed for hearing to the city administrator. The disconnection shall remain in effect until the appeal is heard. A hearing shall be conducted within 72 hours of the time the request for hearing is made by the customer. In the event a hearing is not conducted within 72 hours, service shall be reinstated until the hearing is conducted. All requests for a hearing shall be made to the city recorder.

(1976 Code, § 13-129; Ord. No. 2001-56, 4- -2002; Ord. No. 2007-107, §§ VII—X, 11-13-2007)

Sec. 18-131. - Provisions applicable.

The requirements contained herein shall apply to all premises served by the Franklin Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the City to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe health-wise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Franklin corporate limits.

Deleted: city

(1976 Code, § 13-130; Ord. No. 2001-56, 4- -2002)

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 Appendix A, Comprehensive Fees and Penalties. 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 Appendix A, Comprehensive Fees and Penalties, in addition to any other remedy at law that may be available to the City.

- Deleted: appendix A, comprehensive fees and penalties
- Deleted: city
- Deleted: appendix A, comprehensive fees and penalties
- Deleted: city

(1976 Code, § 13-131; Ord. No. 2001-56, 4- -2002; Ord. No. 2007-107, § XI, 11-13-2007; Ord. No. 2010-62, § X, 11-23-2010)

Sec. 18-133. - Date of effect.

All ordinances and parts of ordinances in conflict with this chapter shall be hereby repealed. This chapter shall take effect from and after its passage.

(Ord. No. 2001-56, 4- -2002)

