



City of Franklin

109 3rd Ave S
Franklin, TN 37064
(615)791-3217

Meeting Agenda

Work Session

Tuesday, June 12, 2018

5:00 PM

Board Room

Call to Order

Citizen Comments

WORKSESSION DISCUSSION ITEMS

1. [18-0554](#) Consideration of Event Permit for the Great Americana BBQ Festival sponsored by the Franklin Noon Rotary Club on August 24-25, 2018; (6/12/18 WS)

Sponsors: Lisa Clayton
Attachments: [Americana BBQ REVISED App 2018](#)
2. [18-0555](#) Consideration of Event Permit for Franklin on the Fourth sponsored by the Franklin Lions Club in Downtown Franklin. (6/12/18 WS)

Sponsors: Deb Faulkner
Attachments: [FOT4 2018 REVISED APP](#)
3. [18-0556](#) Consideration of Event Permit for Bluegrass Along the Harpeth sponsored by the Williamson County Cultural Arts Commission on July 27-28, 2018 in Downtown Franklin. (6/12/18 WS)

Sponsors: Deb Faulkner
Attachments: [Bluegrass Along the Harpeth 2018 REVISED App](#)
4. [18-0575](#) *Consideration of Certificate of Compliance RENEWAL for Wine in Grocery Store for Whole Foods located at 1566 W. McEwen Drive, Franklin, TN 37067 (Heather D. Masullo, Managing Agent, Lauren Ashley Carr, Store Support Team Leader, Samuel Clark Harrison, Assistant Store Manager and Executive Officer Albert E. Percival.)

Sponsors: Lanaii Benne
Attachments: [2018 Renewal Whole Foods Retail Food Wine Certificate.pdf](#)

5. [18-0508](#) Consideration of Ordinance 2018-26, An Ordinance to Amend Title 18 -Water and Sewers of the Franklin Municipal Code for the Purpose of Providing Simplified Water and Sanitary Sewer Impact Fee Structure and Other General Housekeeping and for the Purpose of Modifying Appendix A, Comprehensive Fees and Penalties in Support of the Modifications to Title 18. (06/12/18 BOMA 1ST Reading 7-0) SECOND AND FINAL READING.

Sponsors: Mark Hilty and Michelle Hatcher

Attachments: [2018-26 ORD Title 18 Changes to Impact Fee 2018 Wastewater.Law Approve](#)
[20180216 DOC CHAPTER 1 WATER Amendments - Tracked Changes V5](#)
[20180216 DOC CHAPTER 2 WASTEWATER Amendments - Tracked Change](#)
[20180410 DOC APP A CHAPTER 18 WATER AND SEWERS - Tracked Chan](#)
[20180522 PPT Title 18 Changes Irrigation Fees Discussion V11](#)

Legislative History

5/22/18 Work Session referred to the Work Session

6. [18-0561](#) Consideration of Ordinance 2018-34 AS AMENDED, To Be Entitled: "An Ordinance Authorizing Certain Incentives be Provided to the Franklin Housing Authority in Support of Developing a 48-Unit Multi-Family Senior Housing Complex On Chickasaw Place." (6/12/18 WS, 07/10/18 BOMA 1st Reading 6-2, 8/14/18 BOMA 2nd Reading 6-2) THIRD AND FINAL READING

Sponsors: Eric Stuckey and Vernon Gerth

Attachments: [Ord 2018-34 Chickasaw.Law Approved 4.pdf](#)
[Ord 2018-34 Chickasaw.Law Approved 3.pdf](#)
[Ord 2018-34 Chickasaw.Law Approved \(2\).pdf](#)
[FHA Letter of Request Chickasaw 5-16-18](#)
[FHA Cooperation Agreement 1967](#)
[FHA Presentation - rev 6.6.2018](#)

7. [18-0583](#) *Consideration of Contract No. 2018-0092 Between The City Of Franklin And State Of Tennessee Department Of General Services Relating To The Replacement Of A Section Of Sanitary Sewer On State Property In Anticipation Of Developing The New Carter House Visitor Center.

Sponsors: Eric Stuckey and Vernon Gerth

Attachments: [2018-0092 MOU State of TN Carter House New Visitor Center.Law Approved :](#)

8. [18-0455](#) Consideration of Resolution 2018-37, A Resolution To Approve An Alternative Preliminary Design Concept For The 100-Block Battle Avenue Drainage Improvements Project And Authorize Staff To Complete Right-Of-Way Acquisition, Final Design And Construction (04/26/18 CIC recommended Option 2B to BOMA 3-0) (05/08/18 WS to 6/12/18 Work session; 6/12/18 WS referred to 6/26/18 WS).
- Sponsors:** Paul Holzen
- Attachments:** [BATTLE AVE PRESENTATION 4-2018.pdf](#)
[Res 2018-37 Battle Ave Drainage Improvements_with Exhibit A.Law Approved](#)
[Stormwater Forecast - FY 2019-2022.pdf](#)
- Legislative History**
5/8/18 Work Session referred to the Work Session
9. [18-0587](#) *Consideration of Resolution 2018-53, "A Resolution Authorizing Staff to Proceed with the Home Raising Project Developed by the United States Army Corps of Engineers as part of the Harpeth River Feasibility Study".) (05/22/18 WS; referred from 6/12/18 WS)
- Sponsors:** Paul Holzen, Jonathan Marston and William Banks
- Attachments:** [Res 2018-53 USACE Home Raising Project_2](#)
10. [18-0500](#) PUBLIC HEARING: Consideration Of Resolution 2018-40, To Be Entitled: "A Resolution Approving A Revised Development Plan For Riverbluff PUD Subdivision, For The Property Located East Of Lewisburg Pike And North Of Holly Hill Drive." (05/24/18 FMPC 9-0, 6/12/18 WS)
- Sponsors:** Emily Hunter, Amy Diaz-Barriga and Christopher Andrews
- Attachments:** [RES 2018-40 RiverBluff PUD Subdivision Development Plan Revision 3_with m](#)
[MAP 6686 RiverBluff PUD Subdivision, Development Plan, Rev 3](#)
[Riverbluff Dev Plan Rev Conditions of Approval_01](#)
[12012_RiverBluff_PUD Dev Plan_REVISION 3_05_03_18_City of Franklin No 6](#)
[12012_RiverBluff_PUD Dev Plan_REVISION 3_05_03_18_City of Franklin No 6](#)
- Legislative History**
5/24/18 Franklin Municipal Planning Commission recommended favorably to the Board of Alderman and to the Work Session

11. [18-0223](#) *Consideration of Resolution 2018-34, A Resolution Authorizing The City Of Franklin To Assign Capacity Fees To Five Parcels That Will Benefit From An Unplanned Capital Improvement To The City's Public Wastewater System For The Purpose Of Recapturing The City' Of Franklin's Monetary Contribution Toward Upsizing Of Sanitary Sewer Infrastructure In The Area Of Boyd's Mill. (Ward's Mill) (03/13/18 WS, 04/10/18 WS, Deferred from 05/08/18 7-0 to 6/12 Work Session and Old Business)

Sponsors: Eric Stuckey, Vernon Gerth, Mark Hilty, Michelle Hatcher and Jimmy Wiseman

Attachments: [Wards Mill Development Fee-Revised 03-13.pdf](#)
[Resolution 2018-34 Wards Mill Capacity Fee with Exhibit A.Law Approved](#)
[Citizen letter.pdf](#)
[Wards Mill - Utility Plan Sheet](#)

Legislative History

3/13/18	Work Session	referred to the Work Session
4/10/18	Work Session	referred to the Board of Mayor & Aldermen
5/8/18	Board of Mayor & Aldermen	referred to the Work Session

12. [18-0558](#) PUBLIC HEARING: Consideration of Ordinance 2018-08, An Ordinance to Amend Ordinance 2013-50, Atmos Energy Corporation Franchise Agreement to Extend the Term for an Additional Ten (10) Years. (6/12/18 WS, 06/26/18 1ST BOMA Reading 6-0) SECOND AND FINAL READING

Sponsors: Kristine Brock

Attachments: [2018-08 ORD Atmos Franchise extension.Law Approved](#)
[History of Natural Gas Franchise Fees 2013-2018](#)

13. [18-0594](#) Discussion of Transition of Monthly Payment Dates for the City of Franklin Employee Pension Plan

Sponsors: Eric Stuckey, Kristine Brock and Kevin Townsel

14. [18-0562](#) Consideration of Ordinance 2018-29 to be entitled: An Ordinance to Amend Title 9 Chapter 2 Section 9-201(2) of the City of Franklin Municipal Code as it Pertains to Itinerant Merchants and the Removal of Vehicles, Trailers, Kiosks, Stands, Tables, Signage, Furniture, and Related Ancillary Equipment when Not Open for Business. (6/12/18 WS, 6/26 BOMA Deferred 1st Reading to 8/14 BOMA, 08/14/18 WS and BOMA 1st Reading 8-0) SECOND AND FINAL READING

Sponsors:

Eric Stuckey and Vernon Gerth

Attachments:

[18-0562 2018-29 ORD Itinerant merchants.Law Approved 2.pdf](#)

[18-0562 2018-29 ORD Itinerant merchants.Law Approved.pdf](#)

[ORD 2018-29 - Section 9-201 - Itinerant MerchantMFvjg.docx](#)

[NLC Mobile Food Vendors](#)

[Knoxville Mobile Food Ordinance](#)

[Cary, NC Mobile Food Application and Ordinance](#)

[Muni Code Sec. 9-201\(2\) and Recommended Amendment 5-18](#)

Other Business

Adjournment

Anyone requesting accommodations due to disabilities should contact ADA coordinator at 791-3277.



City of Franklin

Special Event Permit Application

*Application is Due 90 Days Prior to Scheduled Event.
Please read application carefully and fully complete each section.
A non-refundable application fee of \$100 is due at time of filing.*

Note: Filing this application does not guarantee that you request will be granted.

Please list all that apply:

- Festival/Fair

1. **Name/purpose of event:** The Great Americana BBQ Festival

2. **Location Requested:** (if Temporary Street Closure, list major roads to be closed):
Harlinsdale Farm Park.

No street closures needed.

3. **Date or dates of event:** 08/25/2018

4. **Start/End Times of Event:** 9:00 a.m. - 8:00 p.m.

What date/time will set-up begin? 8/22/2018 5:00 PM

What date/time will tear-down be complete? 8/26/2018 12:00 AM

**Note: Event is responsible for cost of staff required during this time (including Franklin Police Officers). Read Additional Requirements section for more information).*

5. **Time of Street Closure** (if applicable): N/A

6. **An estimated number expected to attend during the course of the event:**

Spectators/Attendees: 5,000

Event Staff/Volunteers: 100

Total: 5,100

7. **Name of applicant and Organization Requesting Permit:**

Scott Hubbard - The Franklin Noon Rotary Charitable Foundation, Inc.

a) Address: 707 Dorris Court
Franklin, TN 37069

b) Phone: 615-377-3319

c) Cell: 615-294-2977

d) Fax: 615-377-0644

e) E-mail address: scott@mhclosings.com

8. **DETAILED description of event** (use additional sheets):

This event is a barbecue competition which will include over 80 professional and amateur teams competing for cash prizes. Some other features will include Americana music, a classic car show, craft vendors and more.

9. **ENCLOSE A DETAILED MAP** of event site and/or route, detailing any temporary or permanent structures, street closures, parking, etc. If applicable, list the location, blocks, streets, and/or intersections in which such event will occur. **For large-scale events, map should be obtained from the City's GIS division**

Please detail any restricted parking areas on the event map.

Event Map: [event map-2017 BBQ Festival.pdf](#)

10. **Person in charge on day of event:** Chris Bridgewater

Cell: 615-719-1528

E-mail address: chris.bridgewater@franklin.tn.gov

11. **Name and Cell Number of at least two others available on day of event:**

Name: Scott Hubbard

Cell: 615-294-2977

E-mail address: scott@mhclosings.com

Name: Devin Gilliam

Cell: 615-708-8590

E-mail address: devin.gilliam@e-farmcredit.com

12.

Please attach a list containing the names, addresses, and phone numbers of the Chairperson of the organization and all other persons involved in the management or control of organization and/or committee.

Administrative Contact List: [2018 BBQ Festival Leadership and Committees.docx](#)

13. **Where is your organization based?** Williamson County

14. **Is your organization authorized to do business in Tennessee?** Yes

15. **Is your organization a tax-exempt organization as described by the Internal Revenue Code Section 501(c)(3) or a not-for-profit organization?** Yes

IRS tax exemption letter:

16. **Will you charge an admission fee?** Yes

Average admission fee: 5.00

17. **Will you charge a vendor participation fee?** Yes

Average vendor participation fee: 100.00

18. **Total Estimated Revenue from vendors, ticket sales, and sponsorship to event organizer:**

19. **Will any charity, gratuity, or offers be solicited or accepted during the event?** Yes

20. **Is this event a fundraiser?** Yes

What organization will be the benefactor of event? Franklin Noon Rotary Charitable Foundation, Inc.

What percentage of funds will they receive? 100

21. **Will parking in the area of the event need to be restricted or prohibited?** Yes

22. **Will any sound amplification equipment be used during the event?** Yes

23. Applicant must also include a copy of that company's insurance certificate indicating coverage and listing the City of Franklin as additional insured.

***For stages, tents, inflatables, etc. constructed on site prior to the event, that date must be included on Certificate of Insurance provided to the City of Franklin. Stages MUST be removed from site at end of event. ***Rented inflatables/interactives that are set-up and manned by applicant must be included specifically in applicant's Certificate of Insurance.

If you already have your insurance certificate, please upload it now. Otherwise your insurance certificate will need to be submitted before your event is approved.

Insurance Certificate:

24. **What, if any, vendors will be present at event?** (i.e. medical related, shirts, arts, etc.) **Please provide detailed list.** Craft and food vendors will be present.

25. **Will food, beverages, or merchandise be sold or given away?** Yes

Clean-up of the area is required. Please attach your clean-up and recycling plan, including name of clean-up provider with contact information for person who will be on on-site during event. See Question #26.

Clean Up Plan and Provider: [CLEAN UP PLAN -2017.docx](#)

26. Events under 200 participants require a \$250 refundable security deposit at the time of approval. For events over 200, a \$1000 security deposit is required upon approval. If the applicant fails to restore the property to its prior condition, then the applicant shall be responsible to the City of Franklin for any costs incurred in restoring the property after the event. Surrender of the deposit in no way relieves the applicant of the responsibility for any costs incurred by the City of Franklin in excess of the deposit. Applicant's event coordinator or representative and a City of Franklin representative will conduct a Pre-Event meeting prior to event date for Pre-Event Check List Site Review. *At the end of the event, a Post-Event Check List shall be completed by the Applicant's event coordinator, or representative, and a City of Franklin representative to re-assess the site for trash and damage, and to secure with caution tape and signage (provided by event group) any tents left for removal.* Damage deposit will be refunded after a satisfactory Post Event Check List has been completed and signed off on by both the City of Franklin and organization requesting event. ***NOTE:** Events that include deep frying cooking oil operations are required to have a grease pit on-site and contract with a grease waste hauler to handle the grease waste and removal of the grease pit. A copy of this agreement shall be filed along with this application. The primary event sponsor is required to remove all cooking grease from the site immediately after the event. Illegal dumping of cooking grease will be prosecuted. *Please read Additional Requirements section of this application for more information.*
27. **Will you require a temporary water tap?** Yes
If yes, please list exact locations: Will need water taps at 2 fire hydrants
28. **Will alcohol, beer, and/or wine be given away or sold?** Yes
If yes, a permit from the relevant board is required. Please read Additional Requirements section of this application for more information.
29. **Will your event include tents or other temporary structures, propane use, or open flames?** Yes
Tents 400 sq. ft. or larger (or, if cooking operations are under the tent, 200 sq. ft. or larger) require permitting from Franklin Fire Department. Safety measures must be provided on all tents, especially those set-up prior to the actual event. Tents should be taken down the date the event has ended. *Please read Additional Requirements section of this application for more information.*
30. **Attach Good Neighbor Letter and Mailing List used.** *Please read Additional Requirements section of this application for more information.*
Good Neighbor Letter: [Good Neighbor Letter.docx](#)
Good Neighbor Letter Mailing List: [Good neighbor letter mailing list.xlsx](#)



HISTORIC
FRANKLIN
TENNESSEE

PLEASE READ ATTACHMENTS BEFORE SIGNING
APPLICATION.

- 1) I/We agree to abide by all ordinances and regulations of the City of Franklin and all conditions placed upon the event by the City Administrator and the Board of Mayor and Aldermen.
- 2) I/We do swear or affirm that all of the information given in this application is true and complete.
- 3) I/We do hereby agree to assume the defense of and indemnify and save harmless the City, its aldermen, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the City may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such event and the activities permitted in connection there with, and to submit a certificate of insurance prior to the event in an amount acceptable to the City Administrator.
- 4) I/We agree to provide a copy of this signed Event Application to any vendors, planners, and related parties associated with the event to ensure they are familiar with the guidelines set forth herein.
- 5) I/We understand that I/we assume the responsibility of the actions of any vendors, planners, and related parties for this event.
- 6) I/We understand that granting of Special Event Permit does not imply granting of other permit that is separately required.
- 7) The application for an event permit shall be filed not less than 90 days nor more than 364 days prior to the scheduled date of such event. Suggested filing is at least 180 days prior to scheduled event. Events should not be advertised or promoted until an event permit has been obtained from the City. Failure to file in a timely manner may result in denial of a permit.
- 8) The City reserves the right to require one or more City of Franklin police officers or other emergency personnel be present at any and all events that occur within the city limits. Please budget for this request at a rate of \$30 per hour at a minimum of two (2) hours.

BY: 12. Jane Martin Date: 5-4-18
(Signature and title – must be officer of organization)

Approved by the Board of Mayor and Aldermen on _____, 20__.

Dr. Ken Moore, Mayor

Eric S. Stuckey, City Administrator

If you have questions concerning your request, please call 615-550-6606.

*
* *Return application to:* *
* City Administrator's Office *
* City Hall *
* 109 Third Ave South *
* Franklin, TN 37065 *
* 615-791-3217 *
* 615-790-0469 (FAX) *
*

Event The Great Americana BBQ

Name: Festival



FORM 1

Signature: _____

Buildings, Structures, & Power Sources

If your special event includes any of the following, you may need to obtain a permit from the Building and Neighborhood Services Department. Please check any that apply.

- Any electrical work utilizing site-constructed equipment or wiring
- Any electrical equipment or work utilizing in excess of 120 volts

Building permits and/or inspections also may be required whenever deemed necessary, due to unique conditions, shoddy construction, substandard assembly or set-up, unqualified assemblers, lack of maintenance, or dilapidation of equipment, materials or systems.

All Permit applications are subject to permit fees.

If you have any questions about whether you need to apply for a permit from the Building & Neighborhood Services Department, please call 615-794-7012.



Signature: _____

Sound Amplification

In accordance with Title 11 Chapter 4 of the Franklin Municipal Code (*Offenses Against the Peace and Quiet*), amplification of sound located in or within 100 feet of a residential property line which is plainly audible is prohibited between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday except for special events where a special permit has been obtained from the City of Franklin authorizing such event. In the event that a special event permit has been obtained from the City of Franklin, no other amplification of sound will be permitted within the area of the special event except that which has been applied for and authorized by the city pursuant to the permit application.

Applicant/Organization: Scott Hubbard - The Franklin Noon Rotary Charitable Foundation, Inc.

Event Name: The Great Americana BBQ Festival

Event Date(s): 08/25/2018

1. **Time amplification equipment will be used:** From: 09:00:00 AM To: 07:00:00 PM
2. **Exact locations sound amplification equipment will be used** (*i.e. stage located on Second Avenue*). Provide map/layout if necessary.:

Music Stage located next to the stables at Harlinsdale

Sound Amplification Map: [event map-2017 BBQ Festival.pdf](#)

3. **For what purpose will sound amplification be used?** Please list all that apply:

- Announcements/Speeches
- Band/Singers

4. **Type of Amplifier:**

- Fixed
- PA System

5.

Number of Amplifiers: 8

Number of Speakers: 8

Number of Performers: 6

6. **Name and Cell Number of at least two coordinators who will monitor the sound level and respond to complaints and violations:**

Name: Jeff Nicholls

Cell: 972-569-0900

E-Mail: home@jeffnicholls.com

Name: Levei Dominguez

Cell: 915-525-3036

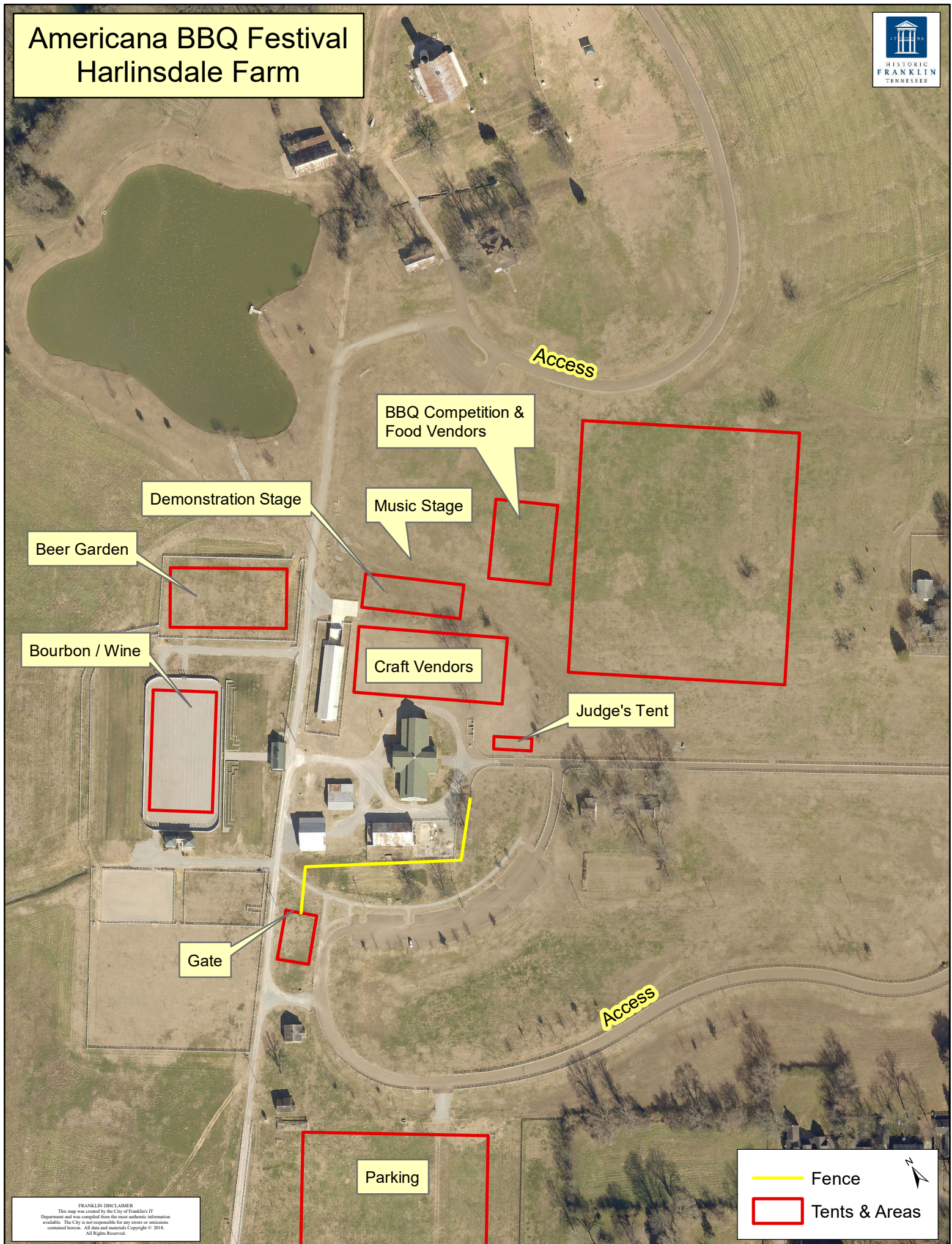
E-Mail: levei.sstuible@farmersagency.com

Authorized Signature: Scott Hubbard

Date: 05/04/2018

The City of Franklin's Municipal Code (Title 11, Chapter 4) allows for exceptions to the City's noise standards for City authorized or sponsored events. However, the City retains the right to ask for a change of an event's location or time in an attempt to decrease the number of people impacted by event noise. The City may refuse a special event application based on noise complaints by neighboring businesses and residents. The City therefore encourages event-holders to work with neighbors to alleviate negative impacts wherever possible. At minimum, you should plan to point speakers away from residences.

Americana BBQ Festival Harlinsdale Farm



**THE GREAT AMERICANA BBQ FESTIVAL
2018 LEADERSHIP AND COMMITTEE STRUCTURE**

BBQ FESTIVAL BOARD:

Chris Bridgewater
Devin Gilliam
Jeff Nichols
Patrick Baggett
Mark Tumblin
Bill Foley
Scott Hubbard
Nathan Perry

BBQ FESTIVAL COMMITTEES AND CHAIRS:

1. Grounds and Utilities: Chris Bridgewater and Bert Morton
2. BBQ Competitors and Judges: Nathan Perry and Jason Gregg
3. Marketing and Media: Kelly Mays, Jeff Nicholls, Derby Jones
4. Red Tape Committee (City of Franklin approvals) Scott Hubbard
5. Club Beer and Food (meal vendors) Sales: Mark Tumblin
6. Craft Vendors, Snack Vendors (Popcorn, ice cream, etc.):
7. Sponsors: Devin Gilliam, Scott Hubbard, Chris Bridgewater
8. Music and Entertainment: Jeff Nicholls
9. Ticket Sales: Bill Foley
10. Demonstration Stage: Nancy Otte
11. Bourbon Tent: Jeff Nicholls
12. Craft Beer Garden: Jeff Nicholls
13. Website and Social Media: Jeff Nicholls
14. Parking: Matt Ligon
15. Technology and Festival Communication: Mark Tumblin
16. People's Choice BBQ: Chuck Jolly
17. Merchandise: Valerie Clark
18. Rentals (Gold Carts, Kubotas): Scott Hubbard
19. Insurance Compliance: Patrick Baggett
20. Safety: Patrick Baggett, Devin Gilliam, Scott Hubbard
21. Guest, Judge and Handicap Transportation:
22. Schedule of Day's Events: Kelly Mays
23. Tents, Tables and Chairs: Devin Gilliam
24. Hospitality: Jeff Nicholls
25. Coke and water sales: Bill Foley

CLEAN UP PLAN FOR THE GREAT AMERICANA BBQ FESTIVAL
AUGUST 26, 2017

Cleanup of the park will be by members of the Franklin Noon Rotary Club. Cleanup will take place throughout the day of the event and final cleanup should be completed by 7:00 p.m. on August 27.

Cleanup and waste removal to be coordinated with the City of Franklin solid waste department as was done for the 2016 event. More dumpsters will be needed for the 2017 event.

Dumpsters rented from the City of Franklin will be located in multiple areas of the park for use throughout the event. BBQ teams will have two dumpsters located in their area.

BBQ teams will have special containers dedicated for grease disposal.

Dumpsters will need to be delivered to the park by Friday morning August 25.

Staff Conditions

- Applicant will provide Good Neighbor Letter which will be distributed to area residents.
- **Risk Management:**
 - Certificate of Insurance that includes all the activities, alcohol liability, equipment, vendors, booths and food trucks including the dates from set up to clean up to put on this event. Any hired providers must have insurance covering their activity, equipment and service, naming the City of Franklin as additional insured for the duration of the event from set up to clean up. The certificate of insurance will be due 30 days prior to the event (July 27, 2018). The certificate of insurance must include the dates of set up through equipment pickups and teardown.
- **Building and Neighborhood Services:**
 - Special Event Electrical Permit may be required if generators are used.
- **Police Department:**
 - Applicant will hire recommended number of extra-duty Franklin Police Officer to provide traffic control and security, including overnight.
 - Pursuant to Franklin Municipal Code Section 11-403(3), amplified sound will only be permitted in the areas indicated on the application.
- **Sanitation and Environmental Services:**
 - Four to six dumpsters will be provided by department at a cost of \$110 each
- **Fire/EMS Department:**
 - Tent permit and inspection will be required for any tents larger than 200 square feet.
 - The applicant will contact the Fire Department to determine if on-site EMS services are needed.
- **Revenue Management**
 - Applicant will contact Revenue Management to determine if Beer permit is needed.
- **Parks Department:**
 - Upon setup, work with Park staff for placement of signs, portable toilets, tents, vehicles, barricades, set up and all equipment or stages.
 - The Park at Harlinsdale Farm should remain open until dark on Wednesday, August 22, 2018 and open again as soon as possible after the event.
 - Once the event set up days are determined the Parks Department will calculate the total rental fee charges based on the number of days to be rented.

- o Parks Staff will be required to supervise the facility during the rental. A payment of \$25 per hour per person will be payable at the end of the event. The Parks Department will determine the number of staff required.
- o Signage (including banners) can be placed at The Park at Harlinsdale Farm two weeks prior to the event, must be no longer than 8 feet, and can only be placed to the side of the entrance using the eye bolts that are already in place.
- o A pre-event meeting should be held with parking service/volunteers and City to review parking plan and to walk the site.
- o A communications plan, emergency weather plan, and emergency plan (for lost child, medical etc.) must be supplied in writing and reviewed with Fire, EMS, Police, parking and Parks prior to event. Organizers charged with this responsibility must be present on the day of the event to review all plans with personnel each day.
- o The Event organizer is responsible to rent portable toilets to handle the number of attendees. The locations will be determined with Parks Staff prior to the event.
- o There will be no use of the main barn.
- o Use of the Tractor Supply Co Arena requires a separate application with a separate payment. A certificate of insurance with the Friends of Franklin Parks listed as additional insured would be required.
- o Electrical boxes in the event space are available for use.
- o Irrigation on the event pad will be marked prior to any tents being staked.
- o The layout of tents, stages, vendor/food booths is up to event organizer. Temporary directional signage will be the responsibility of the event organizer. Non-permanent field paint and temporary signs/arrows only.
- o Ice and EMS/first aid onsite would be required.
- o There is no lighting at the park for after dark and it is the responsibility of the event organizers to provide light towers for safety and breakdown of the event after hours.
- o The emergency road around the barn and the roads entering this space must be kept clear of booths, cars or any obstacles. The barn buildings have a 20-foot perimeter for putting any temporary structures.
- o Event organizers must have a plan to safely allow vendors to set up and exit without blocking the emergency road. The city will provide 10 orange/yellow barricades to assist with traffic control.
- o Security must be onsite once the setup is underway. The city park is not supervised and not responsible for the tents or booths, or equipment that stay onsite for the event.
- o On the day of the event, the center road will be for closed and used for emergency vehicles only. The public and vendors will be required to use the outside loop road for access to parking.

OFFICE USE ONLY:

Permit No:



HISTORIC
FRANKLIN
TENNESSEE

CITY OF FRANKLIN EVENT PERMIT APPLICATION

*Application is Due 90 Days Prior to Scheduled Event.
Please read application carefully and fully complete each section.
A non-refundable application fee of \$100 is due at time of filing.*

Note: Filing this application does not guarantee that your request will be granted.

Please check
all that apply:



street closure

☐ parade

☐ other special event

☐ beer served (**separate permit required**)

Please supply the following information. For additional space, use separate sheets of paper and attach to the application.

1) Location requested (if Temporary Street Closure only, list major roads to be closed):

___ Aspen Grove Park

___ Liberty Park

___ Eastern Flank Battlefield Park

___ Fieldstone Farms

___ Pinkerton Park

DOWNTOWN SQUARE

___ Jim Warren Park

___ Harlinsdale Farm

Other: 3RD AVE NORTH & SOUTH

2) Name/purpose of event: 4TH OF JULY CELEBRATION

3) Date or dates of event: JULY 4, 2018

4) Time of Event: 10 A.M. - 8 P.M.

5) Time of Street Closure (if applicable): MIDNIGHT, JULY 3RD

Set-Up Date/Time: 4 A.M.

Tear-down Date/Time: START 8 P.M. FINISH 11:30 P.M.

*Note: Two (2) hours will be added before set-up time and two hours (2) will be added after tear-down to allow time for clean-up. Event is responsible for payment of Franklin Police Officers during this time. Read Additional Requirements section for more information.

6) Name of Applicant and Organization Requesting Permit:

FRANKLIN LIONS CLUB

a) Address: P.O. BOX 521, FRANKLIN, TN 37065

b) Phone: _____ c) Cell: 615-479-7751 d) Fax: 931-486-0136

e) E-mail address: TNBUGLE@AOL.COM

7) Person in charge on day of event: SCOTT DUCAJ

Cell: 615-479-7751 E-mail address: TNBUGLE@AOL.COM



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TENNESSEE

8) Name and Cell Number of at least two others available on day of event:

Name: MIKE WYATT Cell: 615-260-4563 E-mail address: MIKE@WYATT.COM

Name: PAUL DEYO Cell: 615-898-5562 E-mail address: PABLOD953@TDS.NET

9) DETAILED description of event (use additional sheets):

JULY 4TH CELEBRATION - 10 A.M. - 8 P.M. 60 CRAFT & FOOD VENDOR, INCLUDING WILLIAMSON MEDICAL UNIT ONE STAGE ON SQUARE, KIDS ZONE ON 3RD AVE. SOUTH

10) **ENCLOSE A DETAILED MAP** of event site, detailing any temporary or permanent structures, street closures, parking, etc. If applicable, list the location, blocks, streets, and/or intersections in which such event will occur. **For large-scale events, map should be obtained from the City's GIS division.**

11) An estimated number of participants and an estimated number of attendees expected to attend during the course of the event:

3,000

12) **Please attach a list** containing the names, addresses, and phone numbers of the Chairperson of the organization and all other persons involved in the management or control of organization and/or committee.

13) Is your organization based in Williamson County? Circle Yes or No
(if no, please state where: _____)

14) Is your organization authorized to do business in Tennessee? Circle Yes or No

15) Is your organization a tax-exempt organization as described by the Internal Revenue Code Section 501(c)(3) or a not-for-profit organization? Circle Yes or No. If yes, please attach copy of IRS tax exemption letter providing proof of status.

16) Will you charge an admission/participation fee (including vendors)? If yes, please specify how much per person/vendor. VENDOR FEES ONLY - \$150 PER SPACE

17) Will any charity, gratuity, or offers be solicited or accepted during the event? Circle Yes or No.
LIONS CLUB & VFV

18) Is this event a fundraiser? Circle Yes or No. If yes, what organization will be benefactor of event? What percentage of funds will they receive? _____

FRANKLIN LIONS CLUB - 100% AFTER EXPENSES

19) Will parking in the area of the event need to be restricted or prohibited? Circle Yes or No.



HISTORIC
FRANKLIN
TENNESSEE

- 20) Will any sound amplification equipment be used during the event? Circle Yes or No. If no, please skip to Question #22.
- 21) For what purpose will sound amplification be used (i.e. announcements, entertainment, etc.)?
ANNOUNCEMENTS & ENTERTAINMENT
FROM THE STAGE.
- 22) What type of sound amplification will be provided (DJ, Band, etc.)? Please list all that apply.
BANDS, CHILDRENS SHOW, ANNOUNCEMENTS
- 23) During what time period is sound amplification requested? 10 A.M. - 8 P.M.
- 24) If for entertainment, give details of entertainment being provided (i.e. number of musicians, type of music, amp wattage, etc.). MEDIUM SIZE BANDS
ALL VOLUME MONITORED BY D.B. METERS
& KEPT BELOW 110 D.B.
- 25) Will any stages, amusement attractions, or amusement rides, including inflatables, be erected for the event? Circle Yes or No. If yes, Applicant must give specific details as to the location and type of games/activities, i.e. inflatables, Horseshoes, relay races, etc. along with the name of the company providing the stages and/or activities. **Applicant must also include a copy of that company's insurance certificate indicating coverage and listing the City of Franklin as additional insured.** ***For stages, tents, inflatables, etc. constructed on site prior to the event, that date must be included on Certificate of Insurance provided to the City of Franklin. Stages MUST be removed from site at end of event. ***Rented inflatables/interactives that are set-up and manned by applicant must be included specifically in applicant's Certificate of Insurance.
- 26) What, if any, vendors will be present at event? (i.e medical related, shirts, arts, etc.) **Please provide detailed list.** Use additional sheets.
- 27) Will food, beverages, or merchandise be sold or given away? Circle Yes or No. If yes, clean-up is required. Please provide name of clean-up provider, contact, and phone number of person on-site during event. See Question #28. _____
- 28) Events under 200 participants require a \$250 refundable security deposit at the time of approval. For events over 200, a \$1000 security deposit is required upon approval. If clean-up is not done properly, the organization requesting the permit will be fined (See Attachment A). Applicant's event coordinator or representative and a City of Franklin representative will conduct a Pre-Event meeting prior to event date for Pre-Event Check List Site Review. *At the end of the event, a Post-Event Check List shall be completed by the Applicant's event coordinator, or representative, and a City of Franklin representative to re-assess the site for trash and damage, and to secure with caution tape and signage (provided by event group) any tents left for removal.* Damage deposit will be refunded after a satisfactory Post Event Check List has been completed and signed off on by both the City of Franklin and organization requesting event.

- 29) ***NOTE:** Events that include deep frying cooking oil operations are required to have a grease pit on-site and contract with a grease waste hauler to handle the grease waste and removal of the grease pit. A copy of this agreement shall be filed along with this application. The primary event sponsor is required to remove all cooking grease from the site immediately after the event. Illegal dumping of cooking grease will be prosecuted. *Please read Additional Requirements section of this application for more information.*
- 30) Will you require a temporary water tap? Circle Yes or No. If yes, please list exact locations:
THE SQUARE AT 3RD AVENUE NORTH
THE SQUARE AT 3RD AVENUE SOUTH
- 31) Will alcohol, beer, and/or wine be given away or sold? Circle Yes or No. If yes, a permit from the relevant board is required. *Please read Additional Requirements section of this application for more information.*
- 32) Will your event include tents or other temporary structures, propane use, or open flames? Circle yes or no. Events using tents of size 20 x 10 or larger require permitting from Franklin Fire Department. Safety measures must be provided on all tents, especially those set-up prior to the actual event. Tents should be taken down the date the event has ended. *Please read Additional Requirements section of this application for more information.*
- 33) Attach Good Neighbor Letter and Mailing List used. *Please read Additional Requirements section of this application for more information.*

TITLE VI OF THE 1964 CIVIL RIGHTS ACT

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Risk Manager
City of Franklin
109 Third Avenue South
Franklin, Tennessee 37064
615.791.3277

The City of Franklin is committed to providing reasonable access and accommodations upon request for people with disabilities. Please call the Risk Management Department at (615)791-3277 for specific requests.



HISTORIC
FRANKLIN
TENNESSEE

**PLEASE READ ATTACHMENTS BEFORE SIGNING
APPLICATION.**

- 1) I/We agree to abide by all ordinances and regulations of the City of Franklin and all conditions placed upon the event by the City Administrator and the Board of Mayor and Aldermen.
- 2) I/We do swear or affirm that all of the information given in this application is true and complete.
- 3) I/We do hereby agree to assume the defense of and indemnify and save harmless the City, its aldermen, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the City may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such event and the activities permitted in connection there with, and to submit a certificate of insurance prior to the event in an amount acceptable to the City Administrator.
- 4) I/We agree to provide a copy of this signed Event Application to any vendors, planners, and related parties associated with the event to ensure they are familiar with the guidelines set forth herein.
- 5) I/We understand that I/we assume the responsibility of the actions of any vendors, planners, and related parties for this event.
- 6) I/We understand that granting of Special Event Permit does not imply granting of other permit that is separately required.
- 7) The application for an event permit shall be filed not less than 90 days nor more than 364 days prior to the scheduled date of such event. Suggested filing is at least 180 days prior to scheduled event. Events should not be advertised or promoted until an event permit has been obtained from the City. Failure to file in a timely manner may result in denial of a permit.
- 8) The City reserves the right to require one or more City of Franklin police officers or other emergency personnel be present at any and all events that occur within the city limits. Please budget for this request at a rate of \$30 per hour at a minimum of two (2) hours.

BY: SETH A. DUNN ^{FRANKLIN LIONS CLUB} - DIRECTOR THE 4TH FRANKLIN ON Date: 3/15/2018
(Signature and title – must be officer of organization)

Approved by the Board of Mayor and Aldermen on _____, 20____.

Dr. Ken Moore, Mayor

Eric S. Stuckey, City Administrator

If you have questions concerning your request, please call 615-550-6606.

*
* **Return application to:** *
* City Administrator's Office *
* City Hall *
* 109 Third Ave South *
* Franklin, TN 37065 *
* 615-791-3217 *
* 615-790-0469 (FAX) *
*

Good Neighbor Letter

Franklin On The 4th Fourth of July Celebration On the Square in Historic Downtown Franklin, TN

*In Cooperation & Sponsored by The City of Franklin
Benefiting*



The Franklin Lions Club



General Information

Date: Wednesday, July 4th, 2018

Time: 10am – 8:30pm

Music: 10 a.m. – 8:00pm

Location: On the Square in Historic Franklin

Street Closures: Main Street at 2nd Avenue., The Square, Main Street to 4th Avenue.
1 block of 3rd Avenue North & South

Closure Time: July 4th, 1 a.m.

Open Time: July 4th, Midnight

Event Organizer: Scott Ducaj, PO Box 140835, Nashville, TN

On Site Phone: 615-479-7751

This family-friendly event is organized and produced by The Franklin Lions Club in conjunction with the City of Franklin and TN Events. Last year's event attracted more than 3,000 people and this year's event should be similar. There will be over fifty food & craft vendors, music stage, antique cars, and a kid's zone. The Kid's zone will be filled with things to dazzle the little ones including inflatables, climbing walls, slides, interactive crafts & a petting zoo. The Children's Parade will begin at 5 p.m. starting at Main Street and 4th Avenue. There will be Prizes for best costume and decorated bikes and wagons. Pets are welcome!

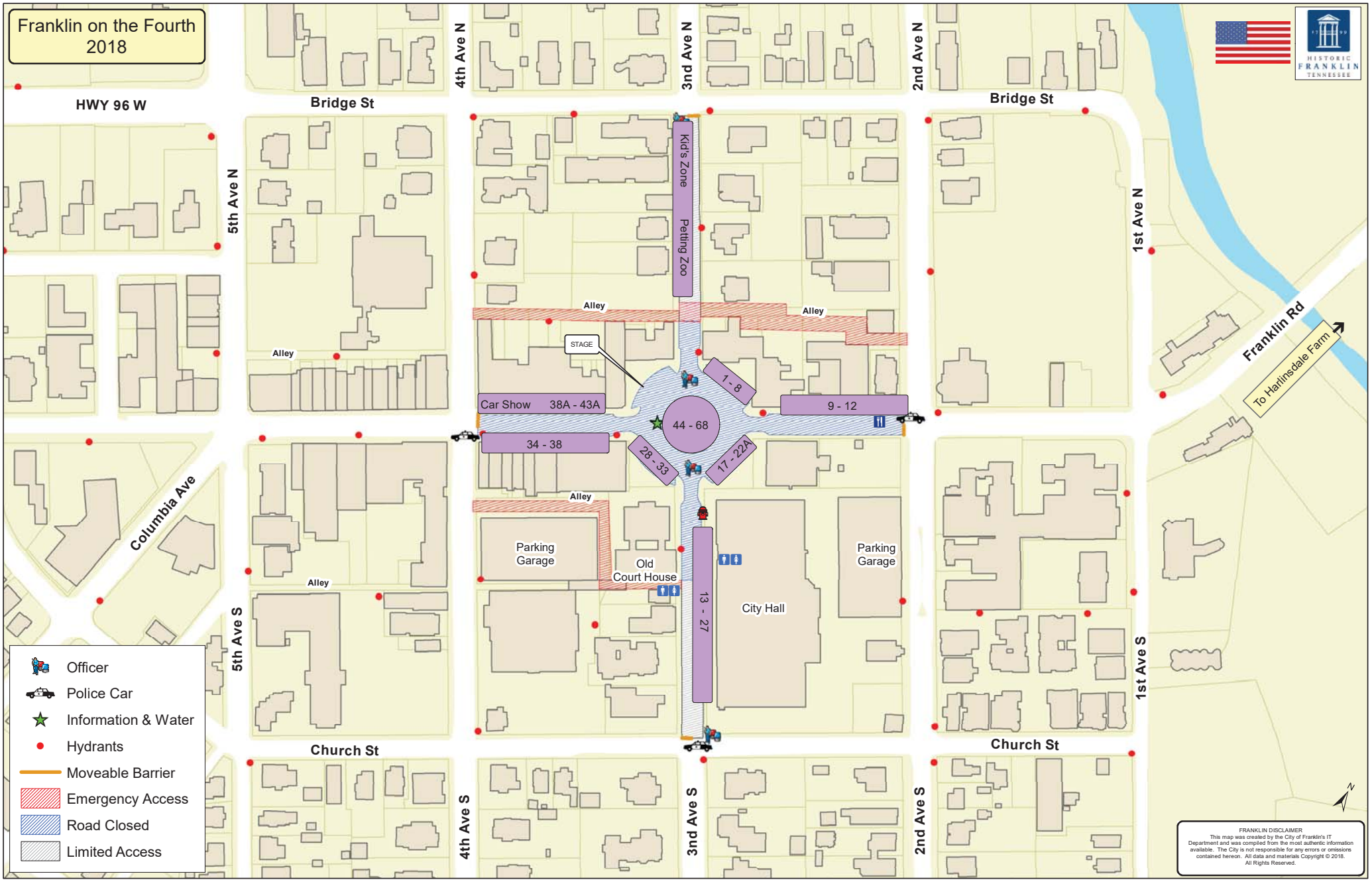
Its purposes are to celebrate the 4th of July by showcasing high quality superb musical entertainment, acquaint the public with the restored historic downtown area, and raise money for the Franklin Lions Club. *Founded in 1945, Franklin's Lions club is the oldest civic organization in the city. Events for Franklin on the Fourth will kick off at 10 a.m. in downtown Franklin. For more information, please visit: www.TNeventInfo.com.* This event concludes at 9:30 p.m.

The Franklin Lions Club does appreciate the fact that there are many businesses downtown serving as not only a great backdrop for the festival, but also giving the patrons many options in shopping. We realize that you are here year round and will do all we can do to make this a favorable experience for your business as well as our guests. We are trying to minimize the amount of time for street closures, to a minimal amount for set up and clean up. We also understand that we are in a residential neighborhood and that volume can be an issue. All our sound engineers (which control all stage groups) are equipped with sound meters to ensure the volume stays within acceptable neighborhood guidelines and levels.

We are excited to be downtown and look forward to a great day!

Scott Ducaj, Director
Franklin On The 4th
Franklin Lions Club

Franklin on the Fourth 2018

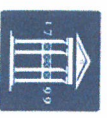
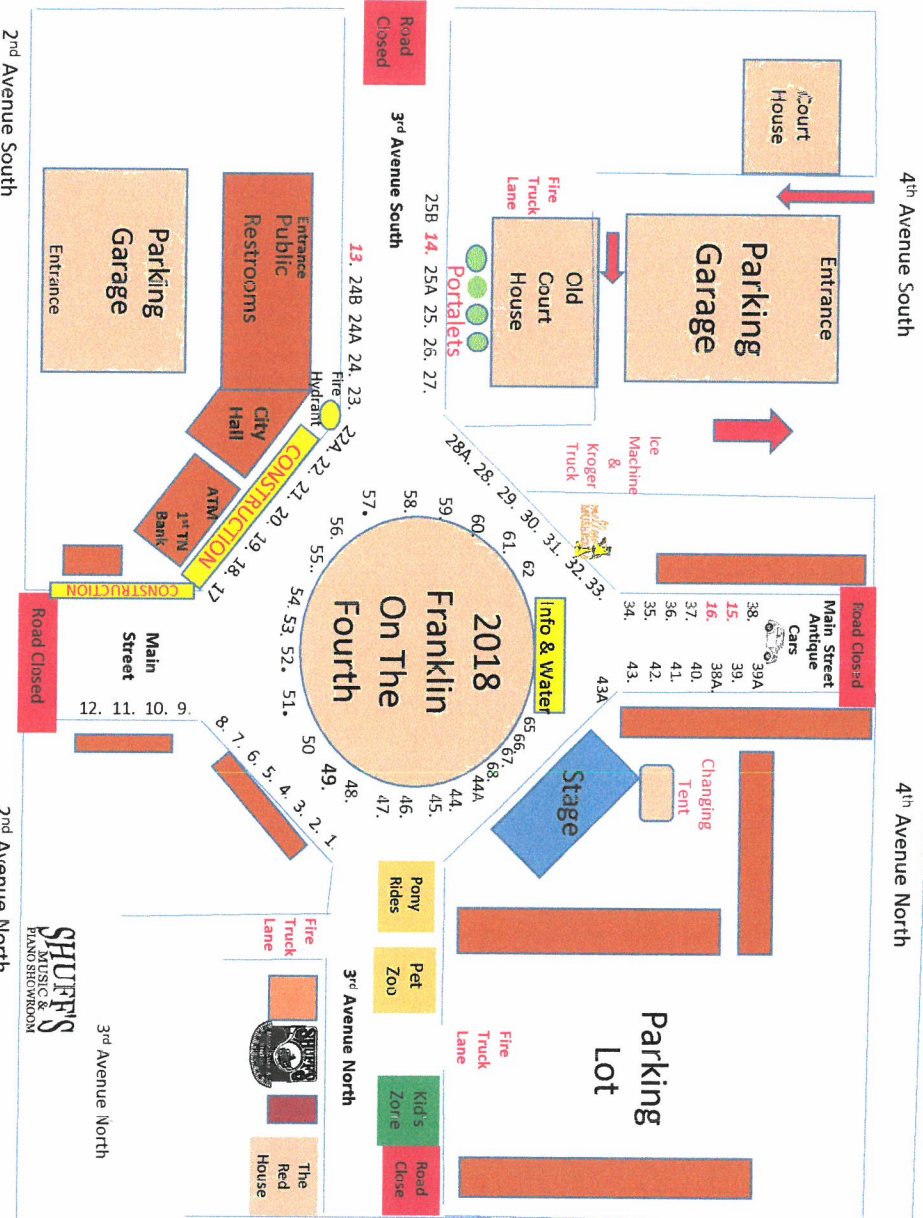




Vendor Location

1. Sno-Ball Heaven
2. Sno-Ball Heaven
3. Bradley's Ice Cream
4. Bradley's Ice Cream
5. Wild Bill's O.F. Soda
6. Wild Bill's O.F. Soda
7. Ace Kettle Corn
8. Ace Kettle Corn
9. JB Rich Artisan Soap
10. Lularoe with Roddy's
11. Will, Med, EMT Unit
12. Handmade 4 Dolls
13. Color Show Designs
14. Toy's N Secs
15. Old Sarges Jerky
16. Old Sarges Jerky
17. Buffalo's Sausage
18. Jamba Juice
19. Clay's Kitchen
20. Padinos Tops
21. Papa Doo's & Mama Doo's
22. Sunshine Oasis
- 22A. Sunshine Oasis
23. Lularoe A. L. Bowling
24. The Ditty Hen
- 24A. Derby Style
- 24B. Derby Style
- 25A. Lips of Beatee
- 25B. Deites Design Jewelry
25. Sleep Tight Nashville
26. Patriot Strong
27. Southern Jerry Co.
- 28A. Delicias Columbianas
28. TBA
29. TBA
30. Kona Ice
31. Kona Ice
32. Begley's Dogs
33. Begley's Dogs
34. R & E's Jewelry
35. R & E's Jewelry
36. Leaf Filter
37. VFW
38. Unity Chiopracitic
- 38A. Agnes & Dora by E. & E.
- 39A. Slip Green Tea Hawaii
39. Artwork by Debz
40. Seal Smart, LLC
41. Real Time Pain Relief
42. The Farm at Natchez Trace
43. The Farm at Natchez Trace
- 43A. TN Foundation Services
44. Odyssey Woodcraft & Laser
- 44A. Lightbulb City
45. Poo Doo Leash
46. Sweet Little Owl
47. Paige's Face Painting
48. Little Nest Portraits
49. Life Spring Chiopracitic
50. Team Whitt Design
51. Frazz
52. Renewal by Anderson
53. Elida's Unique Designs
54. Music City Enterprise
55. The Candyery
56. Kay's Kratts & Kreations
57. Kay's Kratts & Kreations
58. Strings N Things
59. Armon Cheek Portraits
60. Pinnacle Home Improve.
61. WCCAC
62. Eco Hand Made
63. Information - Lions Club
64. Information - Lions Club
65. David Price Center
66. Randall Hanson
67. Randall Hanson
68. Nashville Vintage Flag Co.

Tnevents





2018 Franklin On the 4th

This is a list containing the names, addresses, and phone numbers of the Chairperson of the organization and all other persons involved in the management or control of organization and/or committee.

