

Sponsors:

Commissioner Jamic Powell

Commissioner Mason Barnes

Date Second Reading 10-22-12

Date Published 10-25-12

ORDINANCE NO. 610.6-10-2012

**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 SUCH ADJUSTMENTS TO ALL FRANKLIN
MUNICIPAL UTILITY SEWER CUSTOMERS**

WHEREAS, the City Commission of the City of Franklin, Kentucky, has received numerous complaints regarding consumers being charged sewer charges for filling swimming pools and irrigating lawns; and,

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

WHEREAS, due to the aforementioned facts, 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:

There is a new Section 308 which shall read as follows:

1. Irrigation charges. Separate irrigation charges apply to any meter that is used solely for the irrigation of lawns, gardens, landscaped areas, orchards, and similar horticultural uses where the metered water is not returned to the Franklin waste water system. The water used 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. Provided, however, that no sewer charges shall apply for the water used for the aforementioned purposes only. Further, the customer shall not connect the separate meter used for irrigation purposes to any plumbing fixture located inside the residence or dwelling.

2. Swimming Pools.

(a) Property owners with swimming pools filled with water from the City of Franklin water system will be eligible for an annual fill-up adjustment for sewer charges when the pool is filled with water through the meter. Adjustments will not be made for refilling after initial fill-up. Residents are required to call City Hall to inform staff when they want to fill their pool(s). The billing clerk

will adjust the sewer bill for the water used to fill the pool. 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. Provided, however, that pools that contain less than ten thousand (10,000) gallons shall not be eligible for the sewer adjustment under this section. 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.

(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.

Oct 8, 2012 FIRST READING

Oct 22, 2012 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on October 22, 2012, on motion made by Commissioner Mason Barnes and seconded by Commissioner Jamie Powell, the foregoing ordinance was adopted, after full discussion, by the following vote:

YES JAMIE POWELL

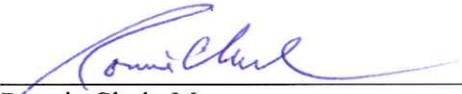
YES LARRY DIXON

YES MASON BARNES

YES HENRY STONE

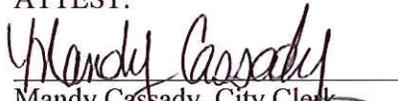
YES RONNIE CLARK, MAYOR

APPROVED BY:



Ronnie Clark, Mayor
City of Franklin, Kentucky

ATTEST:



Mandy Cassady, City Clerk
City of Franklin, Kentucky