

AN ORDINANCE OF THE CITY OF FRANKLIN, KENTUCKY, REPEALING AND RE-ENACTING IN AMENDED TEXT AND SUBSTANCE A PREVIOUS ORDINANCE RELATING TO RATES AND CHARGES FOR THE USE OF THE SERVICES AND FACILITIES OF THE MUNICIPALLY OWNED COMBINED AND CONSOLIDATED WATER AND SEWER SYSTEM OF SAID CITY.

WHEREAS, a certain ordinance of the City of Franklin, Kentucky, relating to rates and charges for the use of the services and facilities of the properties now constituting the municipally owned combined consolidated water and sewer system was adopted on April 21, 1986, for the purpose of amending, repealing and re-enacting in various respects certain other previously adopted ordinances relating to rates and charges for the use of the services and facilities of the combined and consolidated water and sewer system of the City; and in connection with permanent financing of extensions, improvements and additions to the water portion of said combined and consolidated system it is necessary to increase water service rates and sewer services rates, and to distinguish the same as applied to residential customers and users and business customers and users whom may be within the city limits; and it is the opinion and judgment of the Mayor and members of the City Council that it is necessary and desirable to repeal and re-enact the Ordinance adopted on April 21, 1986,

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKLIN, KENTUCKY, ACTING BY AND THROUGH ITS CITY COUNCIL AS FOLLOWS:

ARTICLE I
GENERAL

Section 101. Purpose. It is the purpose of this Ordinance to repeal and re-enact the Ordinance identified in the preamble hereto as it is related in any way to charges for water service and sewer service; but no portion thereof nor any portion of any previously adopted, reaffirmed, repealed or re-enacted ordinances related to regulations for mandatory sewer connections are repealed, and any Ordinance on said subject may be supplemented or amended by a later Ordinance.

ARTICLE II
RATES, CHARGES, RULES AND REGULATIONS
RELATING TO MUNICIPAL WATER AND SEWER SERVICE

Section 201. Effective Date. Effective on July 1, 1990, after the adoption, approval and publication of this Ordinance, the following rates and charges shall govern and control the use of those facilities of the municipal combined and consolidated water and sewer system as are used in providing water and sewer service in the City and its environs; and the same shall supersede and take the place of all previous Ordinances and amendatory Ordinances relating thereto.

Section 202. Water and Sewer Service Rates. There shall be and there are hereby established monthly rates or charges for services rendered by said combined and consolidated system, the same to be computed and billed upon the basis of the first water meter reading of each customer and user after the effective date of this Ordinance, and thereafter:

WATER RATES

Inside City Base Rate (Residential)

First 2,000 gallons \$5.76 (Minimum Bill)
Over 2,000 gallons \$2.88/1,000 gallons

City Business Rate

First 2,000 gallons \$8.64 (Minimum Bill)
Over 2,000 gallons \$2.88/1,000 gallons

County Residential

First 2,000 gallons \$8.64 (Minimum Bill)
Over 2,000 gallons \$4.32/1,000 gallons

County Business

First 2,000 gallons \$11.26 (Minimum Bill)
Over 2,000 gallons \$4.32/1,000 gallons

Simpson County Water District \$1.3478/1,000 gallons

Sewer

Inside City Residential Rate

First 2,000 gallons \$ 4.74 (Minimum Bill)
Over 2,000 gallons \$ 1.39/1,000 gallons

Outside City Residential Rate

First 2,000 gallons \$ 7.11 (Minimum Bill)
Over 2,000 gallons \$ 2.28/1,000 gallons

Inside City Commercial Rate

First 2,000 gallons \$ 6.33 (Minimum Bill)
Over 2,000 gallons \$2.08/1,000 gallons

Outside City Commercial Rate

First 2,000 gallons \$9.48 (Minimum Bill)
Over 2,000 gallons \$3.11/1,000 gallons

TAP FEES INSIDE AND OUTSIDE CITY

<u>Meter Size</u>	<u>Water</u>	<u>Sewer</u>
5/8 and 3/4 inch	\$ 250.00	\$ 400.00
1 inch	to be negotiated	
1 1/2 inch	to be negotiated	
2 inch	to be negotiated	
4 inch	to be negotiated	
6 inch	to be negotiated	

If any rate established by this ordinance is for any reason held invalid or found to be in violation of any binding contractual agreement, by any court of competent jurisdiction, then the rate herein established shall be the greatest rate allowed by law.

