

ORDINANCE 2017-30

TO BE ENTITLED: "AN ORDINANCE TO AMEND TITLE 18, CHAPTER 2 OF THE FRANKLIN MUNICIPAL CODE RELATIVE TO THE LATE PAYMENT PENALTY FOR SANITARY SEWER/WASTEWATER BILLING."

WHEREAS, the City of Franklin renders water and sewer 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 18, Chapter 2, Section 18-210 of the City of Franklin Municipal Code is hereby amended by adding the text shown in **bold** after the third paragraph so that it shall read as follows:

"Sec. 18-210. Billing for sanitary sewer service.

* * *

The sewer service bill is based on gallons of water delivered by the water provider through the potable water meter. 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.

Sewer 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 sewer. 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 or due date, the customer's water 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.

* * *

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 _____