Brad Coleman – President

Franklin Lions Club
PO Box 521
Franklin, TN 37065
615-400-2573
BradC@williamson-tn.org

Scott Ducaj – Director, Franklin On The 4th

Franklin Lions Club
1725 John Sharp Rd.
Spring Hill, TN 37174
615-479-7751
tnbugle@aol.com
www.TNeventInfo.com

Mike Wyatt – Logistics Manager, Franklin On The 4th

PO Box 140835
Nashville, TN 37214
615-260-4563
mkentwyatt@comcast.net

Paul Deyo – Vendor Manager, Franklin On The 4th

PO Box 140835
Nashville, TN 37214
615-498-5562
Pablod953@gmail.com

Staff Conditions

- The applicant will participate in a walk-through of the area prior to the event.

Risk Management:

- Lions Club and Zia Music will provide updated certificates of insurance naming the City as additional insured.

Sanitation and Environmental Services:

- Department will provide cleanup during event.

Streets Department:

- Department will set-up closure and provide barricades beginning at 4 a.m. on Wednesday, July 4th.
- Department will provide clean-up crew after the event.

Building & Neighborhood Services Department:

- Electrical permit will be required

Police Department

- The Department will provide on duty Police Officers to provide security during the festival.
- Applicant has requested amplification on stage located on the Square. Pursuant to Franklin Municipal Code Section 11-403(3), this is the only location at which amplified sound will be permitted during this event.

Fire Department:

- The Fire Department will require any vendor who is cooking to have a minimum 10-pound ABC (all purpose) fire extinguisher. The extinguisher must be fully charged and be tagged by a Tennessee state licensed fire equipment distributor. Any vendor who is frying must also have a K-Class fire extinguisher. Any vendor who is cooking with solid fuel, such as wood or charcoal, must have a minimum 2 ½ gallon pressurized water fire extinguisher.
- The stage must have at least one 10-pound ABC fire extinguisher.
- Any vendor using open flames, such as candles, must also have at least one fire extinguisher.
- We will require a minimum of 10-feet of clearance along the curb on either side of the alley entrance so that emergency vehicles can make the turn. A Fire Department access lane on the west side of Third is also required, along with the 10-foot clearance along the curb at the entrance.
- The alley behind the courthouse on Third Avenue South is a fire lane and needs the 10-feet of clearance along the curb on either side of the alley entrance.

- Twenty-feet of clearance is needed down Third Avenue North and South from Bridge and Church streets to the alleys. Please have the petting zoo and pony rides operators set up the fence so that it only takes up one lane.
- Vendor pop-up tents must be provided with sufficient weight to prevent them from being affected by the wind. 40-pounds per leg (One 5-gallon bucket of water) is recommended.

OFFICE USE ONLY:

Permit No: _____



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FRANKLIN
TENNESSEE

CITY OF FRANKLIN EVENT PERMIT APPLICATION

*Application is Due 90 Days Prior to Scheduled Event.
Please read application carefully and fully complete each section.
A non-refundable application fee of \$100 is due at time of filing.*

Note: Filing this application does not guarantee that your request will be granted.

Please check
all that apply:

☒ street closure

☐ parade

☐ other special event

☐ beer served (*separate permit required*)

Please supply the following information. For additional space, use separate sheets of paper and attach to the application.

1) Location requested (if Temporary Street Closure only, list major roads to be closed):

_____ Aspen Grove Park

_____ Liberty Park

_____ Eastern Flank Battlefield Park

_____ Fieldstone Farms

_____ Pinkerton Park

_____ Jim Warren Park

_____ Harlinsdale Farm

Other: Public Square

2) Name/purpose of event: Bluegrass Along The Harpeth

3) Date or dates of event: July 27, 28, 2018

4) Time of Event: Fri. 7-10pm Sat. 10A-10P

5) Time of Street Closure (if applicable): Fri 5:00pm - Sat Midnight

Set-Up Date/Time: Fri. 5:00pm

Tear-down Date/Time: 10P-12A

*Note: Two (2) hours will be added before set-up time and two hours (2) will be added after tear-down to allow time for clean-up. Event is responsible for payment of Franklin Police Officers during this time. Read Additional Requirements section for more information.

6) Name of Applicant and Organization Requesting Permit:

Bluegrass Along Harpeth / Williamson Co. Cultural Arts

a) Address: 421 Perkins Dr. Franklin, TN 37064

b) Phone: 615-390-3588 **c) Cell:** _____ **d) Fax:** 615-794-1595

e) E-mail address: rtrevue@aol.com

7) Person in charge on day of event: Tommy Jackson

Cell: 615-390-3588 **E-mail address:** rtrevue@aol.com



HISTORIC
FRANKLIN
TENNESSEE

8) Name and Cell Number of at least two others available on day of event:

Name: Tommy Jackson Cell: 615-390-3585 E-mail address: RTREVERE@aol.com

Name: Robyn Durdin Cell: 615-210-2076 E-mail address: _____

9) DETAILED description of event (use additional sheets):

music festival + competition

10) **ENCLOSE A DETAILED MAP** of event site, detailing any temporary or permanent structures, street closures, parking, etc. If applicable, list the location, blocks, streets, and/or intersections in which such event will occur. *For large-scale events, map should be obtained from the City's GIS division.*

11) An estimated number of participants and an estimated number of attendees expected to attend during the course of the event:

5-6000

12) Please **attach a list** containing the names, addresses, and phone numbers of the Chairperson of the organization and all other persons involved in the management or control of organization and/or committee.

13) Is your organization based in Williamson County? Circle Yes or No

(if no, please state where: _____)

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15) Is your organization a tax-exempt organization as described by the Internal Revenue Code Section 501(c)(3) or a not-for-profit organization? Circle Yes or No. If yes, please attach copy of IRS tax exemption letter providing proof of status.

16) Will you charge an admission/participation fee (including vendors)? If yes, please specify how much per person/vendor. No admission charge / vendors 75⁰⁰ each

17) Will any charity, gratuity, or offers be solicited or accepted during the event? Circle Yes or No.

18) Is this event a fundraiser? Circle Yes or No. If yes, what organization will be benefactor of event? What percentage of funds will they receive? _____

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FRANKLIN
TENNESSEE

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- 21) For what purpose will sound amplification be used (i.e. announcements, entertainment, etc.)?
Announcements & Entertainment
- 22) What type of sound amplification will be provided (DJ, Band, etc.)? Please list all that apply.
Live Bands, Announce
- 23) During what time period is sound amplification requested? 7PM-10PM Fri, 10A-10PM Sat
- 24) If for entertainment, give details of entertainment being provided (i.e. number of musicians, type of music, amp wattage, etc.). Fri Musical showcase with Live Bands
Sat. Competition with Live Bands
Bluegrass
- 25) Will any stages, amusement attractions, or amusement rides, including inflatables, be erected for the event? Circle Yes or No. If yes, Applicant must give specific details as to the location and type of games/activities, i.e. inflatables, Horseshoes, relay races, etc. along with the name of the company providing the stages and/or activities. **Applicant must also include a copy of that company's insurance certificate indicating coverage and listing the City of Franklin as additional insured.** ***For stages, tents, inflatables, etc. constructed on site prior to the event, that date must be included on Certificate of Insurance provided to the City of Franklin. Stages MUST be removed from site at end of event. ***Rented inflatables/interactives that are set-up and manned by applicant must be included specifically in applicant's Certificate of Insurance.
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Tommy Jackson 615-390-3588
- 28) Events under 200 participants require a \$250 refundable security deposit at the time of approval. For events over 200, a \$1000 security deposit is required upon approval. If clean-up is not done properly, the organization requesting the permit will be fined (See Attachment A). Applicant's event coordinator or representative and a City of Franklin representative will conduct a Pre-Event meeting prior to event date for Pre-Event Check List Site Review. *At the end of the event, a Post-Event Check List shall be completed by the Applicant's event coordinator, or representative, and a City of Franklin representative to re-assess the site for trash and damage, and to secure with caution tape and signage (provided by event group) any tents left for removal.* Damage deposit will be refunded after a satisfactory Post Event Check List has been completed and signed off on by both the City of Franklin and organization requesting event.

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30) Will you require a temporary water tap? Circle Yes or No. If yes, please list exact locations:

Beside City Hall and Beside Shoetique Boutique 3rd Ave. No.

31) Will alcohol, beer, and/or wine be given away or sold? Circle Yes or No. If yes, a permit from the relevant board is required. *Please read Additional Requirements section of this application for more information.*

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Franklin, Tennessee 37064
615.791.3277

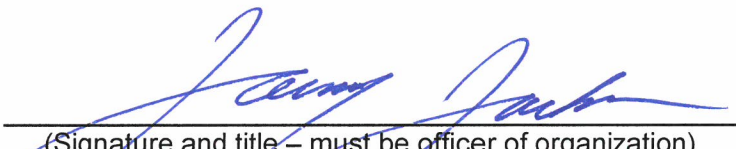
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HISTORIC
FRANKLIN
TENNESSEE

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BY:  Date: 4-5-18
(Signature and title – must be officer of organization)

Approved by the Board of Mayor and Aldermen on _____, 20____.

Dr. Ken Moore, Mayor

Eric S. Stuckey, City Administrator

If you have questions concerning your request, please call 615-550-6606.

*
* **Return application to:** *
* City Administrator's Office *
* City Hall *
* 109 Third Ave South *
* Franklin, TN 37065 *
* 615-791-3217 *
* 615-790-0469 (FAX) *
*

**Request for Taxpayer
Identification Number and Certification**

Give Form to the
requester. Do not
send to the IRS.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Williamson County Cultural Arts Commission

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
☐ Individual/sole proprietor or single-member LLC
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶
Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
☐ Other (see instructions) ▶

☐ C Corporation
☐ S Corporation
☐ Partnership
☐ Trust/estate

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any) _____
Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
P.O. Box 682733

6 City, state, and ZIP code
Franklin, TN 37068-2733

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number

			-						
--	--	--	---	--	--	--	--	--	--

or

Employer identification number

6	2	-	1	3	8	6	2	1	1
---	---	---	---	---	---	---	---	---	---

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶ Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

BLUEGRASS ALONG HARPETH
TYPES OF VENDORS
JUY 27, 28 2018

ARTS AND CRAFTS
CORPORATIONS
FOOD VENDORS

REQUEST FOR STREET CLOSURE FOR:

BLUEGRASS ALONG THE HARPETH
FRIDAY / SATURDAY, JULY 27 –28, 2018

FRIDAY –

REQUEST CLOSURE OF PARKING QUADS AROUND THE
SQUARE BEGINNING AT 5:00 A.M. ON FRIDAY, JULY 27TH
IN ORDER FOR VENDORS TO SET UP BOOTHS AND TO
ERECT STAGE.

REQUEST FOLLOWING STREETS BE CLOSED OFF,
BEGINNING AT 5:00 P.M. ON FRIDAY:

EAST MAIN FROM TOWN SQUARE TO CROSS STREET AT
2ND AVENUE.

3RD AVENUE NORTH FROM TOWN SQUARE TO TRAFFIC
LIGHT AT CHURCH STREET

3RD AVENUE SOUTH FROM TOWN SQUARE TO ALLEY
BEHIND FIFTH THIRD BANK ONLY

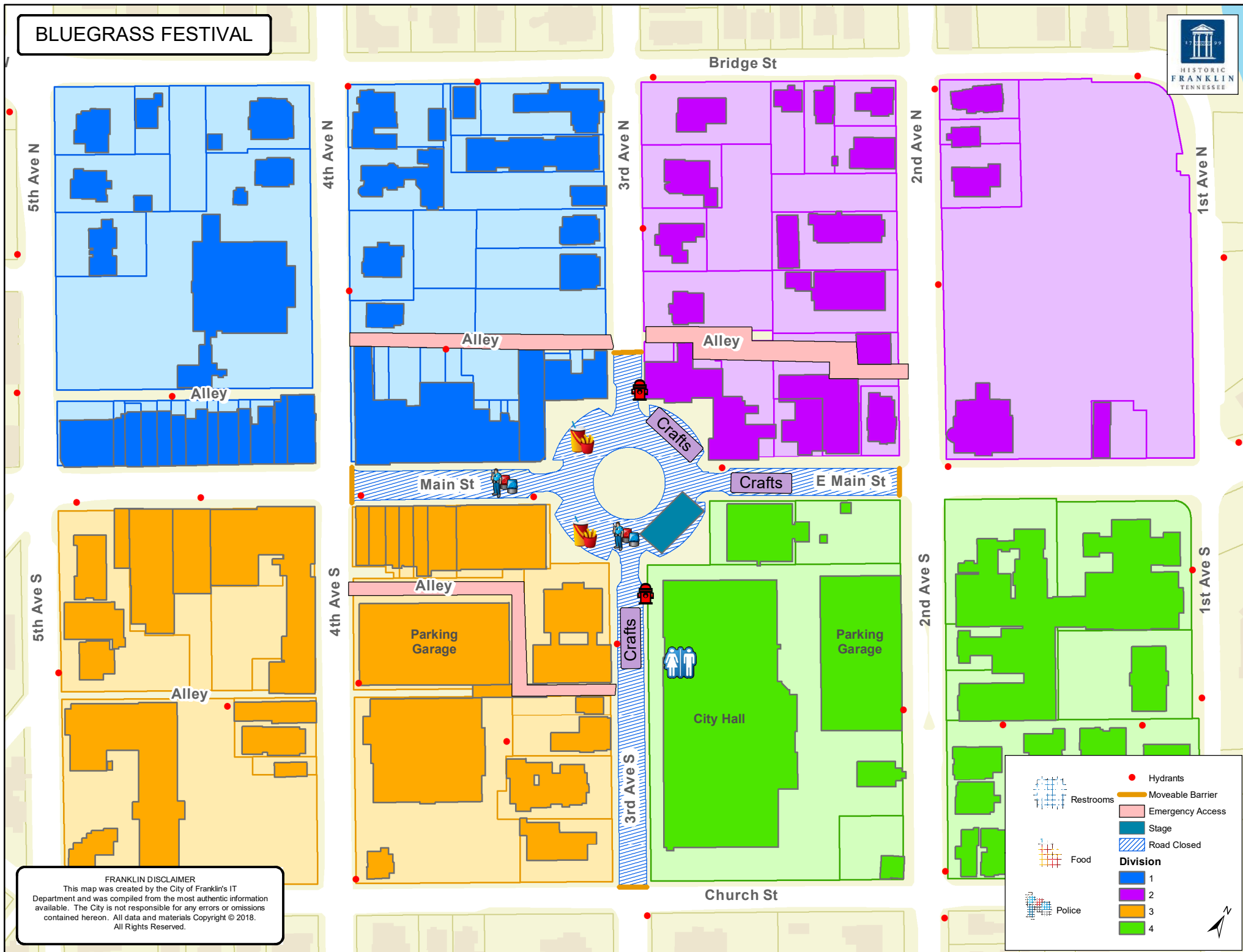
MAIN STREET FROM TOWN SQUARE TO TRAFFIC LIGHT
AT 4TH AVENUE

STREETS WOULD NEED TO REMAIN CLOSED FROM 5:00
P.M. FRIDAY UNTIL MIDNIGHT SATURDAY.

3rd Ave
Barracade Alley Left
open



BLUEGRASS FESTIVAL



FRANKLIN DISCLAIMER
 This map was created by the City of Franklin's IT Department and was compiled from the most authentic information available. The City is not responsible for any errors or omissions contained hereon. All data and materials Copyright © 2018. All Rights Reserved.

Staff Conditions

- Applicant will provide a \$1,000 refundable damage deposit to City prior to event.
- Applicant will provide a Good Neighbor letter which will be distributed to affected neighborhoods.
- Applicant will provide notice of the closure of the quadrants of the Square on Friday to 231 Public Square, Capital Bank, Fifth Third Bank, and Mellow Mushroom.
- Applicant will consider Bicentennial Park as the location for the event in 2019 or consider starting the event later on Friday or on Saturday.
- **Risk Management:**
 - Applicant will provide certificate of insurance naming the City as additional insured.
- **Streets Department:**
 - Department will utilize electronic message boards to alert motorists of closure and will also post detour signs to direct motorists to alternate routes.
 - Department will set-up closure and provide barricades.
 - Department will close requested quadrants of the Square at 5 a.m. on Friday.
- **Police Department:**
 - Applicant will hire required number of extra-duty Franklin Police Officers each day
 - Applicant has requested amplification on stages located on the Square. Pursuant to Franklin Municipal Code Section 11-403(3), these are the only locations at which amplified sound will be permitted during this event.
- **Building & Neighborhood Services Department:**
 - Electrical permit will be required
- **Sanitation and Environmental Services Department:**
 - Department will work with applicant on clean-up plan for event.
- **Water Department:**
 - Applicant requests water tap on hydrant at Third Avenue South and the Square.



HISTORIC
FRANKLIN
TENNESSEE

CERTIFICATE OF COMPLIANCE
RENEWAL - RETAIL FOOD STORE WINE
(Whole Foods) – (1566 W. McEwen Drive, Franklin, TN 37067)

The City of Franklin hereby certifies the following facts concerning application in the name of Heather Denice Masullo (Managing Agent) with Whole Foods Market Group, Inc. D/B/A Whole Foods Franklin, 1566 W. McEwen Drive, Franklin, TN, 37067, and Executive Officer Albert E. Percival, Asst. Store Manager Samuel Clark Harrison, and Store Support Team Leader Lauren Ashley Carr who have made renewal application for a Certificate of Compliance to sell retail food store wine at 1566 W. McEwen Drive, Franklin, TN, 37067 which is within the corporate limits of the City of Franklin, Williamson, County, Tennessee:

1. An investigation has been undertaken of the applicant's felony criminal record and of the location of said business, and from said investigation the undersigned certify that the applicant or applicants who are to be in actual charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application;

2. The applicant or applicants have secured a location which lies within the city limits of the City of Franklin which complies with all applicable zoning laws adopted therein by the City.

This the 12th day of June, 2018

Dr. Ken Moore, Mayor
City of Franklin

Attest:
Eric S. Stuckey, City Administrator/City Recorder

ORDINANCE 2018-26

TO BE ENTITLED: "AN ORDINANCE TO AMEND TITLE 18 – WATER AND SEWERS OF THE FRANKLIN MUNICIPAL CODE FOR PROVIDING SIMPLIFIED WATER AND SANITARY SEWER IMPACT FEES STRUCTURE AND OTHER GENERAL HOUSEKEEPING AND FOR MODIFYING APPENDIX A, COMPREHENSIVE FEES AND PENALTIES IN SUPPORT OF THE MODIFICATIONS TO TITLE 18"

WHEREAS, for promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin, Tennessee, the Board of Mayor and Aldermen is authorized to prescribe regulations and standards that encourage and advance the quality of life within the City; and

WHEREAS, in its legislative judgment, the Board of Mayor and Aldermen has found that ordinances and policies that regulate land use, guide the maintenance of the City's infrastructure, and delivery of essential services must be dynamic and modified from time to time to reflect changes in best practices, model codes, land and labor costs, and safety standards necessary to preserve and promote the private and public interest; and

WHEREAS, the Franklin Board of Mayor and Aldermen have, on behalf of the citizens of Franklin, invested in public water and sanitary sewer systems; and

WHEREAS, the City of Franklin is endeavoring to equitably charge for services provided by the Water Management Department to provide for ongoing repair, replacement and capacity improvements; and

WHEREAS, the City of Franklin desires to charge fees for such funding to aptly respond to ongoing and shifting capital investment needs.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I: BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that Title 18, Chapters 1 and 2, and Appendix A, Comprehensive Fees and Penalties, Chapter 18, of the Franklin Municipal Code, is hereby amended by deleting the existing sections in their entirety and replacing as follows:

CHAPTER 1. - WATER

Sec. 18-101. - Application and scope.

These rules and regulations are a part of all contracts for receiving water service from the City and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

Sec. 18-102. - Definitions.

- (1) *Customer* means any person, firm, or corporation who receives water service from the City under either an express or implied contract.
- (2) *Household* means any one or more persons living together as a family group.
- (3) *Service Line* shall consist of the pipe line extending from any water main of the City to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the City's water main to and including the meter and meter box.
- (4) *Due Date* shall mean the date ten days after the date of a bill, except when some other date is provided by contract. The due date is the last date upon which water bills can be paid at net rates.
- (5) *Dwelling* means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.
- (6) *Impact Fee* refers to a fee to be paid by any entity making a connection to the public water system of the City of Franklin, which fee is made for the purpose of enabling the City of Franklin to repair and replace its facilities as necessary or to provide for additions, replacements, Improvements and expansions to the Franklin Water System, such Improvements being required periodically because of growth. The Impact Fee is a summation of the previous system development and access fees, as authorized by Private Act Chapter No. 117.
- (7) *Installation Fee* refers to a fee to be paid the City of Franklin for reimbursing the City its expenses, including labor, equipment and materials, for installing a service line from the water main to the property line of a potential Customer, including the meter, meter box, and any related apparatus or equipment.
- (8) *Director* refers to the Director of the City of Franklin Water Management Department or authorized agent or representative.
- (9) *Department* refers to the City of Franklin Water Management Department.

Sec. 18-103. - Obtaining service.

Any Customer or potential Customer desiring original service or additional service shall complete a Customer application and agreement form. A minimum of 24 business hours' notice is required prior to obtaining service. Applications must be approved before any service orders will be issued and work performed.

Additionally, a service fee as specified in Appendix A, Comprehensive Fees and Penalties, is required for the transfer of an existing service or an additional service, and a service fee as specified in Appendix A, Comprehensive Fees and Penalties, for new construction. The service fee is not a security deposit and is not refundable. If, for any reason, a Customer does not take the service because of not occupying the premises or otherwise, he/she shall forfeit the service fee.

The receipt of a prospective Customer's application for service, regardless of whether accompanied by a service fee or not, shall not obligate the City to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations and general practice, the liability of the City to the applicant for such service shall be limited to the return of any portion of the tap fee paid by the applicant.

Sec. 18-104. - Charges for seasonal service and temporary disconnection.

A Customer may request a seasonal temporary turn off. There will be a service fee for this service. The account will remain active and there will be a minimum bill assessed for each billing period. If a Customer does not wish to pay a minimum bill, service will be terminated and a final bill rendered. At the time the Customer wishes to resume service, a new application and service fee will be applicable.

The Customer shall pay a service fee as specified in Appendix A, Comprehensive Fees and Penalties, for the discontinuance and reinstatement of service for temporary repairs and for any other purposes for the Customer's exclusive benefit.

Sec. 18-105. - Service charges for temporary connection.

Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removal of service in addition to the regular charge for water used. Temporary service for new connections must be approved by the Director.

Sec. 18-106. - Assessment and collection of Impact Fees.

Before a new connection is made to the water system or an existing Customer increases requirements by expansion of the original served facilities, fees shall be assessed and collected by the City.

The Impact Fee and Installation Fee for all Customers is assessed and shall be paid prior to the issuance of a building permit.

The Impact Fee shall be based on the size of the meter needed to serve each Customer. The smallest meter shall be a $5/8 \times 3/4$ inch meter, which has a capacity of 12.5 gallons per minute. The Impact Fee for developments requiring larger meters will be based on its capacity in relation to the capacity of the $5/8 \times 3/4$ inch meter. The developer's engineer shall determine meter sizes. The Director will accept or reject the size of the meter based on:

- (1) Information furnished to the Director by the person or entity desiring to connect to the waterlines or facilities;
- (2) Information contained in recognized state or national publications;
- (3) Records of similar installations; or
- (4) Information provided from other reliable sources approved by the Director.

Where applicable, the charges as specified in Appendix A, Comprehensive Fees and Penalties, shall be collected by the City at the time the permit is issued.

These fees will be assessed for any connection inside or outside the corporate limits.

TEMPORARY FIRE HYDRANT METERS

Temporary fire hydrant meters will be available for a deposit as specified in Appendix A, Comprehensive Fees and Penalties, and a nonrefundable setup fee as specified in Appendix A,

Comprehensive Fees and Penalties, payable by certified check or money order. Water use will be billed at the inside commercial rate. If the meter is damaged, the cost of the damaged meter will be deducted from the deposit. Use of the fire meter will be for no more than 30 days. Temporary fire hydrant meters will be assigned to a designated fire hydrant. Removal of the fire hydrant meter to any other location will revoke the deposit fee.

PRIVATE FIRE HYDRANTS AND SPRINKLER SYSTEMS

An Impact Fee for connection of private fire hydrants and sprinkler system lines to the City's lines shall be as specified in Appendix A, Comprehensive Fees and Penalties.

Radio-read meters will be required on all private fire hydrants and sprinkler systems, at the discretion of the City.

METER INSTALLATION CHARGE

A double-check backflow preventer with a leak detection meter shall be required on private fire lines. Should any unauthorized water flow be detected through the leak detection meter, the City reserves the right to mandate at the owner's expense installation of a fire line meter with radio read capabilities. In addition, upon determination of the Director, radio read meters will be required on all private fire hydrants and sprinkler systems that are deemed inaccessible by the City always. The meter Installation Fee shall be as specified in Appendix A, Comprehensive Fees and Penalties.

In the event the City does any installation work not covered in the Installation Fees, the cost of such work shall be charged to the Customer according to a schedule of rates established by the Department.

The standard connection charge and the private fire service connection charge shall be paid prior to the issuance of a construction permit for the installation of water facilities to serve the Customer(s), prior to the issuance of a building permit, or prior to the issuance of a permit to tap a water main, whichever occurs first.

Service lines connected to the public water system shall be located and installed in accordance with the established standards of the City. When a service line is completed and accepted by the City as part of the public water system, the City shall be responsible for the maintenance and upkeep of such service line from the water main to and including the water meter and meter box, and such portion of the service line shall belong to the City. The remaining portion of the service line beyond the meter to the Customer's premises shall belong to and be the maintenance responsibility of the Customer. When a service line that may not require a meter, as in the case of a dedicated fire line, is completed and accepted by the City as part of the public water system, the City shall be responsible for the maintenance and upkeep of such service line from the water main to the property line, and such portion of the service line shall belong to the City. The remaining portion of the service line beyond the property line to the Customer's premises shall belong to and be the maintenance responsibility of the Customer.

LOW FLOW-HIGH FLOW METERS

A low flow-high flow meter is two meters installed parallel to each other in the same meter box and tied to the same service line. One meter is smaller than the other and measures the normal usage of the Customer. The other meter is much larger and is used to measure high flows as in fire flows or other usage through a fire hydrant. In such cases, the Impact Fees are calculated on one-meter size larger than the small or low flow meter. By example, if the low flow meter is a two-inch meter and the high flow meter is a six-inch meter the fees will be calculated for a three-inch domestic meter. In addition, applicable fire line access and SDF access shall be paid at the rate of the larger meter. Each proposed

application for this type meter shall be reviewed and approved by the Director before final construction plans are submitted and approved.

IRRIGATION METERS

An irrigation meter is a meter designated for measuring the flow of water off the normal domestic water service line, intended for outdoor watering. The intended use for this meter is to allow for deduction of charges for sanitary sewer service when such water is not returned to the sanitary sewer system.

Sec. 18-107. - RESERVED.

Sec. 18-108. - Main extensions and facilities funded in whole or in part by developers.

If a person has been required to pay all or a part of the cost of constructing water lines or facilities (hereinafter "Improvements"), which Improvements become part of the Franklin Water System and are available for use and benefit of the Customers of the Franklin Water System, that person may be eligible to be reimbursed a portion of its costs of construction of the said Improvements.

Reimbursement shall be allowed only by the Board of Mayor and Aldermen and shall be paid from a revenue source established by the Board of Mayor and Aldermen. Cost reimbursement will not be allowed for Improvements constructed, on or off-site, for the sole benefit of the development. Costs eligible for reimbursement include labor, equipment, supplies, materials, engineering design, supervision, inspection, legal, and acquisition costs for easements and right-of-way. Fiscal costs, including interest, finance charges, and other similar costs are ineligible for reimbursement.

The person requesting reimbursement must enter into a written agreement with the City prior to commencement of construction of any Improvements for which reimbursement is sought. This agreement shall set out:

- (1) A description of the Improvements;
- (2) The estimated total eligible costs, as above defined;
- (3) The portion of the cost of such Improvements for which reimbursement will be allowed. The latter determination shall be based generally upon the difference in sizing or capacity of the line or facility needed for the development and the size or capacity needed for the system as a whole. However, the board may in its reasonable discretion consider such other factors as are necessary for an equitable sharing of costs of any system Improvements so constructed.

Further, prior to dedication and acceptance of the Improvements by the City, the person requesting reimbursement must present to the board a detailed statement of the actual eligible costs and the board in its discretion may amend the agreement, and the reimbursement amount, to reflect the actual project costs.

Sec. 18-109. - Variances from and effect of preceding rules as to extensions.

Board of Mayor and Aldermen may grant a variance or waiver from requirement of this chapter, upon written request by a developer or owner of property subject to this chapter. The Board of Mayor and Aldermen shall grant the waiver or variance only upon finding that a strict application of such requirement would result in confiscation of the property.

The authority to make water main extensions under Section 18-108 is permissive only and nothing contained therein shall be construed as requiring the City to make water main extensions or to furnish service to any person or persons.

Sec. 18-110. - Construction of water lines.

All persons who undertake the construction of water lines located in, or affecting water service provided by, the City of Franklin shall comply with the requirements and regulations set forth in the "General Requirements and Technical Specifications, Water Management Department, City of Franklin, Tennessee," latest edition, along with any amendments, additions, or alteration that may thereafter be adopted by the Board of Mayor and Aldermen by resolution, copies of which may be purchased in the office of the City recorder.

Upon completion of the construction of any such water line, and upon approval by the City, such water lines and mains shall become the property of the City. The persons paying the cost of constructing such lines and mains shall execute all written instruments required by the City that are necessary to provide evidence of the City's ownership of such lines and mains. In consideration of such lines and mains being transferred to the City, the City shall incorporate said mains as an integral part of the City's water system and shall furnish water therefrom in accordance with this chapter.

When for cause shown, the Board of Mayor and Aldermen determines that it is in the best interest of the water system and the general public to extend water service, without requiring strict compliance with this section, and/or the requirements of the standard water and sewer specifications, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the Board of Mayor and Aldermen.

The authority to extend water service is permissive only, and nothing contained herein shall be construed as requiring the City to provide water service to any person or entity.

Sec. 18-111. - Water meters.

- (1) All water meters shall be installed, tested, repaired, and removed by the City, or pursuant to the specifications, regulations and requirements of the City. No meter shall be installed without the consent of the City. No meter shall be tampered with or removed.
- (2) In the event that any water meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible by the City of Franklin for purposes of monitoring water usage, or if the meter is not brought up to grade according to City specifications, the Customer responsible for the meter shall be fined as specified in Appendix A, Comprehensive Fees and Penalties, for each month in which the meter is unreadable, or not otherwise in compliance, for any period of time. During the time that the meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible, or otherwise not in compliance, the Customer shall pay to the City the minimum monthly payment for water service.

In addition, upon either discovery or notice by the City of the fact that the meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable, inaccessible, or not brought to grade, the Customer shall immediately take measures to have the meter unobstructed and or uncovered so that it may be read and is accessible by the City. In addition, when the meter is uncovered and or unobstructed, the Customer responsible shall pay for the total consumption since the last available reading.

If any damage results from the meter being obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible, or otherwise not in compliance with City specifications, the Customer shall be billed for the repairs and/or replacement of the meter, but shall not be billed less than as specified in Appendix A, Comprehensive Fees and Penalties.

Any repairs, replacement or relocation of meters, boxes, service lines or associated utilities, necessitated by damage to meters, boxes, service lines or associated utilities, or failure to install according to City specifications, shall be paid by the responsible Customer and shall be billed at full replacement price. All materials shall be billed at full retail value along with associated equipment and labor costs. There shall be a one-hour minimum labor charge for repair replacement or relocation of any damaged water utilities.

The costs of any relocation of an existing service requested by a Customer shall be billed to such Customer. All materials shall be billed at full retail value along with associated labor and equipment costs. There shall be a one-hour minimum labor charge for relocation of any water utilities.

- (3) Service shall not commence to any new Customer if the meter is obstructed, covered, damaged, or otherwise unreadable or inaccessible by the City, or is not brought to grade or otherwise not installed according to City specifications. In addition, the monthly bill for service shall remain the responsibility of the builder, and there shall be a fine as specified in Appendix A, Comprehensive Fees and Penalties, for each month in which the meter is obstructed, covered, damaged or otherwise unreadable or inaccessible by the City or is not brought to grade or otherwise not installed according to City specifications.
- (4) If a Customer in whose name new service has been extended fails, after reasonable notice by the City, to correct any improperly installed water, as herein before described, the City reserves the right to refuse new service to the builder at other locations in the City until the deficiency is corrected.
- (5) Any unauthorized removal or tampering with the meter shall result in a fine as specified in Appendix A, Comprehensive Fees and Penalties, per occurrence.

Sec. 18-112. - Meter tests.

The City will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the measured amounts of water within the percentage shown in the following table:

Meter Size	Percentage
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%

6"	5%
----	----

If a Customer requests a meter test, and the test results indicate that the meter is reading lower than actual water flow or reads within these percentages, the Customer must pay all expenses related to testing the meter.

Sec. 18-113. - Multiple services through a single meter.

No Customer shall supply water service to more than one dwelling or premise from a single service line.

Sec. 18-114. - Billing for water service.

All water bills may be rendered weekly, semi-monthly, or monthly, at the option of the City.

The bills will consist of charges for the user service fee, consisting of the availability charge, the Customer service charge and the consumption service charge, as well as other services obtained by the Customer from the City in accord with the agreement between the Customer and the City and the provisions of the Municipal Code.

The water service bill is based on gallons of water delivered. An availability charge applies if water is available, even if the Customer has not connected to the sewer or there is no consumption for the period.

Water bills must be paid on or before the due date shown thereon to obtain the net or discount rate, otherwise the gross rate shall apply which includes a penalty of ten percent of the net amount billed for water. Failure to receive a bill will not release a Customer from payment obligation, nor extend the due date.

In the event a bill is not paid on or before 15 days after the discount date, the Customer's service may be discontinued without further notice. The City shall not be liable for any damages resulting from discontinued service under the provisions of this section, even though payment of the bill is made at any time on the day that service is discontinued.

Should the final date of payment of bill at the net rate fall on a weekend or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the City if the envelope is date-stamped on or before the final date for payment of the net amount.

If a water meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the City reserves the right to render an estimated bill based on the best information available. Any unauthorized removal or tampering with the meter will result in a fine as specified in Appendix A, Comprehensive Fees and Penalties, per occurrence.

The wastewater (sewer) service charge shall not apply to separately metered water delivery points that are owned, maintained and read by the water provider where there is no potential for the wastewater stream of entering the wastewater stream (e.g., separately metered irrigation and cooling tower applications). All irrigation and reclaimed service shall be priced under nonresidential rates.

Bills will be issued to the party or parties who obtain service under the provisions of section 18-103 of this Code ("obtaining service"). Residential Customers will have consolidated bills presented for other services including, but not limited to, wastewater, solid waste, and stormwater in accordance with the provisions of this Code.

Service pricing will be as either residential or nonresidential (commercial) as shown in appendix A as follows:

- A. *Residential* is for a residential property owner whose property meets all the following criteria and will have water service provided and billed under residential rate provisions using residential rates:
 - 1. The property is used as a detached single-family residential living unit by an owner or tenant and is intended to be used as a residential dwelling; and
 - 2. The property is classified by the Williamson County Assessor as a residential or homebelt property; and
 - 3. Is served by a single water meter serving a single residential living unit; and
 - 4. The development consists primarily of similar units and not mixed-use or attached dwellings which are classified as "multi-residential".
 - 5. The occupant (owner or tenant) has a unique utility service contract with the City or water district. An addendum to the water supply contract authorizes the City to provide and be paid for City provided services if served water from MVUD, Milcrofton, HB&TS or Brentwood (specific addendums are in their contracts for City services).
- B. *Multi-residential* Customers are those that live in residential living units containing the following characteristics. Service is priced at residential rates using "multiple minimums". Multiple minimums apply when more than one living unit is served from one water meter. This allows for water service to be priced as if each living unit were measured and billed separately. The effect is that total consumption is divided by total units to determine the pricing per unit and billed to the party contracting for service. Living units with one meter/unit will result in being priced as if they are residential.
 - 1. The property is used as an attached or detached multi-family residential living unit by an owner or tenant and is intended to be used as residential dwellings; and
 - 2. The property is classified by the Williamson County Assessor as a residential (condominiums, townhomes, duplexes, triplexes) or commercial property (apartments, duplexes, triplexes) or governmental property (Franklin Housing Authority); and
 - 3. The development consists primarily of similar mixed-use or attached dwellings which are not classified as "residential" above.
 - 4. The occupant (owner or tenant) typically does not have a utility service contract with the City or water district and the contract for service is typically with a commercial enterprise, an agent of the owner/tenant (e.g. an homeowner's association or property management firm) or a government entity (Franklin Housing Authority). An addendum to the water supply contract authorizes the City to provide and be paid for City provided services if served water from MVUD, Milcrofton, HB&TS or Brentwood (specific addendums are in their contracts for City services).

- C. *Nonresidential* is a Customer who does not meet the requirements as a residential or multi-residential Customer but may have living units on the property. Included are farms, healthcare facilities, hospitals, assisted living facilities, hotels (including extended stay facilities) and common properties for residential and multi-residential developments. All "irrigation water" shall be classified as nonresidential even if delivered to a residential Customer. Water pricing will be under nonresidential (commercial) rate provisions.

Sec. 18-115. - Discontinuance or refusal of service.

- (1) The Board of Mayor and Aldermen shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:
 - (a) Nonpayment of bill or other charges.
 - (b) Partial payment of bill or other charges.
 - (c) City of Franklin rules, regulations or policies.
 - (d) Customer's application and agreement for service.
 - (e) Any threat to public health on the Customer's premises, which may endanger other Customers.
 - (f) Tampering with City of Franklin equipment or stealing service.
 - (g) If a Customer has allowed more than one service on one tap.
 - (h) Customer noncompliance with a declared water shortage emergency.
- (2) Such right to discontinue service shall apply to:
 - (a) All service received through a single connection or service, even though more than one Customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such Customer or tenant; and
 - (b) Irrigation services.
- (3) Discontinuance of service by the City for any cause stated in these rules and regulations shall not release the Customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the Customer's contract.

Sec. 18-116. - Reconnect service charge.

Whenever service is disconnected, as provided in section 18-114 and section 18-115, above, prior to reinstatement of that Customer's service, a charge as specified in Appendix A, Comprehensive Fees and Penalties, shall be paid to the office of the City recorder if the reconnection is made during normal business hours, and a charge as specified in Appendix A, Comprehensive Fees and Penalties, shall be paid to the office of the City recorder if the reconnection is made during nonbusiness hours, holidays, or on weekends. This disconnect service charge also applies if the service technician is en route to disconnect service.

Sec. 18-117. - Discontinuance of service by Customer.

Customers who wish to discontinue service must request termination of service in writing. No telephone request for cutoffs will be honored. The Customer in whose name the service is furnished or their legal representative must request the termination. A minimum of three days' notice is required.

The Customer will be responsible for all charges, which accrue, to the end of the termination date including the minimum charge.

Sec. 18-118. - Access to Customers' premises.

The City's identified representatives and employees shall be granted access to all Customers' premises at all reasonable times for reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the City, and for inspecting Customers' plumbing and premises generally in order to secure compliance with these rules and regulations.

Sec. 18-119. - Inspections; fees.

- (1) The City shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time.
- (2) If in the opinion of the Director or his designee, after appropriate inspection, any work inspected under the terms of this chapter fails to comply with the law, and notice is given to the permittee or his agent, and any reinspection of the same work is required, then a fee as specified in Appendix A, Comprehensive Fees and Penalties, per reinspection may be assessed against and collected from the permittee or his agent. No portion of the permitted work shall continue without first paying the reinspection fee.
- (3) The City reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by City ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the City.
- (4) Any failure to inspect or reject a Customer's installation or plumbing system shall not render the City liable nor responsible for any loss or damage that might have been avoided, had such inspection or rejection been made.

Sec. 18-120. - Customer's responsibility for system's property.

Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the City shall be and remain the property of the City. Each Customer shall provide space for and exercise proper care to protect the property of the City on his premises. In the event of loss or damage to such property, arising from the neglect of a Customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the Customer.

Sec. 18-121. - Customer's responsibility for violations.

Where the City furnishes water service to a Customer, such Customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the Customer in any such violations shall not be necessary to impose such personal responsibility on him.

Sec. 18-122. - Supply and resale of water.

All water shall be supplied within the City exclusively by the City and no Customer shall, directly or indirectly, sell, sublet, assigns, or otherwise dispose of the water or any part thereof unless approved by the City and gain all State of Tennessee regulatory approval.

Sec. 18-123. - Unauthorized use of or interference with water supply.

No person shall turn on or turn off any of the City's stop cocks, meters, hydrants, spigots, fire plugs, or valves without permission or authority from the City. When any stop cock, meter or valve for any Customer's premises is turned on or off without permission or authority from the City there shall be a rebuttable presumption that the Customer committed such act.

Sec. 18-124. - Installation of detector checks on fire mains for water usage.

- (1) New construction. For all new construction, when fire mains serving hydrants, standpipe systems, or automatic sprinkler systems are installed, regardless of size, except for public fire hydrants and mains, a double detector check shall be installed. The plumbing official or Director or their representatives shall inspect and approve installation. Said double detector check must be of a type approved by the Tennessee Department of Environment and Conservation and the Standard Plumbing Code as adopted by the City of Franklin, and must be installed in a readily accessible location.
- (2) Existing fire protection systems. A double detector check must be installed in all existing systems within 120 days of the effective date of this chapter. Installation in existing systems shall be subject to the same inspections and specifications as stated in subsection (1) for new construction.
- (3) Violations of this section shall be punishable by a fine up to an amount established by law with each day of noncompliance deemed to be a separate offense.

Sec. 18-125. - Damages to property due to water pressure.

The City shall not be liable to any Customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the City's water mains.

Sec. 18-126. - Liability for cutoff failures.

The City's liability shall be limited to the forfeiture of the right to charge a Customer for water that is not used but is received from a service line under any of the following circumstances:

- (1) After receipt of at least ten days' written notice to cut off water service, the City has failed to cut off such service.
- (2) The City has attempted to cut off a service but such service has not been completely cut off.
- (3) The City has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the Customer's pipes from the City's main.

Except to the extent stated above, the City shall not be liable for any loss or damage resulting from cutoff failures.

Sec. 18-127. - Restricted use of water.

In times of emergencies or in times of water shortage, the City reserves the right to restrict the purposes for which water may be used by a Customer and the amount of water which a Customer may use, including but not limited to immediate termination of irrigation service. Customers shall not be responsible for reconnection charges in the event of a declared emergency, unless the service was terminated for noncompliance.

Sec. 18-128. - Interruption of service.

The City will endeavor to furnish continuous water service, but does not guarantee to the Customer any fixed pressure or continuous service. The City shall not be liable for any damages for any interruption of service whatsoever.

About the operation, maintenance, repair, and extension of the City's water system, the water supply may be shut off without notice when necessary or desirable, and each Customer must be prepared for such emergencies. The City shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption.

Sec. 18-129. - Schedule of rates.

The schedule of rates shall be as specified in Appendix A, Comprehensive Fees and Penalties, established for water distributed within the City of Franklin's water service area.

Sec. 18-130. - Water shortage policy.

(1) No water furnished by the City shall be wasted. Waste of water includes, but is not necessarily limited to the following:

- (a) Permitting water to escape down a gutter, ditch or other surface drain;
- (b) Failure to repair a controllable leak of water; and
- (c) Failure to put to reasonable beneficial uses any water withdrawn from the City's system.
- (d) The mayor is hereby authorized to declare a water shortage emergency to exist, and the mayor may declare an end to a water shortage emergency.

In declaring a water shortage emergency, such emergency shall be designated Status 1 or Status 2 in accordance with conditions as determined by the Director of the Water and Wastewater System of the City of Franklin.

(2) Water Shortage Emergency Status 1 exists when:

- (a) The total volume of water in the City raw water reservoir drops to less than that required to supply the water treatment plant for 30 days with the plant operating at its design capacity of 2.0 MGD (million gallons per day); or
- (b) When the water level in two or more of the distribution system reservoirs cannot be brought above the two-thirds full mark in a 48-hour period.

When the water supply reaches Water Shortage Emergency Status 1, the mayor, upon the recommendation of the appropriate committee of the City of Franklin, may declare any or all the uses of water identified as nonessential use Category 1 provided for in this resolution as being prohibited and said prohibition shall remain in full and effect until the next meeting of the Franklin Board of Mayor and Aldermen. The list of nonessential uses may be increased or decreased pending the next meeting of the Franklin Board of Mayor and Aldermen.

(3) Water shortage Emergency Status 2 exists when:

- (a) The total volume of water in the City raw water reservoir drops to less than that required to supply the water treatment plant for 15 days with the plant operating at its design capacity of 2.0 MGD, or
- (b) When the water level in two or more of the distribution system reservoirs cannot be brought above the one-quarter full mark within a 48-hour period.

If Water Shortage Emergency Status 2 is reached, the mayor, upon recommendation of the appropriate committee of the City of Franklin, may declare any or all the nonessential uses provided for in this resolution as being prohibited and the same shall remain in full force and effect until the next meeting of the Franklin Board of Mayor and Aldermen. During Emergency Status 1 or 2, the mayor may increase or decrease the number of prohibited nonessential uses and/or the extent to which the prohibition applies pending the next meeting of the Franklin Board of Mayor and Aldermen.

(4) Nonessential uses during water shortage emergency.

(a) *Nonessential Use, Category 1.* The following uses are declared to be Nonessential Uses, Category 1:

- (i) Washing sidewalks, driveways, parking areas, tennis courts, patios, or other exterior paved areas, except by the City of Franklin for the public safety.
- (ii) Filling or refilling swimming pool.
- (iii) Noncommercial washing of privately owned motor vehicles, recreational vehicles, trailers and boats.
- (iv) Any use of water from a fire hydrant except for fighting fires, or use by the City of Franklin.
- (v) Watering of lawns, landscaped areas, or ball fields, except that gardens, trees, shrubs or other plants other than grass or lawns may be watered to sustain the life of the plant material from 8:00 P.M. to 6:00 A.M., using only hand-held mechanisms, buckets, or other similar devices.
- (vi) Water any portion of a golf course.
- (vii) Use of water for dust control or compaction during construction.

(b) *Nonessential Use Category 2.* The following uses are declared to be Nonessential Uses, Category 2:

- (i) Use by a laundromat in excess of 70 percent of the amount of water used by it during the corresponding billing period for the previous year. If the laundromat was not operating the previous year, an estimated amount shall be computed by the City from its records.
- (ii) Use by a motor vehicle washing facility in excess of 70 percent of the amount used by it during the corresponding billing period the previous year. If the facility was not operating the previous year, an estimated amount shall be computed by the City from its records. This subsection shall not apply to any facility that recycles water in a manner satisfactory to the Department and has received written approval and exemption from this subsection by the Department.
- (iii) The maximum amount of water sold and supplied to any utility district shall not exceed 70 percent of the amount used by it during the corresponding billing period of the previous year. If the utility district was not operating the previous year, an estimated amount shall be computed by the City from its records.
- (iv) Any nonresidential use in excess of 70 percent of the amount used by the Customer during the corresponding billing period for the previous year. If the Customer was not operating the previous year, an estimated amount shall be computed by the City from its

records. The Director, with the concurrence of the City Recorder, may increase the percentage for any connection use or Customer if it is determined that such increase is necessary to protect the public health, safety, and welfare or to spread equitably among the water users of the City the burden imposed by the shortage of the City's water supply.

- (v) Water served for drinking purpose, restaurants or public or nonpublic eating establishments unless such water is specifically requested by the patron or Customer.
- (c) *Nonessential Category 3.* The following use is declared to be Nonessential Uses, Category 3:
 - (i) Any use by a motor vehicle washing facility or other nonresidential use or use by any utility district in excess of 50 percent of the amount used by the Customer during the corresponding billing period of the previous year. If the Customer was not operating the previous year, an estimated amount shall be computed by the City from its records.
- (5) Exceptions to nonessential uses. Effluent reuse or well water shall not be subject to the restrictions in this title.
- (6) Board of Mayor and Aldermen action.
 - (a) The Franklin Board of Mayor and Aldermen or the Mayor under authority granted by the Charter may declare a water shortage emergency irrespective of whether the water supply has reached Water Shortage Emergency Status 1 or 2. Only the Board may terminate or end a water shortage emergency declared by the Board.
 - (b) The Franklin Board of Mayor and Aldermen or the Mayor may prohibit any Nonessential Use, Category 1, during any period that a water shortage emergency has been declared, irrespective of whether the water shortage has reached Water Shortage Emergency Status 1 or not.
 - (c) The Franklin Board of Mayor and Aldermen or the Mayor may prohibit any nonessential use when the water supply of the City has reached the Water Shortage Emergency Status 1.
 - (d) Any water shortage emergency described by the Mayor shall continue until the next meeting of the Franklin Board of Mayor and Aldermen. If the Board does not act to terminate the water shortage emergency, the same shall continue in full force and effect. The Board may terminate or modify any limitations on nonessential use of water.

In the absence of affirmative action by the Franklin Board of Mayor and Aldermen, the action of the Mayor shall be final.

- (7) Notice. Upon the declaration of the existence of a water shortage emergency by the Mayor or the Board, the City Recorder shall notify the local newspapers and radio stations and furnish detailed information concerning the existence of the water shortage emergency and all prohibited uses. In addition, a newspaper ad shall be published once per week in any weekly local newspapers, informing the public of the water shortage emergency and any prohibition concerning the nonessential uses. Every practical effort shall be made to keep the water-using public informed of conditions during any declared water shortage emergency.
- (8) Customer noncompliance.
 - (a) Any failure of a Customer to comply with the requirements of a declared water shortage shall be reported to any official of the City and shall be immediately investigated by the Director or his designated agent. If noncompliance is found to exist, the Director shall request immediate compliance by the Customer. Should the Customer fail or refuse to immediately comply with

the Director's request the Director shall immediately discontinue water service to the Customer in question.

- (b) Any Customer whose service is disconnected because of failure to comply with the requirements of a declared water shortage emergency shall have the right, after the first such disconnection, to have service reconnected upon payment to the City of its customary reconnection charge and upon execution of a written, sworn statement under penalty of perjury that he will comply with the requirements of the declared emergency. If service is disconnected because of a subsequent failure to comply, such Customer shall have the right to request reinstatement of service only upon approval of the Assistant City Administrator for Public Works (A.C.A.), such as for compliance with the Americans with Disabilities Act. The A.C.A. may grant approval subject to such reasonable terms and conditions as the A.C.A. may impose or may refuse to reinstate service.
- (c) The decision of the A.C.A. may be appealed for hearing to the City Administrator. The disconnection shall remain in effect until the appeal is heard. A hearing shall be conducted within 72 hours of the time the request for hearing is made by the Customer. In the event a hearing is not conducted within 72 hours, service shall be reinstated until the hearing is conducted. All requests for a hearing shall be made to the City Administrator.

Sec. 18-131. - Provisions applicable.

The requirements contained herein shall apply to all premises served by the Franklin Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the City to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe health-wise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Franklin corporate limits.

Sec. 18-132. - Penalty and administrative costs.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be fined as specified in Appendix A, Comprehensive Fees and Penalties. Each day of continued violation shall constitute a separate offense. Violators shall reimburse the City for actual administrative costs associated with enforcement of this chapter not to exceed the amount specified in Appendix A, Comprehensive Fees and Penalties, in addition to any other remedy at law that may be available to the City.

Sec. 18-133. - Date of effect.

All ordinances and parts of ordinances in conflict with this chapter shall be hereby repealed. This chapter shall take effect from and after its passage.

CHAPTER 2. - WASTEWATER

Sec. 18-201. - Use of system regulated.

All persons using, desiring, or required to use the public Sanitary Sewerage system of the City of Franklin, Tennessee shall comply with the provisions of this chapter and all other provisions in this Code relating to the public sanitary sewerage system of the City.

Sec. 18-202. - Purposes, objectives and application.

The provisions contained in this chapter of the Franklin Municipal Code set forth uniform requirements which regulate the use of public and private sewers and drains, private sewage disposal, the installation and connections of Building Sewers, and the discharge of water and waste into the Public Sewer system. These provisions are designed to enable the City to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pre-Treatment Regulations (40 CFR, Part 403).

The following are the objectives of the provisions contained in this chapter of the Franklin Municipal Code:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will Pass-Through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

The Sections contained in this chapter of the Franklin Municipal Code provide for the regulation of direct and direct contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorize monitoring and enforcement activities, require user recording, assure that existing customer capacity will not be preempted, and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City and to persons outside the City boundaries who are, by contract or agreement with the City, users of the Franklin publicly owned treatment works (POTW).

(1976 Code, § 13-202; Ord. No. 97-05, 2- -1997; Ord. No. 2001-56, 4- -2002)

Sec. 18-203. - Definitions and abbreviations.