Section 203. When Bills Payable; Penalty; Interest; Disconnection for Delinquent Payment. The rates and charges

aforesaid shall be billed monthly and all bills for such services shall be payable within ten (10) days after rendition. If not paid within such period of ten (10) days, a penalty equal to ten percent (10%) of the face amount of the bill shall become due and payable; provided, however, that if the tenth (10th) day should fall upon a Saturday, Sunday or a legal holiday then the fact amount of the bill may be paid on the next secular day which is not a holiday. Interest on delinquent bills shall accrue at the rate of eighteen percent (18%) per annum from the tenth (10th) day after rendition and such interest and penalty, if any, shall be collected when the bill is paid. If any such bill, together with penalty and interest, if any, shall remain unpaid for a period of thirty (30) days after rendition, the water service connection to the premises shall be disconnected. A charge in the sum of Ten Dollars (\$10.00) is hereby fixed to cover the expense of such disconnection; and if any such delinquent customer shall, thereafter desire reconnection, an additional charge in the sum of Ten Dollars (\$10.00) is hereby fixed to cover the expense thereof; and prior to such reconnection, the customer shall be required to pay the delinquent bill, penalty, interest, and the Twenty Dollars (\$20.00) charge for disconnection and reconnection. Whether or not any premises are disconnected because of delinquency, the City Attorney is hereby authorized and directed to enforce and collect the amount of any bills remaining delinquent for thirty (30) days (including the penalty, interest, disconnection charge, and court costs) by suit in any court of competent jurisdiction upon being so directed by the Mayor.

Section 204. Who to Pay. The rates and charges aforesaid shall be billed to the owners of the premises, except that upon application by the tenant of any premises, who is not the owner thereof, filed with the Board of Body of said City in charge of the control and operation of said system, accompanied by a cash deposit or other appropriate security or indemnity in an amount or a kind approved by such Board or Body, such bills may be rendered to such tenant. No free water service shall be granted or permitted to any water user, including the City itself, except that in accordance with long standing policy, custom and practice the City shall not be required to pay hydrant rentals for fire protection purposes, and also may use water to flush hydrants and mains according to standard engineering practices.

Section 205. Meter Deposits. Deposits heretofore made by customers and which are presently held by the City as partial security for the payment of water bills according to previous Ordinances shall continue to be held by the City subject of the provisions of this Ordinance. Each new customer shall deposit with the City the sum of Fifty Dollars (\$50.00) at the time of installation of any water meter for a single family residence, Fifty Dollars (\$50.00) per meter for a duplex or apartment house and the actual costs of the meter for any meter installation of one inch or more in diameter, such deposits to be held for assurance of the payment of the bills for water services supplied by said system, and to be subject to application upon such bills in the event of delinquency, any amount so applied to delinquent bills in

the event of delinquency, and amount so applied to delinquent bills to be restored by the depositor within ten (10) days after notice by the City to do so, upon penalty of disconnection of water service to the premises.

Section 206. When Sewer Bills Due; Water Service to be Discontinued to Premises Where Payment of Sewer Bill is Delinquent; Charge for Reconnection After Such Discontinuance. When any bill for sewer service remains unpaid for a period of ten (10) days after the bill is issued, the same shall become delinquent, and pursuant to authority of Section 96.930, and following Sections of the Kentucky Revised Statutes, the City shall discontinue water service to the delinquent premises and shall not permit reinstatement of water service thereto until the bill for sewer service, together with penalties, interest and the prescribed water reconnection charge shall be paid in full, whether or not the bill for water service to the same premises shall have been paid or tendered.

