

ORDINANCE NO. 2017-007

**AMENDMENT TO WATER AND SEWER USE ORDINANCE
AND USER CHARGE SYSTEM REGARDING SEWER ADJUSTMENTS FOR
ANNUAL FILL-UP OF SWIMMING POOLS AND DECLARING THAT NO SUCH
ADJUSTMENTS SHALL BE GIVEN TO ANY CUSTOMER WHEN THE POOL CONTAINS
LESS THAN TEN THOUSAND (10,000) GALLONS, AND ADDITIONALLY EXTENDING ALL
SUCH ADJUSTMENTS TO ALL FRANKLIN MUNICIPAL UTILITY SEWER CUSTOMERS**

WHEREAS, the City Commission has determined that it is fair and equitable not to charge sewer fees for filling certain swimming pools since the water uses since the water is not returned to the sewer system; and,

WHEREAS, due to the aforementioned fact, it has become necessary to amend the existing Ordinance(s) to correct the situations mentioned hereinabove.

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin, Kentucky, acting by and through its Commission, as follows:

Section 308 (2) shall be amended to read as follows:

2. Swimming Pools.

(a) Property owners that fill or re-fill swimming pools each season will be eligible for one (1) annual fill-up (or re-fill) adjustment for sewer charges when the pool is filled or re-filled with water through the customer's meter. Adjustments will not be made for refilling after the initial fill-up each season. Residents are required to call City Hall to inform staff when they want to fill their pool(s). The Utility Billing Supervisor will adjust the sewer bill for the water used to fill the pool. Pools that contain less than ten thousand (10,000) gallons shall not be eligible for the sewer adjustment under this section. The size of the pool (dimensions and number of gallons) will be ascertained and verified and will be used to determine the sewer bill adjustment. If the number of gallons used in filling the pool is less than the number of gallons normally required to fill the pool, the average sewer bill will be calculated and the amount of sewer over the average will be adjusted. The water used to fill the pool shall be billed on the customer's water bill in the same manner and at the same rate as all other water used by said customer, as said rates are amended from time to time. If the water usage in filling the pool is less than three thousand (3,000) gallons over the customer's twelve (12) month average, no adjustment will be given. If the water usage in filling the pool is three thousand (3,000) gallons or more above the customer's twelve (12) month billing average, an adjustment will be given on the gallons that exceed the customer's twelve (12) month billing average. The request for an adjustment shall be made within two (2) months of the customer filling up the pool, and only one (1) billing cycle shall be adjusted. In the event that a pool fill-up adjustment is requested and the customer has been connected to the City water and sewer facilities for less than twelve (12) months, the customer's average usage for the number of months that the customer has been connected shall be used to determine the adjustment. Provided, however, in the event that the adjustment is requested during the customer's first month being connected to the City's water and sewer facilities, the City shall make the adjustment based upon the calculated size of the pool (dimensions and number of gallons) which will be ascertained and verified by the City, and that number of gallons shall be used to determine the adjustment to the sewer bill. It should be noted that, if the customer is a participant in the City of Franklin's automatic payment plan, the unadjusted charges may be drafted from the customer's account prior to the sewer bill adjustment, if the City's staff is not notified of the customer's request for an adjustment to the sewer bill in a timely manner.

(b) If a swimming pool or truck (used by a delivery service purchasing water for a swimming pool, etc.) is filled by a fire hydrant, the water must be metered and charged to the customer at the metered rate. Sewer charges will not be charged. Only City of Franklin Public Works or Franklin Fire Department employees are allowed to use the fire hydrants to fill swimming pools.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

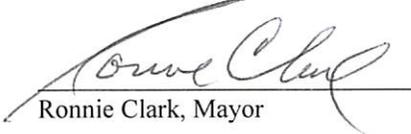
April 24, 2017 FIRST READING

May 8, 2017 SECOND READING

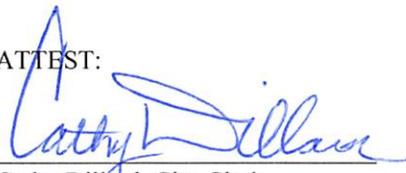
At a meeting of the Board of Commissioners of the City of Franklin, Kentucky, held on May 8, 1017, on motion made by Stewart and seconded by Commissioner Barnes the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>YES</u>	JAMIE POWELL
<u>YES</u>	LARRY DIXON
<u>YES</u>	MASON BARNES
<u>YES</u>	WENDELL STEWART
<u>YES</u>	RONNIE CLARK, MAYOR

APPROVED BY:


Ronnie Clark, Mayor

ATTEST:


Cathy Dillard, City Clerk
City of Franklin, Kentucky