

Sponsors:
Commissioner Barnes
Commissioner Stewart
Date Second Reading 01-13-14
Publication Date 01-16-14

ORDINANCE NO. 610.7-01-2014

**AN ORDINANCE OF THE CITY OF FRANKLIN, KENTUCKY,
REPEALING AND RE-ENACTING IN AMENDED TEXT
AND SUBSTANCE CERTAIN PORTIONS OF A PREVIOUS ORDINANCE
RELATING TO RATES AND CHARGES
OF THE MUNICIPAL WATER AND SEWER SYSTEM**

WHEREAS, the City Commission has found and determined that certain provisions in the ordinance have become antiquated and/or need to be changed due to increased costs being incurred by the City of Franklin for disconnecting/reconnecting water and/or sewer service to a customer and for collections;

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

There shall be a new Section 204 created in Article II, definitions, which reads as follows:

Section 204: “Disconnect/Reconnect” shall mean disconnecting or turning off water or sewer service or connecting/reconnecting water and sewer service due to a customer’s non-payment of the water or sewer charges in accordance with this ordinance and/or City policy or due to a voluntarily request by the customer(s) to suspend water or sewer service for any reason.

Section 303 in Article III shall be amended as follows:

Section 303. 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 face amount of the bill may be paid on the next secular day which is not a holiday, provided further that if the 10th day should fall on the 2nd or 3rd day of the month, then the face amount of the bill may be paid on the 4th day of the month, or the next secular day of the month, 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 ~~charges and interest~~, if any, shall remain unpaid for a period of twenty five (25) days after rendition, the water service connection to the premises shall be disconnected. A charge in the sum of ~~Twenty Fifty Dollars (\$520.00)~~ for a disconnect/reconnect(as defined in Section 204 herein) during City Hall business hours and Seventy-Five Dollars (\$75.00) outside of City Hall business hours (hereby referred to as the disconnect/reconnect charge) is hereby fixed to cover the expense of disconnection/reconnection. In the event that representatives of the City arrive at the premises

for purposes of disconnection and receive payment at this point, the ~~Twenty (\$20.00) Dollar disconnect/reconnect~~ charge shall still be levied prior to such reconnection, the customer shall be required to pay the delinquent bill, penalty, ~~interest~~, and the ~~Twenty—Dollars (\$20.00)disconnect/reconnect~~ 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/reconnect~~ charge, reasonable attorney's fee and court costs) by suit in any court of competent jurisdiction upon being so directed by the ~~Mayor~~City Manager or City Commission.

Section 306 in Article III shall be amended to read as follows:

Section 306. 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 as prescribed in Article ~~Two~~Three, Section ~~32~~303 of this Ordinance.)

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.

DEC 9, 02013 FIRST READING

JAN 13, 2014 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on January 13, 2014, on motion made by Commissioner Larry Dixon and seconded by Commissioner Mason Barnes, the foregoing ordinance was adopted, after full discussion, by the following vote:

YES MASON BARNES


YES JAMIE POWELL

YES LARRY DIXON

YES WENDELL STEWART

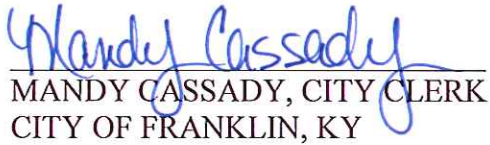
YES RONNIE CLARK, MAYOR

APPROVED BY:



RONNIE CLARK, MAYOR
CITY OF FRANKLIN, KY

ATTEST:



MANDY CASSADY, CITY CLERK
CITY OF FRANKLIN, KY