For the purposes of the sections contained in this chapter of the Franklin Municipal Code, the following phrases, words and abbreviations shall have the meaning assigned below unless the context specifically indicates otherwise, whether capitalized or not:

- (1) *Impact Fee.* refers to a fee to be paid by any entity making a connection to the public wastewater system of the City, which fee is made for enabling the City to repair and replace its facilities as necessary or to provide for additions, replacements, Improvements and expansions to the Franklin

Wastewater System, such Improvements being required periodically because of growth. The Impact Fee is a summation of the previous system development and access fees, as authorized by Private Act Chapter No. 117.

- (2) *Act or The Act.* The federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- (3) *Approval Authority.* The Tennessee Department of Environment and Conservation Director of the Division of Water Resources.
- (4) *Authorized Representative of Industrial User.* The proprietor, partner or chief executive officer or his designated representative.
- (5) *Board.* The Board of Mayor and Aldermen consisting of the elected Mayor and Aldermen of the City of Franklin, State of Tennessee.
- (6) *B.O.D. (denoting Biochemical Oxygen Demand).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20;deg; C, expressed in milligrams per liter (mg/l).
- (7) *Building Drain.* That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the Building Sewer, beginning five feet outside of the inner surface of the building wall.
- (8) *Building Sewer.* The extension from the Building Drain to the point of connection with the Public Sewer or other place of disposal. The building "sewer" includes the Service Line.
- (9) *CFR.* Code of Federal Regulations.
- (10) *COD.* Chemical Oxygen Demand.
- (11) *Categorical Standards.* The national retreatment standard established by EPA for specific industrial subcategories.
- (12) *City.* The City of Franklin, Tennessee.
- (13) *Committee.* The appropriate Committee of the Board.
- (14) *Compatible Pollutant.* BOD, suspended solids, ammonia nitrogen, fecal coliforms, COD, pH, oil and grease, and such other pollutants as may be found in normal Domestic Sewage which the POTW is designed to treat and in fact does remove such pollutants to a substantial degree.
- (15) *Control Authority.* The Director of the City of Franklin Water Management Department.
- (16) *Cooling Water.* The water discharged from any use to which the only pollutant added is heat.
- (17) *Direct Discharge.* The discharge of treated or untreated wastewater directly to any surface watercourse or underground aquifer.
- (18) *Director.* This term shall refer to the Director of Water Management for Franklin, Tennessee or his authorized agent or representative.
- (19) *Domestic Sewage.* Wastewater or sewage having the same general characteristics as that originating in places used exclusively as single-family residences. Strength of the Compatible Pollutants in Domestic Sewage is assumed to be equal to or less than the following: BOD₅ - 300 mg/l; pH - 6.0-9.0; oil and grease - 50 mg/l.

- (20) *Environmental Protection Agency or EPA.* The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or the duly authorized official of said agency.
- (21) *Garbage.* Biodegradable solid wastes from the preparation, cooking and dispensing of food, and from handling, storage and sale of produce.
- (22) *Grab Sample.* A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (23) *Holding Tank Waste.* Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum tank trucks.
- (24) *Incompatible Pollutant.* All pollutants other than Compatible Pollutants as defined above.
- (25) *Indirect Discharge.* The discharge to the Sanitary Sewers of nondomestic wastes from any source regulated under 307 (b) or (c) of the Act (33 U.S.C. 1317).
- (26) *Industrial User.* A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342). This term shall also include all discharges of wastes having characteristics other than those of Domestic Sewage as defined above.
- (27) *Industrial Wastes.* The liquid waste from industrial or other technical processes.
- (28) *Interference.* The inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirement of the City's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or with 40 CFR 503 or violation of any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of (SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.
- (29) *National Categorical Pretreatment Standard or Pretreatment Standard.* Any regulation containing Pollution discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to industrial users.
- (30) *Natural Outlet.* Any outlet into a water course, pond, ditch, lake or other body of surface or ground water.
- (31) *NPDES.* National Pollution Discharge Elimination System.
- (32) *pH.* The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (33) *Pass-Through.* The allowance of a pollutant not susceptible to treatment at the P.O.T.W. to enter the receiving stream.
- (34) *Person.* Any individual, firm, company, association, society, corporation, group or their legal representative, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural, where indicated by the context.
- (35) *Pollution.* The manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

- (36) *Premises*. A parcel of real estate or portion thereof including any Improvements thereon which is determined by the Director to be a single user for purposes of receiving, using and paying for services.
- (37) *Pretreatment*. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The alteration or reduction may be obtained by physical, chemical or biological processes, process changes, or by other means except as prohibited by 40 CFR 403.6(d).
- (38) *Pretreatment Requirements*. Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.
- (39) *Properly Shredded Garbage*. The wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers with no particle greater than one-half (1/2) inch in any dimension.
- (40) *Public Sewer*. A sewer controlled by public authority to which owners of the abutting properties may have access. In general, the Public Sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer upon private property and any sewers which are connected with the sewage system of the City.
- (41) *Publicly Owned Treatment Works or POTW*. A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the City. This definition includes any sewers that convey wastewater to such treatment works but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.
- (42) *Sanitary Sewer*. A sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.
- (43) *Service Area*. That geographic area for which the City provides public Sanitary Sewer services.
- (44) *Service Line*. The pipe line extending from any sewer main of the City to the facility which generates wastewater.
- (45) *Sewage Works or Treatment Works*. All facilities for collecting, pumping, treating and disposing of sewage.
- (46) *Sewage or Wastewater*. A combination of the water carried wastes from residences, business buildings, institutions and industrial establishments together with such ground, surface and storm water as may be present in a Sanitary Sewer.
- (47) *Sewage Treatment Plant or Plant*. Any arrangement of devices and of structures used in treating sewage.
- (48) *Sewer*. A pipe or conduit for carrying sewage.
- (49) *Significant Industrial User*. Any industrial user of the City's wastewater disposal system who:
 - (a) Has a discharge flow of 25,000 gallons or more per average work day, or
 - (b) Has a flow greater than five percent of the flow in the City's wastewater treatment system, or which has a flow that contributes five percent of the organic capacity of the wastewater plant,

- (c) Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter 1, subchapter N, or
 - (d) Is found by the City, the Tennessee Department of Environment and Conservation or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contribution industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- (50) *Shall*. As used in this chapter of the Franklin Municipal Code, the word "shall" is mandatory and the word "may" is permissive.
- (51) *Single Family Unit Equivalent (SFUE)*. This is the standard unit of measure as established by the City for determining the connection fee to be paid by each customer connecting to the Public Sewer system. For the purposes of this chapter, single family unit refers to a user generating 350 gallons per day of wastewater with a strength of 200 mg. per liter B.O.D.
- (52) *Slug*. This term shall refer to any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.
- (53) *Standard Industrial Classification or SIC*. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (54) *Storm Sewer or Storm Drain*. A sewer which carries storm and surface water and drainage, but excludes sewage and polluted industrial waste.
- (55) *Suspended Solids*. Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- (56) *Installation Fee*. A fee to be paid the City for reimbursing the City for its expenses, including labor and materials, for installing a Service Line from the sewer main to the property line of a potential customer and any related apparatus or equipment.
- (57) *Toxic Pollutant*. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of 33 U.S.C. 1317.
- (58) *Twenty-Four Hour Flow Proportional composite sample*. A sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.
- (59) *U.S.C.* United States Code.
- (60) *Unpolluted Water*. Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee, or EPA, for disposal to storm or natural drainage, or directly to surface waters.
- (61) *User*. Any Person, firm, corporation or government entity that discharges, causes, or permits the discharge of wastewater into a Public Sewer.
- (62) *Waste*. Any sewage and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to or for the purposes of disposal.

- (63) *Wastewater Constituents or Wastewater Characteristics.* The individual chemical, physical, bacteriological, and radiological parameters, including a volume and flow rate, and such other parameters as may serve to define, classify, or measure the content, quality, quantity and strength of Wastewater.

Sec. 18-204. - Use of public sewers and septic systems where public sewers are provided.

- (1) It shall be unlawful for any Person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
- (2) It shall be unlawful to discharge to any Natural Outlet within the City, or in any area under the jurisdiction of the City, any Sanitary Sewer, Industrial Wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent revisions of this chapter.
- (3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (4) Use of Public Sewers required. Except as provided, the owner of all houses, buildings, 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 shall connect to the public Sanitary Sewer system. The connection to the public Sanitary Sewer system shall be required at the property owner's expense including all applicable installation and Impact Fees provided said Public Sewer is within 200 feet of the property line or easement on which the principal structure is located.

Exceptions:

- (a) Immediately, but no instance more than ten days if the owner's private sewage disposal system no longer complies with the Williamson County Board of Health regulations or with Tennessee Code Annotated, §§ 68-221-401 et seq.; or
 - (b) Immediately, but no instance more than ten days, in the opinion of the City Administrator, conditions on the property pose an unacceptable risk to the public health, safety and welfare.
- (5) Use of septic system where Public Sewers are provided. If Public Sewer is available to properties having functioning septic systems (i.e., sewer lines are adjacent to or within 200 feet of the property line or easement on which the principal structure is located) property owners may elect not to connect to the public Sanitary Sewer system provided all the following requirements and conditions are met:
- (a) A Sanitary Sewer service charge, based upon water usage, shall be assessed from the date the public sanitary sewer is available. Payment is due monthly. At such time it is determined to connect to the public sanitary sewer system, payment of the Sanitary Sewer service charge shall not relieve the property owner from the requirements of payment of all installation and Impact Fees as applicable prior to obtaining the permit and authorization to commence work.
 - (b) Septic system certification. To ensure existing septic systems in the City are functioning properly, property owners with active systems shall have their septic tank(s) pumped and inspected. The pumping and inspection shall be conducted by a septic hauling company licensed by the State of Tennessee and certified by the City to perform these services. The initial pumping and inspection shall be conducted upon receipt of a notification letter from the

City, and at five-year intervals thereafter. The cost of pumping the septic system tank and administrative fee shall be the responsibility of the property owner. The amount of the administrative fees and penalties shall be specified in Appendix A, Comprehensive Fees and Penalties.

- (c) Upon pumping and inspection of the septic system tank(s), if it is determined a septic system is functioning properly according to applicable Williamson County Board of Health regulations or with Tennessee Code Annotated § 68-221-401 et seq., the property may defer connection to the public Sanitary sewer system for an additional five years. If at any time a septic system is determined to be malfunctioning, the certification shall be revoked and the property owner shall be required to connect at the homeowner's expense to public Sanitary sewer within 30 days.

Sec. 18-205. - Private sewage disposal.

- (1) Where a public Sanitary Sewer is not available under the provisions of subsection 18-204(4), the Building Sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- (2) The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the State of Tennessee Department of Environment and Conservation of the State of Tennessee. No septic tank or cesspool shall be permitted to discharge to any Public Sewer or Natural Outlet.
- (3) A permit for a private sewage disposal system shall be obtained from the Williamson County Environmental Department. The application for such permit shall be made on a form furnished by the County Environmental Department. The permit for said private sewage disposal shall not become effective until the installation of the system is completed to the satisfaction of the county health inspector.
- (4) When a Public Sewer becomes available to a property served by a private sewage disposal system, as provided in section 18-204, a direct connection shall be made to the Public Sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be properly abandoned and treated in such a manner as to cease to be health hazard or filled with suitable material.
- (5) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- (6) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the state and/or county health authorities.

Sec. 18-206. - Building Sewer or Service Line connections.

No Person not authorized by the Director shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance, thereof, without first obtaining a written permit from the Director. Also, all connections to the system must be made under the supervision of the Director.

(1) *Permits.*

- (a) All applications for permits for connections to the public Sanitary Sewer shall be made on blank forms approved and furnished by the City Recorder, for each building or connection desired.

- (b) There shall be two classes of Building Sewer or Service Line permits:
 - (i) For residential and commercial service, and
 - (ii) For service to establishments producing Industrial Wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director.
- (c) If in the opinion of the Director or designee, after appropriate inspection, any work inspected under the terms of this chapter fails to comply with the law, and notice is given to the permittee or his agent, and any reinspection of the same work is required, then a fee as specified in Appendix A, Comprehensive Fees and Penalties, per reinspection may be assessed against and collected from the permittee or his agent. No portion of the permitted work shall continue without first paying the reinspection fee.
- (2) *Assessment and collection of Impact Fees.* The Impact Fee for all customers is assessed and shall be paid prior to the issuance of a building permit. The installation fee is assessed and shall be paid whenever the City provides labor, equipment or materials to install the portion of the Service Line between the sewer main and the customer's part of the Service Line.
 - (a) The installation fee is assessed and shall be paid whenever the City provides labor, equipment or materials to install the portion of the Service Line between the sewer main and the customer's part of the Service Line. The installation fee consists of the cost of labor, materials and equipment involved in installing the Service Line and required appurtenances, and will be paid in accordance with the following schedule as specified in Appendix A, Comprehensive Fees and Penalties.
 - (b) In the event the City does any installation work not covered in the above table of installation fees, the cost of such work shall be charged to the customer according to a schedule of rates established by the Water Management. The installation fee shall be paid within ten days after the Service Line or lines have been laid and before service is received by the customer.
 - (c) Connections to the public sanitary sewage system shall be made in accordance with the established standards of the City. The City shall be responsible for installing that portion of the Service Line from the sewer main to the customer's property line unless there is approval by the City for the customer or its agent to install that portion of the Service Line. When a service line is completed and accepted by the City as part of the Public Sewer system, the City shall be responsible for the maintenance and upkeep of such Service Line from the main to the customer's property line and that portion of the line shall belong to the City. The remaining portion of the Service Line beyond the customer's property line and extending into the customer's property shall belong to and be the maintenance responsibility of the customer. Maintenance shall include repairs or corrections to correct infiltration or inflow of rainwater or groundwater.
 - (d) A separate and independent Building Sewer or Service Line shall be provided for every building. Except where one building stands at the rear of another on an interior lot and a Service Line cannot be constructed to the rear building through an adjoining alley, courtyard, or driveway, the Building Sewer Service Line from the building may be extended to the rear building and the whole is considered as one Building Sewer Service Line.

- (e) In case application is made to connect multiple units (such as would be contained in a shopping center, trailer park, apartment complex, condominium, duplex, triplex, etc.) to the sanitary sewage system, no privilege shall be granted unless a Wastewater Impact Fee as above set out is paid for each individual unit to be served within said development.
- (3) *Schedule of rates.* Wastewater Impact Fees as specified in Appendix A, Comprehensive Fees and Penalties, will be assessed for any connection inside or outside the corporate limits and shall be based upon single-family unit equivalent (SFUE) of 350 gallons/day discharge.

Sec. 18-207. - Wastewater Impact Fee.

- (1) In order to provide additional funds for additions, replacements and Improvements to the Franklin Wastewater System the City hereby establishes a Wastewater Impact Fee, hereinafter referred to as the "Impact Fee." The Impact Fee shall be assessed to any Person or entity connecting to the Sanitary Sewer lines or facilities of the City for furnishing Sanitary Sewer service to a new or expanded demands of residential or nonresidential sites.
- (2) For the purposes of this section, the point of connection to the system shall be that point at which any new line or service tap is connected to an existing line in the Franklin Wastewater System. Such point may be remote from the site of the development or customer requiring service.
- (3) The Impact Fee shall be based on the anticipated Wastewater discharge for the development. Such anticipated discharge shall be determined by the Director, and shall be based on the following:
 - (a) Information furnished to the Director by the Person or entity desiring to connect to the sewer lines or facilities;
 - (b) Information contained in recognized state or national publications;
 - (c) Records or similar installations; or
 - (d) Information supplied from other reliable sources approved by the Director.
- (4) The unit of measure shall be the single-family unit equivalent (SFUE) which shall be equivalent to a daily Wastewater discharge of 350 gallons.
- (5) The Impact Fee shall be no less than as specified in Appendix A, Comprehensive Fees and Penalties, per SFUE; however, an Impact Fee greater than the SFUE as specified in Appendix A, Comprehensive Fees and Penalties, for access to any specific section of a sewer main may be established by resolution of the Board of Mayor and Aldermen upon recommendation of the appropriate Committee.

Sec. 18-208. - Main extensions or facilities funded in whole or in part by developers.

If a Person has been required to pay all or a part of the cost of constructing Wastewater lines and facilities (hereinafter "Improvements"), which Improvements become part of the Franklin Sewer System and are available for use and benefit of the customers of the Franklin Sewer System, that Person may be eligible to be reimbursed a portion of its costs of construction of the said Improvements.

Reimbursement shall be allowed only by the Board of Mayor and Aldermen and shall be paid from revenue generated from the Wastewater Impact Fee account or other source established by the Board of Mayor and Aldermen. Cost reimbursement will not be allowed for Improvements constructed, on or off-site, for the sole benefit of the development. Costs eligible for reimbursement include labor, equipment, supplies, materials, engineering design, supervision, inspection, legal, and acquisition costs

for easements and right-of-way. Fiscal costs, including interest, finance charges, and other similar costs are ineligible for reimbursement.

The Person requesting reimbursement must enter into a written agreement with the City prior to commencement of construction of any Improvements for which reimbursement is sought. This agreement shall set out:

- (1) A description of the Improvements;
- (2) The estimated total eligible costs, as above defined;
- (3) The portion of the cost of such Improvements for which reimbursement will be allowed. The latter determination shall be based generally upon the difference in sizing or capacity of the line or facility needed for the development and the size or capacity needed for the system as a whole. However, the Board may in its reasonable discretion consider such other factors as are necessary for an equitable sharing of costs of any system Improvements so constructed.

Further, prior to dedication and acceptance of the Improvements by the City, the Person requesting reimbursement must present to the Board a detailed statement of the actual eligible costs and the Board in its discretion may amend the agreement, and the reimbursement amount, to reflect the actual project costs.

Sec. 18-209. - Construction of sewer lines.

- (1) All Persons who undertake the construction of sewer lines located in or affecting Sanitary Sewer service provided by the City shall comply with the requirements and regulations set forth in the ""General Requirements and Technical Specifications, Water Management Department, City, Tennessee," latest edition, along with any amendments, additions, or alterations that may hereafter be adopted by the Board of Mayor and Aldermen by resolution, or the latest edition thereof or amendment thereto, copies of which may be purchased in the office of the City Recorder.
- (2) Upon completion of the construction of any such Wastewater line, and upon acceptance by the City, such Wastewater lines and mains shall become the property of the City. The Persons paying the cost of constructing such lines and the mains shall execute all written instruments required by the City that are necessary to provide evidence of the City's ownership of such lines and mains. In consideration of such lines and mains being transferred to the City, the City shall incorporate said mains as an integral part of the City's Wastewater system and shall furnish sewer service therefrom in accordance with this chapter.
- (3) When for cause shown, the Board of Mayor and Aldermen determines that it is to the best interest of the Wastewater system and the general public to extend sewer service, without requiring strict compliance with this section, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the Board of Mayor and Alderman.
- (4) The authority to extend Wastewater service is permissive only, and nothing contained herein shall be construed as requiring the City to provide sewer service to any Person or entity.

Sec. 18-210. - Billing for Sanitary Sewer service.

All sewer bills may be rendered weekly, semi-monthly, or monthly, at the option of the City.

The bills will consist of charges for the user service fee, consisting of the availability charge, the customer service charge and the consumption service charge, as well as other services obtained by the customer from the City in accord with the agreement between the customer and the City.

The sewer service bill is based on gallons of water delivered by the water provider through the potable water meter. An availability charge applies if sewer is available, even if the customer has not connected to the sewer or there is no consumption for the period.

Sewer bills must be paid on or before the due date shown thereon to obtain the net or discount rate, otherwise the gross rate shall apply which includes a penalty of ten percent of the net amount billed for sewer. Failure to receive a bill will not release a customer from payment obligation, nor extend the due date.

In the event a bill is not paid on or before 15 days after the discount or due date, the customer's water service may be discontinued without further notice. The City shall not be liable for any damages resulting from discontinued service under the provisions of this section, even though payment of the bill is made at any time on the day that service is discontinued.

Should the final date of payment of bill at the net rate fall on a weekend or a holiday, the business day next following the final date will be the last day to obtain the net rate.

If a water meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the City reserves the right to render an estimated bill based on the best information available. Any unauthorized removal or tampering with the meter will result in a fine as specified in Appendix A, Comprehensive Fees and Penalties, per occurrence.

Any unauthorized removal or tampering with the water meter shall result in a remedial fine as specified in Appendix A, Comprehensive Fees and Penalties.

The Wastewater (sewer) service charge shall not apply to separately metered water and reclaimed water delivery points that are owned, maintained and read by the water provider where there is no potential for the Wastewater stream of entering the Wastewater stream (e.g. separately metered irrigation and cooling tower applications).

Bills will be issued to the party or parties who obtain service under the provisions of section 18-103 of this Code ("obtaining service"). Residential customers will have consolidated bills presented for other services including, but not limited to, Wastewater, solid waste, and stormwater in accordance with the provisions of this Code.

- A. *Residential* is for a residential property owner whose property meets all of the following criteria and will have water service provided and billed under residential rate provisions using residential rates:
1. The property is used as a detached single-family residential living unit by an owner or tenant and is intended to be used as a residential dwelling; and
 2. The property is classified by the Williamson County Assessor as a residential or homebelt property; and
 3. Is served by a single water meter serving a single residential living unit; and
 4. The development consists primarily of similar units and not mixed-use or attached dwellings which are classified as "multi-residential".
 5. The occupant (owner or tenant) has a unique utility service contract with the City or water district. An addendum to the water supply contract authorizes the City to provide and be

paid for City provided services if served water from MVUD, Milcrofton, HB&TS or Brentwood (specific addendums are in their contracts for City services).

- B. *Multi-residential* customers are those that live in residential living units containing the following characteristics. Service is priced at residential rates using "multiple minimums". Multiple minimums apply when more than one living unit is served from one water meter. This allows for water service to be priced as if each living unit were measured and billed separately. The effect is that total consumption is divided by total units to determine the pricing per unit and billed to the party contracting for service. Living units with one meter/unit will result in being priced as if they are residential.
1. The property is used as an attached or detached multi-family residential living unit by an owner or tenant and is intended to be used as residential dwellings; and
 2. The property is classified by the Williamson County Assessor as a residential (condominiums, townhomes, duplexes, triplexes) or commercial property (apartments, duplexes, triplexes) or governmental property (Franklin Housing Authority); and
 3. The development consists primarily of similar mixed-use or attached dwellings which are not classified as "residential" above.
 4. The occupant (owner or tenant) typically does not have a utility service contract with the City or water district and the contract for service is typically with a commercial enterprise, an agent of the owner/tenant (e.g., a homeowner's association or property management firm) or a government entity (Franklin Housing Authority). An addendum to the water supply contract authorizes the City to provide and be paid for City provided services if served water from MVUD, Milcrofton, HB&TS or Brentwood (specific addendums are in their contracts for City services).
- C. *Nonresidential* is a customer who does not meet the requirements as a residential or multi-residential customer but may have living units on the property. Included are farms, healthcare facilities, hospitals, assisted living facilities, hotels (including extended stay facilities) and common properties for residential and multi-residential developments. All "irrigation water" shall be classified as nonresidential even if delivered to a residential customer. Water pricing will be under nonresidential (commercial) rate provisions.

Sec. 18-211. - Use of public sewers.

- (1) No stormwater, groundwater, rainwater, street drainage, rooftop drainage, basement drainage, subsurface drainage, foundation drainage, yard drainage, swimming pool drainage, process water drainage, Cooling Water, or other unpolluted or minimally polluted water shall be discharged into the City's sewer system unless no other reasonable alternative is available, except with permission from the Director. Reasonable conditions shall be prescribed, and a sewer service charge will be issued based upon the quantity of water discharged as measured by a flowmeter or a reasonable estimate accepted by the Director. All users shall be required to maintain their private sewer lines to prevent filtration of groundwater or stormwater as a condition of use of the system and shall immediately replace or repair any leaking or damaged lines.
- (2) The POTW will accept discharge of contaminated stormwater if the following criteria are met:
 - (a) All known and available technology will not prevent contamination or treat contaminated water to meet state standards for discharge to receiving waters or will cause unreasonable financial burden;

- (b) The contaminated stormwater meets the POTW's discharge limits and all state and federal pretreatment requirements; and
 - (c) The volume of discharge will not exceed the hydraulic loading in the collection system or the treatment plant.
- (3) Adequate and proper pretreatment facilities including grease traps must be provided for other than domestic Wastewater discharges when such Wastewater exceeds the limits of pollutants established in this chapter of the Franklin Municipal Code. The pretreatment facilities must be installed in accordance with plans approved by the Director and shall be properly operated by the user.

Such pretreatment facilities shall be provided as a condition on the permit for connection to the POTW and may be required on new or existing connections where conditions warrant as determined by the Director.

The facilities shall be at all times subject to inspection by the Director or his authorized representative. In the event facilities are determined to be inadequate or improperly operated, the user shall be given written notice of the deficiency and shall correct such deficiency.

(4) *Prohibited Wastewater.*

- (a) Any Wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW treatment plant which exceeds 104° F (40° C).
- (b) Unless a higher discharge temperature is specified in the user's Wastewater discharge permit, no user shall discharge into a sewer line or other appurtenances of the POTW Wastewater with a temperature exceeding 150 degrees Fahrenheit.
- (c) Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, pollutants with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees centigrade) as determined by a Pensky-Martens closed-cup tester, using the test method specified in the American Society for Testing and Materials (ASTM) D-93-79 or D-93-80k, or a Setaflash closed-cup tester, using the test method specified in ASTM D-3278-78, or pollutants which cause an exceedance of ten percent of the lower explosive limit (LEL) at any point within the POTW.
- (d) No waste from garbage disposals shall be discharged into the POTW's sewers except from private garbage disposals used in an individual residence or upon permit issued by the Director for preparation of food consumed on Premises, and then only when applicable fees are paid. It shall be unlawful for any Person to use a garbage disposal grinder connected to the sewer system for grinding and discharging plastic, paper products, inert materials, or anything other than the waste products from normal food preparation and consumption.
- (e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure, or any substance capable of causing obstruction to the flow in sewers, capable of coating the sewers or other appurtenances, or causing other interferences with the proper operation of the sewage works.
- (f) Any water or waste having a pH lower than 6.0 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

- (g) Any water and waste containing a toxic or poisonous substance in amounts exceeding standards established by the Environmental Protection Agency pursuant to section 307(a) (b) or (c) of the act.
- (h) Any radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use or which may be hazardous to plant facilities or personnel.
- (i) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (j) Any water or waste containing a pollutant capable of causing a pass-through violation at the POTW or an interference with the operation or performance of the POTW.
- (k) Any trucked or hauled pollutants, except at discharge points specified by the POTW.
- (l) Any waste known or suspected of being infectious without first undergoing pretreatment to eliminate such pathogens.

(5) *Regulated Wastewater.*

- (a) Wastes having any of the following characteristics may be accepted only under such conditions and/or limitations as may be approved on a case-by-case basis by the Director.

- (i) Any waters or wastes containing constituents in excess of the following concentrations:

BOD	300 mg/l
COD	600 mg/l
TKN	60 mg/l
NH ₃ -N	30 mg/l
TSS	300 mg/l
Oil and Grease	100 mg/l

- (ii) Intermittent slugs, or short-time-high volume discharges, at such discharge rates or concentrations as to overload either the Public Sewers or the treatment facilities.
 - (iii) Any waters or wastes having noxious or malodorous substances which either alone or in combination with other substances which may be present in the Wastewater may cause an offensive odor or public nuisance.
 - (iv) Any waters or wastes having color which is not removed by the treatment processes or which could adversely affect plant appearance or performance.

- (b) Restrictions on Wastewater strength. No Person or user shall discharge Wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided for in this chapter or the user's Wastewater discharge permit provides a special permit condition temporarily allowing a higher concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a predetermined time frame (compliance schedule).

TABLE A
User Discharge Restrictions

Parameter	Daily Maximum Concentration (mg/l)
Copper (Cu)	2.77
Chromium (Cr), Total	2.24
Nickel (Ni)	2.21
Cadmium (Cd)	0.128
Lead (Pb)	0.330
Mercury (Hg)	0.0002

Molybdenum (Mo)	0.063
Silver (Ag)	0.140
Zinc (Zn)	2.61
Cyanide (CN)	0.141
Toluene	0.311
Benzene	0.134
1,1,1, Trichloroethane	1.785
Ethylbenzene	0.255
Carbon Tetrachloride	0.223
Chloroform	1.650

Tetrachloroethylene	0.268
Trichloroethylene	0.406
1,2, trans Dichloroethylene	0.041
Methylene Chloride	1.174
Phenols, Total	1.090
Napthalene	0.041
Phthalates, Total	01.690

- (c) Criteria to protect the treatment plant influent. The POTW shall monitor the treatment plant influent for each pollutant in the following table. In the event the influent at the POTW reaches or exceeds the levels set forth in this table, the Director shall initiate technical studies to determine the cause of the exceedance and shall recommend to the City the necessary remedial measures. The Director may also recommend changes to these criteria if the POTW effluent standards are changed, there are changes in applicable laws or regulations, or changes are needed for more effective operation of the POTW.

Plant protection criteria have been established for the WWTP influent and are listed in Table B.

TABLE B
Plant Protection Criteria

Parameter	Daily Maximum Concentration (mg/l)
Copper (Cu)	0.34
Chromium (Cr), Total	0.28
Nickel (Ni)	0.28
Cadmium (Cd)	0.015
Lead (Pb)	0.038
Mercury (Hg)	0.0002
Molybdenum (Mo)	0.006
Silver (Ag)	0.020
Zinc (Zn)	0.95

Cyanide (CN)	0.16
Toluene	0.035
Benzene	0.015
1,1,1, Trichloroethane	0.200
Ethylbenzene	0.029
Carbon Tetrachloride	0.025
Chloroform	0.185
Tetrachloroethylene	0.030
Trichloroethylene	0.046
1,2, trans Dichloroethylene	0.005

Methylene Chloride	0.132
Total Phenols	0.125
Napthalene	0.005
Total Phthalates	0.190

- (d) Hearings. Any regulated discharger may request and receive a hearing before the committee regarding establishment of discharge conditions or violations thereof and may appeal an adverse decision for hearing by the Board. The ruling of the Board shall be final.

(6) *Grease, oil and sand interceptors.*

- (a) Disposal of oil by discharge to the sewer system is not permitted. Oils include automotive lubrication oils, transmission and brake fluid, other industrial oils, and vegetable oils used in a restaurant or food preparation or processing facility.
- (b) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be located as to be readily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and watertight.
- (c) Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- (d) Grease, oil, and sand interceptors shall be subject to monitoring, entry, inspection, reinspection, reinspection fees, reporting and other requirements as determined by the Director.

(7) *Regulation of commercial septic and drain cleaning services.*

- (a) No Person shall clean out, drain, or flush any septic tank or any other type of Wastewater or excreta disposal system, unless such Person, firm, association, or corporation obtains a permit from the Director to perform such acts or services. Any Person desiring a permit to perform

such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the City Recorder when the conditions of this chapter have been met and providing the Director is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

- (b) For each permit issued under the provisions of this section, an annual fee, as established by the Board, shall be paid to the City. Any such permit granted shall be for one full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.
- (c) The Director shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any such Person to empty or clean such equipment at any place other than a place so designated.
- (d) Failure to comply with all the provisions of this section shall be sufficient cause for the revocation of such permit and for application of penalties described elsewhere in this section. The possession within the Service Area by any Person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving as a cleaning unit for septic tank or other Wastewater or excreta disposal system shall be prima facie evidence that such Person is engaged in the business of cleaning, draining, or flushing septic tanks or other Wastewater or excreta disposal systems within the Service Area of the City.

(8) *Industrial users.*

(a) Permits.

- (i) Each industrial user proposing to discharge to the Sanitary Sewers wastes of any description, exclusive of domestic sewerage shall file with the Director an application for the discharge of such wastes. Applications shall be filed on forms provided by the Director and shall include data on the raw materials used, finished products, process descriptions, chemicals used and stored, sources of process wastes proposed for discharge to Sanitary Sewers, approximate number of employees, anticipated water consumption and proposed pretreatment. The application shall further include the SIC number(s) of the applicant; Wastewater volume; daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the Premises, including concentrations; site plans; flow plans; mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities; and any other information deemed necessary by the Director.
- (ii) The Director will provide prompt written acknowledgement of the application and will either approve or reject the request to discharge, or when necessary, request more data. If the application is approved, the Director will issue a discharge permit setting forth the conditions under which the wastes may be discharged to the sewers.
- (iii) The Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the City. The permits may contain the following:

- (A) The units charge or schedule of user charges and fees for the Wastewater to be discharged to a community sewer.
 - (B) Limits on the average and maximum Wastewater constituents and characteristics.
 - (C) Limits on average and maximum rate at time of discharge or requirements for equalization.
 - (D) Requirements for installation and maintenance of inspection and sampling facilities.
 - (E) Specifications for monitoring program which may include sampling locations, frequency of sampling, number, types, and standard for testing and reporting schedule.
 - (F) Compliance schedules.
 - (G) All technical reports or discharge reports shall comply with all signatory requirements of 40 CFR 403.12(1).
 - (H) Requirements for maintaining and retaining plant records relating to Wastewater discharge as specified by the City, and affording the City access thereto.
 - (I) Requirements for notification of the City of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into the Wastewater treatment system.
 - (J) Requirements for notification of slug discharges.
 - (K) Any other conditions as deemed appropriate by the Director to ensure compliance with this chapter.
- (iv) The Director may request updated information or additional data from any industrial user at any time and failure to respond in a timely manner shall constitute a violation of the discharge permit conditions.
 - (v) It shall be the responsibility of the industrial user to file new or updated data with the Director whenever there is a significant change in process waste discharge because of a plant expansion, change in manufacturing process, or any other reason. Upon request by the Director, the industrial user shall also provide a comprehensive analysis of the waste stream performed by a qualified commercial laboratory.
 - (vi) The application for permit to discharge process wastes to the Sanitary Sewer and the resulting approval notice setting forth discharge conditions shall not be transferable. A separate application must be filed whenever an industry moves to a new location or is replaced by another industry at the same location.
 - (vii) The permit shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be set to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.
 - (viii) Any permit issued under the provisions of this chapter is subject to being modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
 - (A) Violation of any terms or conditions of the Wastewater discharge permit or other applicable federal, state, or local law or regulation.

- (B) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.
 - (C) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
 - (D) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or Wastewater characteristics.
- (9) *Monitoring manholes.* Any industrial user discharging industrial process wastes of any description shall install a suitable monitoring manhole in the Building Sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be suitably located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his expense and shall be maintained by him to be safe and accessible at all times.
- (10) *Surveillance fees.* Any industrial user discharging industrial process wastes of any description shall be charged a surveillance fee as recommended by the Director and approved by the Committee to compensate the City for the added cost of collecting and analyzing waste samples on a periodic basis to ensure compliance with the terms of this chapter. Results of such analyses will be furnished to the industrial user. The surveillance fee shall be levied in addition to all other applicable charges, user's fee and/or taxes, and shall be subject to adjustment on an annual basis.
- (11) *Monitoring equipment.*
- (a) Automatic composite samplers and monitoring units will be installed at the monitoring manholes of industrial dischargers when and as deemed necessary by the Director.
- (12) *Surcharges.*
- (a) Any waters or wastes containing constituents in excess of the following concentrations:

BOD	300 mg/l
COD	600 mg/l
TKN	60 mg/l
NH ₃ -N	30 mg/l
TSS	300 mg/l
Oil and Grease	100 mg/l

may be accepted in the Public Sewer subject to a surcharge to cover the additional cost of treating such wastes. Discharges of extra strength wastes must apply for and operate under a permit from the City. The surcharges will be based on the average of six composite samples collected over a three-month period, at least one of which should have been collected within

30 days of billing date. The Director will use independent sampling, split samples, or other means to verify the constituents of the Wastewater.

- (b) The surcharge shall be based on the average concentration and the metered water consumption (or Wastewater flows).
- (c) The surcharge will be calculated according to the following formula with no credit for concentrations less than the threshold concentration amounts listed in paragraph (a) above and with the total applied to the monthly bill of affected users:

$[A(E-300) + B(F-300) + C(G-60) + D(H-100) \times 0.00834 \times I \times J = \text{SURCHARGE MONTHLY BILL}]$ and where:

A is the surcharge rate for BOD of \$0.35 per pound;

B is the surcharge rate for TSS of \$0.35 per pound;

C is the surcharge rate for TKN of \$1.75 per pound;

D is the surcharge rate for oil and grease of \$1.05 per pound;

E is the user's effluent BOD concentration (mg/l);

F is the user's effluent TSS concentration (mg/l);

G is the user's effluent TKN concentration (mg/l);

H is the user's effluent oil and grease concentration (mg/l);

I is the user's flow to the sewer system in 1,000 gallons per day;

J is the number of days in the billing month.

COD may be used in lieu of BOD with the agreement of the Director. The COD surcharge rate is \$0.15 per pound.

The extra strength of $\text{NH}_3\text{-N}$ will be handled through the surcharge of Total Kjeldahl Nitrogen (TKN) in all cases.

- (13) *Violations.* If any discharge to the Wastewater system, or any proposed discharge to the system is responsible for or is likely to be responsible for violation of § 18-211(3), (4) hereinabove, and (5) the Director may take any action necessary to:

- (a) Prohibit the discharge of such Wastewater.
- (b) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances not in conformity with this chapter.
- (c) Require pretreatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.
- (d) Take such other remedial action enforcement action, or penalty action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.

- (e) In the event any actual or threatened discharge to the Wastewater system presents an imminent danger to the health and welfare of Persons, the Director may take immediate action, such as severance of the sewer connection, to halt or prevent the discharge.
- (14) *Prior approval for pretreatment.* Where pretreatment or equalization of Wastewater flows prior to discharge into any part of the Wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the Director for review and approval. Such approval shall not exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the Director.
- (15) *Maintenance of pretreatment facilities.* Where preliminary treatment facilities are provided for any water or waste, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (16) *Slug control program.*
- (a) Each user shall provide protection from slug discharges of restricted materials or other substances regulated by this chapter. A slug is defined as any pollutants, including oxygen demanding pollutants, released in a discharge of such volume or strength as to cause interference in the POTW or individual unit operations or cause adverse effects upon its employees or the government. No user shall be permitted to discharge into the system until the need for slug control plans or procedures has been reviewed by the Director.
- (b) Certain users will be required to prepare spill response plans showing facilities and procedures for providing this protection. These plans shall be submitted to the Director for review and approval. All users required to have such a plan shall submit it within 60 days of notification by the Director and complete implementation within 90 days of notification.
- (c) In the case of a slug discharge, it is the responsibility of the user to immediately notify the POTW of the incident by telephone or in Person. Information concerning the location of the discharge, type of waste, concentration and volume, and corrective action shall be provided by the user.
- Within five days following a slug discharge, the user shall submit a detailed written report describing the cause of the discharge and the measures being taken by the user to prevent future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, fish kills, or any other damage to Persons or property, nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.
- (d) A notice shall be permanently posted on the user's Premises advising employees of a contact to call in the event of a slug discharge. The user shall ensure that all employees who may cause or allow such slug discharge to occur are advised of the proper emergency notification procedure.
- (17) *Sampling and analysis.*
- (a) All collected samples must be of such nature that they provide a true and accurate representation of the industry's normal workday effluent quality.
- (b) Chain-of-custody procedures, sample preservation techniques, and sample holding times recommended by the EPA shall be followed in all self-monitoring activities. Grab samples must

be used for pH, cyanide, phenols, oil and grease, sulfide, and volatile organics. All other samples shall be 24-hour flow proportional composite samples, unless otherwise specified.

- (c) Monitoring shall be performed at the approved monitoring station on the effluent sewer. Location and design of the monitoring station shall be subject to the review and approval of the Director. Any change in monitoring location will be subject to the approval of the Director.
- (d) All analyses shall be performed in accordance with procedures established by the EPA under the provisions of section (304(h)) of the Act and contained in 40 CFR, part 136 and its amendments or with any other test procedures approved by the EPA or the Director. Sampling shall be performed in accordance with the techniques approved by EPA or the Director.
- (e) If sampling by an industrial user indicates a violation, then the user shall notify the Director within 24 hours of becoming aware of such violation.

(18) *Compliance with federal requirements.*

- (a) Any user of the Public Sewer who discharges industrial waste or matter must satisfy and meet federal government guidelines for Pretreatment as may be prescribed from time to time by the Environmental Protection Agency or its successor agency and the guidelines for Pretreatment as may be prescribed from time to time by the Division of Water Pollution control of the Tennessee Department of Environment and Conservation, and further must furnish at its own expense any additional monitoring equipment as reasonably may be necessary in the opinion of the Director.
- (b) Upon the promulgation of the federal categorical Pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations under this chapter. The Director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(19) *Records.*

- (a) All industrial users who discharge or propose to discharge Wastewaters to the Wastewater treatment system shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this chapter and any applicable state or federal Pretreatment standards or requirements.
- (b) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of productions entitled to protection as trade secrets of the user.
- (c) When requested by the Person furnishing a report, the portions of a report which might disclose trade secrets of secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, state disposal system permit and/or the Pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings

involving the Person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

- (d) Information accepted by the City as confidential shall not be transmitted to any government agency or to the general public by the City until and unless a ten-day notification is given to the user.
- (20) *Pretreatment of off-site generated wastes.* No industrial user may accept or treat liquid wastes from any other site for Pretreatment and discharge to the Public Sewer system without such arrangement having been reviewed by the Director and approved in writing by the appropriate Committee.
- (21) *Dilution.* Except where expressly authorized by an applicable Pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

Sec. 18-212. - Enforcement.

- (1) *Enforcement response plan.* To apply enforcement actions toward violators of Pretreatment permits or this sewer use chapter in an efficient, objective and consistent manner, the Enforcement Response Plan has been developed and is incorporated herein by reference.
- (2) *Administrative enforcement remedies.*
 - (a) *Notification of violation.* When the Director finds that any user has violated or is violation this section or a Wastewater permit or order issued hereunder, the Director or his agent may serve upon the user a written notice of violation (NOV). Within 10 days of receipt of the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.
 - (b) *Consent orders.* The Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time frame also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraph (d) below.
 - (c) *Show-cause hearing.* The Director may order any user which causes or contributes to a violation of this chapter, its Wastewater permit, or any order issued hereunder to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any principle executive, general partner, or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.
 - (d) *Compliance order.* When the Director finds that a user has violated or continues to violate this chapter or permit or order issued hereunder, he may issue an order to the user responsible for the discharge, directing that, following a specified time period, sewer service shall be discontinued and/or civil penalties will be assessed unless adequate treatment facilities,

devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements deemed reasonably necessary and appropriate to address the noncompliance, including the installation of Pretreatment technology, additional self-monitoring, and management practices.

- (e) *Cease and desist orders.* When the Director finds that a user has violated or continues to violate this chapter or any permit or order issued hereunder, the Director may issue an order to cease and desist all such violations and direct those Persons in noncompliance to do one of the following:

- (i) Comply with the order.
 - (ii) Take the appropriate remedial or preventive action needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

- (f) *Emergency termination of service.* When the Director finds that an emergency exists in which immediate action is required to protect public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or the facilities of the POTW, the Director may, without prior notice, issue an order reciting the existence of such an emergency and requiring that certain action(s) be taken as the Director deems necessary to meet the emergency.

If the violator fails to respond or is unable to respond to the Director's order, the Director may take such emergency action as deemed necessary or contract with a qualified Person to carry out the emergency measures. The Director may assess the Person(s) responsible for the emergency condition for actual costs incurred by the Director in meeting the emergency.

If the emergency action adversely affects the user, the Director shall provide the user an opportunity for a hearing as soon as possible thereafter to consider restoration of service upon abatement of the condition or other reasonable conditions. Following the hearing, the Director may take any such authorized action should the proof warrant such action.

- (g) All of the administrative enforcement remedies may be appealed to the appropriate Committee.

(3) *Administrative and civil penalties.*

- (a) Any Person or user who does any of the following acts or omissions shall be subject to a civil or administrative penalty as specified in Appendix A, Comprehensive Fees and Penalties, per day for each day during which the act or omission continues or occurs:

- (i) Violates any effluent standard or limitation imposed by a Pretreatment program.
 - (ii) Violates the terms or conditions of a permit issued pursuant to a Pretreatment program.
 - (iii) Fails to complete a filing requirement of a Pretreatment program.
 - (iv) Fails to allow or perform an entry, inspection, monitoring, or reporting requirement of a Pretreatment program.
 - (v) Fails to pay user or cost-recovery charges imposed by a Pretreatment program.
 - (vi) Violates a final determination or order of the Director or the appropriate Committee.

- (b) Any administrative penalty shall be assessed in the following manner:

- (i) The Director may issue an assessment against any Person or user responsible for the violation.
 - (ii) Any Person or user against whom an assessment has been issued may secure a review of such assessment by filing with the Director a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter involved before the appropriate Committee. If a petition for review of the assessment is not filed within 30 days of the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.
 - (iii) When any assessment becomes final because of a Person's failure to appeal the Director's assessment, the Director may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment. Penalties will be assessed based on the following criteria:
 - (A) Whether the penalty imposed will be a substantial economic deterrent to the illegal activity.
 - (B) Damages to the POTW, including compensation for the damage or destruction of the facilities of the POTW, which also includes any penalties, costs, and attorney's fees incurred by the POTW as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damage.
 - (C) Cause of the discharge or violation.
 - (D) The severity of the discharge and its effect upon the facilities of the POTW and upon the quality and quantity of the receiving waters.
 - (E) Effectiveness of actions taken by the violator.
 - (F) The technical and economic feasibility of reducing or eliminating the discharge.
 - (G) The economic benefit gained by the violator.
 - (c) The Director may institute proceedings for assessment of civil penalty in the name of the City in the Chancery Court of Williamson County.
 - (d) The Mayor and Board of Aldermen may establish by regulation a schedule of the amount of administrative or civil penalty which can be assessed by the Director for certain specific violations or categories of violations.
 - (e) Any administrative civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner of environment and conservation for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). Provided, however, the sum of the penalties imposed by this section and by § 69-3-115(a) shall not exceed the amount specified in Appendix A, Comprehensive Fees and Penalties, per day for each day during which the act or omission continues to occur.
- (4) *Assessment of damages.*
- (a) The Director may assess the liability of any violator for damages to the Pretreatment agency resulting from any Person(s) or user(s) Pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the Pretreatment program.

- (b) If an appeal from such assessment is not made to the Director by the violator within 30 days of notification of such assessment, he shall be deemed to have consented to such assessment and it shall become final.
 - (c) Damages may include any expenses incurred in investigating and enforcing the Pretreatment program or any other sections of this chapter in removing, correcting, and terminating any Pollution, and also compensation for actual damages caused by the violation to the POTW. The Director shall assess the expenses and damages incurred by the POTW to clear the obstruction, repair damage to the POTW, and otherwise rectify any impairment caused by the violation.
 - (d) Whenever any assessment has become final because of a Person's failure to appeal within 30 days, the Director shall bill the Person responsible for the damage for reimbursement of all expenses and damages suffered by the POTW. If the Person responsible refuses to pay, the Director may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of assessment.
 - (e) The Director may institute proceedings for the assessment of damages in the name of the City in Chancery Court of Williamson County.
- (5) *Hearings.*
- (a) Any hearing or rehearing brought before the appropriate Committee shall be conducted in accordance with the following:
 - (i) Upon receipt of a written petition from the alleged violator pursuant to this section, the Director shall give the petitioner ten days written notice of the time and place of the hearing.
 - (ii) The hearing provided may be conducted by the appropriate Committee at a regular or special meeting. A quorum of the appropriate Committee must be present at the regular or special meeting to conduct the hearing.
 - (iii) A verbatim record of the proceedings of the hearings shall be made and filed with the appropriate Committee in conjunction with the findings of fact and conclusions of law. The transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the Director to cover preparation fees.
 - (iv) In connection with the hearing, the chairperson of the appropriate Committee shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In any case of refusal to obey a notice of hearing or subpoena issued under this section, the Chancery Court of Williamson County shall have the jurisdiction upon the application of the Director to issue an order requiring such Persons to appear and testify or produce evidence as the case may require. Failure to obey such an order of the court is punishable by the court as contempt.
 - (v) Based on the evidence produced at the hearing, the appropriate Committee shall make findings of fact and conclusions of law and enter such decisions and orders as, in its opinion, will best further the purposes of the Pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this

subsection shall be issued no later than 30 days following the close of the hearing by the Person or Persons designated by the chairperson.

- (vi) The decision of the appropriate Committee shall become final and binding on all parties unless appealed to the courts as provided in § 18-212(5)(b).
 - (vii) Any Person to whom an emergency order is directed shall comply therewith immediately but, on petition to the appropriate Committee, shall be afforded a hearing as soon as possible but in no case shall such hearing be held later than three days from the receipt of such a petition by the appropriate Committee.
 - (viii) Upon agreement of all parties, the testimony of any Person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedure with the chairperson to rule on such manners as would require a ruling by the court under said rules.
 - (ix) The Director shall first call witnesses, which shall be followed by witnesses called by the other party. Rebuttal witnesses shall be called in the same order. The chairperson shall rule on any evidentiary questions arising during such hearing and shall make other rulings necessary or advisable to facilitate an orderly hearing subject to approval of the appropriate Committee. The appropriate Committee, the Director, his representative, and all parties shall have the right to examine any witness. The appropriate Committee shall not be bound by or limited to rules of evidence applicable to legal proceedings.
 - (x) Any Person aggrieved by an order or determination of the Director, where an appeal is not otherwise provided by this section, may appeal said order or determination to be reviewed by the appropriate Committee under the provisions of this section. A written notice of appeal shall be filed with the Director and said notice shall set forth with particularity the action or inaction of the Director complained of and the relief being sought by the Person filing said appeal. A special meeting of the Committee may be called by the chairperson upon the filing of such an appeal, and the committee may, at member's discretion, suspend the operation of the order or determination of the Director on which is based the appeal until the appropriate Committee has acted upon the appeal.
 - (xi) The vice chairperson or the chairperson pro tem shall possess all the authority delegated to the chairperson by this section when acting in their absence or place.
- (b) An appeal may be taken from any final order or other final determination of the Director or Committee by any party who is or may be adversely affected thereby to the Chancery Court pursuant to the common law writ of certiorari set in Tennessee Annotates (T.C.A. § 27-8-101, within 60 days from the date such order or determination is made.
- (6) *Judicial proceedings and relief.* The Director may initiate proceedings in the Chancery Court of Williamson County against any Person or user who is alleged to have violated or is about to violate the Pretreatment program, its industrial user permit, any section of this chapter, or any order of the Director and/or Committee. In such action, the Director may seek, and the court may grant, injunctive relief and any other relief available in law or equity.
- (7) *Disposition of damage payments and penalties.* All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the City and allocated and appropriated to the sewer system for the administration of its Pretreatment program.

Sec. 18-213. - Protection from damage.

No Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any Person violating this provision shall be subject to immediate arrest.

Sec. 18-214. - Powers and authority of inspectors.

The Director, and other duly authorized employees of the City, as well as state and federal EPA personnel bearing proper credentials and identification, shall be permitted to enter upon all properties for inspection, observation, measurement, sampling, testing and record review and copying in accordance with the provisions of this chapter.

Sec. 18-215. - Duties and authorities.

(1) *Appropriate Committee.* In addition to any other duty or responsibility otherwise conferred upon the appropriate committee by this chapter, the appropriate Committee shall have the duty and power as follows:

- (a) To recommend amendments or modifications to the provisions of this chapter;
- (b) To hold hearings upon appeals from orders of actions of the Director as may be provided under the provisions of this chapter;
- (c) To hold hearings related to the suspension, revocation, or modification of a Wastewater discharge permit and issue appropriate orders relating hereto;
- (d) To hold hearings that may be required in the administration of this chapter and to make determinations and issue orders necessary to effectuate the purposes of this chapter.
- (e) To request assistance from any officer, agent, or employee of the City and to obtain any necessary information or other assistance;
- (f) The appropriate Committee, acting through its chairperson, shall have the power to issue subpoenas requiring attendance, the testimony of witnesses, and the production of documentary evidence relevant to any matter properly heard by the appropriate Committee;
- (g) The chairperson shall be authorized to administer oaths to people giving testimony.

(2) *Director.*

- (a) *Director and staff.* The Director and his/her staff shall be responsible for the administration of all parts of this section.
- (b) *Authority of Director.* The Director shall have the authority to enforce all sections of this chapter. He/she shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances of the POTW. The Director shall be responsible for preparation of operating budgets, subject to the normal budgetary processes of the City.
- (c) *Records.* The Director shall keep in his office or at an appropriate storage facility all applications required under this chapter a complete record thereof, including a record of all Wastewater discharge permits.
- (d) *Notice of national pretreatment standard.* The Director shall notify users identified in 40 CFR, part 403.8(f)(2) of any applicable Pretreatment standards or other applicable requirements

promulgated by the EPA under the provisions of Section 204(b) of the Act (33 U.S.C. 1284), Section 405 of the Act (33 U.S.C. 1345) or under the provisions of Sections 3001, 3304, or 4004 of the Solid Waste Disposal Act. Failure of the Director to notify users shall not relieve the users from the responsibility of complying with these regulations.