In the event water service is discontinued by reason of delinquency of the bill for sewer service, the reconnection of water service shall not be made until the delinquent party has paid to the City the amount of the bill for sewer service, with penalty and interest, and such water reconnection charge as may from time to time be fixed by Ordinance (such charge at this time being \$10.00 as prescribed in Article Two, Section 203 of this Ordinance.)

Section 207. Exceptions in Application of Sanitary Sewer Charges. The City recognizes certain exceptional situations wherein adjustments in the manner of applying sanitary sewer service charges should be permitted, and provision is made for the same, as follows:

(a) Where more than thirty-five percent (35%) of the water used by the owner or occupant of any commercial or industrial premises during the month does not flow into the municipal sewers, the percentage in excess of thirty five (35%) may be excluded from the calculation of the sanitary sewer service rates and charges herein provided. It shall be the burden of the owner or occupant of any such premises to prove to the City that more than thirty five percent (35%) of the water used on such premises during the month does not flow into the municipal sewer, and such burden shall be deemed to be met only upon a showing by the sanitary sewer user, to the satisfaction of the City, that the quantity thereof is accurately measured by means of a standard water meter. In the event the sanitary sewer user has no such evidence, a standard water meter for such purpose may be provided by the sewer user for such purpose, if provided and installed without cost to the City, and to the City's satisfaction. In no case, however, shall the sanitary sewer service rates and charges herein provided be calculated upon less than thirty five percent (35%) of the water used by the owner or occupant of any commercial

or industrial premises during the year.

(b) Whenever it is determined by the City to be necessary to classify any commercial institutions or industries, or other entities, by reason of the unusual purpose for which water is used, or the character of the commercial and industrial wastes which are discharged therefrom, or whenever the established schedule of sanitary sewer service and/or water rates and charges for any reason is not applicable, then special sanitary sewer service rates, water rates, rentals or other charges may be established by the City Council, and any person, firm, or corporation being dissatisfied with the established schedule of sanitary sewer service rates, water rates, rentals, or other charges by reason of peculiar or unusual use or occupancy of any premises, and consequently alleging peculiar or unusual uses of water, may file application with the City for special classification rates, rental, and charges. The City Council may take such action thereon as it sees fit.

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 hereof.

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

JUNE 14, 1990

FIRST READING

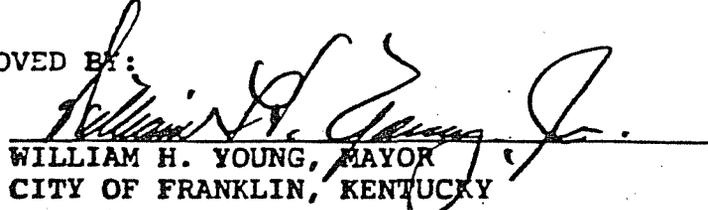
JUNE 25, 1990

SECOND READING

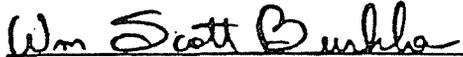
At a meeting of the City Council of the City of Franklin, Kentucky, held on June 25, 1990, on motion made by Hal Toomey and seconded by Bill Gentry, the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>NO</u>	JOE D. WALKER
<u>NO</u>	HUGH WATWOOD
<u>YES</u>	HAL TOOMEY
<u>YES</u>	JOHN RASH
<u>YES</u>	WILLIAM H. GENTRY
<u>ABSENT</u>	JIM ARNOLD

APPROVED BY:


WILLIAM H. YOUNG, MAYOR
CITY OF FRANKLIN, KENTUCKY

ATTEST:


SCOTT BURLOW, CITY CLERK
CITY OF FRANKLIN, KENTUCKY