



ITEM #13
WRK S 06/23/09

MEMORANDUM

June 18, 2009

TO: Board of Mayor and Aldermen

FROM: David Parker, City Engineer/CIP Executive
Eric Stuckey, City Administrator

SUBJECT: **Ordinance 2009-31**
Revision to the Requirements for Connection to the
Public Sanitary Sewer System

Purpose

The purpose of this memorandum is to provide information to the Board of Mayor and Aldermen (BOMA) in order to make an informed decision regarding the City's policy and related ordinance requiring residents to connect to the City's Sanitary Sewer System following the system being made available to the property.

Background

Recently, BOMA and the general public has been discussing (asking) if the City should be requiring residents to connect to the City's Public Sanitary Sewer System when such system is made available. Presently the Franklin Municipal Code (Section 18-204(4)) requires property to connect to the public sanitary sewer when said sewer is within two hundred (200) feet of the property. Said connection is to be accomplished within one hundred eighty (180) days of the property owner being notified of the sanitary sewer availability. With the approval of the various assessment districts in the city, the public has been informed that they will have to start paying the sanitary sewer service charge after the one hundred eighty (180) day time period, but the City wasn't going to "police" whether or not they connected.

At the last CIP Committee (June 11th) and BOMA Work Session (June 9th) Alderman McLendon requested that the City draft and approve an ordinance that states what was required and not have an ordinance that is not going to be enforced. A draft of Ordinance 2009-31 is attached and reflects the conditions as stated at the CIP Committee and BOMA work session. The draft ordinance requires the billing of and payment by residents for sanitary sewer service as if the property was connected. Connection to the sanitary sewer system is required when any one of the following criteria is met:

1. immediately if the owner's private sewage disposal system no longer complies with the Williamson County Board of Health regulations or with Tenn. Code Ann. § 68-221-401 *et seq.*; or
2. immediately when there is a property transfer; or
3. immediately if there is a change in the water account ownership; or
4. immediately when, in the opinion of the City Administrator, conditions on the property pose an unacceptable risk to the public health, safety and welfare.



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Financial Impact

There should be no financial impact to the City with the draft ordinance as it still requires payment of the sanitary sewer service charges after the notification of sanitary sewer availability. If anything it will speed up the time frame sanitary sewer service charges start being billed and collected.

Options

1. Leave the Code as is and enforce the requirements for connection; or
2. Revise the Code as proposed in Ordinance 2009-31; or
3. Revise the Code to some other time frame for connection; or
4. Revise the Code in some other manner not listed (many options available).

Recommendation

Staff recommends Option 1 – leave the Code (Chapter 18-204(4)) as is and start enforcing all provisions of the Code. Should this option be selected, an enforcement framework would need to be developed and approved by BOMA.

ORDINANCE 2009-31

TO BE ENTITLED: "AN ORDINANCE TO AMEND CHAPTER 2, TITLE 18 OF THE FRANKLIN MUNICIPAL CODE TO REVISE THE REQUIREMENTS FOR CONNECTION TO THE PUBLIC SANITARY SEWER SYSTEM."

WHEREAS, the Board of Mayor and Aldermen of the City of Franklin, Tennessee, desire to amend the existing time limit to connect to City of Franklin facilities imposed by 18-204(4) from one hundred and eighty (180) days to no time frame should the existing private sewage disposal system be in good working order; and

WHEREAS, the Board of Mayor and Aldermen of the City of Franklin, Tennessee, desire to amend Section 18-204(4) requiring immediate application of sanitary sewer service charges to and payment by property owners upon availability of the public sanitary sewer within two hundred (200) feet of the property; and

WHEREAS, the Board of Mayor and Aldermen of the City of Franklin, Tennessee, desire to amend Section 18-204(4) requiring immediate connection to City of Franklin facilities if there is a failure of existing facilities, property transfer, or a change in water account ownership.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that 18-204(4) shall be deleted in its entirety and the following substituted in lieu thereof:

Chapter 2. Wastewater

18-204 Use of public sewers required.

- (4) The owner of all houses, building or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, right-of-way or easement in which there is now located or may in the future be located a public sanitary sewer of the city, shall be billed and payment required for sanitary sewer service as if the property was connected to the public sanitary sewer provided that said public sanitary sewer is within two hundred (200) feet of the property line or easement on which the principle structure is located. Payment of the billed sanitary sewer service charge shall not relieve the property owner from the requirements of payment of all

connection and tap fees as applicable prior to the permit required (Section 18-206) for connection of the service line to the public sanitary sewer system.

Connection to the public sanitary sewer system shall be required at the property owners expense including any and all applicable connection and tap fees provided said public sewer is within two hundred (200) feet of the property line or easement on which the principal structure is located in accordance with the following criteria;

- (a) immediately if the owner's private sewage disposal system no longer complies with the Williamson County Board of Health regulations or with Tenn. Code Ann. § 68-221-401 *et seq.*; or
- (b) immediately when there is a property transfer; or
- (c) immediately if there is a change in the water account ownership; or
- (d) immediately when, in the opinion of the City Administrator, conditions on the property pose an unacceptable risk to the public health, safety and welfare.

SECTION II. 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, the public health, safety and welfare requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: _____
ERIC S. STUCKEY
City Recorder/Administrator

BY: _____
JOHN C. SCHROER
Mayor

PASSED FIRST READING

PASSED SECOND READING