- (e) *Public participation notice.* The Director shall comply with the public participation requirements of 40 CFR, Part 425 in the enforcement of National Pretreatment Standards. The Director shall, at least annually, provide public publication in the largest local newspaper of all significant industrial users which, during the previous 12 months, significantly violated applicable Pretreatment standards or other Pretreatment requirements. For the purposes of this provision, a significant industrial user is in significant violation if its violations meet one or more of the following criteria:
 - (i) Chronic violations of Wastewater discharge limits, defined as those in which 66 percent or more of all the measurements taken during a six-month period exceeded (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
 - (ii) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken during a six-month period equal or exceed the product of the daily average maximum limit or average limit times the applicable TRC (TRC=1.4 for BOD, TSS, and oil and grease; and 1.2 for all other pollutants except pH).
 - (iii) Any other violation of a Pretreatment effluent limit (daily maximum or longer-term average) that the Director believes has caused, alone or in combination with other discharges, interference, or Pass-Through, including endangering the health of the POTW personnel and the general public.
 - (iv) Any discharge of a pollutant that has caused imminent endangerment to human health and welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
 - (v) Violation by 90 days or more after the schedule date of a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.
 - (vi) Failure to provide required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring.
- (f) *Approves new construction.* The Director shall give approval in acceptance of newly constructed Sanitary Sewer lines, pump stations, and other appurtenances.

Sec. 18-216. - Validity.

- (1) All ordinances and/or sections of the Franklin Municipal Code, or parts thereof, in conflict herewith are hereby repealed.
- (2) The invalidity of any section, clause, sentence or provision of this chapter of the Franklin Municipal Code shall not affect the validity of any other part of this chapter of the Franklin Municipal Code which can be given effect without such invalid part or parts.

Sec. 18-217. - Provisions applicable.

The requirements contained herein shall apply to all Premises served by the Franklin Wastewater System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the City to provide Wastewater services to any Premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe health wise, or otherwise undesirable, shall be enforced rigidly without regard to location of the Premises, whether inside or outside the Franklin corporate limits.

Sec. 18-218. - Penalty.

Any Person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined as specified in Appendix A, Comprehensive Fees and Penalties. Each day of continued violation shall constitute a separate offense.

Sec. 18-219. - Date of effect.

All ordinances and parts of ordinances in conflict with this chapter shall be hereby repealed. This chapter shall take effect from and after its passage.

CHAPTER 18. - WATER AND SEWERS

<i>Application Fee</i>	
Additional service	\$50.00
Transfer of existing service	\$50.00
New construction	\$25.00
<i>Repairs, replacement or relocation of meters, boxes, service lines or associated utilities, necessitated by damage to meters, boxes, service lines or associated utilities, or failure to install according to city specifications.</i>	Billed at full replacement price. Materials billed at full retail value along with associated equipment and labor costs. One-hour minimum labor charge for repair replacement or relocation of any damaged water utilities.
<i>Temporary/Seasonal</i>	
Disconnection fee	\$25.00
Reconnection fee	\$25.00
<i>Fire Hydrants and Sprinkler Systems—Private</i>	
System Development fee	\$500.00 per inch diameter of connection line
<i>Fire Hydrant Meters—Temporary</i>	
Deposit	\$1,000.00
Set-up fee	\$500.00
<i>Irrigation Access Fee to Potable Water Main</i>	\$1,186.00
<i>Inspection Fees</i>	
Reinspection fee	\$50.00 per reinspection
<i>Penalties</i>	

Municipal Code Violations	\$50.00 per day per violation plus incurred administrative costs not to exceed \$1,000.00
Administrative Civil Penalty	\$10,000.00 per act or omission per day
<i>Sanitary Sewer Service Connection Fee</i>	\$50.00
<i>Water Meters (Potable and Reclaimed)</i>	
Meter repair resulting from damage caused by meter being obstructed, blocked, or otherwise unreadable	Actual cost \$500.00 minimum
Obstructed, blocked, or otherwise unreadable meter	\$50.00 per month
Unauthorized removal or tampering	\$500.00 per occurrence
<i>Water Service (Potable and Reclaimed)</i>	
Reconnect service charge	\$35.00 normal business hours
	\$75.00 nonbusiness hours, holidays, and weekends

Fire Hydrant and Sprinkler System (Private) System Development and Meter Installation Fees

System Development Fee (SDF)		\$500.00 per inch diameter of connection line	
Meter Size	SDF	Complete Installation	Installation of Meter and Meter Box Only
¾" x 5/8 "	\$500.00	\$720.00	\$300.00
1"	500.00	854.00	356.00

1½"	750.00	1,375.00	625.00
2"	1,000.00	2,117.00	1,297.00
3"	1,500.00	3,480.00	1,506.00
4"	2,000.00	5,230.00	2,541.00
6"	3,000.00	7,035.00	4,498.00
8"	4,000.00	13,438.00	9,803.00

Water Impact Fee, Installation Fees and Irrigation Meter Fees				
Hi-/Low-flow meters will be charged at the next meter size up for pricing purposes. Example: The fee for a 2-inch domestic water meter and 8-inch fire line shall be based on a 3-inch water meter plus the \$500.00 per inch for the fire line (8×\$500.00)				
Meter Size	Impact Fee	Installation — Meter Only	Installation — Complete Tap	Irrigation Meter
¾"	\$2,089	\$315	\$756	\$3,150
1"	\$8,358	\$374	\$897	\$4,725
1½"	\$20,009	\$656	\$1,444	\$6,300
2"	\$26,745	\$1,362	\$2,223	\$7,875
3"	\$58,506	\$1,581	\$3,654	\$9,450
4"	\$83,580	\$2,668	\$5,492	\$11,025
6"	\$200,592	\$4,723	\$7,387	\$12,600
8"	\$250,740	\$10,293	\$14,110	\$14,175

Wastewater Impact Fee and Installation Fees			
Meter Size	Impact Fee	Installation Fee, tap in place	Installation Fee, tap not in place
$\frac{3}{4}$ "	\$3,544	\$263	\$1,240
1"	\$14,175	\$263	\$1,240
1½"	\$34,020	\$263	\$1,240
2"	\$45,360	\$263	\$1,240
3"	\$99,225	\$263	\$1,240
4"	\$141,750	\$263	\$1,240
6"	\$340,200	\$263	\$1,240
8"	\$425,250	\$263	\$1,240

Effluent Disposal Assessment Fee (EDA)

Meter Size	GPM	EDA Fee
5/8 " × ¾"	12.5	\$450.00
1"	50	1,800.00
1½"	120	4,320.00
2"	160	5,760.00
3"	350	12,600.00
4"	500	18,000.00
6"	1200	43,200.00
8"	1500	54,000.00

Reclaimed Water Connection and Meter Installation Fee

Meter Size	Reclaimed Water Connection Fee	Complete Installation	Total Fee
5/8 " × ¾"	\$500.00	\$720.00	\$1,220.00
1"	500.00	853.50	1,354.00
1½"	500.00	1,375.00	1,875.00
2"	500.00	2,116.50	2,617.00
3"	500.00	3,480.00	3,980.00
4"	500.00	5,230.00	5,730.00
6"	500.00	7,035.00	7,535.00
8"	500.00	13,438.00	13,938.00

Plan Review Fees

Water plan review fee	\$300.00
Wastewater plan review fee	\$300.00
Reclaimed water plan review fee	\$300.00
Water plan review fee with consultant expedited POST PC review	\$1,000.00 per submittal/review
Wastewater plan review fee with consultant expedited POST PC review	\$1,000.00 per submittal/review
Reclaimed water plan review fee with consultant expedited POST PC review	\$1,000.00 per submittal/review

Inspection Fees

Water mains	\$1.25/lf (minimum \$1,000.00)
Reclaimed Water	\$1.25/lf (minimum \$1,000.00)
Wastewater: Gravity Main	\$2.00/lf (minimum \$1,000.00)
Wastewater: Force Main	\$1.50/lf (minimum \$1,000.00)

Reclaimed Water Rate

Reclaimed Water Rate	\$0.97/1,000 gallons Availability charge/1,000 gallons
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Sanitary Sewer Rates—Effective January 1, 2017

<i>Residential-inside, per 1,000 gallons</i>		<i>Residential-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$16.55	Availability charge (1,000 gallons)	\$21.63
Next 14,000 gallons	5.54	Next 14,000 gallons	8.68
All additional gallons	4.75	All additional gallons	7.53
<i>Commercial-inside, per 1,000 gallons</i>		<i>Commercial-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$41.98	Availability charge (1,000 gallons)	\$45.46
Next 14,000 gallons	6.09	Next 14,000 gallons	9.51
All additional gallons	5.10	All additional gallons	7.62

Sanitary Sewer Rates—Effective January 1, 2018

<i>Residential-inside, per 1,000 gallons</i>		<i>Residential-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$16.55	Availability charge (1,000 gallons)	\$21.63
Next 14,000 gallons	5.99	Next 14,000 gallons	9.38
All additional gallons	5.20	All additional gallons	8.23
<i>Commercial-inside, per 1,000 gallons</i>		<i>Commercial-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$41.98	Availability charge (1,000 gallons)	\$45.46
Next 14,000 gallons	6.54	Next 14,000 gallons	10.21
All additional gallons	5.55	All additional gallons	8.32

Water User Rates—Effective January 1, 2017

<i>Residential-inside, per 1,000 gallons</i>		<i>Residential-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$11.86	Availability charge (1,000 gallons)	\$14.30
Next 9,000 gallons	4.71	Next 9,000 gallons	7.29
Next 15,000 gallons	5.64	Next 15,000 gallons	7.87
All additional gallons	6.57	All additional gallons	8.45
<i>Commercial-inside, per 1,000 gallons</i>		<i>Commercial-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$18.49	Availability charge (1,000 gallons)	\$22.21
Next 9,000 gallons	4.69	Next 9,000 gallons	7.21
Next 15,000 gallons	5.62	Next 15,000 gallons	7.79
All additional gallons	6.55	All additional gallons	8.37

Water User Rates—Effective January 1, 2018

<i>Residential-inside, per 1,000 gallons</i>		<i>Residential-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$11.86	Availability charge (1,000 gallons)	\$14.30
Next 9,000 gallons	4.96	Next 9,000 gallons	7.68
Next 15,000 gallons	5.89	Next 15,000 gallons	8.26
All additional gallons	6.82	All additional gallons	8.84
<i>Commercial-inside, per 1,000 gallons</i>		<i>Commercial-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$18.49	Availability charge (1,000 gallons)	\$22.21
Next 9,000 gallons	4.94	Next 9,000 gallons	7.60
Next 15,000 gallons	5.87	Next 15,000 gallons	8.18
All additional gallons	6.80	All additional gallons	8.76

(Ord. No. 2010-63, § I, 11-23-2010; Ord. No. 2010-84, § I, 1-25-2011; Ord. No. 2011-29, § I, 9-13-2011; Ord. No. 2012-57, § I, 12-11-2012; Ord. No. 2013-07, § I, 2-26-2013; Ord. No. 2014-24, § II, 10-14-2014; Ord. No. 2014-32, § I, 11-25-2014; [Ord. No. 2016-15](#), § I, 6-28-2016, eff. 1-1-2017)

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 on June 30, 2018, and after its passage on second and final reading for the health, safety and welfare of the citizens of Franklin, Tennessee, requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
Eric Stuckey
City Administrator/Recorder

By: _____
Dr. Ken Moore
Mayor

Approved as to form by:

Shauna R. Billingsley
City Attorney

PASSED FIRST READING

PASSED SECOND READING

CHAPTER 1. - WATER

Sec. 18-101. - Application and scope.

These rules and regulations are a part of all contracts for receiving water service from the City and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

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(1976 Code, § 13-101; Ord. No. 2001-56, 4- -2002)

Sec. 18-102. - Definitions.

(1) *Customer* means any person, firm, or corporation who receives water service from the City under either an express or implied contract.

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(2) *Household* means any two or more persons living together as a family group.

(3) *Service line* shall consist of the pipe line extending from any water main of the City to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the City's water main to and including the meter and meter box.

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(4) *Due date* shall mean the date ten days after the date of a bill, except when some other date is provided by contract. The due date is the last date upon which water bills can be paid at net rates.

(5) *Dwelling* means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(6) *Impact Fee* refers to a fee to be paid by any entity making a connection to the public water system of the City of Franklin, which fee is made for the purpose of enabling the City of Franklin to repair and replace its facilities as necessary or to provide for additions, replacements, improvements and expansions to the Franklin Water System, such improvements being required periodically because of growth. The impact fee is a summation of the previous system development and access fees.

Deleted: System development fee refers to a fee to be paid by any person or entity making a connection to the public water system of the City of Franklin, which fee is made for the purpose of enabling the City of Franklin to repair and replace its facilities as necessary.

(7) *Installation fee* refers to a fee to be paid the City of Franklin for the purpose of reimbursing the City its expenses, including labor, equipment and materials, for installing a service line from the water main to the property line of a potential customer, including the meter, meter box, and any related apparatus or equipment.

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(8) Director refers to the Director of the City of Franklin Water Management Department or authorized agent or representative.

Deleted: (8) Access fee refers to a fee to be paid to the City of Franklin for the purpose of providing funds for additions, replacements, improvements and expansions to the Franklin Water System, such improvements being required periodically because of growth. ¶

(9) Department refers to the City of Franklin Water Management Department.

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(1976 Code, § 13-102; Ord. No. 2001-56, 4- -2002; Ord. No. 2007-107, § II, 11-13-2007)

Sec. 18-103. - Obtaining service.

Any customer or potential customer desiring original service or additional service shall complete a customer application and agreement form. A minimum of 24 business hours notice is required prior to obtaining service. Applications must be approved before any service orders will be issued and work performed.

Additionally, a service fee as specified in Appendix A, Comprehensive Fees and Penalties, is required for the transfer of an existing service or an additional service, and a service fee as specified in Appendix A, Comprehensive Fees and Penalties, for new construction. The service fee is not a security deposit and is not refundable. If, for any reason, a customer does not take the service because of not occupying the premises or otherwise, he/she shall forfeit the service fee.

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The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a service fee, shall not obligate the City to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations and general practice, the liability of the City to the applicant for such service shall be limited to the return of any portion of the tap fee paid by the applicant.

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(1976 Code, § 13-103; Ord. No. 2001-56, 4- -2002; Ord. No. 2010-62, § I, 11-23-2010)

Sec. 18-104. - Charges for seasonal service and temporary disconnection.

A customer may request a seasonal temporary turn off. There will be a service fee for this service. The account will remain active and there will be a minimum bill assessed for each billing period. In the event that a customer does not wish to pay a minimum bill, service will be terminated and a final bill rendered. At the time the customer wishes to resume service, a new application and service fee will be applicable.

The customer shall pay a service fee as specified in Appendix A, Comprehensive Fees and Penalties, for the discontinuance and reinstatement of service for temporary repairs and for any other purposes for the customer's exclusive benefit.

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(1976 Code, § 13-104; Ord. No. 2001-56, 4- -2002; Ord. No. 2010-62, § II, 11-23-2010)

Sec. 18-105. - Service charges for temporary connection.

Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removal of service in addition to the regular charge for water used. Temporary service for new connections must be approved by the Director.

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(1976 Code, § 13-105; Ord. No. 2001-56, 4- -2002)

Sec. 18-106. - Assessment and collection of impact fees.

Before a new connection is made to the water system or an existing customer increases requirements by expansion of the original served facilities, fees shall be assessed and collected by the City.

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The impact fee and installation fee for all customers is assessed and shall be paid prior to the issuance of a building permit.

Deleted: The system development fee is paid for the purpose of enabling the city to repair and replace its facilities as necessary. The installation charge is paid to reimburse the city the cost of labor, equipment and materials used in installing the service line and meter.

The impact fee shall be based on the size of the meter needed to serve each customer. The smallest meter shall be a 5/8 × ¼ inch meter, which has a capacity of 12.5 gallons per minute. The impact fee for developments requiring larger meters will be based on its capacity in relation to the capacity of the 5/8 × ¼ inch meter. The developer's engineer shall determine meter sizes. The Director will accept or reject the size of the meter based on:

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(1) Information furnished to the Director by the person or entity desiring to connect to the waterlines or facilities;

(2) Information contained in recognized state or national publications;

(3) Records of similar installations; or

(4) Information provided from other reliable sources approved by the Director.

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Where applicable, the charges as specified in Appendix A, Comprehensive Fees and Penalties, shall be collected by the City at the time the permit is issued.

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These fees will be assessed for any connection inside or outside the corporate limits.

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TEMPORARY FIRE HYDRANT METERS

Temporary fire hydrant meters will be available for a deposit as specified in Appendix A, Comprehensive Fees and Penalties, and a nonrefundable setup fee as specified in Appendix A, Comprehensive Fees and Penalties, payable by certified check or money order. Water use will be billed at the inside commercial rate. If the meter is damaged, the cost of the damaged meter will be deducted from the deposit. Use of the fire meter will be for no more than 30 days. Temporary fire hydrant meters will be assigned to a designated fire hydrant. Removal of the fire hydrant meter to any other location will revoke the deposit fee.

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PRIVATE FIRE HYDRANTS AND SPRINKLER SYSTEMS

An impact fee for connection of private fire hydrants and sprinkler system lines to the City's lines shall be as specified in Appendix A, Comprehensive Fees and Penalties.

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Radio-read meters will be required on all private fire hydrants and sprinkler systems, at the discretion of the City.

METER INSTALLATION CHARGE

A double-check backflow preventer with a leak detection meter shall be required on private fire lines. Should any unauthorized water flow be detected through the leak detection meter, the City reserves the right to mandate at the owners expense installation of a fire line meter with radio read capabilities. In addition, upon determination of the Director, radio read meters will be required on all private fire hydrants and sprinkler systems that are deemed inaccessible by the city at all times. The meter installation fee shall be as specified in Appendix A, Comprehensive Fees and Penalties.

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In the event the city does any installation work not covered in the installation fees, the cost of such work shall be charged to the customer according to a schedule of rates established by the Department.

The standard connection charge and the private fire service connection charge shall be paid prior to the issuance of a construction permit for the installation of water facilities to serve the customer(s), prior to the issuance of a building permit, or prior to the issuance of a permit to tap a water main, whichever occurs first.

Service lines connected to the public water system shall be located and installed in accordance with the established standards of the city. When a service line is completed and accepted by the city as part of the public water system, the city shall be responsible for the maintenance and upkeep of such service line from the water main to and including the water meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter to the customer's premises shall belong to and be the maintenance responsibility of the customer. When a service line that may not require a meter, as in the case of a dedicated fire line, is completed and accepted by the City as part of the public water system, the City shall be responsible for the maintenance and upkeep of such service line from the water main to the property line, and such portion of the service line shall belong to the City. The remaining portion of the service line beyond the property line to the customer's premises shall belong to and be the maintenance responsibility of the customer.

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LOW FLOW-HIGH FLOW METERS

A low flow-high flow meter is described as being two meters installed parallel to each other in the same meter box and tied to the same service line. One meter is smaller than the other and measures the normal usage of the customer. The other meter is much larger and is used to measure high flows as in fire flows or other usage through a fire hydrant. In such cases, the Impact Fees are calculated on one-meter size larger than the small or low flow meter. By example, if the low flow meter is a two-inch meter and the high flow meter is a six-inch meter the fees will be calculated for a three-inch domestic meter. In addition, applicable fire line access and SDF access shall be paid at the rate of the larger meter. Each proposed application for this type meter shall be reviewed and approved by the Director before final construction plans are submitted and approved.

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IRRIGATION METERS

An irrigation meter is a meter designated for measuring the flow of water off the normal domestic water service line, intended for outdoor watering. The intended use for this meter is to allow for deduction of charges for sanitary sewer service when such water is not returned to the sanitary sewer system.

(1976 Code, § 13-106; Ord. No. 2001-56, 4- -2002; Ord. No. 2003-14, 3- -2003; Ord. No. 2005-28, 5- -2005; Ord. No. 2007-119, § I, 2-12-2008; Ord. No. 2010-62, § III, 11-23-2010)

Sec. 18-107. - ~~RESERVED.~~

(1976 Code, § 13-107; Ord. No. 2001-56, 4- -2002; Ord. No. 2005-28, 5- -2005; Ord. No. 2007-119, § II, 2-12-2008; Ord. No. 2010-62, § IV, 11-23-2010)

Sec. 18-108. - Main extensions and facilities funded in whole or in part by developers.

In the event that a person has been required to pay all or a part of the cost of constructing water lines or facilities (hereinafter "improvements"), which improvements become part of the Franklin Water System and are available for use and benefit of the customers of the Franklin Water System, that person may be eligible to be reimbursed a portion of its costs of construction of the said improvements.

Reimbursement shall be allowed only by the board of mayor and aldermen and shall be paid from a revenue source established by the Board of Mayor and Aldermen. Cost reimbursement will not be allowed for improvements constructed, on or off-site, for the sole benefit of the development. Costs eligible for reimbursement include labor, equipment, supplies, materials, engineering design, supervision, inspection, legal, and acquisition costs for easements and right-of-way. Fiscal costs, including interest, finance charges, and other similar costs are ineligible for reimbursement.

The person requesting reimbursement must enter into a written agreement with the City prior to commencement of construction of any improvements for which reimbursement is sought. This agreement shall set out:

- (1) A description of the improvements;
- (2) The estimated total eligible costs, as above defined;
- (3) The portion of the cost of such improvements for which reimbursement will be allowed. The latter determination shall be based generally upon the difference in sizing or capacity of the line or facility needed for the development and the size or capacity needed for the system as a whole. However, the board may in its reasonable discretion consider such other factors as are necessary for an equitable sharing of costs of any system improvements so constructed.

Further, prior to dedication and acceptance of the improvements by the City, the person requesting reimbursement must present to the board a detailed statement of the actual eligible costs and the board in its discretion may amend the agreement, and the reimbursement amount, to reflect the actual project costs.

(1976 Code, § 13-108; Ord. No. 1296, 11- -1994; Ord. No. 2001-56, 4- -2002)

Sec. 18-109. - Variances from and effect of preceding rules as to extensions.

Board of mayor and aldermen may grant a variance or waiver from requirement of this chapter, upon written request by a developer or owner of property subject to this chapter. The board of mayor and aldermen shall grant the waiver or variance only upon finding that a strict application of such requirement would result in confiscation of the property.

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Deleted: In order to provide funds for additions, replacements and improvements to the Franklin Water System, such improvements being required periodically because of increases in needs due to expanding service requirements, the City of Franklin hereby establishes a waterline access fee, hereinafter referred to as the "access fee." The access fee is to be assessed to any person or entity connecting to the waterlines or facilities of the City of Franklin for the purpose of furnishing water service to a new or enlarged residential, commercial or industrial site. ¶ For the purpose of this section, the point of connection to the system shall be that point at which any new line or service tap is connected to an existing line in the Franklin Water System. Such point may be remote from the site of the development or customer requiring service. ¶

The access fee shall be based on the size of the meter to be used for the development. The developer's engineer shall determine meter sizes. The director will accept or reject the size of the meter based on: ¶

- (1) Information furnished to the director by the person or entity desiring to connect to the waterlines or facilities; ¶
- (2) Information contained in recognized state or national publications, ¶
- (3) Records of similar installations, or ¶
- (4) Information provided from other reliable sources approved by the director. ¶

The access fee shall be no less than as specified in appendix A, comprehensive fees and penalties. However an access fee greater than that listed herein for access to any specific section of a water main may be established by resolution of the board of mayor and aldermen upon recommendation of the appropriate committee. ¶

The access fee for residential customers is assessed and shall be paid prior to the issuance of a construction permit for the installation of water facilities to serve developments or individual customers, prior to the issuance of a building permit. The access fee for all other customers is assessed and shall be paid prior to the issuance of a building permit. Funds paid to the city as access fees shall be deposited in a special account for the purpose of providing funds for additions, replacements and improvements to the Franklin water system.

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The authority to make water main extensions under section 18-108 is permissive only and nothing contained therein shall be construed as requiring the City to make water main extensions or to furnish service to any person or persons.

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(1976 Code, § 13-109; Ord. No. 2001-56, 4- -2002)

Sec. 18-110. - Construction of water lines.

All persons who undertake the construction of water lines located in, or affecting water service provided by, the City of Franklin shall comply with the requirements and regulations set forth in the "General Requirements and Technical Specifications, Water Management Department, City of Franklin, Tennessee," latest edition, along with any amendments, additions, or alteration that may thereafter be adopted by the board of mayor and aldermen by resolution, copies of which may be purchased in the office of the city recorder.

Upon completion of the construction of any such water line, and upon approval by the City, such water lines and mains shall become the property of the City. The persons paying the cost of constructing such lines and mains shall execute all written instruments required by the City that are necessary to provide evidence of the City's ownership of such lines and mains. In consideration of such lines and mains being transferred to the City, the City shall incorporate said mains as an integral part of the City's water system and shall furnish water therefrom in accordance with this chapter.

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When for cause shown, the board of mayor and aldermen determines that it is in the best interest of the water system and the general public to extend water service, without requiring strict compliance with this section, and/or the requirements of the standard water and sewer specifications, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the board of mayor and aldermen.

The authority to extend water service is permissive only, and nothing contained herein shall be construed as requiring the City to provide water service to any person or entity.

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(1976 Code, § 13-110; Ord. No. 95-67, 1- -1996; Ord. No. 98-74, 12- -1998; Ord. No. 2000-18, 5- -2000; Ord. No. 2001-56, 4- -2002; Ord. No. 2013-40, § I, 12-10-2013)

Sec. 18-111. - Water meters.

(1) All water meters shall be installed, tested, repaired, and removed by the City, or pursuant to the specifications, regulations and requirements of the City. No meter shall be installed without the consent of the City. No meter shall be tampered with or removed.

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(2) In the event that any water meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible by the City of Franklin for purposes of monitoring water usage, or if the meter is not brought up to grade according to City specifications, the customer responsible for the meter shall be fined as specified in Appendix A, Comprehensive Fees and Penalties, for each month in which the meter is unreadable, or not otherwise in compliance, for any period of time. During the time that the meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible, or otherwise not in compliance, the customer shall pay to the City the minimum monthly payment for water service.

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In addition, upon either discovery or notice by the City of the fact that the meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable, inaccessible, or not brought to grade, the customer shall immediately take measures to have the meter unobstructed and or uncovered so that it may be read and is accessible by the City. In addition, when the meter is uncovered and or unobstructed, the customer responsible shall pay for the total consumption since the last available reading.

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If any damage results from the meter being obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible, or otherwise not in compliance with City specifications, the customer shall be billed for the repairs and/or replacement of the meter, but shall not be billed less than as specified in Appendix A, Comprehensive Fees and Penalties.

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Any repairs, replacement or relocation of meters, boxes, service lines or associated utilities, necessitated by damage to meters, boxes, service lines or associated utilities, or failure to install according to City specifications, shall be paid by the responsible customer and shall be billed at full replacement price. All materials shall be billed at full retail value along with associated equipment and labor costs. There shall be a one-hour minimum labor charge for repair replacement or relocation of any damaged water utilities.

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The costs of any relocation of an existing service requested by a customer shall be billed to such customer. All materials shall be billed at full retail value along with associated labor and equipment costs. There shall be a one-hour minimum labor charge for relocation of any water utilities.

(3) Service shall not commence to any new customer if the meter is obstructed, covered, damaged, or otherwise unreadable or inaccessible by the City, or is not brought to grade or otherwise not installed according to City specifications. In addition, the monthly bill for service shall remain the responsibility of the builder, and there shall be a fine as specified in Appendix A, Comprehensive Fees and Penalties, for each month in which the meter is obstructed, covered, damaged or otherwise unreadable or inaccessible by the City or is not brought to grade or otherwise not installed according to City specifications.

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(4) If a customer in whose name new service has been extended fails, after reasonable notice by the City, to correct any improperly installed water, as herein before described, the City reserves the right to refuse new service to the builder at other locations in the City until the deficiency is corrected.

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(5) Any unauthorized removal or tampering with the meter shall result in a fine as specified in Appendix A, Comprehensive Fees and Penalties, per occurrence.

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(1976 Code, § 13-111; Ord. No. 2001-56, 4- -2002; Ord. No. 2010-62, § V, 11-23-2010)

Sec. 18-112. - Meter tests.

The City will, at its own expense, make routine tests of meters when it considers such tests desirable.

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In testing meters, the water passing through a meter will be measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the measured amounts of water within the percentage shown in the following table:

Meter Size	Percentage
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

If a customer requests a meter test, and the test results indicate that the meter is reading lower than actual water flow or reads within these percentages, the customer must pay all expenses related to testing the meter.

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(1976 Code, § 13-113; Ord. No. 2001-56, 4- -2002)

Sec. 18-113. - Multiple services through a single meter.

No customer shall supply water service to more than one dwelling or premise from a single service line.

(1976 Code, § 13-114; Ord. No. 97-61, 12- -1997; Ord. No. 2001-56, 4- -2002)

Sec. 18-114. - Billing for water service.

All water bills may be rendered weekly, semi-monthly, or monthly, at the option of the City.

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The bills will consist of charges for the user service fee, consisting of the availability charge, the customer service charge and the consumption service charge, as well as other services obtained by the customer from the City in accord with the agreement between the customer and the City and the provisions of the Municipal Code.

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The water service bill is based on gallons of water delivered. An availability charge applies if water is available, even if the customer has not connected to the sewer or there is no consumption for the period.

Water bills must be paid on or before the due date shown thereon to obtain the net or discount rate, otherwise the gross rate shall apply which includes a penalty of ten percent of the net amount billed for water. Failure to receive a bill will not release a customer from payment obligation, nor extend the due date.

In the event a bill is not paid on or before 15 days after the discount date, the customer's service may be discontinued without further notice. The City shall not be liable for any damages resulting from discontinued service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

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Should the final date of payment of bill at the net rate fall on a weekend or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the City if the envelope is date-stamped on or before the final date for payment of the net amount.

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If a water meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the City reserves the right to render an estimated bill based on the best information available. Any unauthorized removal or tampering with the meter will result in a fine as specified in Appendix A, Comprehensive Fees and Penalties, per occurrence.

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The wastewater (sewer) service charge shall not apply to separately metered water delivery points that are owned, maintained and read by the water provider where there is no potential for the wastewater stream of entering the wastewater stream (e.g., separately metered irrigation and cooling tower applications). All irrigation and reclaimed service shall be priced under nonresidential rates.

Bills will be issued to the party or parties who obtain service under the provisions of section 18-103 of this Code ("obtaining service"). Residential customers will have consolidated bills presented for other services including, but not limited to, wastewater, solid waste, and stormwater in accordance with the provisions of this Code.

Service pricing will be as either residential or nonresidential (commercial) as shown in appendix A as follows:

A. *Residential* is for a residential property owner whose property meets all of the following criteria and will have water service provided and billed under residential rate provisions using residential rates:

1. The property is used as a detached single-family residential living unit by an owner or tenant and is intended to be used as a residential dwelling; and
2. The property is classified by the Williamson County Assessor as a residential or homebelt property; and
3. Is served by a single water meter serving a single residential living unit; and
4. The development consists primarily of similar units and not mixed-use or attached dwellings which are classified as "multiresidential".
5. The occupant (owner or tenant) has a unique utility service contract with the City or water district. An addendum to the water supply contract authorizes the City to provide and be paid for City provided services if served water from MVUD, Milcrofton, HB&TS or Brentwood (specific addendums are in their contracts for City services).

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B. *Multiresidential* customers are those that live in residential living units containing the following characteristics. Service is priced at residential rates using "multiple minimums". Multiple minimums apply when more than one living unit is served from one water meter. This allows for water service to be priced as if each living unit were measured and billed separately. The effect is that total consumption is divided by total units to determine the pricing per unit and billed to the party contracting for service. Living units with one meter/unit will result in being priced as if they are residential.

1. The property is used as an attached or detached multi-family residential living unit by an owner or tenant and is intended to be used as residential dwellings; and
2. The property is classified by the Williamson County Assessor as a residential (condominiums, townhomes, duplexes, triplexes) or commercial property (apartments, duplexes, triplexes) or governmental property (Franklin Housing Authority); and
3. The development consists primarily of similar mixed-use or attached dwellings which are not classified as "residential" above.
4. The occupant (owner or tenant) typically does not have a utility service contract with the City or water district and the contract for service is typically with a commercial enterprise, an agent of the owner/tenant (e.g. an homeowner's association or property management firm) or a government entity (Franklin Housing Authority). An addendum to the water supply contract authorizes the City to provide and be paid for City provided services if served water from MVUD, Milcrofton, HB&TS or Brentwood (specific addendums are in their contracts for City services).

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C. *Nonresidential* is a customer who does not meet the requirements as a residential or multiresidential customer but may have living units on the property. Included are farms, healthcare facilities, hospitals, assisted living facilities, hotels (including extended stay facilities) and common properties for residential and multiresidential developments. All "irrigation water" shall be classified as nonresidential even if delivered to a residential customer. Water pricing will be under nonresidential (commercial) rate provisions.

(1976 Code, § 13-115; Ord. No. 97-61, 12- -1997; Ord. No. 2001-56, 4- -2002; Ord. No. 2010-62, § VI, 11-23-2010; Ord. No. 2012-19, § I, 8-28-2012)

Editor's note— Section I of Ord. No. 2012-19, adopted Aug. 28, 2012, changed the title of § 18-114 from "Billing" to "Billing for water service."

Sec. 18-115. - Discontinuance or refusal of service.

- (1) The board of mayor and aldermen shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:
 - (a) Nonpayment of bill or other charges.
 - (b) Partial payment of bill or other charges.
 - (c) City of Franklin rules, regulations or policies.
 - (d) Customer's application and agreement for service.
 - (e) Any threat to public health on the customer's premises, which may endanger other customers.
 - (f) Tampering with City of Franklin equipment or stealing service.
 - (g) In the event that a customer has allowed more than one service on one tap.
 - (h) Customer noncompliance with a declared water shortage emergency.
- (2) Such right to discontinue service shall apply to:
 - (a) All service received through a single connection or service, even though more than one customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant; and
 - (b) Irrigation services.
- (3) Discontinuance of service by the City for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

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(1976 Code, § 13-116; Ord. No. 2001-56, 4- -2002; Ord. No. 2007-107, § III, 11-13-2007)

Sec. 18-116. - Reconnect service charge.

Whenever service is disconnected, as provided in section 18-114 and section 18-115, above, prior to reinstatement of that customer's service, a charge as specified in Appendix A, Comprehensive Fees and Penalties, shall be paid to the office of the city recorder if the reconnection is made during normal business hours, and a charge as specified in Appendix A, Comprehensive Fees and Penalties, shall be paid to the office of the city recorder if the reconnection is made during nonbusiness hours, holidays, or on weekends. This disconnect service charge also applies if the service technician is en route to disconnect service.

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(1976 Code, § 13-116A; Ord. No. 2001-56, 4- -2002; Ord. No. 2007-107, § IV, 11-13-2007; Ord. No. 2010-62, § VII, 11-23-2010)

Editor's note— Section VII of Ord. No. 2010-62, adopted Nov. 23, 2010, changed the title of § 18-116 from "Disconnect service charge" to "Reconnect service charge."

Sec. 18-117. - Discontinuance of service by customer.

Customers who wish to discontinue service must request termination of service in writing. No telephone request for cutoffs will be honored. The customer in whose name the service is furnished or their legal representative must request the termination. A minimum of three days notice is required. The customer will be responsible for all charges, which accrue, to the end of the termination date including the minimum charge.

(1976 Code, § 13-117; Ord. No. 2001-56, 4- -2002)

Sec. 18-118. - Access to customers' premises.

The City's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the City, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations.

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(1976 Code, § 13-118; Ord. No. 2001-56, 4- -2002)

Sec. 18-119. - Inspections; fees.

- (1) The City shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time.
- (2) If in the opinion of the Director or his designee, after appropriate inspection, any work inspected under the terms of this chapter fails to comply with the law, and notice is given to the permittee or his agent, and any reinspection of the same work is required, then a fee as specified in Appendix A, Comprehensive Fees and Penalties, per reinspection may be assessed against and collected from the permittee or his agent. No portion of the permitted work shall continue without first paying the reinspection fee.
- (3) The City reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by City ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the City.
- (4) Any failure to inspect or reject a customer's installation or plumbing system shall not render the City liable nor responsible for any loss or damage that might have been avoided, had such inspection or rejection been made.

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(1976 Code, § 13-119; Ord. No. 2001-56, 4- -2002; Ord. No. 2005-66, 10- -2005; Ord. No. 2010-62, § VIII, 11-23-2010)

Sec. 18-120. - Customer's responsibility for system's property.

Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the City shall be and remain the property of the City. Each customer shall provide space for and exercise proper care to protect the property of the City on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer.

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(1976 Code, § 13-120; Ord. No. 2001-56, 4- -2002)

Sec. 18-121. - Customer's responsibility for violations.

Where the City furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him.

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(1976 Code, § 13-121; Ord. No. 2001-56, 4- -2002)

Sec. 18-122. - Supply and resale of water.

All water shall be supplied within the City exclusively by the City and no customer shall, directly or indirectly, sell, sublet, assigns, or otherwise dispose of the water or any part thereof unless approved by the City and gain all State of Tennessee regulatory approval.

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(1976 Code, § 13-122; Ord. No. 2001-56, 4- -2002)

Sec. 18-123. - Unauthorized use of or interference with water supply.

No person shall turn on or turn off any of the City's stop cocks, meters, hydrants, spigots, fire plugs, or valves without permission or authority from the City. When any stop cock, meter or valve for any customer's premises is turned on or off without permission or authority from the City there shall be a rebuttable presumption that the customer committed such act.

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(1976 Code, § 13-123; Ord. No. 2001-56, 4- -2002)

Sec. 18-124. - Installation of detector checks on fire mains for water usage.

- (1) New construction. For all new construction, when fire mains serving hydrants, standpipe systems, or automatic sprinkler systems are installed, regardless of size, except for public fire hydrants and mains, a double detector check shall be installed. The plumbing official or Director or their representatives shall inspect and approve installation. Said double detector check must be of a type approved by the Tennessee Department of Environment and Conservation and the Standard Plumbing Code as adopted by the City of Franklin, and must be installed in a readily accessible location.
- (2) Existing fire protection systems. A double detector check must be installed in all existing systems within 120 days of the effective date of this chapter. Installation in existing systems shall be subject to the same inspections and specifications as stated in subsection (1) for new construction.
- (3) Violations of this section shall be punishable by a fine up to an amount established by law with each day of noncompliance deemed to be a separate offense.

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(1976 Code, § 13-124; Ord. No. 2001-56, 4- -2002)

Sec. 18-125. - Damages to property due to water pressure.

The City shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the City's water mains.

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(1976 Code, § 13-125; Ord. No. 2001-56, 4- -2002)

Sec. 18-126. - Liability for cutoff failures.

The City's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

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- (1) After receipt of at least ten days' written notice to cut off water service, the City has failed to cut off such service.

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- (2) The City has attempted to cut off a service but such service has not been completely cut off.

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- (3) The City has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the City's main.

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Except to the extent stated above, the City shall not be liable for any loss or damage resulting from cutoff failures.

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(1976 Code, § 13-126; Ord. No. 2001-56, 4- -2002)

Sec. 18-127. - Restricted use of water.

In times of emergencies or in times of water shortage, the City reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use, including but not limited to immediate termination of irrigation service. Customers shall not be responsible for reconnection charges in the event of a declared emergency, unless the service was terminated for noncompliance.

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(1976 Code, § 13-127; Ord. No. 2001-56, 4- -2002; Ord. No. 2007-107, § V, 11-13-2007)

Sec. 18-128. - Interruption of service.

The City will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The City shall not be liable for any damages for any interruption of service whatsoever.

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In connection with the operation, maintenance, repair, and extension of the City's water system, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The City shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption.

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(1976 Code, § 13-128; Ord. No. 2001-56, 4- -2002)

Sec. 18-129. - Schedule of rates.

The schedule of rates shall be as specified in Appendix A, Comprehensive Fees and Penalties, established for water distributed within the City of Franklin's water service area.

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(1976 Code, § 13-112; Ord. No. 2000-09, 5- -2000; Ord. No. 2001-04, 3- -2001; Ord. No. 2001-56, 4- -2002; Ord. No. 2005-28, 5- -2005; Ord. No. 2007-119, § III, 2-12-2008; Ord. No. 2009-46, § I, 8-25-2009; Ord. No. 2010-02, § I, 2-9-2010; Ord. No. 2010-62, § IX, 11-23-2010)

Sec. 18-130. - Water shortage policy.

(1) No water furnished by the City shall be wasted. Waste of water includes, but is not necessarily limited to the following:

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(a) Permitting water to escape down a gutter, ditch or other surface drain;

(b) Failure to repair a controllable leak of water; and

(c) Failure to put to reasonable beneficial uses any water withdrawn from the City's system.

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(d) The mayor is hereby authorized to declare a water shortage emergency to exist, and the mayor may declare an end to a water shortage emergency.

In declaring a water shortage emergency, such emergency shall be designated Status 1 or Status 2 in accordance with conditions as determined by the Director of the Water and Wastewater System of the City of Franklin.

(2) Water Shortage Emergency Status 1 exists when:

- (a) The total volume of water in the City raw water reservoir drops to less than that required to supply the water treatment plant for 30 days with the plant operating at its design capacity of 2.0 MGD (million gallons per day); or
- (b) When the water level in two or more of the distribution system reservoirs cannot be brought above the two-thirds full mark in a 48-hour period.

When the water supply reaches Water Shortage Emergency Status 1, the mayor, upon the recommendation of the appropriate committee of the City of Franklin, may declare any or all of the uses of water identified as nonessential use Category 1 provided for in this resolution as being prohibited and said prohibition shall remain in full and effect until the next meeting of the Franklin Board of Mayor and Aldermen. The list of nonessential uses may be increased or decreased pending the next meeting of the Franklin Board of Mayor and Aldermen.

(3) Water shortage Emergency Status 2 exists when:

- (a) The total volume of water in the City raw water reservoir drops to less than that required to supply the water treatment plant for 15 days with the plant operating at its design capacity of 2.0 MGD, or
- (b) When the water level in two or more of the distribution system reservoirs cannot be brought above the one-quarter full mark within a 48-hour period.

If Water Shortage Emergency Status 2 is reached, the mayor, upon recommendation of the appropriate committee of the City of Franklin, may declare any or all of the nonessential uses provided for in this resolution as being prohibited and the same shall remain in full force and effect until the next meeting of the Franklin Board of Mayor and Aldermen. During Emergency Status 1 or 2, the mayor may increase or decrease the number of prohibited nonessential uses and/or the extent to which the prohibition applies pending the next meeting of the Franklin Board of Mayor and Aldermen.

(4) Nonessential uses during water shortage emergency.

- (a) *Nonessential Use, Category 1.* The following uses are declared to be Nonessential Uses, Category 1:
- (i) Washing sidewalks, driveways, parking areas, tennis courts, patios, or other exterior paved areas, except by the City of Franklin for the public safety.
 - (ii) Filling or refilling swimming pool.
 - (iii) Noncommercial washing of privately owned motor vehicles, recreational vehicles, trailers and boats.
 - (iv) Any use of water from a fire hydrant except for fighting fires, or use by the City of Franklin.
 - (v) Watering of lawns, landscaped areas, or ball fields, except that gardens, trees, shrubs or other plants other than grass or lawns may be watered to sustain the life of the plant material from 8:00 P.M. to 6:00 A.M., using only hand held mechanisms, buckets, or other similar devices.
 - (vi) Water any portion of a golf course.
 - (vii) Use of water for dust control or compaction during construction.
- (b) *Nonessential Use Category 2.* The following uses are declared to be Nonessential Uses, Category 2:
- (i) Use by a laundromat in excess of 70 percent of the amount of water used by it during the corresponding billing period for the previous year. If the laundromat was not operating the previous year, an estimated amount shall be computed by the City from its records.

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(ii) Use by a motor vehicle washing facility in excess of 70 percent of the amount used by it during the corresponding billing period the previous year. If the facility was not operating the previous year, an estimated amount shall be computed by the City from its records. This subsection shall not apply to any facility that recycles water in a manner satisfactory to the Department and has received written approval and exemption from this subsection by the Department.

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(iii) The maximum amount of water sold and supplied to any utility district shall not exceed 70 percent of the amount used by it during the corresponding billing period of the previous year. If the utility district was not operating the previous year, an estimated amount shall be computed by the City from its records.

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(iv) Any nonresidential use in excess of 70 percent of the amount used by the customer during the corresponding billing period for the previous year. If the customer was not operating the previous year, an estimated amount shall be computed by the City from its records. The Director, with the concurrence of the city recorder, may increase the percentage for any connection use or customer if it is determined that such increase is necessary to protect the public health, safety, and welfare or to spread equitably among the water users of the City the burden imposed by the shortage of the City's water supply.

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(v) Water served for drinking purpose, restaurants or public or nonpublic eating establishments unless such water is specifically requested by the patron or customer.

(c) *Nonessential Category 3.* The following use is declared to be Nonessential Uses, Category 3:

(i) Any use by a motor vehicle washing facility or other nonresidential use or use by any utility district in excess of 50 percent of the amount used by the customer during the corresponding billing period of the previous year. If the customer was not operating the previous year, an estimated amount shall be computed by the City from its records.

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(5) Exceptions to nonessential uses. Effluent reuse or well water shall not be subject to the restrictions in this title.

(6) Board of mayor and aldermen action.

(a) The Franklin Board of Mayor and Aldermen may declare a water shortage emergency irrespective of whether the water supply has reached Water Shortage Emergency Status 1 or 2. Only the board may terminate or end a water shortage emergency declared by the board.

(b) The Franklin Board of Mayor and Aldermen may prohibit any Nonessential Use, Category 1, during any period that a water shortage emergency has been declared, irrespective of whether the water shortage has reached Water Shortage Emergency Status 1 or not.

(c) The Franklin Board of Mayor and Aldermen may prohibit any nonessential use when the water supply of the City has reached the Water Shortage Emergency Status 1.

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(d) Any water shortage emergency described by the mayor shall continue until the next meeting of the Franklin Board of Mayor and Aldermen. If the board does not take action to terminate the water shortage emergency, the same shall continue in full force and effect. The board may terminate or modify any limitations on nonessential use of water.

In the absence of affirmative action by the Franklin Board of Mayor and Aldermen, the action of the mayor shall be final.

(7) Notice. Upon the declaration of the existence of a water shortage emergency by the mayor or the board, the city recorder shall notify the local newspapers and radio stations and furnish detailed information concerning the existence of the water shortage emergency and all prohibited uses. In addition, a newspaper ad shall be published once per week in any weekly local newspapers, informing the public of the water shortage emergency and any prohibition concerning the nonessential uses. Every practical effort shall be made to keep the water-using public informed of conditions during any declared water shortage emergency.

(8) Customer noncompliance.

(a) Any failure of a customer to comply with the requirements of a declared water shortage shall be reported to any official of the City and shall be immediately investigated by the Director or his designated agent. If noncompliance is found to exist, the Director shall request immediate compliance by the customer. Should the customer fail or refuse to immediately comply with the Director's request the Director shall immediately discontinue water service to the customer in question.

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(b) Any customer whose service is disconnected because of failure to comply with the requirements of a declared water shortage emergency shall have the right, after the first such disconnection, to have service reconnected upon payment to the City of its customary reconnection charge and upon execution of a written, sworn statement under penalty of perjury that he will comply with the requirements of the declared emergency. If service is disconnected because of a subsequent failure to comply, such customer shall have the right to request reinstatement of service only upon approval of the assistant city administrator for public works (A.C.A.), such as for compliance with the Americans with Disabilities Act. The A.C.A. may grant approval subject to such reasonable terms and conditions as the A.C.A. may impose or may refuse to reinstate service.

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(c) The decision of the A.C.A. may be appealed for hearing to the city administrator. The disconnection shall remain in effect until the appeal is heard. A hearing shall be conducted within 72 hours of the time the request for hearing is made by the customer. In the event a hearing is not conducted within 72 hours, service shall be reinstated until the hearing is conducted. All requests for a hearing shall be made to the city recorder.

(1976 Code, § 13-129; Ord. No. 2001-56, 4- -2002; Ord. No. 2007-107, §§ VII—X, 11-13-2007)

Sec. 18-131. - Provisions applicable.

The requirements contained herein shall apply to all premises served by the Franklin Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the City to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe health-wise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Franklin corporate limits.

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(1976 Code, § 13-130; Ord. No. 2001-56, 4- -2002)

Sec. 18-132. - Penalty and administrative costs.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be fined as specified in Appendix A, Comprehensive Fees and Penalties. Each day of continued violation shall constitute a separate offense. Violators shall reimburse the City for actual administrative costs associated with enforcement of this chapter not to exceed the amount specified in Appendix A, Comprehensive Fees and Penalties, in addition to any other remedy at law that may be available to the City.

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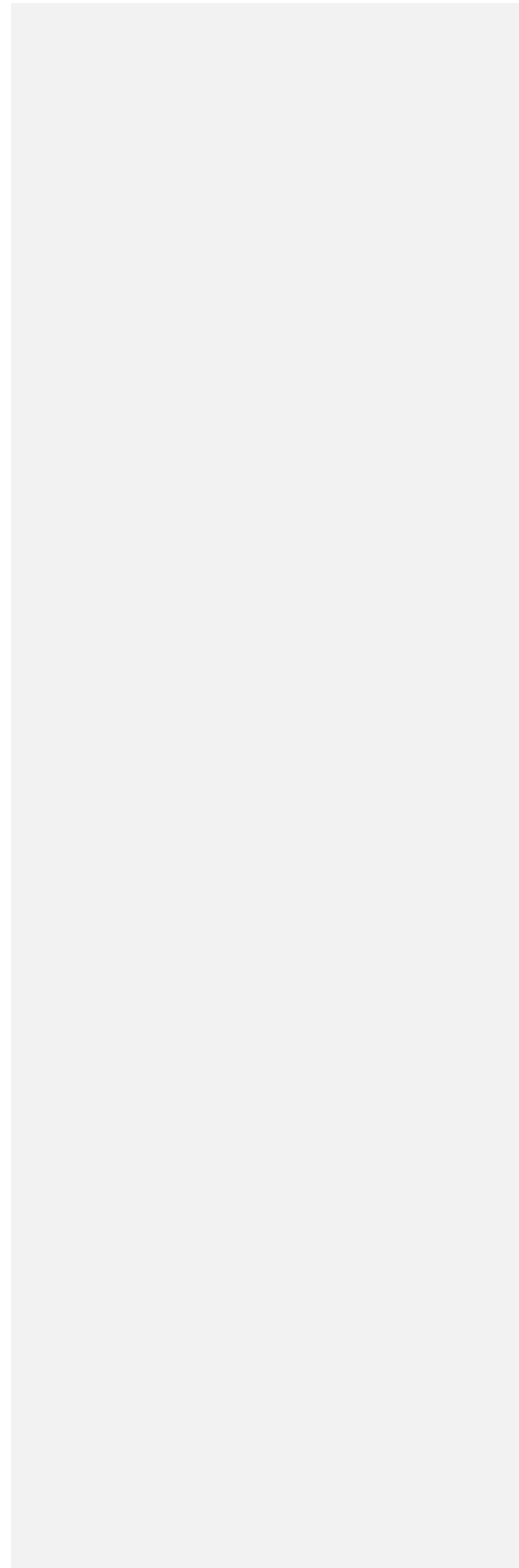
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(1976 Code, § 13-131; Ord. No. 2001-56, 4- -2002; Ord. No. 2007-107, § XI, 11-13-2007; Ord. No. 2010-62, § X, 11-23-2010)

Sec. 18-133. - Date of effect.

All ordinances and parts of ordinances in conflict with this chapter shall be hereby repealed. This chapter shall take effect from and after its passage.

(Ord. No. 2001-56, 4- -2002)



CHAPTER 2. - WASTEWATER²

Footnotes:

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Cross reference— Plumbing regulations: title 12; refuse: title 17.

Sec. 18-201. - Use of system regulated.

All persons using, desiring, or required to use the public sanitary sewerage system of the City of Franklin, Tennessee shall comply with the provisions of this chapter and all other provisions in this Code relating to the public sanitary sewerage system of the City.

(1976 Code, § 13-201; Ord. No. 97-05, 2- -1997; Ord. No. 2001-56, 4- -2002)

Sec. 18-202. - Purposes, objectives and application.

The provisions contained in this chapter of the Franklin Municipal Code set forth uniform requirements which regulate the use of public and private sewers and drains, private sewage disposal, the installation and connections of building sewers, and the discharge of water and waste into the public sewer system. These provisions are designed to enable the City to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pre-Treatment Regulations (40 CFR, Part 403).

The following are the objectives of the provisions contained in this chapter of the Franklin Municipal Code:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

The sections contained in this chapter of the Franklin Municipal Code provide for the regulation of direct and direct contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorize monitoring and enforcement activities, require user recording, assure that existing customer capacity will not be preempted, and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City and to persons outside the City boundaries who are, by contract or agreement with the City, users of the Franklin publicly owned treatment works (POTW).

(1976 Code, § 13-202; Ord. No. 97-05, 2- -1997; Ord. No. 2001-56, 4- -2002)

Sec. 18-203. - Definitions and abbreviations.

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For the purposes of the sections contained in this chapter of the Franklin Municipal Code, the following phrases, words and abbreviations shall have the meaning assigned below unless the context specifically indicates otherwise:

- (1) Impact fee. refers to a fee to be paid by any entity making a connection to the public wastewater system of the City, which fee is made for the purpose of enabling the City to repair and replace its facilities as necessary or to provide for additions, replacements, improvements and expansions to the Franklin Wastewater System, such improvements being required periodically because of growth. The impact fee is a summation of the previous system development and access fees.
- (2) *Act or The Act.* The federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- (3) Approval authority. The Tennessee Department of Environment and Conservation Director of the Division of Water Resources.
- (4) *Authorized representative of industrial user.* The proprietor, partner or chief executive officer or his designated representative.
- (5) *Board.* The Board of Mayor and Aldermen consisting of the elected Mayor and Aldermen of the City of Franklin, State of Tennessee.
- (6) *B.O.D. (denoting Biochemical Oxygen Demand).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20;deg; C, expressed in milligrams per liter (mg/l).
- (7) *Building drain.* That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside of the inner surface of the building wall.
- (8) *Building sewer.* The extension from the building drain to the point of connection with the public sewer or other place of disposal. The building "sewer" includes the service line.
- (9) *CFR.* Code of Federal Regulations.
- (10) *COD.* Chemical Oxygen Demand.
- (11) *Categorical standards.* The national pretreatment standard established by EPA for specific industrial subcategories.
- (12) *City.* The City of Franklin, Tennessee.
- (13) *Committee.* The appropriate committee of the Board.
- (14) *Compatible pollutant.* BOD, suspended solids, ammonia nitrogen, fecal coliforms, COD, pH, oil and grease, and such other pollutants as may be found in normal domestic sewage which the POTW is designed to treat and in fact does remove such pollutants to a substantial degree.
- (15) Control authority. The Director of the City of Franklin Water Management Department.
- (16) *Cooling water.* The water discharged from any use to which the only pollutant added is heat.
- (17) *Direct discharge.* The discharge of treated or untreated wastewater directly to any surface watercourse or underground aquifer.
- (18) *Director.* This term shall refer to the Director of Water Management for Franklin, Tennessee or his authorized agent or representative.
- (19) *Domestic sewage.* Wastewater or sewage having the same general characteristics as that originating in places used exclusively as single family residences. Strength of the compatible pollutants in domestic sewage is assumed to be equal to or less than the following: BOD₅ - 300 mg/l; pH - 6.0-9.0; oil and grease - 50 mg/l.

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Deleted: A charge, as established by the board of mayor and aldermen, for the privilege of connecting to the public sewer system of the City of Franklin. Where applicable, the access fee shall be in addition to the system development fee. Funds generated by the access fee are used to provide additional funds for additions, replacements and improvements to the Franklin Sewer System, such improvements being required periodically because of growth.

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- (20) *Environmental Protection Agency or EPA.* The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or the duly authorized official of said agency.
- (21) *Garbage.* Biodegradable solid wastes from the preparation, cooking and dispensing of food, and from handling, storage and sale of produce.
- (22) *Grab sample.* A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (23) *Holding tank waste.* Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum tank trucks.
- (24) *Incompatible pollutant.* All pollutants other than compatible pollutants as defined above.
- (25) *Indirect discharge.* The discharge to the sanitary sewers of nondomestic wastes from any source regulated under 307 (b) or (c) of the Act (33 U.S.C. 1317).
- (26) *Industrial user.* A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342). This term shall also include all discharges of wastes having characteristics other than those of domestic sewage as defined above.
- (27) *Industrial wastes.* The liquid waste from industrial or other technical processes.
- (28) *Interference.* The inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirement of the City's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or with 40 CFR 503 or violation of any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of (SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.
- (29) *National categorical pretreatment standard or pretreatment standard.* Any regulation containing pollution discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to industrial users.
- (30) *Natural outlet.* Any outlet into a water course, pond, ditch, lake or other body of surface or ground water.
- (31) *NPDES.* National Pollution Discharge Elimination System.
- (32) *pH.* The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (33) *Pass through.* The allowance of a pollutant not susceptible to treatment at the P.O.T.W. to enter the receiving stream.
- (34) *Person.* Any individual, firm, company, association, society, corporation, group or their legal representative, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural, where indicated by the context.
- (35) *Pollution.* The manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of water.
- (36) *Premises.* A parcel of real estate or portion thereof including any improvements thereon which is determined by the director to be a single user for purposes of receiving, using and paying for services.
- (37) *Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The alteration or reduction

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may be obtained by physical, chemical or biological processes, process changes, or by other means except as prohibited by 40 CFR 403.6(d).

(38) *Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(39) *Properly shredded garbage.* The wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

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(40) *Public sewer.* A sewer controlled by public authority to which owners of the abutting properties may have access. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer upon private property and any sewers which are connected with the sewage system of the City.

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(41) *Publicly Owned Treatment Works or POTW.* A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the City. This definition includes any sewers that convey wastewater to such treatment works but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

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(42) *Sanitary sewer.* A sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.

(43) *Service area.* That geographic area for which the City provides public sanitary sewer services.

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(44) *Service line.* The pipe line extending from any sewer main of the City to the facility which generates wastewater.

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(45) *Sewage works or treatment works.* All facilities for collecting, pumping, treating and disposing of sewage.

(46) *Sewage or wastewater.* A combination of the water carried wastes from residences, business buildings, institutions and industrial establishments together with such ground, surface and storm water as may be present in a sanitary sewer.

(47) *Sewage treatment plant or plant.* Any arrangement of devices and of structures used in treating sewage.

(48) *Sewer.* A pipe or conduit for carrying sewage.

(49) *Significant industrial user.* Any industrial user of the City's wastewater disposal system who:

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(a) Has a discharge flow of 25,000 gallons or more per average work day, or

(b) Has a flow greater than five percent of the flow in the City's wastewater treatment system, or which has a flow that contributes five percent of the organic capacity of the wastewater plant,

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(c) Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter 1, subchapter N, or

(d) Is found by the City, the Tennessee Department of Environment and Conservation or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contribution industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

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(50) *Shall.* As used in this chapter of the Franklin Municipal Code, the word "shall" is mandatory and the word "may" is permissive.

(51) *Single Family Unit Equivalent (SFUE).* This is the standard unit of measure as established by the City for the purpose of determining the connection charge to be paid by each customer connecting to the public sewer system. For the purposes of this chapter, single family unit refers

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to a user generating 350 gallons per day of wastewater with a strength of 200 mg. per liter B.O.D.

- (52) *Slug*. This term shall refer to any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.
- (53) *Standard Industrial Classification or SIC*. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (54) *Storm sewer or storm drain*. A sewer which carries storm and surface water and drainage, but excludes sewage and polluted industrial waste.
- (55) *Suspended solids*. Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- (56) ~~(57)~~ *Installation fee*. A charge to be paid the City for the purpose of reimbursing the City for its expenses, including labor and materials, for installing a service line from the sewer main to the property line of a potential customer and any related apparatus or equipment.
- (58) *Toxic pollutant*. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of 33 U.S.C. 1317.
- (59) *Twenty-four hour flow proportional composite sample*. A sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.
- (60) *U.S.C.* United States Code.
- (61) *Unpolluted water*. Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee, or EPA, for disposal to storm or natural drainage, or directly to surface waters.
- (62) *User*. Any person, firm, corporation or government entity that discharges, causes, or permits the discharge of wastewater into a public sewer.
- (63) *Waste*. Any sewage and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to or for the purposes of disposal.
- (64) *Wastewater constituents or characteristics*. The individual chemical, physical, bacteriological, and radiological parameters, including a volume and flow rate, and such other parameters as may serve to define, classify, or measure the content, quality, quantity and strength of wastewater.

(1976 Code, § 13-203; Ord. No. 97-05, 2- -1997; Ord. No. 97-59, 11- -1997; Ord. No. 2001-56, 4- -2002)

Sec. 18-204. - Use of public sewers and septic systems where public sewers are provided.

- (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
- (2) It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sanitary sewer, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent revisions of this chapter.

Deleted: System development fee. A fee to be paid by any person or entity making a connection to the public sewer system of the City of Franklin, which charge is made for the purpose of enabling the city to repair or replace its existing facilities necessitated as necessary.

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- (3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (4) Use of public sewers required. Except as provided, the owner of all houses, buildings, 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 shall connect to the public sanitary sewer system. The connection to the public sanitary sewer system shall be required at the property owner's expense including all applicable installation and impact fees provided said public sewer is within 200 feet of the property line or easement on which the principal structure is located.

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Exceptions:

- (a) Immediately, but no instance more than ten days if the owner's private sewage disposal system no longer complies with the Williamson County Board of Health regulations or with Tennessee Code Annotated, §§ 68-221-401 et seq.; or
- (b) Immediately, but no instance more than ten days, in the opinion of the City Administrator, conditions on the property pose an unacceptable risk to the public health, safety and welfare.
- (5) Use of septic system where public sewers are provided. If public sewer is available to properties having functioning septic systems (i.e., sewer lines are adjacent to or within 200 feet of the property line or easement on which the principal structure is located) property owners may elect not to connect to the public sanitary sewer system provided all of the following requirements and conditions are met:
- (a) A sanitary sewer service charge, based upon water usage, shall be assessed from the date the public sanitary sewer is available. Payment is due monthly. At such time it is determined to connect to the public sanitary sewer system, payment of the sanitary sewer service charge shall not relieve the property owner from the requirements of payment of all installation and impact fees as applicable prior to obtaining the permit and authorization to commence work.
- (b) Septic system certification. To ensure existing septic systems in the City are functioning properly, property owners with active systems shall have their septic tank(s) pumped and inspected. The pumping and inspection shall be conducted by a septic hauling company licensed by the State of Tennessee and certified by the City to perform these services. The initial pumping and inspection shall be conducted upon receipt of a notification letter from the City, and at five-year intervals thereafter. The cost of pumping the septic system tank and administrative fee shall be the responsibility of the property owner. The amount of the administrative fees and penalties shall be specified in appendix A, comprehensive fees and penalties.
- (c) Upon pumping and inspection of the septic system tank(s), if it is determined a septic system is functioning properly according to applicable Williamson County Board of Health regulations or with Tennessee Code Annotated § 68-221-401 et seq., the property may defer connection to the public sanitary sewer system for an additional five years. If at any time a septic system is determined to be malfunctioning, the certification shall be revoked and the property owner shall be required to connect at the homeowner's expense to public sanitary sewer within 30 days.

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(1976 Code, § 13-204; Ord. No. 97-05, 2- -1997; Ord. No. 2001-56, 4- -2002; Ord. No. 2007-80, § I, 8-14-2007; Ord. No. 2009-31, §§ I, II, 7-28-2009; Ord. No. 2010-60, § I, 9-14-2010)

Editor's note— Section I of Ord. No. 2009-31, adopted July 28, 2009, changed the title of § 18-204 from "Use of public sewers required" to "Use of public sewers and septic systems where public sewers are provided."

Sec. 18-205. - Private sewage disposal.

- (1) Where a public sanitary sewer is not available under the provisions of subsection 18-204(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- (2) The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the Department of Environment and Conservation of the State of Tennessee. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
- (3) A permit for a private sewage disposal system shall be obtained from the Williamson County Environmental Department. The application for such permit shall be made on a form furnished by the County Environmental Department. The permit for said private sewage disposal shall not become effective until the installation of the system is completed to the satisfaction of the county health inspector.
- (4) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 18-204, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be properly abandoned and treated in such a manner as to cease to be health hazard or filled with suitable material.
- (5) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- (6) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the state and/or county health authorities.

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(1976 Code, § 13-205; Ord. No. 97-05, 2- -1997; Ord. No. 2001-56, 4- -2002)

Sec. 18-206. - Building sewer or service line connections.

No person not authorized by the director shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance, thereof, without first obtaining a written permit from the director. Also all connections to the system must be made under the supervision of the director.

(1) *Permits.*

- (a) All applications for permits for connections to the public sanitary sewer shall be made on blank forms approved and furnished by the City Recorder, for each building or connection desired.
- (b) There shall be two classes of building sewer or service line permits:
 - (i) For residential and commercial service, and
 - (ii) For service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director.
- (c) If in the opinion of the director of water and wastewater or his designee, after appropriate inspection, any work inspected under the terms of this chapter fails to comply with the law, and notice is given to the permittee or his agent, and any reinspection of the same work is required, then a fee as specified in appendix A, comprehensive fees and penalties, per reinspection may be assessed against and collected from the permittee or his agent. No portion of the permitted work shall continue without first paying the reinspection fee.

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- (2) *Assessment and collection of impact fees.* The impact fee for all customers is assessed and shall be paid prior to the issuance of a building permit. The installation charge is assessed and shall be paid whenever the City provides labor, equipment or materials to install the portion of the service line between the sewer main and the customer's part of the service line.

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(a) The installation charge is assessed and shall be paid whenever the City provides labor, equipment or materials to install the portion of the service line between the sewer main and the customer's part of the service line. The installation charge consists of the cost of labor, materials and equipment involved in installing the service line and required appurtenances, and will be paid in accordance with the following schedule as specified in appendix A, comprehensive fees and penalties.

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(b) In the event the city does any installation work not covered in the above table of installation charges, the cost of such work shall be charged to the customer according to a schedule of rates established by the Water Management. The installation charge shall be paid within ten days after the service line or lines have been laid and before service is received by the customer.

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(c) Connections to the public sanitary sewage system shall be made in accordance with the established standards of the city. The city shall be responsible for installing that portion of the service line from the sewer main to the customer's property line unless there is approval by the city for the customer or its agent to install that portion of the service line. When a service line is completed and accepted by the city as part of the public sewer system, the city shall be responsible for the maintenance and upkeep of such service line from the main to the customer's property line and that portion of the line shall belong to the city. The remaining portion of the service line beyond the customer's property line and extending into the customer's property shall belong to and be the maintenance responsibility of the customer. Maintenance shall include repairs or corrections to correct infiltration or inflow of rainwater or groundwater.

(d) A separate and independent building sewer or service line shall be provided for every building. Except where one building stands at the rear of another on an interior lot and a service line cannot be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer service line from the building may be extended to the rear building and the whole is considered as one building sewer service line.

(e) In case application is made to connect multiple units (such as would be contained in a shopping center, trailer park, apartment complex, condominium, duplex, triplex, etc.) to the sanitary sewage system, no privilege shall be granted unless a wastewater impact fee as above set out is paid for each individual unit to be served within said development.

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(3) *Schedule of rates.* Wastewater impact fees as specified in appendix A, comprehensive fees and penalties, will be assessed for any connection inside or outside the corporate limits and shall be based upon single-family unit equivalent (SFUE) of 350 gallons/day discharge.

Deleted: This fee shall be paid in total to the City of Franklin after development plan approval and before any sewer infrastructure construction commences within a development.

(1976 Code, § 13-206; Ord. No. 97-05, 2- -1997; Ord. No. 2001-56, 4- -2002; Ord. No. 2002-32, 1- -2003; Ord. No. 2005-29, 5- -2005; Ord. No. 2005-66, 10- -2005; Ord. No. 2010-62, §§ XI—XIII, 11-23-2010)

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Sec. 18-207. - Wastewater impact fee.

(1) In order to provide additional funds for additions, replacements and improvements to the Franklin Wastewater System the City hereby establishes a wastewater impact fee, hereinafter referred to as the "impact fee." The impact fee shall be assessed to any person or entity connecting to the sanitary sewer lines or facilities of the City for the purpose of furnishing sanitary sewer service to a new or expanded demands of residential or nonresidential sites.

(2) For the purposes of this section, the point of connection to the system shall be that point at which any new line or service tap is connected to an existing line in the Franklin Wastewater System. Such point may be remote from the site of the development or customer requiring service.

(3) The impact fee shall be based on the anticipated wastewater discharge for the development. Such anticipated discharge shall be determined by the director, and shall be based on the following:

- (a) Information furnished to the director by the person or entity desiring to connect to the sewer lines or facilities;
- (b) Information contained in recognized state or national publications;
- (c) Records or similar installations; or
- (d) Information supplied from other reliable sources approved by the director.

(4) The unit of measure shall be the single-family unit equivalent (SFUE) which shall be equivalent to a daily wastewater discharge of 350 gallons.

(5) The impact fee shall be no less than as specified in appendix A, comprehensive fees and penalties, per SFUE; however, an impact fee greater than the SFUE as specified in appendix A, comprehensive fees and penalties, for access to any specific section of a sewer main may be established by resolution of the Board of Mayor and Aldermen upon recommendation of the appropriate committee.

(1976 Code, § 13-207; Ord. No. 97-05, 2- -1997; Ord. No. 2001-56, 4- -2002; Ord. No. 2002-32, 1- -2003; Ord. No. 2005-29, 5- -2005; Ord. No. 2007-120, § IV, 2-12-2008; Ord. No. 2010-62, § XIV, 11-23-2010)

Sec. 18-208. - Main extensions or facilities funded in whole or in part by developers.

In the event that a person has been required to pay all or a part of the cost of constructing wastewater lines and facilities (hereinafter "improvements"), which improvements become part of the Franklin Sewer System and are available for use and benefit of the customers of the Franklin Sewer System, that person may be eligible to be reimbursed a portion of its costs of construction of the said improvements.

Reimbursement shall be allowed only by the Board of Mayor and Aldermen and shall be paid from revenue generated from the wastewater impact fee account or other source established by the Board of Mayor and Aldermen. Cost reimbursement will not be allowed for improvements constructed, on or off-site, for the sole benefit of the development. Costs eligible for reimbursement include labor, equipment, supplies, materials, engineering design, supervision, inspection, legal, and acquisition costs for easements and right-of-way. Fiscal costs, including interest, finance charges, and other similar costs are ineligible for reimbursement.

The person requesting reimbursement must enter into a written agreement with the City prior to commencement of construction of any improvements for which reimbursement is sought. This agreement shall set out:

- (1) A description of the improvements;
- (2) The estimated total eligible costs, as above defined;
- (3) The portion of the cost of such improvements for which reimbursement will be allowed. The latter determination shall be based generally upon the difference in sizing or capacity of the line or facility needed for the development and the size or capacity needed for the system as a whole. However, the Board may in its reasonable discretion consider such other factors as are necessary for an equitable sharing of costs of any system improvements so constructed.

Further, prior to dedication and acceptance of the improvements by the City, the person requesting reimbursement must present to the Board a detailed statement of the actual eligible costs and the Board in its discretion may amend the agreement, and the reimbursement amount, to reflect the actual project costs.

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Deleted: (6) Funds paid to the city as access fees shall be deposited in a special account for the purpose of providing funds for additions, replacements and improvements to the Franklin Sewer System. Such funds may be withdrawn from the account by resolution of the board of mayor and aldermen. ¶

Deleted: (7) The access fee for residential customers is assessed and shall be paid prior to the issuance of a construction permit for the installation of sewer facilities to serve developments or individual customers, prior to the issuance of a building permit, or prior to the issuance of a permit to tap a sewer main, whichever occurs first. The access fee for all other customers is assessed and shall be paid prior to the issuance of a building permit. ¶

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(1976 Code, § 13-208; Ord. No. 1296, 11- -1994; Ord. No. 97-05, 2- -1997; Ord. No. 2001-56, 4- -2002)

Sec. 18-209. - Construction of sewer lines.

- (1) All persons who undertake the construction of sewer lines located in or affecting sanitary sewer service provided by the City shall comply with the requirements and regulations set forth in the "General Requirements and Technical Specifications, Water Management Department, City, Tennessee," latest edition, along with any amendments, additions, or alterations that may hereafter be adopted by the Board of Mayor and Aldermen by resolution, or the latest edition thereof or amendment thereto, copies of which may be purchased in the office of the City Recorder.
- (2) Upon completion of the construction of any such wastewater line, and upon acceptance by the City, such wastewater lines and mains shall become the property of the City. The persons paying the cost of constructing such lines and the mains shall execute all written instruments required by the city that are necessary to provide evidence of the City's ownership of such lines and mains. In consideration of such lines and mains being transferred to the city, the city shall incorporate said mains as an integral part of the city's wastewater system and shall furnish sewer service therefrom in accordance with this chapter.
- (3) When for cause shown, the Board of Mayor and Aldermen determines that it is to the best interest of the wastewater system and the general public to extend sewer service, without requiring strict compliance with this section, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the Board of Mayor and Alderman.
- (4) The authority to extend wastewater service is permissive only, and nothing contained herein shall be construed as requiring the City to provide sewer service to any person or entity.

(1976 Code, § 13-209; Ord. No. 97-05, 2- -1997; Ord. No. 2001-56, 4- -2002; Ord. No. 2013-40, § II, 12-10-2013)

Sec. 18-210. - Billing for sanitary sewer service.

All sewer bills may be rendered weekly, semi-monthly, or monthly, at the option of the City.

The bills will consist of charges for the user service fee, consisting of the availability charge, the customer service charge and the consumption service charge, as well as other services obtained by the customer from the City in accord with the agreement between the customer and the City.

The sewer service bill is based on gallons of water delivered by the water provider through the potable water meter. An availability charge applies if sewer is available, even if the customer has not connected to the sewer or there is no consumption for the period.

Sewer bills must be paid on or before the due date shown thereon to obtain the net or discount rate, otherwise the gross rate shall apply which includes a penalty of ten percent of the net amount billed for sewer. Failure to receive a bill will not release a customer from payment obligation, nor extend the due date.

In the event a bill is not paid on or before 15 days after the discount or due date, the customer's water service may be discontinued without further notice. The City shall not be liable for any damages resulting from discontinued service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on a weekend or a holiday, the business day next following the final date will be the last day to obtain the net rate.

If a water meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the City reserves the right to render an estimated bill based on the

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best information available. Any unauthorized removal or tampering with the meter will result in a fine as specified in appendix A, comprehensive fees and penalties, per occurrence.

Any unauthorized removal or tampering with the water meter shall result in a remedial fine as specified in appendix A, comprehensive fees and penalties.

The wastewater (sewer) service charge shall not apply to separately metered water and reclaimed water delivery points that are owned, maintained and read by the water provider where there is no potential for the wastewater stream of entering the wastewater stream (e.g. separately metered irrigation and cooling tower applications).

Bills will be issued to the party or parties who obtain service under the provisions of section 18-103 of this Code ("obtaining service"). Residential customers will have consolidated bills presented for other services including, but not limited to, wastewater, solid waste, and stormwater in accordance with the provisions of this Code.

A. *Residential* is for a residential property owner whose property meets all of the following criteria and will have water service provided and billed under residential rate provisions using residential rates:

1. The property is used as a detached single-family residential living unit by an owner or tenant and is intended to be used as a residential dwelling; and
2. The property is classified by the Williamson County Assessor as a residential or homebelt property; and
3. Is served by a single water meter serving a single residential living unit; and
4. The development consists primarily of similar units and not mixed-use or attached dwellings which are classified as "multiresidential".
5. The occupant (owner or tenant) has a unique utility service contract with the City or water district. An addendum to the water supply contract authorizes the City to provide and be paid for city provided services if served water from MVUD, Milcrofton, HB&TS or Brentwood (specific addendums are in their contracts for City services).

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B. *Multiresidential* customers are those that live in residential living units containing the following characteristics. Service is priced at residential rates using "multiple minimums". Multiple minimums apply when more than one living unit is served from one water meter. This allows for water service to be priced as if each living unit were measured and billed separately. The effect is that total consumption is divided by total units to determine the pricing per unit and billed to the party contracting for service. Living units with one meter/unit will result in being priced as if they are residential.

1. The property is used as an attached or detached multi-family residential living unit by an owner or tenant and is intended to be used as residential dwellings; and
2. The property is classified by the Williamson County Assessor as a residential (condominiums, townhomes, duplexes, triplexes) or commercial property (apartments, duplexes, triplexes) or governmental property (Franklin Housing Authority); and
3. The development consists primarily of similar mixed-use or attached dwellings which are not classified as "residential" above.
4. The occupant (owner or tenant) typically does not have a utility service contract with the City or water district and the contract for service is typically with a commercial enterprise, an agent of the owner/tenant (e.g., a homeowner's association or property management firm) or a government entity (Franklin Housing Authority). An addendum to the water supply contract authorizes the City to provide and be paid for City provided services if served water from MVUD, Milcrofton, HB&TS or Brentwood (specific addendums are in their contracts for City services).

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- C. *Nonresidential* is a customer who does not meet the requirements as a residential or multiresidential customer but may have living units on the property. Included are farms, healthcare facilities, hospitals, assisted living facilities, hotels (including extended stay facilities) and common properties for residential and multiresidential developments. All "irrigation water" shall be classified as nonresidential even if delivered to a residential customer. Water pricing will be under nonresidential (commercial) rate provisions.

(1976 Code, § 13-210; Ord. No. 97-05, 2- -1997; Ord. No. 2001-56, 4- -2002; Ord. No. 2005-29, 5- -2005; Ord. No. 2007-120, § V, 2-12-2008; Ord. No. 2009-46, § II, 8-25-2009; Ord. No. 2009-81, § I, 1-12-2010; Ord. No. 2010-62, § XV, 11-23-2010; Ord. No. 2012-19, § II, 8-28-2012; [Ord. No. 2017-30](#), § I, 7-11-2017)

Editor's note— Section II of Ord. No. 2012-19, adopted Aug. 28, 2012, changed the title of § 18-210 from "Sewer service charges" to "Billing for sanitary sewer service."

Sec. 18-211. - Use of public sewers.

- (1) No stormwater, groundwater, rainwater, street drainage, rooftop drainage, basement drainage, subsurface drainage, foundation drainage, yard drainage, swimming pool drainage, process water drainage, cooling water, or other unpolluted or minimally polluted water shall be discharged into the City's sewer system unless no other reasonable alternative is available, except with permission from the director. Reasonable conditions shall be prescribed, and a sewer service charge will be issued based upon the quantity of water discharged as measured by a flowmeter or a reasonable estimate accepted by the director. All users shall be required to maintain their private sewer lines so as to prevent filtration of groundwater or stormwater as a condition of use of the system and shall immediately replace or repair any leaking or damaged lines.
- (2) The POTW will accept discharge of contaminated stormwater if the following criteria are met:
- (a) All known and available technology will not prevent contamination or treat contaminated water to meet state standards for discharge to receiving waters or will cause unreasonable financial burden;
 - (b) The contaminated stormwater meets the POTW's discharge limits and all state and federal pretreatment requirements; and
 - (c) The volume of discharge will not exceed the hydraulic loading in the collection system or the treatment plant.
- (3) Adequate and proper pretreatment facilities including grease traps must be provided for other than domestic wastewater discharges when such wastewater exceeds the limits of pollutants established in this chapter of the Franklin Municipal Code. The pretreatment facilities must be installed in accordance with plans approved by the director and shall be properly operated by the user.
- Such pretreatment facilities shall be provided as a condition on the permit for connection to the POTW and may be required on new or existing connections where conditions warrant as determined by the director.
- The facilities shall be at all times subject to inspection by the director or his authorized representative. In the event facilities are determined to be inadequate or improperly operated, the user shall be given written notice of the deficiency and shall correct such deficiency.
- (4) *Prohibited wastewater.*
- (a) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW treatment plant which exceeds 104;deg; F (40° C).

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- (b) Unless a higher discharge temperature is specified in the user's wastewater discharge permit, no user shall discharge into a sewer line or other appurtenances of the POTW wastewater with a temperature exceeding 150 degrees Fahrenheit.
 - (c) Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, pollutants with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees centigrade) as determined by a Pensky-Martens closed-cup tester, using the test method specified in the American Society for Testing and Materials (ASTM) D-93-79 or D-93-80k, or a Setaflash closed-cup tester, using the test method specified in ASTM D-3278-78, or pollutants which cause an exceedance of ten percent of the lower explosive limit (LEL) at any point within the POTW.
 - (d) No waste from garbage disposals shall be discharged into the POTW's sewers except from private garbage disposals used in an individual residence or upon permit issued by the director for preparation of food consumed on premises, and then only when applicable fees are paid. It shall be unlawful for any person to use a garbage disposal grinder connected to the sewer system for the purpose of grinding and discharging plastic, paper products, inert materials, or anything other than the waste products from normal food preparation and consumption.
 - (e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure, or any substance capable of causing obstruction to the flow in sewers, capable of coating the sewers or other appurtenances, or causing other interferences with the proper operation of the sewage works.
 - (f) Any water or waste having a pH lower than 6.0 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (g) Any water and waste containing a toxic or poisonous substance in amounts exceeding standards established by the Environmental Protection Agency pursuant to section 307(a) (b) or (c) of the act.
 - (h) Any radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use or which may be hazardous to plant facilities or personnel.
 - (i) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 - (j) Any water or waste containing a pollutant capable of causing a pass through violation at the POTW or an interference with the operation or performance of the POTW.
 - (k) Any trucked or hauled pollutants, except at discharge points specified by the POTW.
 - (l) Any waste known or suspected of being infectious without first undergoing pretreatment to eliminate such pathogens.
- (5) *Regulated wastewater.*
- (a) Wastes having any of the following characteristics may be accepted only under such conditions and/or limitations as may be approved on a case-by-case basis by the director.
 - (i) Any waters or wastes containing constituents in excess of the following concentrations:

BOD	300 mg/l
COD	600 mg/l
TKN	60 mg/l

NH ₃ -N	30 mg/l
TSS	300 mg/l
Oil and Grease	100 mg/l

- (ii) Intermittent slugs, or short-time-high volume discharges, at such discharge rates or concentrations as to overload either the public sewers or the treatment facilities.
 - (iii) Any waters or wastes having noxious or malodorous substances which either alone or in combination with other substances which may be present in the wastewater may cause an offensive odor or public nuisance.
 - (iv) Any waters or wastes having color which is not removed by the treatment processes or which could adversely affect plant appearance or performance.
- (b) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided for in this chapter or the user's wastewater discharge permit provides a special permit condition temporarily allowing a higher concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a predetermined time frame (compliance schedule).

TABLE A
User Discharge Restrictions

Parameter	Daily Maximum Concentration (mg/l)
Copper (Cu)	2.77
Chromium (Cr), Total	2.24
Nickel (Ni)	2.21

Cadmium (Cd)	0.128
Lead (Pb)	0.330
Mercury (Hg)	0.0002
Molybdenum (Mo)	0.063
Silver (Ag)	0.140
Zinc (Zn)	2.61
Cyanide (CN)	0.141
Toluene	0.311
Benzene	0.134
1,1,1, Trichloroethane	1.785

Ethylbenzene	0.255
Carbon Tetrachloride	0.223
Chloroform	1.650
Tetrachloroethylene	0.268
Trichloroethylene	0.406
1,2, trans Dichloroethylene	0.041
Methylene Chloride	1.174
Phenols, Total	1.090
Napthalene	0.041
Phthalates, Total	01.690

(c) Criteria to protect the treatment plant influent. The POTW shall monitor the treatment plant influent for each pollutant in the following table. In the event the influent at the POTW reaches or exceeds the levels set forth in this table, the director shall initiate technical studies to determine the cause of the exceedance and shall recommend to the City the necessary remedial measures. The director may also recommend changes to these criteria in the event that the POTW effluent standards are changed, there are changes in applicable laws or regulations, or changes are needed for more effective operation of the POTW.

Plant protection criteria have been established for the WWTP influent and are listed in Table B.

TABLE B
Plant Protection Criteria

Parameter	Daily Maximum Concentration (mg/l)
Copper (Cu)	0.34
Chromium (Cr), Total	0.28
Nickel (Ni)	0.28
Cadmium (Cd)	0.015
Lead (Pb)	0.038
Mercury (Hg)	0.0002

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Molybdenum (Mo)	0.006
Silver (Ag)	0.020
Zinc (Zn)	0.95
Cyanide (CN)	0.16
Toluene	0.035
Benzene	0.015
1,1,1, Trichloroethane	0.200
Ethylbenzene	0.029
Carbon Tetrachloride	0.025
Chloroform	0.185

Tetrachloroethylene	0.030
Trichloroethylene	0.046
1,2, trans Dichloroethylene	0.005
Methylene Chloride	0.132
Total Phenols	0.125
Napthalene	0.005
Total Phthalates	0.190

- (d) Hearings. Any regulated discharger may request and receive a hearing before the committee in regard to establishment of discharge conditions or violations thereof and may appeal an adverse decision for hearing by the Board. The ruling of the Board shall be final.

(6) *Grease, oil and sand interceptors.*

- (a) Disposal of oil by discharge to the sewer system is not permitted. Oils include automotive lubrication oils, transmission and brake fluid, other industrial oils, and vegetable oils used in a restaurant or food preparation or processing facility.
- (b) Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the director and shall be located as to be readily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of

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substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and watertight.

- (c) Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- (d) Grease, oil, and sand interceptors shall be subject to monitoring, entry, inspection, reinspection, reinspection fees, reporting and other requirements as determined by the director.

(7) *Regulation of commercial septic and drain cleaning services.*

- (a) No person shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the director to perform such acts or services. Any person desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the City Recorder when the conditions of this chapter have been met and providing the director is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.
- (b) For each permit issued under the provisions of this section, an annual fee, as established by the Board, shall be paid to the city. Any such permit granted shall be for one full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.
- (c) The director shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any such person to empty or clean such equipment at any place other than a place so designated.
- (d) Failure to comply with all the provisions of this section shall be sufficient cause for the revocation of such permit and for application of penalties described elsewhere in this section. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving as a cleaning unit for septic tank or other wastewater or excreta disposal system shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City.

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(8) *Industrial users.*

- (a) Permits.
 - (i) Each industrial user proposing to discharge to the sanitary sewers wastes of any description, exclusive of domestic sewerage shall file with the director an application for the discharge of such wastes. Applications shall be filed on forms provided by the director and shall include data on the raw materials used, finished products, process descriptions, chemicals used and stored, sources of process wastes proposed for discharge to sanitary sewers, approximate number of employees, anticipated water consumption and proposed pretreatment. The application shall further include the SIC number(s) of the applicant; wastewater volume; daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the premises, including concentrations; site plans; flow plans; mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities; and any other information deemed necessary by the director.
 - (ii) The director will provide prompt written acknowledgement of the application and will either approve or reject the request to discharge, or when necessary, request more data. If the application is approved, the director will issue a discharge permit setting forth the conditions under which the wastes may be discharged to the sewers.

(iii) The wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the ~~City~~. The permits may contain the following:

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- (A) The units charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
- (B) Limits on the average and maximum wastewater constituents and characteristics.
- (C) Limits on average and maximum rate at time of discharge or requirements for equalization.
- (D) Requirements for installation and maintenance of inspection and sampling facilities.
- (E) Specifications for monitoring program which may include sampling locations, frequency of sampling, number, types, and standard for testing and reporting schedule.
- (F) Compliance schedules.
- (G) All technical reports or discharge reports shall comply with all signatory requirements of 40 CFR 403.12(1).
- (H) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording the city access thereto.
- (I) Requirements for notification of the ~~City~~ of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (J) Requirements for notification of slug discharges.
- (K) Any other conditions as deemed appropriate by the director to ensure compliance with this chapter.

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- (iv) The director may request updated information or additional data from any industrial user at any time and failure to respond in a timely manner shall constitute a violation of the discharge permit conditions.
- (v) It shall be the responsibility of the industrial user to file new or updated data with the director whenever there is a significant change in process waste discharge because of a plant expansion, change in manufacturing process, or any other reason. Upon request by the director, the industrial user shall also provide a comprehensive analysis of the waste stream performed by a qualified commercial laboratory.
- (vi) The application for permit to discharge process wastes to the sanitary sewer and the resulting approval notice setting forth discharge conditions shall not be transferable. A separate application must be filed whenever an industry moves to a new location or is replaced by another industry at the same location.
- (vii) The permit shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be set to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.
- (viii) Any permit issued under the provisions of this chapter is subject to being modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
 - (A) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.
 - (B) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

- (C) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- (D) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(9) *Monitoring manholes.* Any industrial user discharging industrial process wastes of any description shall install a suitable monitoring manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be suitably located, and shall be constructed in accordance with plans approved by the director. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(10) *Surveillance fees.* Any industrial user discharging industrial process wastes of any description shall be charged a surveillance fee as recommended by the director and approved by the committee to compensate the City for the added cost of collecting and analyzing waste samples on a periodic basis to ensure compliance with the terms of this chapter. Results of such analyses will be furnished to the industrial user. The surveillance fee shall be levied in addition to all other applicable charges, user's fee and/or taxes, and shall be subject to adjustment on an annual basis.

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(11) *Monitoring equipment.*

- (a) Automatic composite samplers and monitoring units will be installed at the monitoring manholes of industrial dischargers when and as deemed necessary by the director.

(12) *Surcharges.*

- (a) Any waters or wastes containing constituents in excess of the following concentrations:

BOD	300 mg/l
COD	600 mg/l
TKN	60 mg/l
NH ₃ -N	30 mg/l
TSS	300 mg/l
Oil and Grease	100 mg/l

may be accepted in the public sewer subject to a surcharge to cover the additional cost of treating such wastes. Discharges of extra strength wastes must apply for and operate under a permit from the City. The surcharges will be based on the average of six composite samples collected over a three-month period, at least one of which should have been collected within 30 days of billing date. The director will use independent sampling, split samples, or other means to verify the constituents of the wastewater.

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- (b) The surcharge shall be based on the average concentration and the metered water consumption (or wastewater flows).

- (c) The surcharge will be calculated according to the following formula with no credit for concentrations less than the threshold concentration amounts listed in paragraph (a) above and with the total applied to the monthly bill of affected users:

$[A(E-300) + B(F-300) + C(G-60) + D(H-100)] \times 0.00834 \times I \times J = \text{SURCHARGE MONTHLY BILL}$
and where:

A is the surcharge rate for BOD of \$0.35 per pound;

B is the surcharge rate for TSS of \$0.35 per pound;

C is the surcharge rate for TKN of \$1.75 per pound;

D is the surcharge rate for oil and grease of \$1.05 per pound;

E is the user's effluent BOD concentration (mg/l);

F is the user's effluent TSS concentration (mg/l);

G is the user's effluent TKN concentration (mg/l);

H is the user's effluent oil and grease concentration (mg/l);

I is the user's flow to the sewer system in 1,000 gallons per day;

J is the number of days in the billing month.

COD may be used in lieu of BOD with the agreement of the director. The COD surcharge rate is \$0.15 per pound.

The extra strength of $\text{NH}_3\text{-N}$ will be handled through the surcharge of Total Kjeldahl Nitrogen (TKN) in all cases.

- (13) *Violations.* If any discharge to the wastewater system, or any proposed discharge to the system is responsible for or is likely to be responsible for violation of § 18-211(3), (4) hereinabove, and (5) the director may take any action necessary to:
- (a) Prohibit the discharge of such wastewater.
 - (b) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances not in conformity with this chapter.
 - (c) Require pretreatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.
 - (d) Take such other remedial action enforcement action, or penalty action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.
 - (e) In the event any actual or threatened discharge to the wastewater system presents an imminent danger to the health and welfare of persons, the director may take immediate action, such as severance of the sewer connection, to halt or prevent the discharge.
- (14) *Prior approval for pretreatment.* Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the director for review and approval. Such approval shall not exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the director.

(15) *Maintenance of pretreatment facilities.* Where preliminary treatment facilities are provided for any water or waste, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(16) *Slug control program.*

- (a) Each user shall provide protection from slug discharges of restricted materials or other substances regulated by this chapter. A slug is defined as any pollutants, including oxygen demanding pollutants, released in a discharge of such volume or strength as to cause interference in the POTW or individual unit operations or cause adverse effects upon its employees or the government. No user shall be permitted to discharge into the system until the need for slug control plans or procedures has been reviewed by the director.
- (b) Certain users will be required to prepare spill response plans showing facilities and procedures for providing this protection. These plans shall be submitted to the director for review and approval. All users required to have such a plan shall submit it within 60 days of notification by the director and complete implementation within 90 days of notification.
- (c) In the case of a slug discharge, it is the responsibility of the user to immediately notify the POTW of the incident by telephone or in person. Information concerning the location of the discharge, type of waste, concentration and volume, and corrective action shall be provided by the user.

Within five days following a slug discharge, the user shall submit a detailed written report describing the cause of the discharge and the measures being taken by the user to prevent future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property, nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

- (d) A notice shall be permanently posted on the user's premises advising employees of a contact to call in the event of a slug discharge. The user shall ensure that all employees who may cause or allow such slug discharge to occur are advised of the proper emergency notification procedure.

(17) *Sampling and analysis.*

- (a) All collected samples must be of such nature that they provide a true and accurate representation of the industry's normal workday effluent quality.
- (b) Chain-of-custody procedures, sample preservation techniques, and sample holding times recommended by the EPA shall be followed in all self-monitoring activities. Grab samples must be used for pH, cyanide, phenols, oil and grease, sulfide, and volatile organics. All other samples shall be 24-hour flow proportional composite samples, unless otherwise specified.
- (c) Monitoring shall be performed at the approved monitoring station on the effluent sewer. Location and design of the monitoring station shall be subject to the review and approval of the director. Any change in monitoring location will be subject to the approval of the director.
- (d) All analyses shall be performed in accordance with procedures established by the EPA under the provisions of section (304(h)) of the Act and contained in 40 CFR, part 136 and its amendments or with any other test procedures approved by the EPA or the director. Sampling shall be performed in accordance with the techniques approved by EPA or the director.
- (e) If sampling by an industrial user indicates a violation, then the user shall notify the director within 24 hours of becoming aware of such violation.

(18) *Compliance with federal requirements.*

- (a) Any user of the public sewer who discharges industrial waste or matter must satisfy and meet federal government guidelines for pretreatment as may be prescribed from time to time by the Environmental Protection Agency or its successor agency and the guidelines for pretreatment

as may be prescribed from time to time by the Division of Water Pollution control of the Tennessee Department of Environment and Conservation, and further must furnish at its own expense any additional monitoring equipment as reasonably may be necessary in the opinion of the director.

- (b) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations under this chapter. The director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(19) *Records.*

- (a) All industrial users who discharge or propose to discharge wastewaters to the wastewater treatment system shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this chapter and any applicable state or federal pretreatment standards or requirements.
- (b) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of productions entitled to protection as trade secrets of the user.
- (c) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets of secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- (d) Information accepted by the City as confidential shall not be transmitted to any government agency or to the general public by the City until and unless a ten-day notification is given to the user.

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- (20) *Pretreatment of off-site generated wastes.* No industrial user may accept or treat liquid wastes from any other site for the purpose of pretreatment and discharge to the public sewer system without such arrangement having been reviewed by the director and approved in writing by the appropriate committee.
- (21) *Dilution.* Except where expressly authorized by an applicable pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

(1976 Code, § 13-211; Ord. No. 97-61, 12- -1997; Ord. No. 97-59, 11- -1997; Ord. No. 2001-56, 4- -2002; Ord. No. 2005-66, 10- -2005)

Sec. 18-212. - Enforcement.

- (1) *Enforcement response plan.* In order to apply enforcement actions toward violators of pretreatment permits or this sewer use chapter in an efficient, objective and consistent manner, the Enforcement Response Plan ^(a) has been developed and is incorporated herein by reference.
- (2) *Administrative enforcement remedies.*

- (a) *Notification of violation.* When the director finds that any user has violated or is violation this section or a wastewater permit or order issued hereunder, the director or his agent may serve upon the user a written notice of violation (NOV). Within 10 days of receipt of the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.
- (b) *Consent orders.* The director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time frame also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraph (d) below.
- (c) *Show-cause hearing.* The director may order any user which causes or contributes to a violation of this chapter, its wastewater permit, or any order issued hereunder to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any principle executive, general partner, or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.
- (d) *Compliance order.* When the director finds that a user has violated or continues to violate this chapter or permit or order issued hereunder, he may issue an order to the user responsible for the discharge, directing that, following a specified time period, sewer service shall be discontinued and/or civil penalties will be assessed unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements deemed reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.
- (e) *Cease and desist orders.* When the director finds that a user has violated or continues to violate this chapter or any permit or order issued hereunder, the director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do one of the following:
- (i) Comply with the order.
 - (ii) Take the appropriate remedial or preventive action needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- (f) *Emergency termination of service.* When the director finds that an emergency exists in which immediate action is required to protect public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or the facilities of the POTW, the director may, without prior notice, issue an order reciting the existence of such an emergency and requiring that certain action(s) be taken as the director deems necessary to meet the emergency.

If the violator fails to respond or is unable to respond to the director's order, the director may take such emergency action as deemed necessary or contract with a qualified person to carry out the emergency measures. The director may assess the person(s) responsible for the emergency condition for actual costs incurred by the director in meeting the emergency.

If the emergency action adversely affects the user, the director shall provide the user an opportunity for a hearing as soon as possible thereafter to consider restoration of service upon abatement of the condition or other reasonable conditions. Following the hearing, the director may take any such authorized action should the proof warrant such action.

(g) All of the administrative enforcement remedies may be appealed to the appropriate committee.

(3) *Administrative and civil penalties.*

(a) Any person or user who does any of the following acts or omissions shall be subject to a civil or administrative penalty as specified in appendix A, comprehensive fees and penalties, per day for each day during which the act or omission continues or occurs:

- (i) Violates any effluent standard or limitation imposed by a pretreatment program.
- (ii) Violates the terms or conditions of a permit issued pursuant to a pretreatment program.
- (iii) Fails to complete a filing requirement of a pretreatment program.
- (iv) Fails to allow or perform an entry, inspection, monitoring, or reporting requirement of a pretreatment program.
- (v) Fails to pay user or cost-recovery charges imposed by a pretreatment program.
- (vi) Violates a final determination or order of the director or the appropriate committee.

(b) Any administrative penalty shall be assessed in the following manner:

- (i) The director may issue an assessment against any person or user responsible for the violation.
- (ii) Any person or user against whom an assessment has been issued may secure a review of such assessment by filing with the director a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter involved before the appropriate committee. If a petition for review of the assessment is not filed within 30 days of the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.
- (iii) When any assessment becomes final because of a person's failure to appeal the director's assessment, the director may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment. Penalties will be assessed based on the following criteria:
 - (A) Whether the penalty imposed will be a substantial economic deterrent to the illegal activity.
 - (B) Damages to the POTW, including compensation for the damage or destruction of the facilities of the POTW, which also includes any penalties, costs, and attorney's fees incurred by the POTW as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damage.
 - (C) Cause of the discharge or violation.
 - (D) The severity of the discharge and its effect upon the facilities of the POTW and upon the quality and quantity of the receiving waters.
 - (E) Effectiveness of actions taken by the violator.
 - (F) The technical and economic feasibility of reducing or eliminating the discharge.
 - (G) The economic benefit gained by the violator.

(c) The director may institute proceedings for assessment of civil penalty in the name of the City in the Chancery Court of Williamson County.

(d) The Mayor and Board of Aldermen may establish by regulation a schedule of the amount of administrative or civil penalty which can be assessed by the director for certain specific violations or categories of violations.

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- (e) Any administrative civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner of environment and conservation for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). Provided, however, the sum of the penalties imposed by this section and by § 69-3-115(a) shall not exceed the amount specified in appendix A, comprehensive fees and penalties, per day for each day during which the act or omission continues to occur.

(4) *Assessment of damages.*

- (a) The director may assess the liability of any violator for damages to the pretreatment agency resulting from any person(s) or user(s) pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program.
- (b) If an appeal from such assessment is not made to the director by the violator within 30 days of notification of such assessment, he shall be deemed to have consented to such assessment and it shall become final.
- (c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or any other sections of this chapter in removing, correcting, and terminating any pollution, and also compensation for actual damages caused by the violation to the POTW. The director shall assess the expenses and damages incurred by the POTW to clear the obstruction, repair damage to the POTW, and otherwise rectify any impairment caused by the violation.
- (d) Whenever any assessment has become final because of a person's failure to appeal within 30 days, the director shall bill the person responsible for the damage for reimbursement of all expenses and damages suffered by the POTW. If the person responsible refuses to pay, the director may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of assessment.
- (e) The director may institute proceedings for the assessment of damages in the name of the City in Chancery Court of Williamson County.

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(5) *Hearings.*

- (a) Any hearing or rehearing brought before the appropriate committee shall be conducted in accordance with the following:
- (i) Upon receipt of a written petition from the alleged violator pursuant to this section, the director shall give the petitioner ten days written notice of the time and place of the hearing.
- (ii) The hearing provided may be conducted by the appropriate committee at a regular or special meeting. A quorum of the appropriate committee must be present at the regular or special meeting in order to conduct the hearing.
- (iii) A verbatim record of the proceedings of the hearings shall be made and filed with the appropriate committee in conjunction with the findings of fact and conclusions of law. The transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the director to cover preparation fees.
- (iv) In connection with the hearing, the chairperson of the appropriate committee shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In any case of refusal to obey a notice of hearing or subpoena issued under this section, the Chancery Court of Williamson County shall have the jurisdiction upon the application of the director to issue an order requiring such persons to appear and testify or produce evidence as the case may require. Failure to obey such an order of the court is punishable by the court as contempt.
- (v) On the basis of the evidence produced at the hearing, the appropriate committee shall make findings of fact and conclusions of law and enter such decisions and orders as, in its opinion, will best further the purposes of the pretreatment program and shall give written

notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than 30 days following the close of the hearing by the person or persons designated by the chairperson.

- (vi) The decision of the appropriate committee shall become final and binding on all parties unless appealed to the courts as provided in § 18-212(5)(b).
 - (vii) Any person to whom an emergency order is directed shall comply therewith immediately but, on petition to the appropriate committee, shall be afforded a hearing as soon as possible but in no case shall such hearing be held later than three days from the receipt of such a petition by the appropriate committee.
 - (viii) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedure with the chairperson to rule on such matters as would require a ruling by the court under said rules.
 - (ix) The director shall first call witnesses, which shall be followed by witnesses called by the other party. Rebuttal witnesses shall be called in the same order. The chairperson shall rule on any evidentiary questions arising during such hearing and shall make other rulings necessary or advisable to facilitate an orderly hearing subject to approval of the appropriate committee. The appropriate committee, the director, his representative, and all parties shall have the right to examine any witness. The appropriate committee shall not be bound by or limited to rules of evidence applicable to legal proceedings.
 - (x) Any person aggrieved by an order or determination of the director, where an appeal is not otherwise provided by this section, may appeal said order or determination to be reviewed by the appropriate committee under the provisions of this section. A written notice of appeal shall be filed with the director and said notice shall set forth with particularity the action or inaction of the director complained of and the relief being sought by the person filing said appeal. A special meeting of the committee may be called by the chairperson upon the filing of such an appeal, and the committee may, at member's discretion, suspend the operation of the order or determination of the director on which is based the appeal until such time as the appropriate committee has acted upon the appeal.
 - (xi) The vice chairperson or the chairperson pro tem shall possess all the authority delegated to the chairperson by this section when acting in their absence or place.
- (b) An appeal may be taken from any final order or other final determination of the director or committee by any party who is or may be adversely affected thereby to the Chancery Court pursuant to the common law writ of certiorari set in Tennessee Annotated (T.C.A. § 27-8-101, within 60 days from the date such order or determination is made.
- (6) *Judicial proceedings and relief.* The director may initiate proceedings in the Chancery Court of Williamson County against any person or user who is alleged to have violated or is about to violate the pretreatment program, its industrial user permit, any section of this chapter, or any order of the director and/or committee. In such action, the director may seek, and the court may grant, injunctive relief and any other relief available in law or equity.
- (7) *Disposition of damage payments and penalties.* All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the City and allocated and appropriated to the sewer system for the administration of its pretreatment program.

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(1976 Code, § 13-212; Ord. No. 2001-56, 4- -2002; Ord. No. 2010-62, §§ XVI, XVII, 11-23-2010)

Footnotes:

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Editor's note— The Enforcement Response Plan which is a part of Exhibit A to Ordinance 97-05 (Feb. 1997) is of record in the office of the recorder.

Sec. 18-213. - Protection from damage.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest.

(1976 Code, § 13-213; Ord. No. 97-05, 2- -1997; Ord. No. 2001-56, 4- -2002)

Sec. 18-214. - Powers and authority of inspectors.

The Director, and other duly authorized employees of the City, as well as state and federal EPA personnel bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, testing and record review and copying in accordance with the provisions of this chapter.

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(1976 Code, § 13-214; Ord. No. 97-05, 2- -1997; Ord. No. 2001-56, 4- -2002)

Sec. 18-215. - Duties and authorities.

(1) *Appropriate committee.* In addition to any other duty or responsibility otherwise conferred upon the appropriate committee by this chapter, the appropriate committee shall have the duty and power as follows:

- (a) To recommend amendments or modifications to the provisions of this chapter;
- (b) To hold hearings upon appeals from orders of actions of the director as may be provided under the provisions of this chapter;
- (c) To hold hearings related to the suspension, revocation, or modification of a wastewater discharge permit and issue appropriate orders relating hereto;
- (d) To hold hearings that may be required in the administration of this chapter and to make determinations and issue orders necessary to effectuate the purposes of this chapter.
- (e) To request assistance from any officer, agent, or employee of the City and to obtain any necessary information or other assistance;
- (f) The appropriate committee, acting through its chairperson, shall have the power to issue subpoenas requiring attendance, the testimony of witnesses, and the production of documentary evidence relevant to any matter properly heard by the appropriate committee;
- (g) The chairperson shall be authorized to administer oaths to people giving testimony.

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(2) *Director.*

- (a) *Director and staff.* The director and his/her staff shall be responsible for the administration of all parts of this section.
- (b) *Authority of director.* The director shall have the authority to enforce all sections of this chapter. He/she shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances of the POTW. The Director shall be responsible for preparation of operating budgets, subject to the normal budgetary processes of the City.

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- (c) *Records.* The director shall keep in his office or at an appropriate storage facility all applications required under this chapter a complete record thereof, including a record of all wastewater discharge permits.
- (d) *Notice of national pretreatment standard.* The director shall notify users identified in 40 CFR, part 403.8(f)(2) of any applicable pretreatment standards or other applicable requirements promulgated by the EPA under the provisions of Section 204(b) of the Act (33 U.S.C. 1284), Section 405 of the Act (33 U.S.C. 1345) or under the provisions of Sections 3001, 3304, or 4004 of the Solid Waste Disposal Act. Failure of the director to notify users shall not relieve the users from the responsibility of complying with these regulations.
- (e) *Public participation notice.* The director shall comply with the public participation requirements of 40 CFR, Part 425 in the enforcement of National Pretreatment Standards. The director shall, at least annually, provide public publication in the largest local newspaper of all significant industrial users which, during the previous 12 months, significantly violated applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, a significant industrial user is in significant violation if its violations meet one or more of the following criteria:
 - (i) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements taken during a six-month period exceeded (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
 - (ii) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken during a six-month period equal or exceed the product of the daily average maximum limit or average limit times the applicable TRC (TRC=1.4 for BOD, TSS, and oil and grease; and 1.2 for all other pollutants except pH).
 - (iii) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the director believes has caused, alone or in combination with other discharges, interference, or pass through, including endangering the health of the POTW personnel and the general public.
 - (iv) Any discharge of a pollutant that has caused imminent endangerment to human health and welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
 - (v) Violation by 90 days or more after the schedule date of a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.
 - (vi) Failure to provide required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring.
- (f) *Approves new construction.* The director shall give approval in acceptance of newly constructed sanitary sewer lines, pump stations, and other appurtenances.

(1976 Code, § 13-215; Ord. No. 97-05, 2- -1997; Ord. No. 2001-56, 4- -2002)

Sec. 18-216. - Validity.

- (1) All ordinances and/or sections of the Franklin Municipal Code, or parts thereof, in conflict herewith are hereby repealed.
- (2) The invalidity of any section, clause, sentence or provision of this chapter of the Franklin Municipal Code shall not affect the validity of any other part of this chapter of the Franklin Municipal Code which can be given effect without such invalid part or parts.

(1976 Code, § 13-216; Ord. No. 97-05, 2- -1997; Ord. No. 2001-56, 4- -2002)

Sec. 18-217. - Provisions applicable.

The requirements contained herein shall apply to all premises served by the Franklin Wastewater System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the City to provide wastewater services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe health wise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Franklin corporate limits.

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(Ord. No. 2001-56, 4- -2002)

Sec. 18-218. - Penalty.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined as specified in appendix A, comprehensive fees and penalties. Each day of continued violation shall constitute a separate offense.

(Ord. No. 2001-56, 4- -2002; Ord. No. 2010-62, § XVIII, 11-23-2010)

Sec. 18-219. - Date of effect.

All ordinances and parts of ordinances in conflict with this chapter shall be hereby repealed. This chapter shall take effect from and after its passage.

(Ord. No. 2001-56, 4- -2002)

CHAPTER 18. - WATER AND SEWERS

<i>Application Fee</i>	
Additional service	\$50.00
Transfer of existing service	\$50.00
New construction	\$25.00
<i>Repairs, replacement or relocation of meters, boxes, service lines or associated utilities, necessitated by damage to meters, boxes, service lines or associated utilities, or failure to install according to city specifications.</i>	Billed at full replacement price. Materials billed at full retail value along with associated equipment and labor costs. One-hour minimum labor charge for repair replacement or relocation of any damaged water utilities.
<i>Temporary/Seasonal</i>	
Disconnection fee	\$25.00
Reconnection fee	\$25.00
<i>Fire Hydrants and Sprinkler Systems—Private</i>	
System Development fee	\$500.00 per inch diameter of connection line
<i>Fire Hydrant Meters—Temporary</i>	
Deposit	\$1,000.00
Set-up fee	\$500.00
<i>Irrigation Access Fee to Potable Water Main</i>	\$1,186.00
<i>Inspection Fees</i>	
Reinspection fee	\$50.00 per reinspection
<i>Penalties</i>	

Municipal Code Violations	\$50.00 per day per violation plus incurred administrative costs not to exceed \$1,000.00
Administrative Civil Penalty	\$10,000.00 per act or omission per day
<i>Sanitary Sewer Service Connection Fee</i>	\$50.00
<i>Water Meters (Potable and Reclaimed)</i>	
Meter repair resulting from damage caused by meter being obstructed, blocked, or otherwise unreadable	Actual cost \$500.00 minimum
Obstructed, blocked, or otherwise unreadable meter	\$50.00 per month
Unauthorized removal or tampering	\$500.00 per occurrence
<i>Water Service (Potable and Reclaimed)</i>	
Reconnect service charge	\$35.00 normal business hours
	\$75.00 nonbusiness hours, holidays, and weekends

Fire Hydrant and Sprinkler System (Private) System Development and Meter Installation Fees

System Development Fee (SDF)		\$500.00 per inch diameter of connection line	
Meter Size	SDF	Complete Installation	Installation of Meter and Meter Box Only
¾" x 5/8 "	\$500.00	\$720.00	\$300.00
1"	500.00	854.00	356.00

1½"	750.00	1,375.00	625.00
2"	1,000.00	2,117.00	1,297.00
3"	1,500.00	3,480.00	1,506.00
4"	2,000.00	5,230.00	2,541.00
6"	3,000.00	7,035.00	4,498.00
8"	4,000.00	13,438.00	9,803.00

Water Development **Impact Fees**

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Wastewater Impact Fee and Installation Fees			
Meter Size	Impact Fee	Installation Fee, tap in place	Installation Fee, tap not in place
<u>¾"</u>	<u>\$3,544</u>	<u>\$263</u>	<u>\$1,240</u>
<u>1"</u>	<u>\$14,175</u>	<u>\$263</u>	<u>\$1,240</u>
<u>1½"</u>	<u>\$34,020</u>	<u>\$263</u>	<u>\$1,240</u>
<u>2"</u>	<u>\$45,360</u>	<u>\$263</u>	<u>\$1,240</u>
<u>3"</u>	<u>\$99,225</u>	<u>\$263</u>	<u>\$1,240</u>
<u>4"</u>	<u>\$141,750</u>	<u>\$263</u>	<u>\$1,240</u>
<u>6"</u>	<u>\$340,200</u>	<u>\$263</u>	<u>\$1,240</u>
<u>8"</u>	<u>\$425,250</u>	<u>\$263</u>	<u>\$1,240</u>

Effluent Disposal Assessment Fee (EDA)

Meter Size	GPM	EDA Fee
5/8 " × ¾"	12.5	\$450.00
1"	50	1,800.00
1½"	120	4,320.00
2"	160	5,760.00
3"	350	12,600.00

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4"	500	18,000.00
6"	1200	43,200.00
8"	1500	54,000.00

Reclaimed Water Connection and Meter Installation Fee

Meter Size	Reclaimed Water Connection Fee	Complete Installation	Total Fee
5/8 " x 3/4"	\$500.00	\$720.00	\$1,220.00
1"	500.00	853.50	1,354.00
1½"	500.00	1,375.00	1,875.00
2"	500.00	2,116.50	2,617.00
3"	500.00	3,480.00	3,980.00
4"	500.00	5,230.00	5,730.00
6"	500.00	7,035.00	7,535.00
8"	500.00	13,438.00	13,938.00

Plan Review Fees

Water plan review fee	\$300.00
Wastewater plan review fee	\$300.00
Reclaimed water plan review fee	\$300.00

Water plan review fee with consultant expedited POST PC review	\$1,000.00 per submittal/review
Wastewater plan review fee with consultant expedited POST PC review	\$1,000.00 per submittal/review
Reclaimed water plan review fee with consultant expedited POST PC review	\$1,000.00 per submittal/review

Inspection Fees

Water mains	\$1.25/lf (minimum \$1,000.00)
Reclaimed Water	\$1.25/lf (minimum \$1,000.00)
Wastewater: Gravity Main	\$2.00/lf (minimum \$1,000.00)
Wastewater: Force Main	\$1.50/lf (minimum \$1,000.00)

Reclaimed Water Rate

Reclaimed Water Rate	\$0.97/1,000 gallons Availability charge/1,000 gallons
----------------------	---

Sanitary Sewer Rates—Effective January 1, 2017

<i>Residential-inside, per 1,000 gallons</i>		<i>Residential-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$16.55	Availability charge (1,000 gallons)	\$21.63

Next 14,000 gallons	5.54	Next 14,000 gallons	8.68
All additional gallons	4.75	All additional gallons	7.53
<i>Commercial-inside, per 1,000 gallons</i>		<i>Commercial-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$41.98	Availability charge (1,000 gallons)	\$45.46
Next 14,000 gallons	6.09	Next 14,000 gallons	9.51
All additional gallons	5.10	All additional gallons	7.62

Sanitary Sewer Rates—Effective January 1, 2018

<i>Residential-inside, per 1,000 gallons</i>		<i>Residential-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$16.55	Availability charge (1,000 gallons)	\$21.63
Next 14,000 gallons	5.99	Next 14,000 gallons	9.38
All additional gallons	5.20	All additional gallons	8.23
<i>Commercial-inside, per 1,000 gallons</i>		<i>Commercial-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$41.98	Availability charge (1,000 gallons)	\$45.46
Next 14,000 gallons	6.54	Next 14,000 gallons	10.21
All additional gallons	5.55	All additional gallons	8.32

Water User Rates—Effective January 1, 2017

<i>Residential-inside, per 1,000 gallons</i>		<i>Residential-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$11.86	Availability charge (1,000 gallons)	\$14.30

Next 9,000 gallons	4.71	Next 9,000 gallons	7.29
Next 15,000 gallons	5.64	Next 15,000 gallons	7.87
All additional gallons	6.57	All additional gallons	8.45
<i>Commercial-inside, per 1,000 gallons</i>		<i>Commercial-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$18.49	Availability charge (1,000 gallons)	\$22.21
Next 9,000 gallons	4.69	Next 9,000 gallons	7.21
Next 15,000 gallons	5.62	Next 15,000 gallons	7.79
All additional gallons	6.55	All additional gallons	8.37

Water User Rates—Effective January 1, 2018

<i>Residential-inside, per 1,000 gallons</i>		<i>Residential-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$11.86	Availability charge (1,000 gallons)	\$14.30
Next 9,000 gallons	4.96	Next 9,000 gallons	7.68
Next 15,000 gallons	5.89	Next 15,000 gallons	8.26
All additional gallons	6.82	All additional gallons	8.84
<i>Commercial-inside, per 1,000 gallons</i>		<i>Commercial-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$18.49	Availability charge (1,000 gallons)	\$22.21
Next 9,000 gallons	4.94	Next 9,000 gallons	7.60
Next 15,000 gallons	5.87	Next 15,000 gallons	8.18
All additional gallons	6.80	All additional gallons	8.76

(Ord. No. 2010-63, § I, 11-23-2010; Ord. No. 2010-84, § I, 1-25-2011; Ord. No. 2011-29, § I, 9-13-2011; Ord. No. 2012-57, § I, 12-11-2012; Ord. No. 2013-07, § I, 2-26-2013; Ord. No. 2014-24, § II, 10-14-2014; Ord. No. 2014-32, § I, 11-25-2014; [Ord. No. 2016-15](#), § I, 6-28-2016, eff. 1-1-2017)

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Access, System Development (SDF), Installation and Irrigation Meter Fees

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Mark Hilty

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Hi-/Low-flow meters will be charged at the next meter size up for pricing purposes.

Example: The fee for a 2-inch domestic water meter and 8-inch fire line shall be based on a 3-inch water meter plus the \$500.00 per inch for the fire line (8×\$500.00)

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Meter
Size

WATER AND SANITARY SEWER FEE DISCUSSION

JUNE 12, 2018

DISCUSSION OUTLINE

- EXISTING WATER AND SANITARY SEWER IMPACT FEE STRUCTURE
- PROPOSED WATER AND SANITARY SEWER IMPACT FEE MODIFICATIONS – SHORT TERM ACTION
- DISCUSSION

DESCRIPTION OF IMPACT FEE

- SYSTEM DEVELOPMENT FEE (SDF) – ENTITY MAKING CONNECTION TO THE PUBLIC WATER SYSTEM, WHICH FEE IS MADE FOR THE PURPOSE OF ENABLING THE CITY TO REPAIR AND REPLACE IT'S FACILITIES (WATER AND SANITARY SEWER)
- ACCESS FEE (AF)– FEE PAID TO THE CITY FOR PURPOSE OF PROVIDING FUNDS FOR ADDITIONS, REPLACEMENTS, IMPROVEMENTS, AND EXPANSIONS TO THE CITY'S WATER DISTRIBUTION AND SANITARY SEWER COLLECTION SYSTEMS SUCH IMPROVEMENTS BEING REQUIRED PERIODICALLY FOR GROWTH. (WATER AND SANITARY SEWER)
- $\text{IMPACT FEE} = \text{SDF} + \text{AF}$
- EFFLUENT DISPOSAL ASSESSMENT (EDA) FEE - PAID FOR THE PURPOSE OF ENABLING THE CITY TO DISPOSE OF TREATED WASTEWATER TO REPAIR, REPLACE AND EXPAND ITS RECLAIMED WATER FACILITIES, AS NECESSARY, AND TO REDUCE THE IMPACT OF INCREASE POTABLE WATER DEMAND ON THE FRANKLIN WATER SYSTEM; NOT PART OF THE IMPACT FEE DISCUSSION.

EXISTING IMPACT FEE STRUCTURE

- EXISTING STRUCTURE IS COMPLICATED IN TERMS OF APPLICATION AND ACCOUNTING
 - THE DISTINCTION BETWEEN THE TWO CATEGORIES WITHIN EACH UTILITY IS UNNECESSARY
- CURRENT STRUCTURE IS NOT NIMBLE ENOUGH TO RESPOND TO EVOLVING PRIORITIES RELATED TO CAPITAL NEEDS
- LIMITS THE CITY'S ABILITY TO USE AVAILABLE FUNDS BASED ON A SNAPSHOT IN TIME OF CAPITAL INVESTMENT PROJECTS

EXISTING W&S FEE IMPLEMENTATION METHODOLOGY

- BASED ON METER SIZE AND SPECIFIC FUND STRUCTURE (DOES NOT INCLUDE INSTALLATION FEE)
 - CAN LIMIT EQUITABLE ASSESSMENT OF FEES DEPENDING ON DEMANDS – IMPACTS COSTS TO DEVELOPERS AND IMPACT FEE REVENUES FOR THE CITY
 - CREATES A NATURAL INCENTIVE TO DOWNSIZE METERS VERSUS APPROPRIATE METER SIZING
 - DISCOURAGES THE USE OF FIRE SUPPRESSION SYSTEMS
 - UNNECESSARILY COMPLICATED

Meter Upsize (inches)	% Fee Increase
0.75 to 1	300%
1 to 1.5	140%
1.5 to 2	33%
2 to 3	119%
3 to 4	43%
4 to 6	140%
6 to 8	25%

EXISTING W&S FEE IMPLEMENTATION METHODOLOGY

Meter Size	Sanitary Sewer				Water			TOTAL
	Access Fee	SDF	EDA	Sewer - Existing	Access Fee	SDF	Water – Existing	
¾"	\$2,100	\$1,444	\$450	\$3,994	\$1,186	\$903	\$2,089	\$6,083
1"	\$8,400	\$5,775	\$1,800	\$15,975	\$4,746	\$3,612	\$8,358	\$24,333
1.5"	\$20,160	\$13,860	\$4,320	\$38,340	\$11,390	\$8,619	\$20,009	\$58,349
2"	\$26,880	\$18,480	\$5,760	\$51,120	\$15,187	\$11,558	\$26,745	\$77,865
3"	\$58,800	\$40,425	\$12,600	\$111,825	\$33,222	\$25,284	\$58,506	\$170,331
4"	\$84,000	\$57,750	\$18,000	\$159,750	\$47,460	\$36,120	\$83,580	\$243,330
6"	\$201,600	\$138,600	\$43,200	\$383,400	\$113,904	\$86,688	\$200,592	\$583,992
8"	\$252,000	\$173,250	\$54,000	\$479,250	\$142,380	\$108,360	\$250,740	\$729,990

IMPACT FEE FUND STRUCTURE – PROPOSED SOLUTION

- CONSOLIDATE WATER AND WASTEWATER SDF AND ACCESS FEES INTO A WATER IMPACT FEE AND WASTEWATER IMPACT FEE (MOVING FROM 4 FEES TO 2)
- THE PROPOSED CHANGES CONTINUE TO RESTRICT THE USE OF IMPACT FEES FOR CAPITAL NEEDS OF THE SYSTEM WHILE ALLOWING FOR FLEXIBILITY AS CAPITAL PRIORITIES ARE IDENTIFIED
- CONSIDERATION OF ORDINANCE THAT MAKES THESE CHANGES FOR IMPLEMENTATION BY JUNE 30, 2018

EXAMPLES OF OTHER IMPACT FEES

- CITY OF BRENTWOOD, TN
 - SINGLE TAP FEE BASED UPON METER SIZE AND GEOGRAPHICAL ZONES
- METRO WATER SERVICES, TN
 - CAPACITY FEE BASED UPON UNIT OF FLOW (350 GPD)
- SPRING HILL, TN
 - SINGLE IMPACT FEE BASED UPON UNIT OF DEVELOPMENT (HOME, ROOM, ACRE, STUDENT, 1,000 SQ FT, PUMPS ETC.)

SUMMARY OF TITLE 18, CHAPTER 1 REVISIONS

- EDITORIAL CHANGES AND CLARIFICATIONS (TITLE 18, CHAPTER 1)
 - METER TESTS (SEC. 18-112): CUSTOMER REQUESTED METER TESTING DETERMINE METER IS READING LOWER THAN ACTUAL FLOW, CUSTOMER MUST PAY ALL TESTING COSTS.
 - METER INSTALLATION CHARGE (SEC. 18-106): WHEN A SERVICE LINE THAT MAY NOT REQUIRE A METER, AS IN THE CASE OF A DEDICATED FIRE LINE, IS COMPLETED AND ACCEPTED BY THE CITY AS PART OF THE PUBLIC WATER SYSTEM, THE CITY SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND UPKEEP OF SUCH SERVICE LINE FROM THE WATER MAIN TO THE PROPERTY LINE, AND SUCH PORTION OF THE SERVICE LINE SHALL BELONG TO THE CITY. THE REMAINING PORTION OF THE SERVICE LINE BEYOND THE PROPERTY LINE TO THE CUSTOMER'S PREMISES SHALL BELONG TO AND BE THE MAINTENANCE RESPONSIBILITY OF THE CUSTOMER.
- SEC. 18-102 (6), (8) DEFINES IMPACT FEE TO REPLACE BOTH SYSTEM DEVELOPMENT AND ACCESS FEE
- SEC. 18-106 MODIFIES LANGUAGE REGARDING ASSESSMENT AND COLLECTION OF IMPACT FEE
- SEC. 18-107 (10) ELIMINATES ACCESS FEE LANGUAGE NOW COVERED IN SEC. 18-106
- SEC. 18-108 MODIFIES LANGUAGE PROVIDING BROADER AUTHORITY TO BOMA IN TERMS OF REIMBURSEMENTS FOR DEVELOPMENT PROJECTS
- APPENDIX A, COMPREHENSIVE FEES AND PENALTIES REFLECTS THE CONSOLIDATION OF THE SDF AND ACCESS FEES INTO THE IMPACT FOR WATER

SUMMARY OF TITLE 18, CHAPTER 2 REVISIONS

- EDITORIAL CHANGES AND CLARIFICATIONS (TITLE 18, CHAPTER 2)
 - APPROVAL AUTHORITY [SEC. 18-202(3)]: UPDATES REFERENCE TO STATE APPROVAL AUTHORITY.
- SEC. 18-203 (1), (56) DEFINES IMPACT FEE TO REPLACE BOTH SYSTEM DEVELOPMENT AND ACCESS FEE
- SEC. 18-207 MODIFIES LANGUAGE TO REFERENCE IMPACT FEE VERSUS ACCESS FEE
- SEC. 18-208 MODIFIES LANGUAGE PROVIDING BROADER AUTHORITY TO BOMA IN TERMS OF REIMBURSEMENTS FOR DEVELOPMENT PROJECTS
- APPENDIX A, COMPREHENSIVE FEES AND PENALTIES REFLECTS THE CONSOLIDATION OF THE SDF AND ACCESS FEES INTO THE IMPACT FOR WASTEWATER

DISCUSSION

**ORDINANCE 2018-34
AS AMENDED AT SECOND READING**

TO BE ENTITLED: “AN ORDINANCE AUTHORIZING CERTAIN INCENTIVES BE PROVIDED TO THE FRANKLIN HOUSING AUTHORITY IN SUPPORT OF DEVELOPING A 48-UNIT MULTI-FAMILY SENIOR HOUSING COMPLEX ON CHICKASAW PLACE.”

WHEREAS, in 1953 the City of Franklin Board of Mayor and Aldermen established the Franklin Housing Authority to provide decent and safe housing for eligible low-income families, the elderly, and persons with disabilities; and

WHEREAS, prior to commencing with their redevelopment initiative in 2012, the Franklin Housing Authority operated 297 public housing units spread across eight different parcels totaling 56 acres; and

WHEREAS, since 2012, the Franklin Housing Authority has undertaken an ambitious redevelopment plan designed to replace the existing fifty-year-old housing units with new, efficient, affordable housing units while providing additional units by taking advantage of and complying with the City of Franklin’s current development standards; and

WHEREAS, to date the Franklin Housing Authority has constructed 114 new residential housing units through the redevelopment of property on Reddick Street by demolishing 44 existing detached single-family dwellings and constructing 65 new detached single-family dwellings as well as a 49-unit multi-family senior housing complex; and

WHEREAS, the Franklin Housing Authority’s redevelopment plans include building a 48-Unit Multi-Family Senior Housing Complex on Chickasaw Place utilizing Low Income Housing Tax Credits; and

WHEREAS, the Franklin Housing Authority has requested assistance from the City of Franklin Board of Mayor and Aldermen to receive a future allocation of Community Development Block Grant program funds to improve sanitary sewer and water infrastructure; to allow a new payment in lieu of taxes (PILOT) agreement; and assistance in offsetting Road and Parkland Impact Fees associated with the proposed 48-Unit Multi-Family Chickasaw Senior Housing Complex; and

WHEREAS, the Board of Mayor and Aldermen recognizes the positive impact affordable and workforce housing has on the Franklin community by helping to provide safe, secure housing for people of all income levels, and economically benefiting the community by helping attract and retain a local workforce by reducing some of the cost burdens on employees who are otherwise unable to live near jobs.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, that:

1. \$150,000 in future Community Development Block Grant funding will be assigned to the 48-Unit Multi-Family Chickasaw Senior Housing Complex for required public sanitary sewer and water infrastructure upgrades and improvements.

2. A new PILOT agreement be drafted and presented to this Board that will allow for an annual payment in lieu of taxes of \$50 per unit for the 48-unit Multi-Family Chickasaw Senior Housing Complex, a total of \$2,400 annually.

BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, that this Ordinance shall be approved and implemented after its passage on third and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
ERIC S. STUCKEY
City Administrator

By: _____
DR. KEN MOORE
Mayor

Approved as to Form:

By: _____
Shauna R. Billingsley, City Attorney

PASSED FIRST READING	_____
PUBLIC HEARING	_____
PASSED SECOND READING	_____
PASSED THIRD AND FINAL READING	_____

**ORDINANCE 2018-34
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3. \$1.00 be appropriated from the City of Franklin's General Fund and deposited into the City of Franklin Road Impact Fee account on behalf for the Franklin Housing Authority for offsetting the 48-Unit Multi-Family Chickasaw Senior Housing Complex Road Impact Fee of \$251,184.
4. \$1.00 be appropriated from the City of Franklin's General Fund and deposited into the City of Franklin Parkland Impact Fee account on behalf of the Franklin Housing Authority for offsetting the 48-Unit Multi-Family Chickasaw Senior Housing Complex Parkland Impact Fee of \$206,592.

BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, that this Ordinance shall be approved and implemented after its passage on third and final reading, the health, safety, and welfare of the citizens requiring it.

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By: _____
ERIC S. STUCKEY
City Administrator

By: _____
DR. KEN MOORE
Mayor

Approved as to Form:

By: _____
Shauna R. Billingsley, City Attorney

PASSED FIRST READING

PUBLIC HEARING

PASSED SECOND READING

PASSED THIRD AND FINAL READING

ORDINANCE 2018-34

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By: _____
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City Administrator

By: _____
DR. KEN MOORE
Mayor

Approved as to Form:

By: _____
Shauna R. Billingsley, City Attorney

PASSED FIRST READING	_____
PUBLIC HEARING	_____
PASSED SECOND READING	_____
PASSED THIRD AND FINAL READING	_____



FRANKLIN HOUSING AUTHORITY

FRANKLIN, TENNESSEE

Lighting your path to affordable housing

May 16, 2018

Mr. Vernon Gerth
City of Franklin
109 3rd Avenue South
Franklin, TN 37064

Dear Mr. Gerth:

In 1953, the Franklin Housing Authority was established by the City of Franklin and has been serving families in the Franklin community since that time. We are a unique organization in that we are considered an instrumentality of the city with our Board of Commissioners being appointed by the Mayor. Since 1967, the FHA and the City have had a cooperation agreement in effect which further outlines the relationship between the two organizations.

As you are aware, we have been redeveloping our public housing portfolio with plans to redevelop all our sites and increase the number of affordable housing units (rental and homeownership) in Franklin. To date, we have completed the development of two new properties on the Reddick site at a development cost of \$22.8 million which added 68 units of affordable housing. Our Park Street development is almost complete with a cost of \$1.7 million and the addition of 22 non-subsidized affordable units.

In a few months, we will begin construction of our next new property, Chickasaw Senior Community, a \$10 million 48-unit Low Income Housing Tax Credit development for senior residents. We appreciate the support we have received from the city in the past and are requesting assistance for this project. The request is as follows:

- Waiver of the Road Impact Fees
- Waiver of the Parkland Dedication Fees-we will be providing a connection to Jim Warren Park from the development
- \$150,000 from the CDBG funds
- A PILOT payment of \$50 per unit. This is being done in several of our surrounding cities.

Development is very expensive with the recent bid for our Chickasaw Senior Community being \$2.5 million over the original estimate and exceeding the amount of money that will be received for construction through tax credits. In order to meet the requirements for our tax credit allocation, grant funding and funding from HUD, our rents are restricted thereby limiting the amount of income generated. Without assistance from the City with fees, this development will be difficult to build.

200 Spring Street, Franklin, TN 37064
615-794-1247

Once again, we appreciate the past support we have received from the City and hope we can continue to count on that partnership to help us provide more affordable housing for our community.

Sincerely,

A handwritten signature in blue ink, appearing to read "Derwin Jackson", with a stylized flourish at the end.

Derwin Jackson
President/CEO

Franklin Housing Authority – Existing Cooperation Agreement

COOPERATION AGREEMENT

This Agreement entered into this 9th day of May, 1967 by
and between Franklin Housing Authority
(herein called the "Local Authority") and the Town of Franklin, Tennessee
(herein called the "Municipality"), witnesseth:

In consideration of the mutual covenants hereinafter set forth, the parties hereto do agree as follows:

1. Whenever used in this Agreement:

(a) The term "Project" shall mean any low-rent housing hereafter developed as an entity by the Local Authority with financial assistance of the Department of Housing and Urban Development, Public Housing Administration (herein called the "PHA"); excluding, however, any low-rent housing project covered by any contract for loans and annual contributions entered into between the Local Authority and the PHA, or its predecessor agencies, prior to the date of this Agreement.

(b) The term "Taxing Body" shall mean the State or any political subdivision or taxing unit thereof in which a Project is situated and which would have authority to assess or levy real or personal property taxes or to certify such taxes to a taxing body or public officer to be levied for its use and benefit with respect to a Project if it were not exempt from taxation.

(c) The term "Shelter Rent" shall mean the total of all charges to all tenants of a Project for dwelling rents and nondwelling rents (excluding all other income of such Project), less the cost to the Local Authority of all dwelling and nondwelling utilities.

(d) The term "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health, or morals.

2. The Local Authority shall endeavor (a) to secure a contract or contracts with the PHA for loans and annual contributions covering one or more Projects comprising approximately 125 units of low-rent housing and (b) to develop and administer such Project or Projects, each of which shall be located within the corporate limits of the Municipality. The obligations of the parties hereto shall apply to each such Project.

3. (a) Under the constitution and statutes of the State of Tennessee, all Projects are exempt from all real and personal property taxes and special assessments levied or imposed by any Taxing Body. With respect to any Project, so long as either (i) such Project is owned by a public body or governmental agency and is used for low-rent housing purposes, or (ii) any contract between the Local Authority and the PHA for loans or annual contributions, or both, in connection with such Project remains in force and effect, or (iii) any bonds issued in connection with such Project or any monies due to the PHA in connection with such Project remain unpaid, whichever period is the longest, the Municipality agrees that it will not levy or impose any real or personal property taxes or special assessments upon such Project or upon the Local Authority with respect thereto. During such period, the Local Authority shall make annual payments (herein called "Payments in Lieu of Taxes") in lieu of such taxes and special assessments and in payment for the Public services and facilities furnished from time to time without other cost or charge for or with respect to such Project.

(b) Each such annual Payment in Lieu of Taxes shall be made after the end of the fiscal year established for such Project, and shall be in an amount equal to either (i) ten percent (10%) of the Shelter Rent actually collected but in no event to exceed ten per cent (10%) of the Shelter Rent charged by the Local Authority in respect to such Project during such fiscal year or (ii) the amount permitted to be paid by applicable state law in effect on the date such payment is made, whichever amount is the lower.

(c) The Municipality shall distribute the Payments in Lieu of Taxes among the Taxing Bodies in the proportion which the real property taxes which would have been paid to each Taxing Body for such year if the Project were not exempt from taxation bears to the total real property taxes which would have been paid to all of the Taxing Bodies for such year if the Project were not exempt from taxation; Provided, however, that no payment for any year shall be made to any Taxing Body in excess of the amount of the real property taxes which would have been paid to such Taxing Body for such year if the Project were not exempt from taxation.

(d) Upon failure of the Local Authority to make any Payment in Lieu of Taxes, no lien against any Project or assets of the Local Authority shall attach, nor shall any interest or penalties accrue or attach on account thereof.

4. The Municipality agrees that, subsequent to the date of initiation (as defined in the United States Housing Act of 1937, as amended) of each Project and within five years after the completion thereof, or such further period as may be approved by the HAA, and in addition to the number of unsafe or insanitary dwelling units which the Municipality is obligated to eliminate as a part of the low-rent housing project(s) heretofore undertaken by the Local Authority and identified as Project(s) No. (s) Tenn 35-1, 2, 3, 4, there has been or will be elimination (as approved by the HAA) by demolition, condemnation, effective closing, or compulsory repair or improvement, of unsafe or insanitary dwelling units situated in the locality or metropolitan area in which such Project is located, substantially equal in number to the number of newly constructed dwelling units provided by such Project; Provided, that, where more than one family is living in an unsafe or insanitary dwelling unit, the elimination of such unit shall count as the elimination of units equal to the number of families accommodated therein; and Provided, further, that this paragraph 4 shall not apply in the case of (i) any Project developed on the site of a Slum cleared subsequent to July 15, 1949, and that the dwelling units eliminated by the clearance of the site of such Project shall not be counted as elimination or any other Project or any other low-rent housing project, or (ii) any Project Located in a rural nonfarm area.

5. During the period commencing with the date of the acquisition of any part of the site or sites of any Project and continuing so long as either (i) such Project is owned by a public body or governmental agency and is used for low-rent housing purposes, or (ii) any contract between the Local Authority and the HAA for loans or annual contributions, or both, in connection with such Project remains in force and effect, or (iii) any bonds issued in connection with such Project or any monies due to the HAA in connection with such Project remain unpaid, whichever period is the longest, the Municipality without cost or charge to the Local Authority or the tenants of such Project (other than the Payments in Lieu of Taxes) shall:

(a) Furnish or cause to be furnished to the Local Authority and the tenants of such Project public services and facilities of the same character and to the same extent as are furnished from time to time without cost or charge to other dwellings and inhabitants in the Municipality;

(b) Vacate such streets, roads, and alleys within the area of such Project as may be necessary in the development thereof, and convey without charge to the Local Authority such interest as the Municipality may have in such vacated areas; and, insofar as it is lawfully able to do so without cost or expense to the Local Authority or to the Municipality, cause to be removed from such vacated areas, insofar as it may be necessary, all public or private utility lines and equipment;

(c) Insofar as the Municipality may lawfully do so, (i) grant such deviations from the building code of the Municipality as are reasonable and necessary to promote economy and efficiency in the development and administration of such Project, and at the same time safeguard health and safety, and (ii) make such changes in any zoning of the site and surrounding territory of such Project as are reasonable and necessary for the development and protection of such Project and surrounding territory;

(d) Accept grants of easements necessary for the development of such Project; and

(e) Cooperate with the Local Authority by such other lawful action or ways as the Municipality and the Local Authority may find necessary in connection with the development and administration of such Project.

6. In respect to any Project the Municipality further agrees that within a reasonable time after receipt of a written request therefor from the Local Authority:

(a) It will accept the dedication of all interior streets, roads, alleys, and adjacent sidewalks within the area of such Project, together with all storm and sanitary sewer mains in such dedicated areas, after the Local Authority, at its own expense, has completed the grading, improvement, pavings, and installation thereof in accordance with specifications acceptable to the Municipality;

(b) It will accept necessary dedications of land for, and will grade, improve, pave, and provide sidewalks for, all streets bounding such Project or necessary to provide adequate access thereto (in consideration whereof the Local Authority shall pay to the Municipality such amount as would be assessed against the Project site for such work if such site were privately owned); and

(c) It will provide, or cause to be provided, water mains, and storm and sanitary sewer mains, leading to such Project and serving the bounding streets thereof (in consideration whereof the Local Authority shall pay to the Municipality such amount as would be assessed against the Project site for such work if such site were privately owned.)

7. If by reason of the Municipality's failure or refusal to furnish or cause to be furnished any public services or facilities which it has agreed hereunder to furnish or to cause to be furnished to the Local Authority or to the tenants of any Project, the Local Authority incurs any expense to obtain such services or facilities then the Local Authority may deduct the amount of such expense from any Payments in Lieu of Taxes or to become due to the Municipality in respect to any Project or any other low-rent housing projects owned or operated by the Local Authority.

8. No Cooperation Agreement heretofore entered into between the Municipality and the Local Authority shall be construed to apply to any Project covered by this Agreement.

9. So long as any contract between the Local Authority and the HAA for loans (including preliminary loans) or annual contributions, or both, in connection with any Project remains in force and effect, or so long as any bonds issued in connection with any Project or any monies due to the HAA in connection with any Project remain unpaid, this Agreement shall not be abrogated, changed, or modified without the consent of the HAA. The privileges and obligations of the Municipality hereunder shall remain in full force and effect with respect to each Project so long as the beneficial title to such Project is held by the Local Authority or by any other public body or governmental agency, including the HAA, authorized by law to engage in the development or administration of

low-rent housing projects. If at any time the beneficial title to, or possession of, any Project is held by such other public body or governmental agency, including the HAA, the provisions hereof shall inure to the benefit of and may be enforced by, such other public body or governmental agency, including the HAA.

IN WITNESS WHEREOF, the Municipality and the Local Authority have respectively signed this Agreement and caused their seals to be affixed and attested as of the day and year first above written.

THE TOWN OF FRANKLIN, TENNESSEE
(Corporate Name of Municipality)

By Asa H. Jewell
(Title) Mayor

(SEAL)

ATTEST:

Donna R. Hight
(Title) Clerk

FRANKLIN HOUSING AUTHORITY
(Corporate Name of Local Authority)

By Wm R. Quinn
Chairman

(SEAL)

ATTEST:

Q. D. [Signature]
Secretary



Consideration of Request by Franklin Housing Authority

**Incentive Program for Residential Developments
funded with Low Income Housing Tax Credits**

June 12, 2018



Franklin Housing Authority's Request

Consideration to Exempt or Offset Development Fees for Chickasaw Senior Community

- Proposed Project: 48 Unit Multi-Family Senior Housing Complex
- FHA will use Low Income Housing Tax Credits (LIHTC) to finance the project and requests the following assistance from the City of Franklin:
 - ~~Waiver~~ (Offset) of Road Impact Fees
 - ~~Waiver~~ (Offset) of Parkland Dedication Fees
 - \$150,000 from the CDBG Funds
 - PILOT (Payment in Lieu of Taxes) \$50 per unit.
- The Low Income Housing Tax Credit is a credit against Federal Income Tax Liability
 - Developments are restricted for 30 years to residents with incomes of 50% and/or 60% or less of the greater Nashville AMI.
 - Audits are conducted by the THDA to ensure compliance.

Current City of Franklin Housing Incentives for Not-for-Profit Organizations

- The City's Municipal Code Title 21 states that any certified 501(c)(3) organization developing or renovating low- or moderate-income housing are exempt from paying the following fees:
 - *Plan Review*
 - *Stormwater & Grading Permits*
 - *Building, Electrical, Mechanical, & Plumbing Permits*
- Williamson County waives the following fees for not-for-profit organizations and/or age restricted residential dwellings:
 - *Williamson County Education Impact Fee*
 - *Williamson County Privilege Tax*

Fee Comparison - Estimate of Exempt Fees

Chickasaw Senior Community

City of Franklin Exempt Fees	Multi-Family Senior Community - 48 Units	One Single Family Unit - 1398 SF
Building Plan Review Fee - in house review	\$4,300	inc
Building Permit Fee	\$11,866	\$839
Electrical Permit Fee - estimated	\$9,056	inc
Mechanical Permit Fee - estimated	\$1,860	inc
Plumbing Permit Fee - estimated	\$1,999	inc
Technology Fee - estimated	\$100	\$60
COF Exempt Fees	\$29,181	\$899
Williamson County Exempt Fees		
Williamson County Education Facilities Impact Fee	\$54,960	\$1,145
Williamson County Privilege Tax	\$95,994	\$2,796
Total City and County Exempt Fees	\$180,135	\$4,840

Fee Comparison - Estimate of Payable Fees

Chickasaw Senior Community

City of Franklin Payable Fees	Multi-Family Senior Community - 48 Units	One Single Family Unit - 1398 SF
Water Tap Fees <i>Repurposed taps may be available</i>	\$62,185	\$2,870
Irrigation Meter	\$4,725	\$3,150
Fire Line Tap Fee	\$3,000	n/a
Sewer Tap Fees <i>Repurposed taps may be available</i>	\$113,065	\$5,234
Facilities Tax	\$34,078	\$1,244
Road Impact Fees - Arterial & Collector	\$251,184	\$8,251
Parkland Impact Fees	\$206,592	\$4,304
COF Payable Fees	\$674,829	\$25,053
Total City and County Exempt Fees	\$180,135	\$4,840
Total Fees - Exempt & Payable	\$854,964	\$29,893

New Housing Units Created

FY 2014 – FY 2018

	Funding Received *	# Units Built	# Units Pending
Franklin Housing Authority	\$275,826	70	
CHP	\$75,000	3	30 **
Habitat for Humanity	\$25,000	1	
Mt Hope - Hard Bargain	\$409,878	4	1
*Does not include exempt fees per Title 21 and Sewer & Water tap fee credits.			
**Project received fee exemptions (Title 21), but did not receive additional financial support from the CDBO or Affordable Housing programs.			

Possible Options

- 1) Status Quo: Require Payment of Development Impact Fees and Exempt Permit Fees per Municipal Code Title 21.
- 2) Create an Incentive Program, citywide, for any development that utilizes LIHTC. Road, Parkland, and Sanitary Sewer and Water Impact Fees would be offset through a transfer from the General Fund.
- 3) Same as (2), but limited solely to the FHA for Chickasaw and future phases.
- 4) Budget a fixed amount annually to offset Impact Fees on a first-come, first-served basis for projects using LIHTC or similar funding mechanisms.
- 5) Approve this request, or any part thereof, and continue to allow similar requests to be presented on a case-by-case basis.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE MUNICIPAL GOVERNMENT OF THE CITY OF FRANKLIN
AND
THE STATE OF TENNESSEE DEPARTMENT OF GENERAL SERVICES**

COF Contract No. 2018-0092

This Agreement by and between the Municipal Government of the City of Franklin (hereinafter “the City”), and the State of Tennessee Department of General Services (hereinafter “the State”), 312 Rosa L. Parks Ave, 22nd Floor, Nashville, Tennessee 37243 is entered into on this the _____ day of May, 2018.

WHEREAS, the State desires to construct the following capital project on State owned land in the City: Carter House New Visitor Center (SBC#160/008-01-2017) (hereinafter “the Project”);

WHEREAS, the City wants an existing sewer line that runs from the manhole in Strahl Street to the manhole in W. Fowlkes (hereinafter “the Line”), and running across the Carter House project site where the parking lot is located, to be replaced before allowing new construction to be built;

WHEREAS, only the portion of the line to be replaced runs across property owned by the State (hereinafter “the State’s Portion”), as property adjacent to each manhole crosses over property not owned by the State; and

WHEREAS, the State and the City desire to enter into this Memorandum of Understanding to document their agreement concerning the Project, the Line, and the State’s Portion, as well as all details relating to same.

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND ADEQUACY OF WHICH IS HEREBY ACKNOWLEDGED, THE PARTIES HERETO AGREE AS FOLLOWS:

A. SCOPE:

1. The City will perform all survey and design work required for the replacement of the Line.
2. The City will fund and perform all required work for the replacement of the Line from the manhole in Strahl Street to the manhole in W. Fowlkes Street to satisfy the City’s established requirements and criteria (hereinafter “the Work”).
3. The City will coordinate the Work with the State and the Carter House site director to minimize disruption and not negatively impact the site’s ability to generate revenue.
4. All grassy areas of State property which is disturbed during the Work will upon completion of same be adequately filled and compacted, as well as seeded and strawed, and areas of disturbance on State property where pavement exists will be properly filled and compacted prior to patching the disturbed pavement.

5. The Work, including but not limited to final clean up, shall be completed by October 31, 2018, so that the commencement of construction on the State's Project can begin in November.
6. The State agrees to reimburse the City with Project funds that will be approved for use on July 12, 2018; however, reimbursement will only cover the costs of replacing the State's Portion of the Line. The City guarantees the cost of labor, equipment, and materials will not exceed \$ 100,000.00 to replace the State's Portion of the Line and will submit an itemized invoice upon completion. The State agrees to process payment within sixty (60) days of receipt of the invoice.

B. TERMS AND CONDITIONS:

1. This Memorandum of Understanding may be modified by written amendment that is executed and approved by the appropriate signatories of the parties on the signature page of this Memorandum of Understanding.
2. The State may terminate this Memorandum of Understanding for convenience by giving the City thirty days (30) written notice before the desired effective deadline date.
3. If the City fails to properly perform its obligations under this Memorandum of Understanding or violates the terms of this Memorandum of Understanding, then the State shall have the right to terminate this Memorandum of Understanding immediately.
4. No person on the grounds of handicap, age, race color, religion, sex national origin or any other classification protected by the Constitution of the United States or the Constitution of the State of Tennessee, or and state or federal laws, shall be excluded from participation in, or be denied benefits of, or otherwise subjected to, discrimination in the performance of this Memorandum of Understanding.
5. The City agrees to indemnify and hold the State harmless from any and all claims, costs, damages and judgments arising out of the replacement of the State's Portion of the Line pursuant to this Memorandum of Understanding, and to assume any and all responsibility and liability therefore, including but not limited to costs and expenses incurred by the State in defense of any action and to discharge any judgment that may be rendered therein to the extent allowed under the Tennessee Governmental Tort Liability Act.
6. The City shall be responsible for the correct use, maintenance and protection of the Streets while Metro is performing work on the parking spaces and lane assignment.
7. This Memorandum of Understanding contains the entire understanding between the parties relating to the subject matter contained herein.

Municipal Government of the City of Franklin

State of Tennessee
Department of General Services

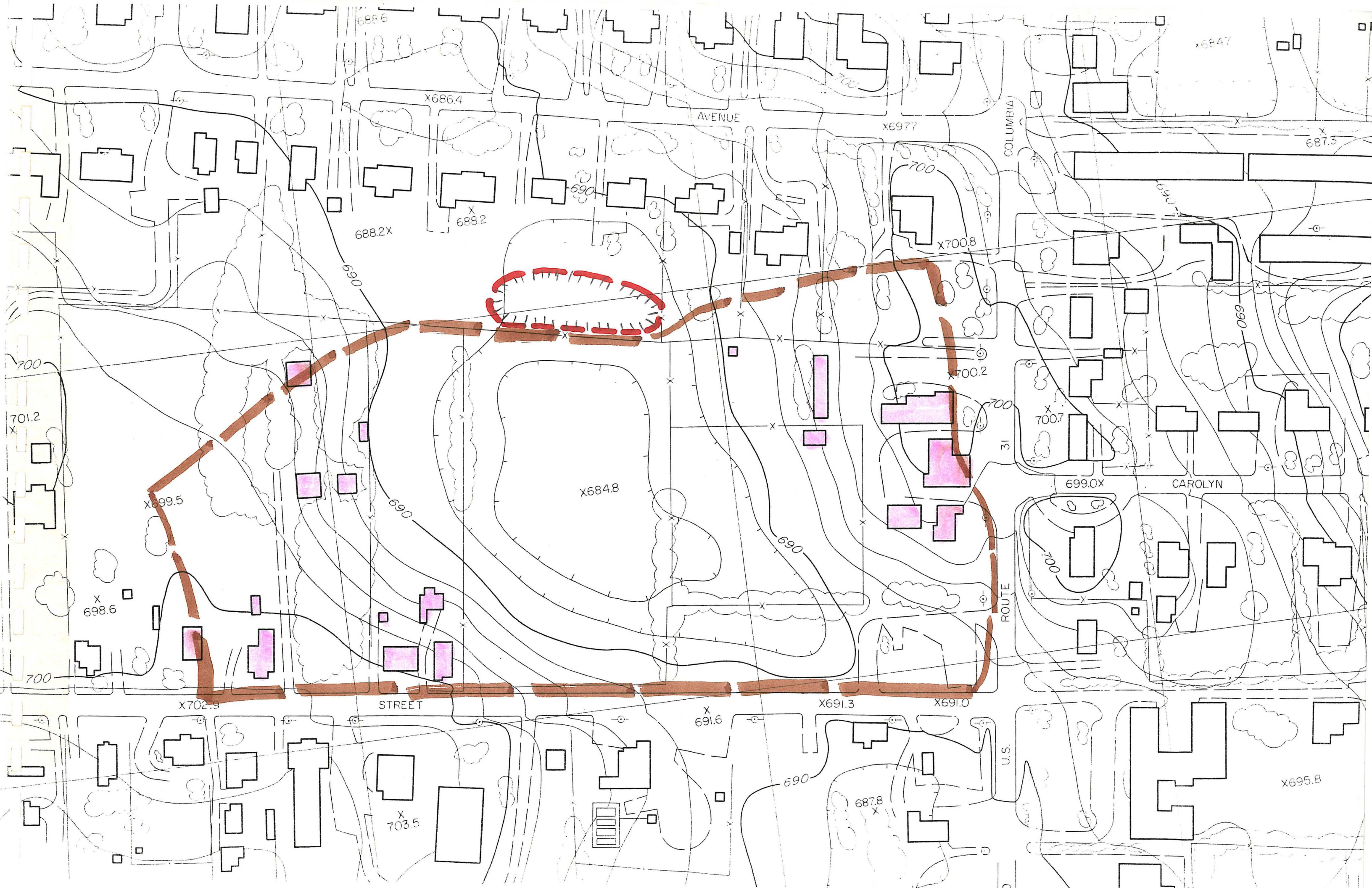
By: _____

Title: _____

By: _____
John Hull, Deputy Commissioner
Department of General Services

Approved as to Form:

Tiffani Pope, Staff Attorney



BATTLE AVE DRAINAGE MAP 1994



BATTLE AVE DRAINAGE MAP 2018



BATTLE AVE PROJECT 1
\$50,000 - DESIGN/SURVEY
\$50,000 - RIGHT OF WAY
\$1,500,000 - CONSTRUCTION
\$1,600,000 - TOTAL PROJECT COST



BATTLE AVE PROJECT 2A
\$50,000 - DESIGN/SURVEY
\$1,463,280 - RIGHT OF WAY
\$1,500,000 - CONSTRUCTION
\$3,013,280 - TOTAL PROJECT COST



BATTLE AVE PROJECT 2B
\$50,000 - DESIGN/SURVEY
\$1,250,000 - RIGHT OF WAY
\$700,000 - CONSTRUCTION
\$2,000,000 - TOTAL PROJECT COST



RESOLUTION NO. 2018-37

A RESOLUTION TO APPROVE AN ALTERNATIVE PRELIMINARY DESIGN CONCEPT FOR THE 100-BLOCK BATTLE AVENUE DRAINAGE IMPROVEMENTS PROJECT AND AUTHORIZE STAFF TO COMPLETE RIGHT-OF-WAY ACQUISITION, FINAL DESIGN, AND CONSTRUCTION

WHEREAS, on December 9th, 2014, the Board of Mayor and Aldermen of the City of Franklin Approved Resolution 2014-50, "A Resolution to Approve the Preliminary Design of the 100-Block Battle Avenue Drainage Improvements Project and Authorize Staff to Complete Right-of-Way Acquisition, Final Design and Construction"; and

WHEREAS, the original design intent included creating a City-owned and maintained regional detention pond located between 107 Battle Avenue and 101 Fairground Street, a stormwater sewer system extending from across Battle Avenue at 114 Battle Avenue to the rear of 113 and 115 Battle Avenue, re-grading the city-owned Alley located between Battle Avenue and Fairground Street, and re-grading the rearmost properties located at 109, 111, and 115 Battle Avenue; and

WHEREAS, City staff has continued to evaluate alternative solutions, as shown in Exhibit A, in the Battle Avenue area to decrease the cost and scope associated with the project.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

Section 1. City staff is directed to continue to work on Option 1, as shown on Exhibit A. The project shall be prioritized, funded, and approved in future Engineering Stormwater Capital Budgets.

Section 2. The Board of Mayor and Aldermen have selected Option 2B, as shown on Exhibit A, as the preferred Option. Staff is directed to proceed with the necessary design, right-of-way acquisition, and construction of the project as approved and funded in the annual Engineering Stormwater Capital Budget.

IT IS SO RESOLVED AND DONE on this ____ day of _____ 2018.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
ERIC S. STUCKEY
City Administrator

By: _____
DR. KEN MOORE
Mayor

Approved as to Form:

By: _____
Shauna R. Billingsley
City Attorney

BATTLE AVE PROJECT 1
\$50,000 - DESIGN/SURVEY
\$50,000 - RIGHT OF WAY
\$1,500,000 - CONSTRUCTION
\$1,600,000 - TOTAL PROJECT COST

Resolution 2018-37
Exhibit A
Option 1
PG 1 of 3



BATTLE AVE PROJECT 2A
\$50,000 - DESIGN/SURVEY
\$1,463,280 - RIGHT OF WAY
\$1,500,000 - CONSTRUCTION
\$3,013,280 - TOTAL PROJECT COST

Resolution 2018-37
Exhibit A
Option 2A
PG 2 of 3



BATTLE AVE PROJECT 2B
\$50,000 - DESIGN/SURVEY
\$1,250,000 - RIGHT OF WAY
\$700,000 - CONSTRUCTION
\$2,000,000 - TOTAL PROJECT COST

Resolution 2018-37
Exhibit A
Option 2B
PG 3 of 3





City of Franklin, Tennessee

FY 2019 Operating Budget

Stormwater Fund - Forecast 2019-2022

as of 6/12/2018

Budget Summary

The schedule below forecasts the fund balance, revenues and expenses for the Stormwater Fund (Fund 135) from FY 2019 through FY 2022. The schedule assumes nominal revenue growth, but sustained operations with no additional positions and all requested Stormwater-Engineering capital projects.

Unfortunately, revenues are not forecast to keep pace with anticipated/requested capital projects. The total revenues are barely able to keep up with annual operational costs, leaving no money after FY 2019 for additional capital projects. As of the beginning of FY 2019, approximately \$3.5 million of fund balance exists for capital projects, but nearly \$8.45 million in capital requests (\$1.1 million in Streets capital equipment renewal and \$7.35 million in Engineering projects) is requested in the near term. Should the City consider authorizing capital projects and expect the Stormwater Fund to fund them, either the current slate of proposed capital projects for FY 2019 will need to be reduced or delayed, the Stormwater Fee will need to be raised, or alternative funding sources found for the projects as shown below.

	2019 Budget	2020 Forecast	2021 Forecast	2022 Forecast	Notes
Beginning Balance	4,324,344	958,511	(1,333,250)	(3,203,282)	
Revenues	2,722,281	2,776,727	2,832,261	2,888,906	Assumes 2% growth year over year, but no rate increase
Personnel	\$ 1,668,528	\$ 1,755,021	\$ 1,841,962	\$ 1,934,060	Assumes 5% increase in overall expenses (Wages + Benefits)
Operations	\$ 913,586	\$ 938,466	\$ 960,331	\$ 979,538	Assumes 2% increase in overall expenses annually
Capital	\$ 3,506,000	\$ 2,375,000	\$ 1,900,000	\$ 650,000	
Streets Capital	\$ 331,000	\$ 250,000	\$ 250,000	\$ 250,000	Average Capital exp. for Streets - Stormwater last 3 years
Engineering Capital	\$ 3,175,000	\$ 2,125,000	\$ 1,650,000	\$ 400,000	Based on projects as listed below
Ralston Creek at Liberty Hills Stream Restoration	\$ 50,000	\$ 300,000	\$ -	\$ -	
Jordan Branch (Cool Springs E) Stream Restoration	\$ 760,000	\$ -	\$ -	\$ -	
Maplewood Stormwater Project	\$ 530,000	\$ -	\$ -	\$ -	
Carnton Ln Bridge Replacement	\$ 300,000	\$ -	\$ -	\$ -	
Carlisle HOA Culvert Project	\$ 35,000	\$ 500,000	\$ -	\$ -	
100 Block Battle Avenue Drainage Improvements	\$ 1,500,000	\$ 350,000	\$ -	\$ -	Under Consideration - BOMA - 6/12/2018
USACE - Home Raising Project	\$ -	\$ 875,000	\$ -	\$ -	Under Consideration - BOMA - 6/12/2018
Fairground Drainage Improvements	\$ -	\$ 100,000	\$ 1,500,000	\$ -	
Figures Drive Area Drainage Improvements	\$ -	\$ -	\$ 150,000	\$ 400,000	
Total	6,088,114	5,068,487	4,702,293	3,563,598	
Ending Balance	958,511	-1,333,250	-3,203,282	-3,877,973	

Source: City of Franklin, Finance Department - FY 2019 Proposed Operating & Capital Budget

RESOLUTION 2018-53

**A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH THE HOME RAISING PROJECT
DEVELOPED BY THE UNITED STATES ARMY CORPS OF ENGINEERS AS PART OF THE
HARPETH RIVER FEASIBILITY STUDY**

WHEREAS, on June 13, 2013, the United States Army Corps of Engineers (USACE), Metropolitan Nashville and Davidson County, City of Brentwood, and City of Franklin initiated and signed a Feasibility Study Agreement to analyze alternative flood risk management options with the Harpeth River basin; and

WHEREAS, on September 12, 2016, the City of Franklin entered into a second agreement with the USACE to fully develop one of the identified flood risk management projects; and

WHEREAS, the project generally includes the raisings of private homes ("Project"), and the USACE has determined that this Project is feasible and economically justifiable; and

WHEREAS, this Project would be a voluntary program for the homes identified by the USACE; and

WHEREAS, the USACE would contribute 65% of the funding associated with the Project, and they require a Non-Federal Sponsor to contribute the remaining 35% of the funding.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS: The Board of Mayor and Aldermen agree to participate in the Project as the Non-Federal Sponsor. The Non-Federal Sponsor's funding will be determined at a future date based on completion of the USACE review.

IT IS SO RESOLVED AND DONE on this the ____ day of _____, 2018.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
ERIC S. STUCKEY
City Administrator

By: _____
DR. KEN MOORE
Mayor

Approved As To Form:

Shauna R. Billingsley
City Attorney

RESOLUTION 2018-40

TO BE ENTITLED: "A RESOLUTION APPROVING A REVISED DEVELOPMENT PLAN FOR RIVERBLUFF PUD SUBDIVISION FOR THE PROPERTY LOCATED EAST OF LEWISBURG PIKE AND NORTH OF HOLLY HILL DRIVE."

WHEREAS, the Planned Unit Development (PUD) process is a review procedure that is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by:

- (a) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;
- (b) Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
- (c) Encouraging a sensitive design that respects the surrounding established land use character and natural or man-made features of the site including, but not limited to, trees, historic features, streams, hillsides, and floodplains;
- (d) Promoting quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses; and
- (e) Allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this ordinance; and

WHEREAS, the PUD process requires the approval of a Development Plan that is reviewed and approved by the Board of Mayor and Aldermen (BOMA), after a public hearing and a recommendation by the Franklin Municipal Planning Commission (FMPC).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I. That the legal description of the property included in the Development Plan, as amended, is as follows:

PREMISES CONSIDERED

Map-Parcel	Acres
89-19.05	
089I D 001 – 089I D 029	
089P D 001 – 089I D 014	
p/o 89 19.06	
Total	41.51

BEGINNING AT AN IRON ROD FOUND IN THE EASTERLY MARGIN OF LEWISBURG PIKE AT THE NORTHWESTERLY PROPERTY CORNER OF A TRACT OF LAND CONVEYED TO ATMOS ENERGY GROUP AS OF RECORD IN BOOK 753, PAGE 194, REGISTER'S OFFICE FOR WILLIAMSON COUNTY, TENNESSEE; THENCE,

WITH THE EASTERLY MARGIN OF SAID LEWISBURG PIKE, NORTH 02 DEGREES 58 MINUTES 52 SECONDS WEST, 350.38 FEET TO AN IRON ROD FOUND AT THE SOUTHWESTERLY PROPERTY CORNER OF A TRACT OF LAND CONVEYED TO JERRY BOZMAN AS OF RECORD IN BOOK 1859, PAGE 8, REGISTER'S OFFICE FOR WILLIAMSON COUNTY, TENNESSEE; THENCE, LEAVING THE EASTERLY MARGIN OF SAID LEWISBURG PIKE, AND WITH THE SOUTHERLY PROPERTY LINE OF SAID BOZMAN, NORTH 87 DEGREES 03 MINUTES 19 SECONDS EAST, 454.02 FEET TO AN IRON ROD; THENCE,

NORTH 37 DEGREES 16 MINUTES 14 SECONDS EAST, 242.17 FEET TO AN IRON ROD; THENCE, NORTH 46 DEGREES 14 MINUTES 25 SECONDS EAST, 562.67 FEET TO AN IRON ROD; THENCE, NORTH 89 DEGREES 02 MINUTES 04 SECONDS WEST, 213.14 FEET TO AN IRON ROD; THENCE, NORTH 46 DEGREES 14 MINUTES 11 SECONDS EAST, 181.12 FEET TO AN IRON ROD; THENCE NORTH 43 DEGREES 45 MINUTES 35 SECONDS WEST, 6.79 FEET TO AN IRON ROD; THENCE, NORTH 01 DEGREES 14 MINUTES 18 SECONDS EAST, 191.23 FEET TO AN IRON ROD; THENCE, SOUTH 88 DEGREES 45 MINUTES 42 SECONDS EAST, 792.21 FEET TO THE CENTERLINE OF THE HARPETH RIVER; THENCE, WITH THE CENTERLINE OF THE HARPETH RIVER, SOUTH 05 DEGREES 17 MINUTES 10 SECONDS EAST, 203.28 FEET TO A POINT; THENCE, SOUTH 11 DEGREES 42 MINUTES 09 SECONDS EAST, 112.80 FEET TO A POINT; THENCE, SOUTH 34 DEGREES 45 MINUTES 23 SECONDS EAST, 85.96 FEET TO A POINT; THENCE, LEAVING THE CENTERLINE OF THE HARPETH RIVER AND WITH THE WESTERLY PROPERTY LINE OF A TRACT OF LAND CONVEYED TO JAMES G.D. FRANKS ETUX AS OF RECORD IN BOOK 1029, PAGE 538, REGISTER 'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE, SOUTH 10 DEGREES 13 MINUTES 58 SECONDS WEST 280.89 FEET TO AN IRON ROD; THENCE, SOUTH 01 DEGREES 51 MINUTES 54 SECONDS WEST, 345.62 FEET TO AN IRON ROD; THENCE, SOUTH 03 DEGREES 50 MINUTES 03 SECONDS EAST, 359.68 FEET TO AN IRON ROD; THENCE, SOUTH 86 DEGREES 07 MINUTES 13 SECONDS WEST, 997.95 FEET TO AN IRON ROD; THENCE, NORTH 03 DEGREES 15 MINUTES 22 SECONDS WEST, 83.44 FEET TO AN IRON ROD; THENCE, SOUTH 87 DEGREES 09 MINUTES 20 SECONDS WEST, 671.71 FEET TO AN IRON ROD; THENCE, NORTH 02 DEGREES 22 MINUTES 17 SECONDS WEST, 164.17 FEET TO AN IRON ROD; THENCE, SOUTH 76 DEGREES 57 MINUTES 37 SECONDS WEST, 200.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,807,964 SQUARE FEET OR 41.505 ACRES MORE OR LESS, AS CALCULATED BY THE ABOVE COURSES AND DISTANCES.

SECTION II: That the attached Location Map shall serve the purpose of further delimiting the geographical boundaries as described by this Resolution.

SECTION III: That the overall entitlements, as amended, for the RiverBluff PUD Subdivision are as follows:

Entitlements	RiverBluff PUD Subdivision
Base Zone District	R-2
Character Area Overlay	CNCO-2
Other Zoning Overlays	FFO / FWO (Small Portion)
Development Standard	Conventional
Number of Dwelling Units	79
Number of Nonresidential Square Footage	0
Number of Hotel Rooms	0
Connectivity Index	1.8
Open Space Requirements	271,195 SF
Number of Phases in Development	4
Original Development Plan Approval	Resolution No. 2012-69 Date of approval: 2/12/2013
Revision Number	3

SECTION IV: That the Development Plan, the exhibits accompanying the Development Plan, and all conditions and restrictions placed upon the Development Plan by the Franklin Municipal Planning Commission and this Board shall be made a part of this Resolution as though copied verbatim herein, and that a permanent record of the Development Plan, the exhibits accompanying the Development Plan, and all such conditions and restrictions shall be kept in the Franklin Planning and Sustainability Department.

SECTION V. That this Resolution shall take effect from and after its passage on its first and final reading, the health, safety, and welfare of the citizens requiring it.

ERIC S. STUCKEY
City Administrator

DR. KEN MOORE
Mayor

Approved as to form by:

Shauna R. Billingsley
City Attorney

PREAPPLICATION CONFERENCE:

3/29/2018

BOMA/FMPC JOINT CONCEPTUAL WORKSHOP:

N/A

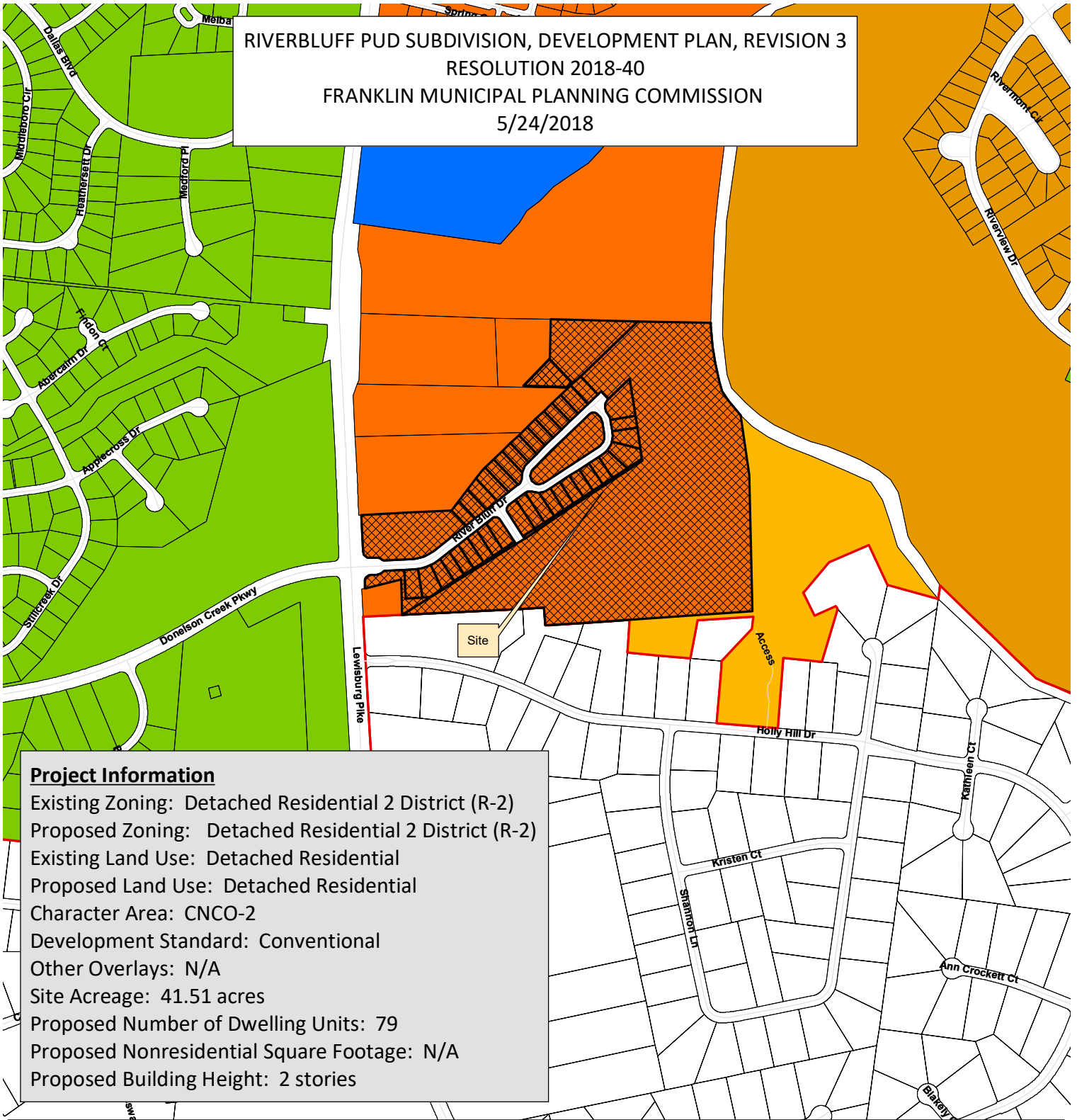
NEIGHBORHOOD MEETING:

N/A

PLANNING COMMISSION RECOMMENDED APPROVAL:

PUBLIC HEARING AND BOMA APPROVAL:

RIVERBLUFF PUD SUBDIVISION, DEVELOPMENT PLAN, REVISION 3
 RESOLUTION 2018-40
 FRANKLIN MUNICIPAL PLANNING COMMISSION
 5/24/2018



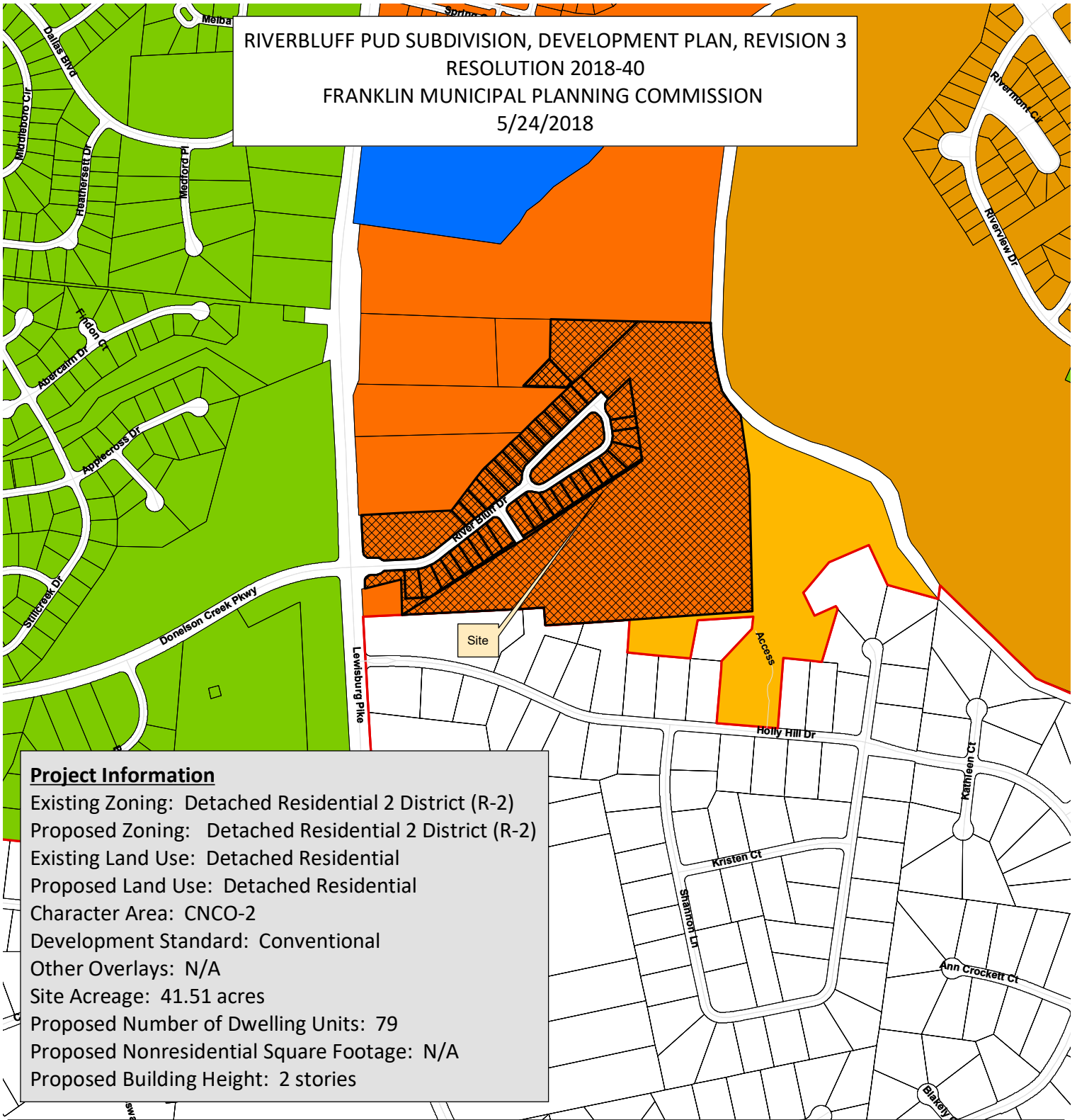
- | | |
|--|---------------------------------------|
| RiverBluff PUD Subdivision | SD-R Specific Development-Residential |
| AG Agricultural District | SD-X Specific Development-Variety |
| ER Estate Residential | OR Office Residential District |
| R-1 Residential District | GO General Office District |
| R-2 Residential District | CC Central Commercial District |
| R-3 Residential District | NC Neighborhood Commercial District |
| R-6 Residential District | GC General Commercial District |
| RM-10 Attached 10 Residential District | LI Light Industrial District |
| RM-15 Attached 15 Residential District | HI Heavy Industrial District |
| RM-20 Attached 20 Residential District | CI Civic and Institutional District |



0 250 500 1,000
 Feet

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 It was compiled from the most authentic information available.
 The City is not responsible for any errors or omissions contained herein.
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RIVERBLUFF PUD SUBDIVISION, DEVELOPMENT PLAN, REVISION 3
 RESOLUTION 2018-40
 FRANKLIN MUNICIPAL PLANNING COMMISSION
 5/24/2018



- | | |
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| RiverBluff PUD Subdivision | SD-R Specific Development-Residential |
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 Feet

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CONDITIONS OF APPROVAL:

Open Issues: 2 These issues are currently being filtered

Engineering - PUD Plan Checklist

General Issues

11. B. General Information

lance.fittro@franklin.tn.gov As discussed in previous meetings, the off-site drainage easement through the land that was previously Open Space but which has been removed from the PUD now requires a drainage easement for the swale (20' width, centered on the swale centerline). This shall either be recorded by separate instrument with standard COF drainage easement language, or alternately, a separate agreement between the COF and the Riverbluff HOA may be recorded which meets the following conditions:

1. That the Riverbluff HOA cannot neither eliminate or otherwise change the existing easement without first obtaining permission from the City of Franklin BOMA. You should have and reference the two existing agreements and Exhibits.
2. That the City of Franklin can compel the Riverbluff HOA to repair, modify, improve, or maintain the easement in accordance with City approved plans if needed.
3. That the City of Franklin has full, unimpeded access to the easement and in the event the City determines it needs to repair, modify, improve, or maintain the easement in accordance with City approved plans the Riverbluff HOA shall be responsible for reimbursing the City or its contractors for associated costs.

Either the easement or the agreement shall be recorded, and the book and page number of the recording referenced on the revised Development Plan, prior to final One Stop approval of the revised Development Plan.

Parks

General Issues

14. Parkland information

kevinl@franklin.tn.gov Parks- Fees in lieu of trail construction easement shall be due at the final plat.

A meeting is planned for Developer and Engineering to discuss options. If a trail cannot be located then fees shall be due.

[Edited By Kevin Lindsey]

RiverBluff PUD Subdivision

Development Plan - Revision 3

OWNER/
DEVELOPER

Riverbulff Investments,
LLC
103 Forest Crossing Blvd.
Suite 204
Franklin, TN 37064
Jim Cross
615.377.6111
jimc@centuryconst.com

PLANNER/
LANDSCAPE
ARCHITECT

DesignStudio
919 High Point Ridge Road
Franklin, TN 37069
Jason Goddard
615.218.8118
jgoddard@designstudioplan.com

ENGINEER

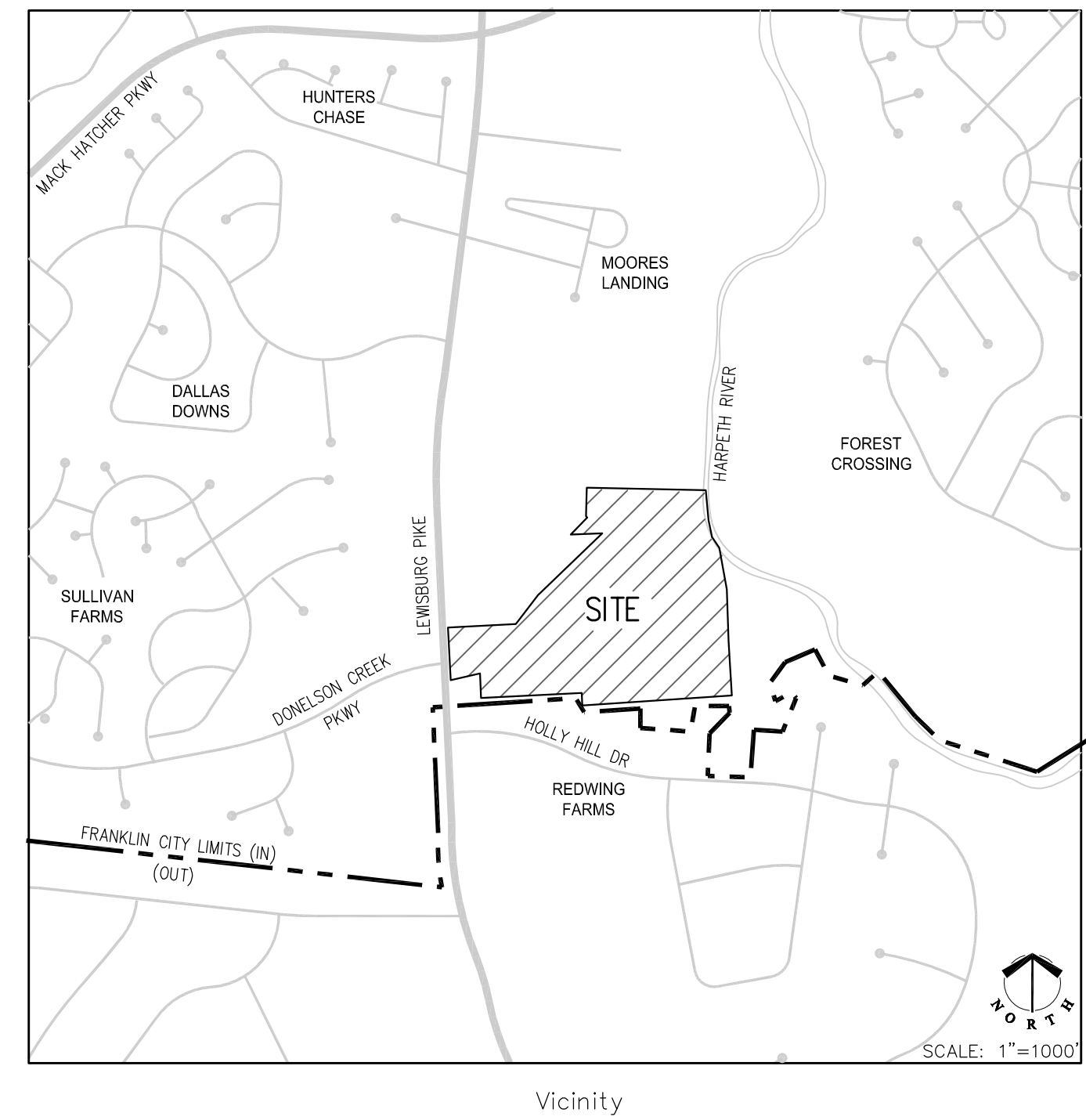
Batson & Associates
Engineering, Inc.
5150 Remington Dr.
Brentwood, TN 37027
Garry Batson
615.376.9444
batsonengineering@comcast.net

SURVEYOR

James Terry & Associates
Land Surveyors
2601 Elm Hill Pike,
Suite R
Nashville, TN 37214
Greg Terry, RLS
615.490.6920
gregt.jta@comcast.net

SHEET INDEX:

	Date	Revision 2	Revision 3
CVR Cover Sheet	6/9/14	4/4/17	4/9/18
L-1.0 Existing Conditions and Surrounding Uses Plan	03/01/13	4/4/17	4/9/18
L-2.0 PUD Development Plan	6/9/14	4/4/17	4/9/18
C-1.0 Conceptual Stormwater Management Grading, and Utility Plan	6/9/14		4/9/18



Purpose of this revision:
To remove +/- 2.76 acres of land under the TVA easement from the limits of the RiverBluff PUD.

Summary of Revision:	Approved Plan	Proposed Revision
Site Acreage:	44.27 ac	41.51 ac
Total units:	79	79
Density:	1.78 du/a	1.90 du/a
Open Space %:	49.7%	42.3%

Tennessee State Plane Coordinate System:
Zone 5301, Fipzone 4100; NAD 83 Datum

LEGAL DESCRIPTION - PREPARED BY JAMES TERRY & ASSOCIATES

A TRACT OF LAND IN THE 10TH CIVIL DISTRICT OF WILLIAMSON COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

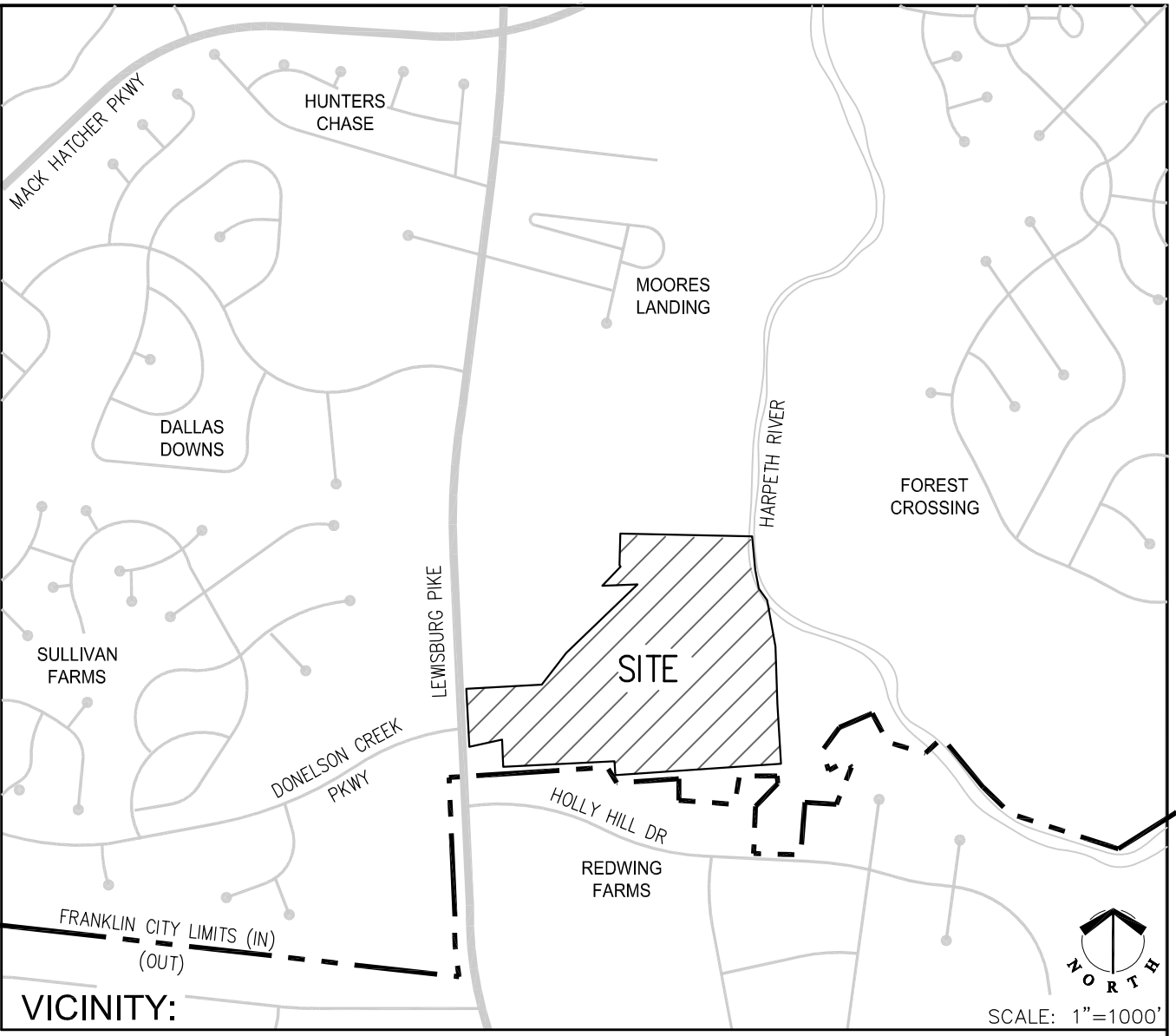
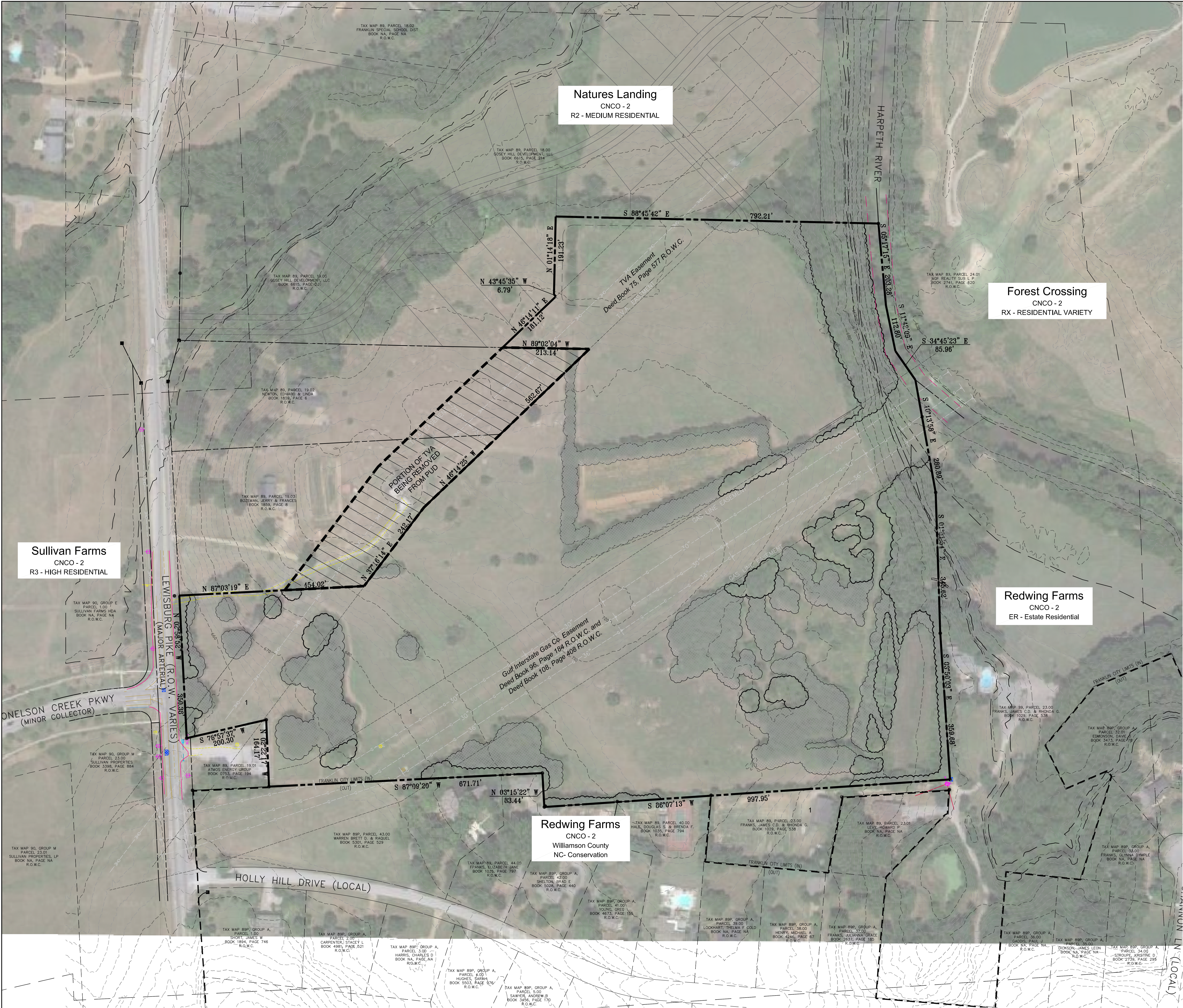
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2. LEAVING THE EASTERLY MARGIN OF SAID LEWISBURG PIKE, AND WITH THE SOUTHERLY PROPERTY LINE OF SAID BOZMAN, NORTH 87 DEGREES 03 MINUTES 19 SECONDS EAST, 454.02 FEET TO AN IRON ROD; THENCE,
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THE LEGAL DESCRIPTION SHOWN ABOVE WAS PREPARED FROM RECORDED DEEDS AND SUBDIVISION PLATS OF RECORD IN THE REGISTER'S OFFICE FOR WILLIAMSON COUNTY, TENNESSEE.

City of Franklin # 6686
Job No. 12012

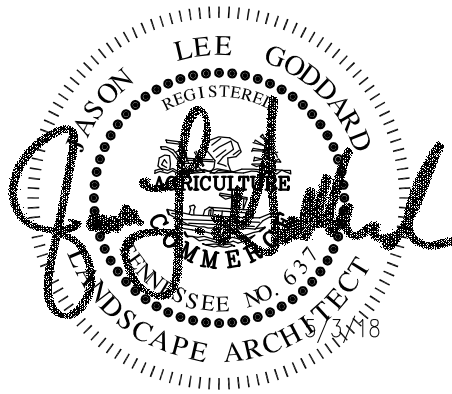
Sheet No.
CVR
Date: 06/09/14
Revised: 5/3/18



SITE DATA:	
PROJECT NAME:	RIVERBLUFF
PROJECT#:	6382
ADDRESS:	RIVERBLUFF DRIVE, FRANKLIN
COUNTY:	WILLIAMSON
STATE:	TENNESSEE
CIVIL DISTRICT:	10TH
LEGAL DESCRIPTION:	Refer to Cover Page
ACREAGE OF SITE:	41.51 ACRES
SQUARE FOOTAGE OF SITE:	1,807,964 SF
TREE CANOPY COVERAGE:	478,508 SF (26.7% OF SITE)
EXISTING ZONING:	MEDIUM RESIDENTIAL (R-2)
PROPOSED ZONING:	MEDIUM RESIDENTIAL (R-2)
CHARACTER AREA OVERLAY:	CNCO - 2
DEVELOPMENT STANDARD:	CONVENTIONAL
DRAINAGE BASIN:	HARPETH RIVER
RAILROAD INFRASTRUCTURE/ ROW:	NONE
MINERAL RIGHTS:	PROPERTY IS SUBJECT TO MINERAL RIGHTS AGREEMENT TO THE MONSANTO CHEMICAL COMPANY, DEED BOOK 94 R.O.W.C., AND PAGE 486.
GAS EASEMENT:	PROPERTY IS SUBJECT TO RIGHT OF WAY AGREEMENT WITH GULF INTERSTATE GAS CO. DEED BOOK 96, PAGE 184 R.O.W.C., AND DEED BOOK 108, PAGE 408 R.O.W.C.
TVA EASEMENT:	PROPERTY IS SUBJECT TO A GRANT OF TRANSMISSION LINE EASEMENT DEED BOOK 75, PAGE 577 R.O.W.C.
EXISTING STRUCTURES:	NONE

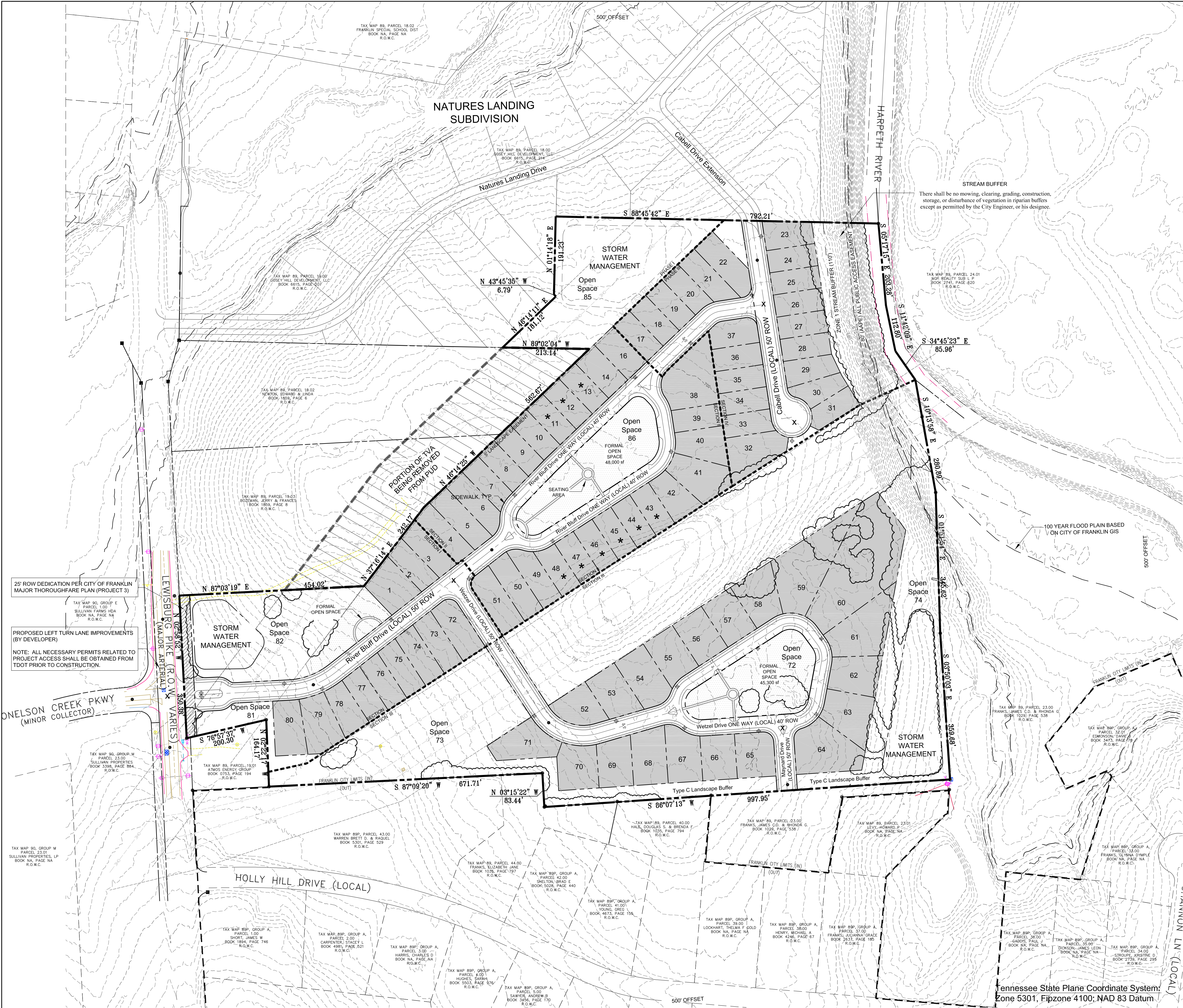
LEGEND:	
	APPROXIMATE AREA OF TREE CANOPY TO BE PRESERVED
	APPROXIMATE AREA OF TREE CANOPY TO BE REMOVED
TREE CANOPY/ PRESERVATION PLAN:	
EXISTING TREE CANOPY COVERAGE:	24.99% OF SITE (478,508 SF)
TREE CANOPY RETENTION (MIN):	12.8% (.267 [EXISTING COVER] X .48 [REQ. RETENTION COVER])
MINIMUM TREE PROTECTION ZONE:	229,395.7 SF
TREE PROTECTION PROVIDED:	238,740 SF

Tennessee State Plane Coordinate System:
Zone 5301, Fipzone 4100; NAD 83 Datum



date: April 9, 2018
revisions: May 3, 2018

COF no. 6686
project no. 12012
scale. 1"=100'



0 100 200 300

Scale: 1"=100'

CONNECTIVITY INDEX:

- LINKS 9
- NODES 5

9/5 = 1.80
(1.65 REQUIRED)

PROJECT PHASING:

UNITS PER PHASE:	
PHASE I	38
PHASE II	20
PHASE III	21
TOTAL	79 SINGLE FAMILY HOMES

TYPICAL LOT STANDARDS:

MINIMUM SETBACKS:

FRONT:	15'
SIDE:	5'
REAR:	5'

HOUSE

STREET

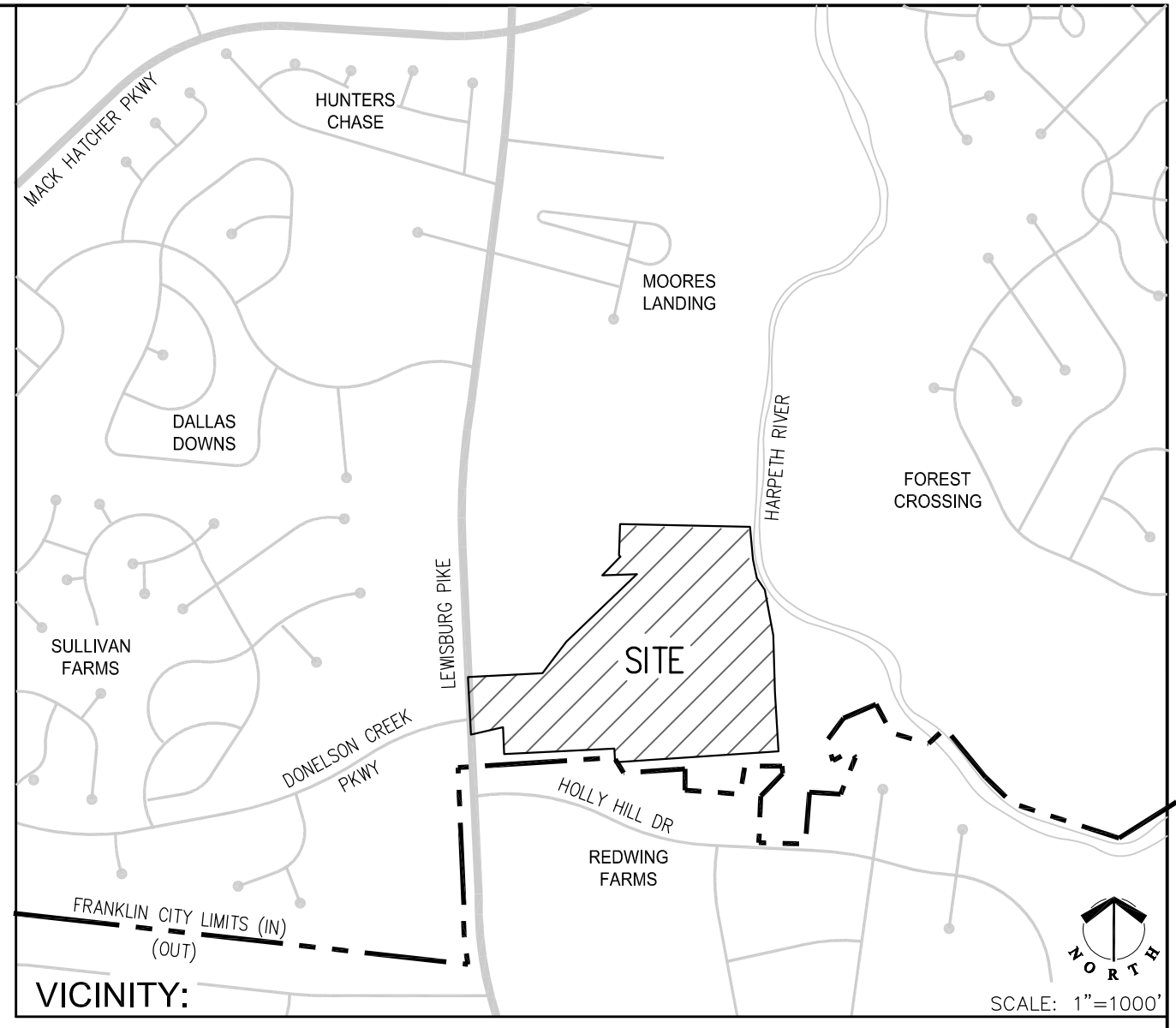


STATEMENT OF ARCHITECTURAL INTENT:

A VARIETY OF FRONT ELEVATIONS INCLUDING BRICK, SIMULATED STONE, AND CEMENTATIIOUS SIDING. SIDE AND REAR ELEVATIONS TO BE MASONRY MATERIAL OF EITHER BRICK OR CEMENTATIIOUS SIDING.

BUILDING HEIGHT:
SQUARE FOOTAGE RANGE:

3 STORY MAXIMUM
1,700 SF - 4,200 SF



SITE DATA:	
PROJECT NAME:	RIVERBLUFF (Approved by City of Franklin and Williamson County)
PROJECT#:	xxxx
SUBDIVISION:	N/A
LOT NUMBER:	N/A
ADDRESS:	RIVERBLUFF DRIVE, FRANKLIN
COUNTY:	WILLIAMSON
STATE:	TENNESSEE
CIVIL DISTRICT:	10TH
EXISTING ZONING:	MEDIUM RESIDENTIAL (R-2)
CHARACTER AREA OVERLAY:	CNCO - 2
OTHER APPLICABLE OVERLAYS:	FFO/FWO (SMALL PORTION)
APPLICABLE DEVELOPMENT STANDARD:	CONVENTIONAL
ACREAGE OF SITE:	41.51 ACRES
SQUARE FOOTAGE OF SITE:	1,807,964 SF
MINIMUM REQUIRED SETBACK LINES:	REFER TO TYPICAL LOT CHART ON THIS SHEET
OWNER:	RiverBluff Investments, LLC - Jim Cross
ADDRESS:	103 Forest Crossing Blvd., Suite 204, Franklin, TN 37064
PHONE NO:	615.377.6111
EMAIL ADDRESS:	jimc@centuryconst.com
APPLICANT:	DESIGNSTUDIO, LLC
PHONE NO:	615.218.8118
EMAIL ADDRESS:	jgoddard@designstudioplan.com
CONTACT NAME:	JASON GODDARD
BUILDING SQUARE FOOTAGE:	N/A
BUILDING HEIGHT:	N/A
LANDSCAPE SURFACE RATIO:	.40
MINIMUM LANDSCAPE SURFACE RATIO:	.40
MINIMUM PARKING REQUIREMENT:	2 SPACES PER DETACHED SINGLE FAMILY HOME
MAXIMUM PARKING LIMIT:	N/A
EXISTING PARKING:	2 SPACES PER DETACHED SINGLE FAMILY HOME - MIN
PARKING PROVIDED:	1.90 DU/A
RESIDENTIAL DENSITY:	REFER TO TREE CANOPY NOTES
TREE CANOPY:	FEES IN LIEU OF PARKLAND DEDICATION SHALL BE PAID PRIOR TO THE RECORDING OF THE FIRST FINAL PLAT FOR THIS SUBDIVISION.
PARKLAND DEDICATION:	
OPEN SPACE SET-ASIDE:	
REQUIRED:	271,195 SF (15%) FORMAL: 89,494 SF (33%) INFORMAL: 178,989 SF (66%)
PROVIDED:	764,985 SF (42.3%) FORMAL: 109,375 SF (40.3%) INFORMAL: 671,420 SF (248%)
SITE AMENITIES - FORMAL OPENSACE AMENITIES SHALL INCLUDE:	WALKS, SEATING AREAS, BENCHES, LANDSCAPING, AND DECORATIVE STREET LIGHTING. FINAL DESIGNS TO BE DEVELOPED WITH THE SITE PLAN.
DRAINAGE BASIN:	HARPETH RIVER
RAILROAD INFRASTRUCTURE/ ROW:	NONE
MINERAL RIGHTS:	PROPERTY IS SUBJECT TO MINERAL RIGHTS AGREEMENT TO THE MONSANTO CHEMICAL COMPANY, DEED BOOK 94 R.O.W.C., AND PAGE 486.
GAS EASEMENT:	PROPERTY IS SUBJECT TO RIGHT OF WAY AGREEMENT WITH GULF INTERSTATE GAS CO. DEED BOOK 96, PAGE 184 R.O.W.C., AND DEED BOOK 108, PAGE 408 R.O.W.C.
TVA EASEMENT:	PROPERTY IS SUBJECT TO A GRANT OF TRANSMISSION LINE EASEMENT DEED BOOK 75, PAGE 577 R.O.W.C.
LEGAL DESCRIPTION:	Refer to Cover Page

TREE CANOPY/ PRESERVATION PLAN:	
EXISTING TREE CANOPY COVERAGE:	26.7% OF SITE (478,508 SF)
TREE CANOPY RETENTION (MIN):	12.8% (.267 [EXISTING COVER]) X .48 [REQ. RETENTION COVER])
MINIMUM TREE PROTECTION ZONE:	229,395.7 SF
TREE PROTECTION PROVIDED:	238,740 SF

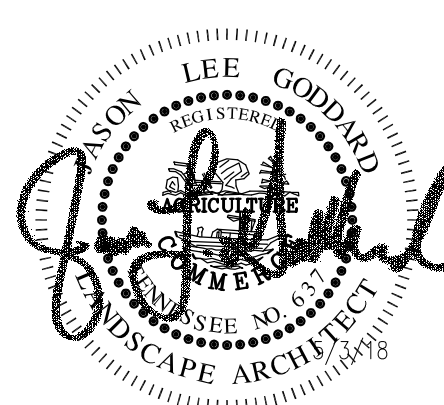
CRITICAL TREE LOTS

* LOTS 11-13 AND 43-48 SHALL BE DESIGNATED "CRITICAL TREE LOTS"

PLANNING NARRATIVE:

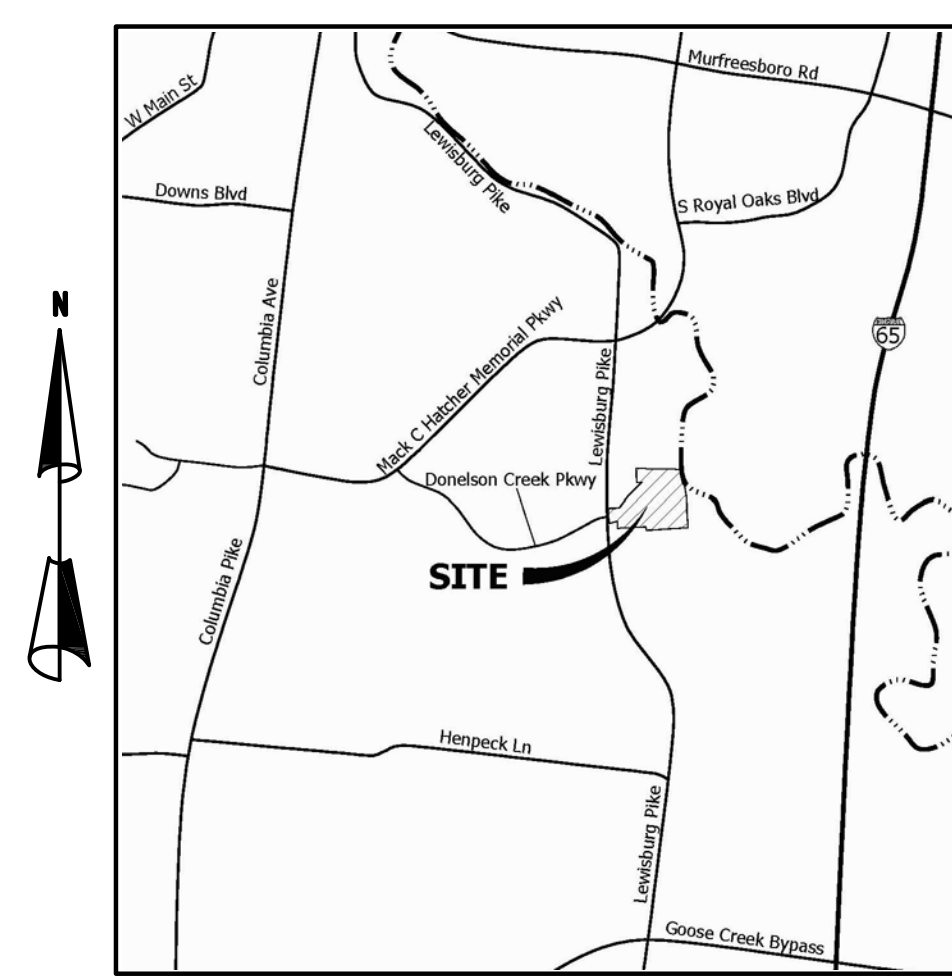
RIVERBLUFF IS LOCATED IN SPECIAL AREA 2 OF THE CARNTON CHARACTER AREA. THE 43.95 AC SITE IS LOCATED ON LEWISBURG PIKE, EAST OF DONELSON CREEK PARKWAY. SURROUNDING USES INCLUDE: SULLIVAN FARMS SUBDIVISION (WEST), AN UNDEVELOPED TRACT (NORTH), REDWING FARMS (SOUTH) AND THE HARPETH RIVER TO THE EAST. THE PROPOSED PLAN UTILIZES CONVENTIONAL PLANNING STANDARDS WHICH IS CONGRUENT WITH THE LAND USE PLAN RECOMMENDATIONS.

- COMMUNITY INFRASTRUCTURE IMPACTS:
- WATER
WATER TO BE PROVIDED BY THE CITY OF FRANKLIN. A WATER MAIN IS LOCATED ALONG THE LEWISBURG PIKE ROW.
AVERAGE WATER USE FOR FINAL DEVELOPMENT IS ESTIMATED AT: (79 UNITS) X 3.5 CAPITA PER LOT X 100 GPD/ CAPITA) = 27,650 GPD
MAXIMUM WATER USE AT PEAK HOUR FACTOR OF 4: 27,650 GPD X 4 = 110,600/24 = 4,608 GAL/HOUR = 76.8 GPM
 - SEWER
SEWER SERVICE TO BE PROVIDED BY THE CITY OF FRANKLIN. SEWER IS LOCATED ON THE NORTH SIDE OF DONELSON CREEK AT LEWISBURG PIKE AND WILL BE EXTENDED TO THE SITE ALONG THE EAST SIDE OF LEWISBURG PIKE.
 - RECLAIMED WATER FACILITIES
RECLAIMED OR REUSE WATER IS AVAILABLE TO THIS PROJECT.
 - STREET NETWORK AS SHOWN ON THE MAJOR THOROUGHFARE PLAN.
THE PROJECT WILL BE ACCESSED VIA LEWISBURG PIKE.
 - DRAINAGE FACILITIES
STORM WATER MANAGEMENT WILL BE PROVIDED ON SITE.
 - DRIVING DISTANCES TO POLICE, FIRE, AND RECREATIONAL FACILITIES.
POLICE DEPARTMENT: 2.98 MILES
FIRE STATION: 2.37 MILES
PINKERTON PARK: 3.05 MILES
 - PROJECTED STUDENT POPULATION.
THE PROPOSED DEVELOPMENT WILL RESULT IN AN INCREASE OF UP TO 79 HOUSEHOLD UNITS. BASED ON AN AVERAGE OF .64 SCHOOL AGE CHILDREN PER HOUSEHOLD, THE PROPOSED DEVELOPMENT WILL RESULT IN +- 51 STUDENTS WITHIN THE FOLLOWING SCHOOLS:
OAK VIEW ELEMENTARY (1.91 MILES)
PAGE MIDDLE SCHOOL (3.42 MILES)
CENTENNIAL HIGH SCHOOL (9.17 MILES)
 - REFUSE STORAGE AND SANITATION COLLECTION
REFUSE AND SANITATION COLLECTION WILL BE BY CITY OF FRANKLIN.
 - RESTRICTIVE COVENANTS AND ARCHITECTURAL GUIDELINES
RIVERBLUFF HOME OWNERS ASSOCIATION WILL BE ESTABLISHED PRIOR TO THE FIRST OCCUPANCY OF RESIDENTS. THE HOME OWNER'S ASSOCIATION WILL REGULATE ARCHITECTURAL STANDARDS AND MAINTENANCE OF THE COMMUNITY. THE HOA WILL MAINTAIN ALL COMMON OPEN SPACE AND RECREATIONAL AREAS.
- LIGHTING:
- APPROXIMATE LOCATION OF PROPOSED STREET LIGHT. PROPOSED LIGHTING WILL CONSIST OF DECORATIVE STREET POLE LIGHTS AND SHALL BE DESIGNED IN COMPLIANCE WITH CITY OF FRANKLIN AND MIDDLE TENNESSEE ELECTRIC STANDARDS.



date: April 9, 2018
revisions: May 3, 2018

COF no. 6686
project no. 12012
scale: 1"=100'



VICINITY MAP
SCALE: N.T.S.

STORM WATER NOTES

1. IN THE EXISTING CONDITIONS THE PROJECT SITE IS COMPRISED OF 4 DRAINAGE BASINS, ALL OF WHICH ARE ULTIMATELY TRIBUTARY TO THE HARPETH RIVER. THE TWO EASTERN DRAINAGE BASINS SHEET FLOW DIRECTLY TO THE HARPETH RIVER. THE TWO WESTERN BASINS ARE TRIBUTARY TO COTTON GIN BRANCH WHICH FLOWS IN TO THE HARPETH RIVER. THE NORTHWEST BASIN SHEET FLOWS TO COTTON GIN BRANCH WHILE THE SOUTHWEST BASIN SHEET FLOWS TO A ROAD SIDE DITCH ALONG LEWISBURG PIKE WHICH IS TRIBUTARY TO COTTON GIN BRANCH. THE PROPOSED STORM WATER FOR THE PROJECT WILL BE COLLECTED BY A SERIES OF INLETS AND ROUTED VIA PIPES AND SWALES TO WATER QUALITY FEATURES AND/OR ONE OF THE THREE DRY WATER QUALITY/DETENTION PONDS PROPOSED FOR THE PROJECT. THE STORM WATER QUALITY FEATURES WILL BE DESIGNED BASED ON THE CITY OF FRANKLIN'S STORM WATER MANAGEMENT MANUAL.
2. DURING CONSTRUCTION, EROSION CONTROL MEASURES WILL BE IN PLACE TO PROTECT THE ADJACENT PROPERTIES FROM CONTAMINATION FROM CONSTRUCTION RELATED SILT AND SEDIMENT. THESE MEASURES ARE EXPECTED TO INCLUDE SILT FENCE, STONE BASED CONSTRUCTION EXIT, ROCK CHECK DAMS, AND INLET PROTECTION. A STORM WATER POLLUTION PREVENTION PLAN WILL BE PREPARED IN ACCORDANCE WITH THE TDEC AND CITY OF FRANKLIN REQUIREMENTS.
3. OTHER THAN THE PREVIOUSLY MENTIONED HARPETH RIVER AND COTTON GIN BRANCH, THERE ARE NO KNOWN STREAMS, WETLANDS, SPRINGS, OR OTHER WATERS OF THE STATE ON THIS PROPERTY OR WITHIN 200 FEET OF THE SITE. THE HARPETH RIVER IS ON THE TDEC 3030 LIST OF IMPAIRED STREAMS, BUT DUE TO THE PROPOSED EFFORTS TO ADDRESS THE STORM WATER QUALITY FOR THIS PROJECT, THE RUNOFF FROM THIS SITE IS NOT ANTICIPATED TO HAVE A NEGATIVE EFFECT ON THE ADJACENT DITCHES OR ON THE HARPETH RIVER AND ITS TRIBUTARIES.

TAX MAP 89, PARCEL 19.02
NEWTON, EDWARD & LINDA
BOOK 1859, PAGE 6
R.O.W.C.

TAX MAP 89, PARCEL 19.03
BOZEMAN, JERRY & FRANCES
BOOK 1859, PAGE 8
R.O.W.C.

TAX MAP 89, PARCEL 19.04
JETER, MAMIE & KURT
BOOK 1778, PAGE 615
R.O.W.C.

TAX MAP 89, PARCEL 18.00
MOORE, ROBERT N. & CATHERINE
BOOK 155, PAGE 52
R.O.W.C.

TAX MAP 89, PARCEL 44.00
FRANKS, ELIZABETH JANE
BOOK 1035, PAGE 797
R.O.W.C.

TAX MAP 89, PARCEL 40.00
HALE, DOUGLAS S. & BRENDA F.
BOOK 1035, PAGE 794
R.O.W.C.

TAX MAP 89, PARCEL 23.00
FRANKS, JAMES C.D. & RHONDA G.
BOOK 1029, PAGE 538
R.O.W.C.

TAX MAP 89, PARCEL 23.00
FRANKS, JAMES C.D. & RHONDA G.
BOOK 1029, PAGE 538
R.O.W.C.

RIVERBLUFF PUD SUBDIVISION REVISION 3

RIVER BLUFF DR
FRANKLIN, TN

MAP: 89 , PARCEL: 19.05

DESCRIPTION	DATE
PROJECT NO.	-
DATE	9 APR 2018
DRAWN BY	NN
CHECKED BY	GMB

CONCEPT
STORMWATER,
GRADING,
UTILITIES

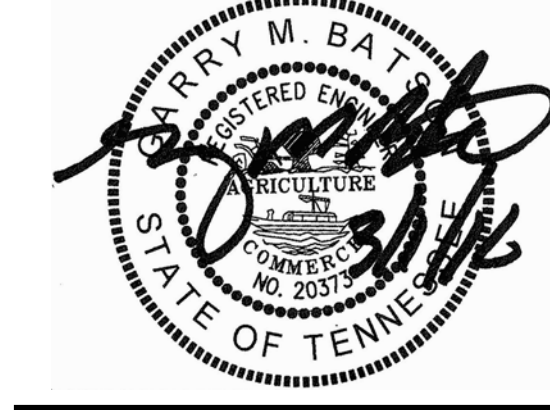
C-1

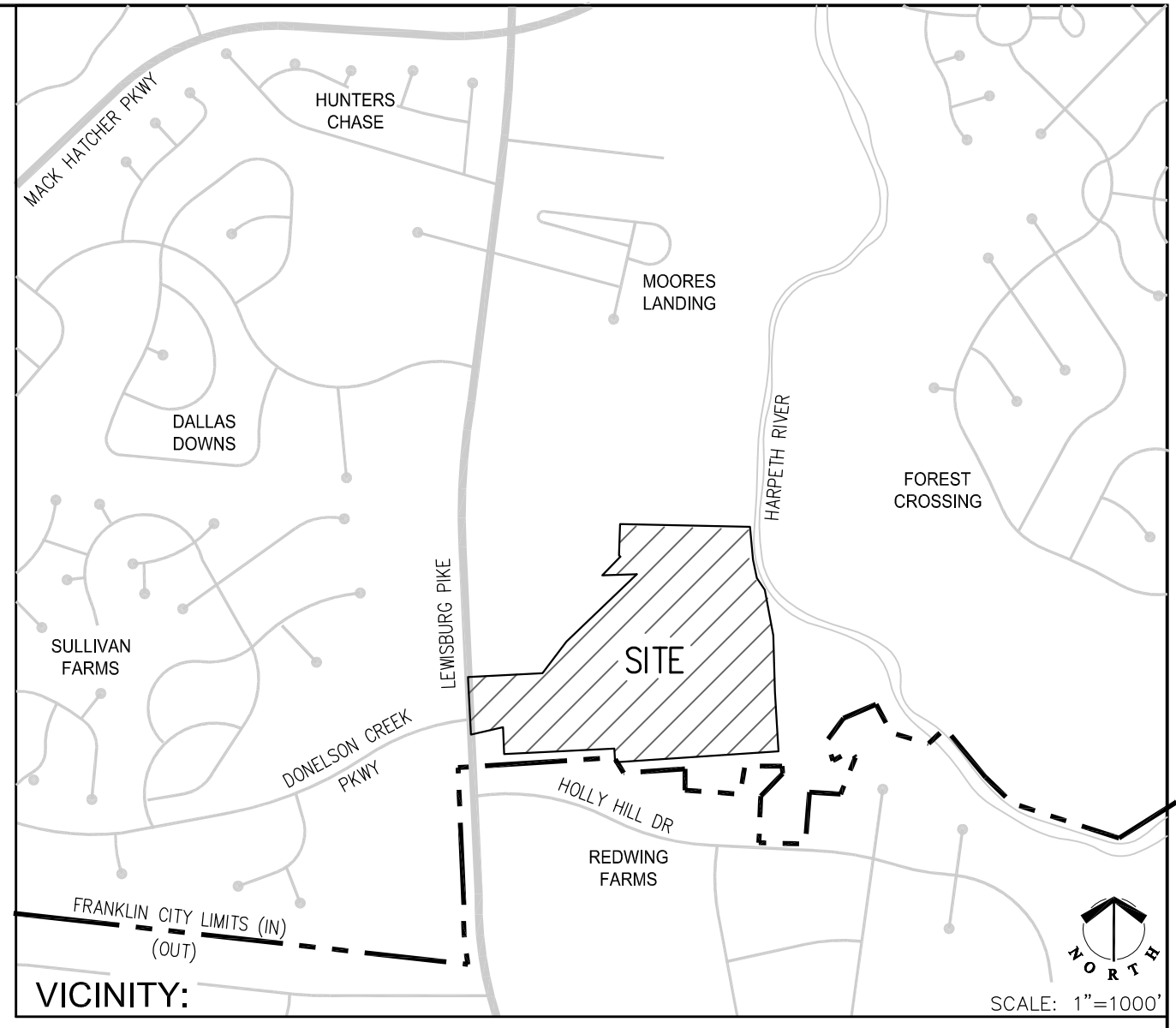
SHEET 1 OF 1

BA

BATSON & ASSOCIATES
Civil Engineering Consultants

5150 REMINGTON DRIVE
BRENTWOOD, TENNESSEE 37027
(615) 424-4840 • FAX (615) 370-9363





SITE DATA:	
PROJECT NAME:	RIVERBLUFF (Approved by City of Franklin and Williamson County)
PROJECT#:	xxxx
SUBDIVISION:	N/A
LOT NUMBER:	N/A
ADDRESS:	RIVERBLUFF DRIVE, FRANKLIN
COUNTY:	WILLIAMSON
STATE:	TENNESSEE
CIVIL DISTRICT:	10TH
EXISTING ZONING:	MEDIUM RESIDENTIAL (R-2)
CHARACTER AREA OVERLAY:	CNCO - 2
OTHER APPLICABLE OVERLAYS:	FFO/ FWO (SMALL PORTION)
APPLICABLE DEVELOPMENT STANDARD:	CONVENTIONAL
ACREAGE OF SITE:	41.51 ACRES
SQUARE FOOTAGE OF SITE:	1,807,964 SF
MINIMUM REQUIRED SETBACK LINES:	REFER TO TYPICAL LOT CHART ON THIS SHEET
OWNER:	RiverBluff Investments, LLC - Jim Cross
ADDRESS:	103 Forest Crossing Blvd., Suite 204, Franklin, TN 37064
PHONE NO:	615.377.6111
EMAIL ADDRESS:	jimc@centuryconst.com
APPLICANT:	DESIGNSTUDIO, LLC
PHONE NO:	615.218.8118
EMAIL ADDRESS:	jgoddard@designstudioplan.com
CONTACT NAME:	JASON GODDARD
BUILDING SQUARE FOOTAGE:	N/A
BUILDING HEIGHT:	N/A
LANDSCAPE SURFACE RATIO:	.40
MINIMUM LANDSCAPE SURFACE RATIO:	.40
MINIMUM PARKING REQUIREMENT:	2 SPACES PER DETACHED SINGLE FAMILY HOME
MAXIMUM PARKING LIMIT:	N/A
EXISTING PARKING:	2 SPACES PER DETACHED SINGLE FAMILY HOME - MIN
PARKING PROVIDED:	1.90 DU/A
RESIDENTIAL DENSITY:	REFER TO TREE CANOPY NOTES
TREE CANOPY:	FEES IN LIEU OF PARKLAND DEDICATION SHALL BE PAID PRIOR TO THE RECORDING OF THE FIRST FINAL PLAT FOR THIS SUBDIVISION.
PARKLAND DEDICATION:	
OPEN SPACE SET-ASIDE:	
REQUIRED:	271,195 SF (15%) FORMAL: 89,494 SF (33%) INFORMAL: 178,989 SF (66%)
PROVIDED:	764,985 SF (42.3%) FORMAL: 109,375 SF (40.3%) INFORMAL: 671,420 SF (248%)
SITE AMENITIES - FORMAL OPENSACE AMENITIES SHALL INCLUDE:	WALKS, SEATING AREAS, BENCHES, LANDSCAPING, AND DECORATIVE STREET LIGHTING. FINAL DESIGNS TO BE DEVELOPED WITH THE SITE PLAN.
DRAINAGE BASIN:	HARPETH RIVER
RAILROAD INFRASTRUCTURE/ ROW:	NONE
MINERAL RIGHTS:	PROPERTY IS SUBJECT TO MINERAL RIGHTS AGREEMENT TO THE MONSANTO CHEMICAL COMPANY, DEED BOOK 94 R.O.W.C., AND PAGE 486.
GAS EASEMENT:	PROPERTY IS SUBJECT TO RIGHT OF WAY AGREEMENT WITH GULF INTERSTATE GAS CO. DEED BOOK 96, PAGE 184 R.O.W.C., AND DEED BOOK 108, PAGE 408 R.O.W.C.
TVA EASEMENT:	PROPERTY IS SUBJECT TO A GRANT OF TRANSMISSION LINE EASEMENT DEED BOOK 75, PAGE 577 R.O.W.C.
LEGAL DESCRIPTION:	Refer to Cover Page

TREE CANOPY/ PRESERVATION PLAN:	
EXISTING TREE CANOPY COVERAGE:	26.7% OF SITE (478,508 SF)
TREE CANOPY RETENTION (MIN):	12.8% (.267 [EXISTING COVER]) X .48 [REQ. RETENTION COVER])
MINIMUM TREE PROTECTION ZONE:	229,395.7 SF
TREE PROTECTION PROVIDED:	238,740 SF

CRITICAL TREE LOTS
★ LOTS 11-13 AND 43-48 SHALL BE DESIGNATED "CRITICAL TREE LOTS"

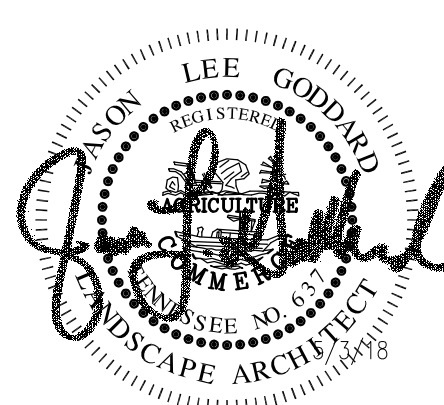
PLANNING NARRATIVE:
RIVERBLUFF IS LOCATED IN SPECIAL AREA 2 OF THE CARNTON CHARACTER AREA. THE 43.95 AC SITE IS LOCATED ON LEWISBURG PIKE, EAST OF DONELSON CREEK PARKWAY. SURROUNDING USES INCLUDE: SULLIVAN FARMS SUBDIVISION (WEST), AN UNDEVELOPED TRACT (NORTH), REDWING FARMS (SOUTH) AND THE HARPETH RIVER TO THE EAST. THE PROPOSED PLAN UTILIZES CONVENTIONAL PLANNING STANDARDS WHICH IS CONGRUENT WITH THE LAND USE PLAN RECOMMENDATIONS.

- COMMUNITY INFRASTRUCTURE IMPACTS:**
- WATER**
WATER TO BE PROVIDED BY THE CITY OF FRANKLIN. A WATER MAIN IS LOCATED ALONG THE LEWISBURG PIKE ROW.
AVERAGE WATER USE FOR FINAL DEVELOPMENT IS ESTIMATED AT: (79 UNITS) X 3.5 CAPITA PER LOT X 100 GPD/ CAPITA) = 27,650 GPD
MAXIMUM WATER USE AT PEAK HOUR FACTOR OF 4: 27,650 GPD X 4 = 110,600/24 = 4,608 GAL/HOUR = 76.8 GPM
 - SEWER**
SEWER SERVICE TO BE PROVIDED BY THE CITY OF FRANKLIN. SEWER IS LOCATED ON THE NORTH SIDE OF DONELSON CREEK AT LEWISBURG PIKE AND WILL BE EXTENDED TO THE SITE ALONG THE EAST SIDE OF LEWISBURG PIKE.
 - RECLAIMED WATER FACILITIES**
RECLAIMED OR REUSE WATER IS AVAILABLE TO THIS PROJECT.
 - STREET NETWORK AS SHOWN ON THE MAJOR THOROUGHFARE PLAN.**
THE PROJECT WILL BE ACCESSED VIA LEWISBURG PIKE.
 - DRAINAGE FACILITIES**
STORM WATER MANAGEMENT WILL BE PROVIDED ON SITE.
 - DRIVING DISTANCES TO POLICE, FIRE, AND RECREATIONAL FACILITIES.**
POLICE DEPARTMENT: 2.98 MILES
FIRE STATION: 2.37 MILES
PINKERTON PARK: 3.05 MILES
 - PROJECTED STUDENT POPULATION.**
THE PROPOSED DEVELOPMENT WILL RESULT IN AN INCREASE OF UP TO 79 HOUSEHOLD UNITS. BASED ON AN AVERAGE OF .64 SCHOOL AGE CHILDREN PER HOUSEHOLD, THE PROPOSED DEVELOPMENT WILL RESULT IN 4-51 STUDENTS WITHIN THE FOLLOWING SCHOOLS:
OAK VIEW ELEMENTARY (1.91 MILES)
PAGE MIDDLE SCHOOL (3.42 MILES)
CENTENNIAL HIGH SCHOOL (9.17 MILES)
 - REFUSE STORAGE AND SANITATION COLLECTION**
REFUSE AND SANITATION COLLECTION WILL BE BY CITY OF FRANKLIN.
 - RESTRICTIVE COVENANTS AND ARCHITECTURAL GUIDELINES**
RIVERBLUFF HOME OWNERS ASSOCIATION WILL BE ESTABLISHED PRIOR TO THE FIRST OCCUPANCY OF RESIDENTS. THE HOME OWNER'S ASSOCIATION WILL REGULATE ARCHITECTURAL STANDARDS AND MAINTENANCE OF THE COMMUNITY. THE HOA WILL MAINTAIN ALL COMMON OPEN SPACE AND RECREATIONAL AREAS.
- LIGHTING:**
☛ APPROXIMATE LOCATION OF PROPOSED STREET LIGHT. PROPOSED LIGHTING WILL CONSIST OF DECORATIVE STREET POLE LIGHTS AND SHALL BE DESIGNED IN COMPLIANCE WITH CITY OF FRANKLIN AND MIDDLE TENNESSEE ELECTRIC STANDARDS.



STATEMENT OF ARCHITECTURAL INTENT:
A VARIETY OF FRONT ELEVATIONS INCLUDING BRICK, SIMULATED STONE, AND CEMENTATIIOUS SIDING. SIDE AND REAR ELEVATIONS TO BE MASONRY MATERIAL OF EITHER BRICK OR CEMENTATIIOUS SIDING.

BUILDING HEIGHT: 3 STORY MAXIMUM
SQUARE FOOTAGE RANGE: 1,700 SF - 4,200 SF



date: April 9, 2018
revisions: May 3, 2018

COF no. 6686
project no. 12012
scale: 1"=100'

Ward's Mill Capacity Fee

Scott Andrews, EI

Brian Goodwin, PE

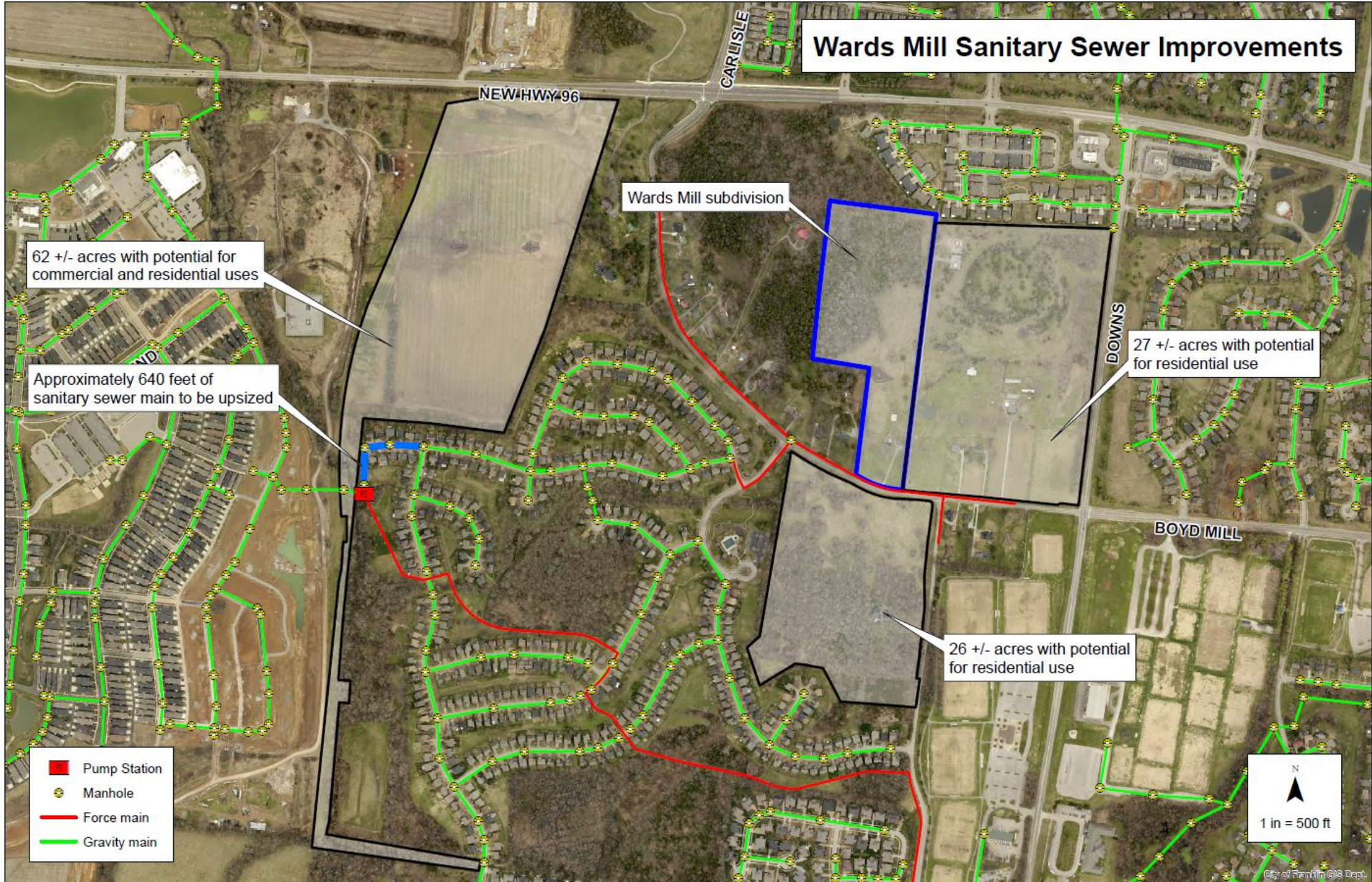
Jimmy Wiseman, PE

Ben McNeil

Outline

- Development initiated request
- Review of sewer infrastructure
 - Contributing drainage area study
- Developer led infrastructure upsizing
- Capacity fee model created for additional development

Wards Mill Sanitary Sewer Improvements

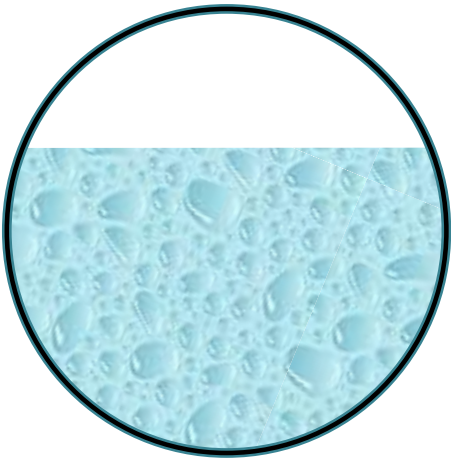


Contributing drainage area at full development

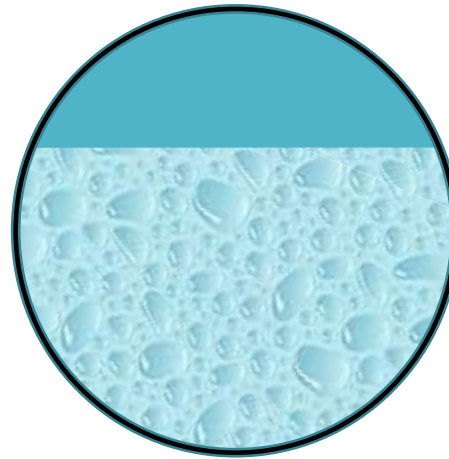
- Wards Mill and potential future developments will utilize additional capacity achieved from upsizing to 15-inch pipe
- The contributing drainage area will essentially be built out at that time, with no major additional flows requiring further improvements

Existing versus Ward's Mill Development

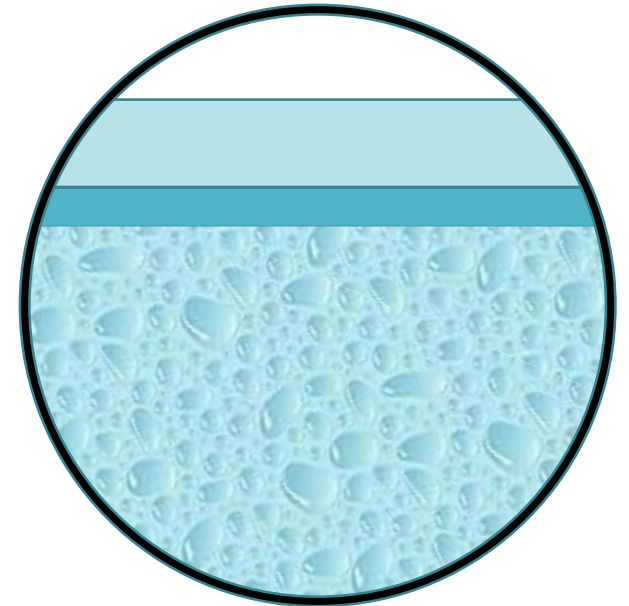
8" diameter
Available capacity = 27%



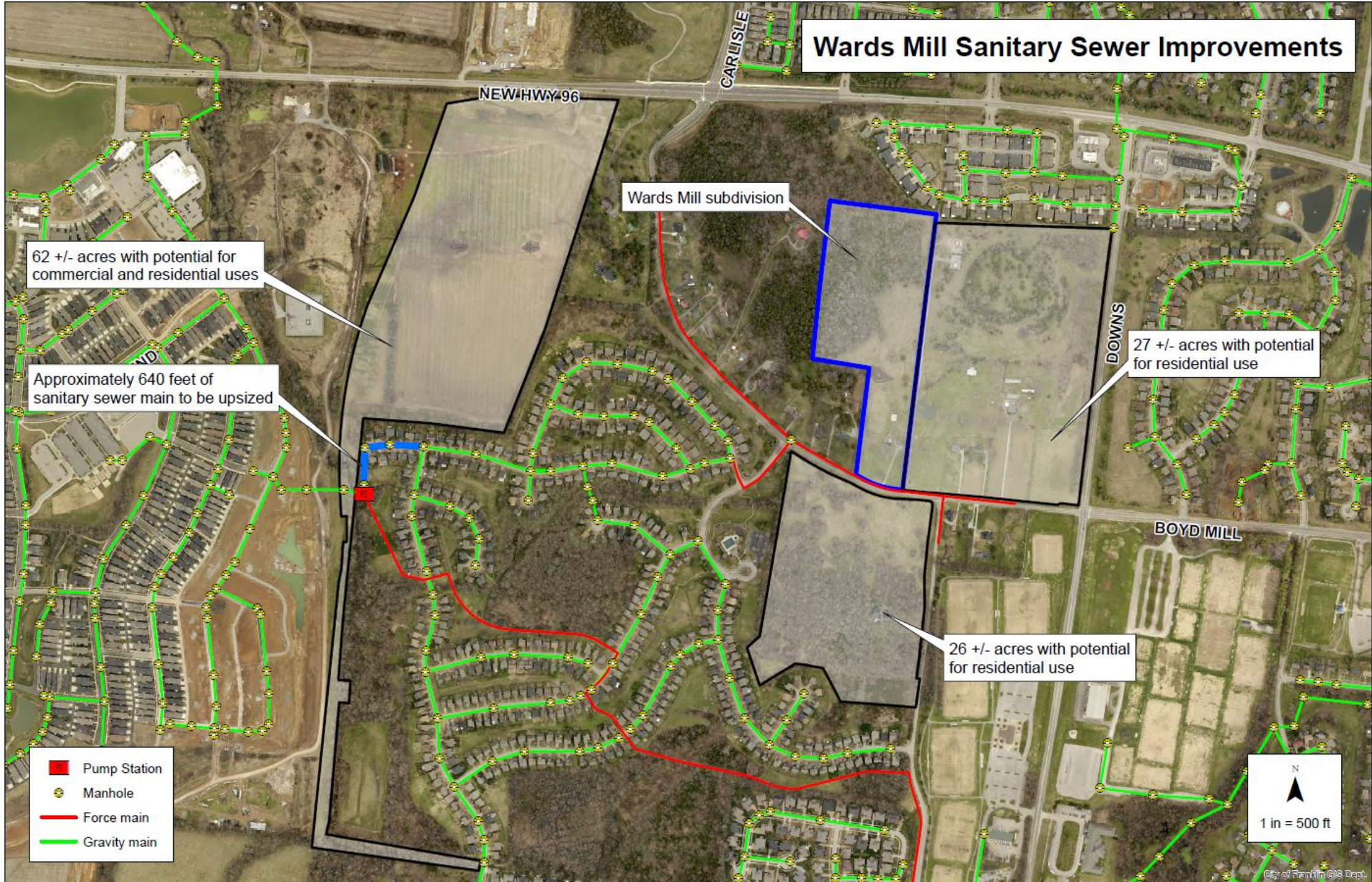
8" diameter
Existing flow + Wards Mill
Available Capacity = 0%



15" diameter
Existing flow + Wards Mill
+ Future Development
Available Capacity = 20%



Wards Mill Sanitary Sewer Improvements



62 +/- acres with potential for commercial and residential uses

Approximately 640 feet of sanitary sewer main to be upsized

Wards Mill subdivision

27 +/- acres with potential for residential use

26 +/- acres with potential for residential use

-  Pump Station
-  Manhole
-  Force main
-  Gravity main

N
1 in = 500 ft

RESOLUTION NO. 2018-34

A RESOLUTION AUTHORIZING THE CITY OF FRANKLIN TO ASSIGN CAPACITY FEES TO FIVE PARCELS THAT WILL BENEFIT FROM AN UNPLANNED CAPITAL IMPROVEMENT TO THE CITY'S PUBLIC WASTEWATER SYSTEM FOR THE PURPOSE OF RECAPTURING THE CITY OF FRANKLIN'S MONETARY CONTRIBUTION TOWARD UPSIZING OF SANITARY SEWER INFRASTRUCTURE IN THE AREA OF BOYD'S MILL.

WHEREAS, the City of Franklin Board of Mayor and Aldermen approved the Wards Mill PUD Development Plan and the Sanitary Sewer Reimbursement Agreement COF Contract No. 2018-0029 in April of 2018; and

WHEREAS, historically the City of Franklin required developers to install infrastructure needed to serve their proposed developments, and the sanitary sewer improvements required to serve the Wards Mill Residential PUD were estimated to be \$350,000.00 and exceeded the financial capacity of this 18-residential unit development; and

WHEREAS, the developer of the Wards Mill PUD has agreed to upsize an existing section of sanitary sewer infrastructure as illustrated on Exhibit A, with the City of Franklin contributing up to \$250,000.00; and

WHEREAS, the following five parcels listed below and illustrated on Exhibit A are in the immediate vicinity of the Wards Mill PUD and were identified as having the potential to redevelop and increase density in the future and directly benefit from the additional capacity achieved through the infrastructure upsizing:

Map 064, Parcel 02800
Map 064, Parcel 02801
Map 077, Parcel 01300
Map 077, Parcel 00201
Map 077, Parcel 00202; and

WHEREAS, the Capacity Fee, which is in addition to the City of Franklin sanitary sewer access and system development fees, will only be collected at such time new development or redevelopment occurs on these parcels, which increases density and capacity of the public sanitary sewer system that existed at the time of the approval of this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, THAT:

All recitals set forth above are incorporated herein.

Authority is granted to the City Administrator to establish Capacity Fees for each of the five parcels listed below in the amount of \$452.00 per additional dwelling unit and \$84.00 per 100 square feet of additional non-residential space, to provide the opportunity to contribute their proportionate share of the cost to upsize the sanitary sewer infrastructure

Map 064, Parcel 02800
Map 064, Parcel 02801

Map 077, Parcel 01300
Map 077, Parcel 00201
Map 077, Parcel 00202

IT IS SO RESOLVED AND DONE on this ____ day of _____, 2018

ATTEST:

By: _____

ERIC S. STUCKEY
City Administrator

CITY OF FRANKLIN, TENNESSEE:

By: _____

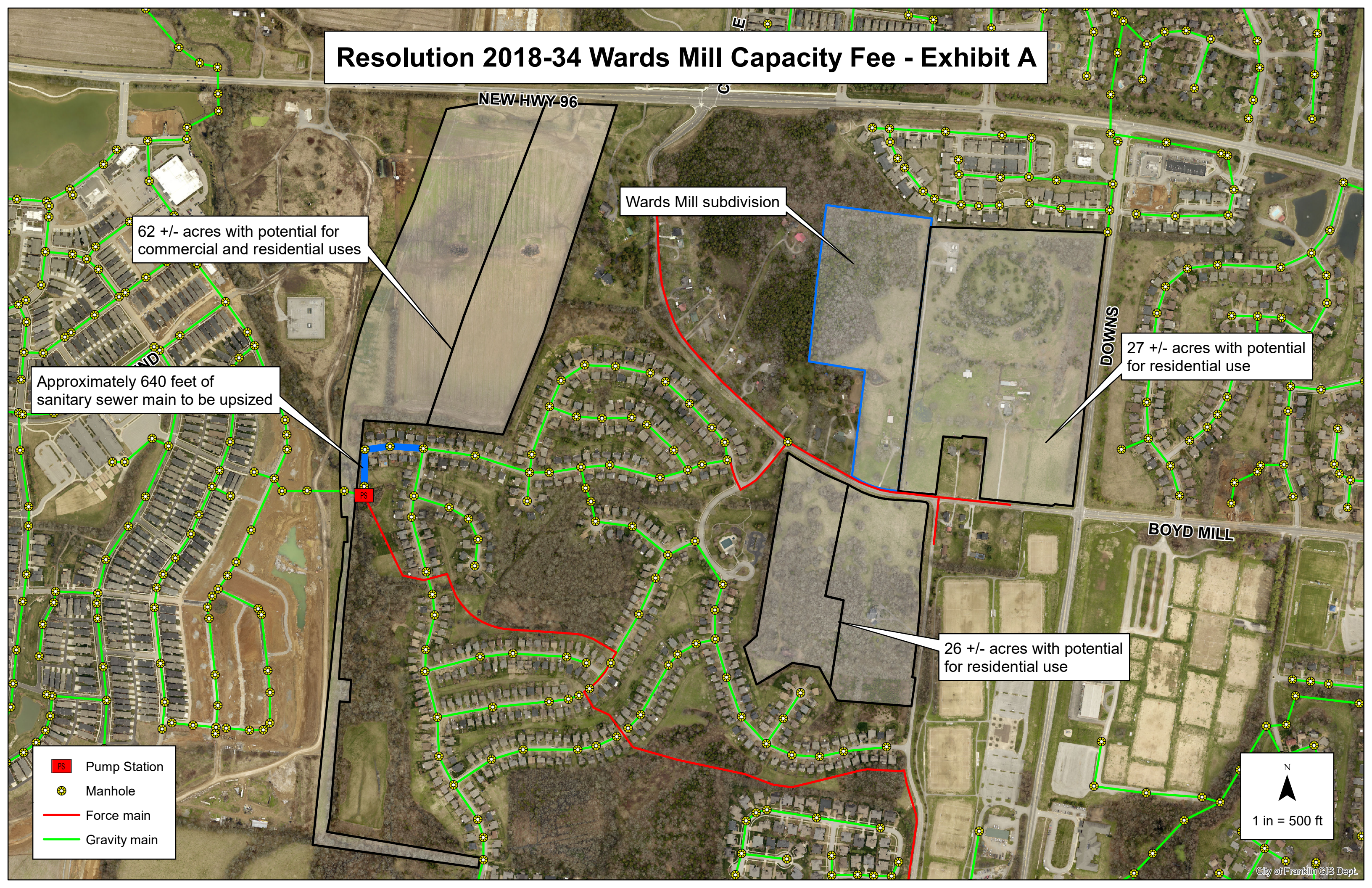
DR. KEN MOORE
Mayor

Approved as to Form

By: _____

Shauna R. Billingsley, City Attorney

Resolution 2018-34 Wards Mill Capacity Fee - Exhibit A



BOMA Work Session

May 8, 2018

My name is Susan Joyner and we own land on Boyd Mill Avenue. We wish to enter the following statement into the minutes of this Work Session.

We oppose the passage of the Consideration of Resolution 2018-34 for the following reasons:

- **The Resolution is directly tied to Contract 2018-0029 with Trace Construction for the purpose of recapturing funds being given to that contractor for an existing gravity sewer system to be upgraded solely for his project at this time.**
- **The Resolution would not be needed if the aforementioned Contract had not been put in place.**
- **The online BOMA agenda gave the name of this Resolution item as Sanitary Sewer Capacity Fee Model which implies that this same strategy will be applied in the future to similar (or not) projects.**
- **As owners of two of the parcels mentioned in the Resolution, we oppose "future requirements" (in this particular instance, recapture amounts that a developer must pay to the City) tied to our property and we know that the dollar amount can increase without notice.**
- **We have been advised by legal counsel that the Resolution can affect the "future value" of our land as a developer may choose to acquire other acreage that is not so encumbered.**
- **BOMA and landowners installed a grinder pump sewer system several years ago that will not support additional development. An upgrade to the existing gravity sewer system in the area would have been the correct solution then.**
- **We conclude this action is setting a precedent for incentive contracts with developers who are not seeking those funds because they desire to build in beautiful Franklin.**

Susan Joyner
Lucile Rosenthal

1. ALL PERSONS WHO UNDERTAKE THE CONSTRUCTION OF WATER, SEWER AND/OR RECLAIMED WATER LINES LOCATED IN, OR AFFECTING SEWERS PROVIDED BY THE CITY OF FRANKLIN SHALL COMPLY WITH THE REQUIREMENTS AND REGULATIONS SET FORTH IN THE "GENERAL REQUIREMENTS & TECHNICAL SPECIFICATIONS, WATER MANAGEMENT DEPARTMENT, CITY OF FRANKLIN, TENNESSEE" LATEST EDITION, ALONG WITH ANY AMENDMENTS, ADDITIONS, OR ALTERATION THAT MAY THEREAFTER BE ADOPTED BY THE BOARD OF MAYOR AND ALDERMEN BY RESOLUTION.
2. CONTRACTOR SHALL OBTAIN WATER & SEWER INFRASTRUCTURE INSTALLATION PERMIT PRIOR TO SCHEDULING REQUIRED PRE-CONSTRUCTION SITE MEETING. CONTRACTOR SHALL COMPLETE THE PRECONSTRUCTION SITE MEETING PRIOR TO COMMENCING WITH CONSTRUCTION.
3. CONTRACTOR SHALL OBTAIN AND KEEP ALL OF THE FOLLOWING ITEMS ON THE JOBSITE AT ALL TIMES DURING CONSTRUCTION:
 - A. APPROVED, STAMPED AND SIGNED WATER AND/OR SEWER PLANS
 - B. A SEWER INFRASTRUCTURE INSTALLATION PERMIT WITH ALL STEPS COMPLETELY AND SIGNED BY APPROPRIATE CITY EMPLOYEES.
 - C. COPY OF APPROVED AVAILABILITY REQUEST RESPONSE LETTER.
 - D. A COPY OF ALL APPROVED CUT SHEETS.
4. ACCEPTANCE OF CITY OF FRANKLIN PUBLIC WATER INFRASTRUCTURE, SANITARY SEWER INFRASTRUCTURE AND/OR RECLAIMED WATER INFRASTRUCTURE SHALL BECOME THE RESPONSIBILITY OF THE CITY OF FRANKLIN, TN FOLLOWING APPROVAL FROM THE CITY OF FRANKLIN INSPECTORS AND ACCEPTANCE BY THE FRANKLIN MUNICIPAL PLANNING COMMISSION. THE ACCEPTANCE DATE SHALL BE BASED ON THE DAY MAINTENANCE SURETIES ARE ESTABLISHED BY THE FRANKLIN MUNICIPAL PLANNING COMMISSION.
5. PRIOR TO THE ACCEPTANCE OF CITY OF FRANKLIN PUBLIC WATER INFRASTRUCTURE, SANITARY SEWER INFRASTRUCTURE AND/OR RECLAIMED WATER INFRASTRUCTURE THE CONTRACTOR SHALL BE REQUIRED TO SUBMIT AS-BUILT DRAWINGS TO THE PLANNING AND SUSTAINABILITY DEPARTMENT.
6. ALL OFF-SITE WORK WITHIN THE PUBLIC RIGHT-OF-WAY SHALL REQUIRE AN APPROVED TRAFFIC CONTROL PLAN WHICH COMPLES WITH THE MUTCD. NO RIGHT-SIDE EXCAVATION MAY BE UNDERTAKEN IN ANY STREET, ROAD, ALLEY OR OFF-SIDE-OF-WAY OF ANY UTILITY OR TEMPORARY CONSTRUCTION EASEMENT OF THE CITY OF FRANKLIN BY ANY ENTITY UNLESS 72-HOUR NOTICE HAS BEEN GIVEN TO THE CITY OF FRANKLIN TRAFFIC OPERATIONS CENTER. THE CONTRACTOR SHALL HAVE AN APPROVED TRAFFIC CONTROL PLAN ONSITE DURING CONSTRUCTION.

IMPACT STATEMENT

THE DEMAND OF THE PROPOSED DEVELOPMENT CAN BE ADEQUATELY ACCOMMODATED BY THE EXISTING INFRASTRUCTURE, AND THE PROJECT IS NOT ANTICIPATED TO HAVE A NEGATIVE EFFECT ON THE UTILITIES OR OTHER USER THEREOF. THE PROJECT WILL USE DOMESTIC, FIRE AND IRRIGATION WATER SERVICE PROVIDED BY THE CITY OF FRANKLIN. SANITARY SEWER IS PROVIDED BY THE CITY OF FRANKLIN. RECLAIMED WATER IS NOT INCLUDED IN THE PROPOSED DEVELOPMENT, BUT MAY BE UTILIZED FOR IRRIGATION PURPOSES IF IT IS AVAILABLE.

THE PROPOSED DETACHED SINGLE-FAMILY RESIDENTIAL PROJECT WILL UTILIZE EXISTING UTILITIES ADJACENT TO THE SITE TO PROVIDE WATER, SANITARY SEWER, ELECTRIC, GAS AND COMMUNICATION. AN OFF-SITE SANITARY SEWER EXTENSION FROM THE ADJACENT FRANKLIN GREEN SUBDIVISION WILL BE REQUIRED (APPROX. 1208'-4" LF OF 8" SANITARY SEWER) AND APPLICANT IS EVALUATING THE CAPACITY OF THE REMAINING DOWNSTREAM SANITARY SEWER MAINS TO DETERMINE IF THE REMAINING SEWER CAPACITY TO SERVE THE PROJECT IS ADEQUATE. NO OTHER UTILITY MAIN EXTENSIONS ARE EXPECTED TO BE REQUIRED TO FACILITATE THE DEVELOPMENT OTHER THAN WHAT IS NEEDED INTERNALLY TO SERVICE THE PROPOSED SUBLOTS. ADDITIONAL FIRE HYDRANTS ARE TO BE INSTALLED TO PROVIDE ADEQUATE FIRE PROTECTION HOSE COVERAGE.

1. ALL PIPES UNDER EXISTING PAVED AREAS SHALL BE BACKFILLED TO TOP OF SUBGRADE WITH CRUSHED STONE UNLESS CITY OF FRANKLIN SPECIFICATIONS REQUIRE FLOWABLE FILL.
2. WHERE SEWER LINES PASS OVER OR WITHIN 2.5' OF WATER MAINS, THE SEWER SHALL BE ENCASED IN CONCRETE.
3. ALL PAVED AREAS SHALL BE CONSTRUCTED TO SUBGRADE AND ALL PROPOSED FILLS SHALL BE MADE AND COMPACTED PRIOR TO CONSTRUCTION OF SANITARY SEWERS.
4. PROPOSED SEWER LINES INSTALLED WITHIN NATURAL EARTH MAY BE SDR 35 PVC. PROPOSED SEWER LINES INSTALLED WITHIN FILL MUST BE DUCTILE IRON PIPE.
5. THE CONTRACTOR IS RESPONSIBLE FOR ALL HORIZONTAL AND VERTICAL BENDS, JOINTS, AND FITTINGS REQUIRED TO CONSTRUCT UTILITIES.
6. THE CONTRACTOR SHALL VERIFY THE EXISTING INVERT ELEVATIONS OF SANITARY SEWERS PRIOR TO CONSTRUCTION.
7. A MINIMUM OF 3' OF GROUND COVER SHALL BE MAINTAINED OVER ALL PROPOSED SANITARY SEWER MAINS.
8. SEE MECHANICAL AND PLUMBING DRAWINGS FOR EXACT LOCATIONS OF SEWER CONNECTIONS, WATER CONNECTIONS, AND GAS CONNECTIONS. THE UTILITY CONTRACTOR IS TO INSTALL PROPOSED UTILITIES TO WITHIN 5' OF THE BUILDING LINE. A LICENSED SPRINKLER CONTRACTOR MUST INSTALL SPRINKLER SYSTEM PIPING FROM POINT OF SERVICE, IF APPLICABLE.
9. ALL UTILITY INSTALLATION IS TO BE DONE IN ACCORDANCE WITH THE LOCAL STANDARDS OR OTHER APPLICABLE CODES.
10. GC SHALL REVIEW MTEMC AND CITY OF FRANKLIN SPECIFICATIONS PRIOR TO INITIATING WORK.
11. CURRENT SERVICE TO EXISTING STRUCTURES SHALL NOT BE INTERRUPTED WITHOUT ADVANCED WRITTEN PERMISSION FROM THE OWNER.
12. TRENCH EXCAVATIONS WITHIN PUBLIC STREETS SHALL BE MILLED AND OVERLAID A MINIMUM OF 50 FEET IN EACH DIRECTION FROM THE TRENCH WHEN PERPENDICULAR TO TRAFFIC FLOW, AND FOR THE FULL PAVEMENT WIDTH WHEN PARALLEL TO TRAFFIC FLOW.

SANITARY SEWER
COF WATER MANAGEMENT INSPECTIONS 124
LUMBER DRIVE FRANKLIN, TN 37064 CONTACT:
UTILITY INSPECTOR

ELECTRIC SERVICE
MIDDLE TN ELECTRIC MEMBERSHIP CORP
2156 EDWARD CURD LANE
FRANKLIN, TN 37067
CONTACT: BOBBY O'NEAL
BOBBY.O'NEAL@MTEMC.COM
615-595-4683

GAS SERVICE
ATMOS ENERGY
220 NOAH DRIVE
FRANKLIN, TN 37064
CONTACT: RON MYATT
RON.MYATT@ATMOSENERGY.COM
615-566-3073

THE ANTICIPATED SEWER FLOWS ARE:

FACILITY TYPE:	SINGLE FAMILY DETACHED SUBLOTS
UNIT FLOW (GPD):	350 GPD FOR 4-BEDROOM HOMES
NUMBER OF UNITS:	18 UNITS OF FLOW (350 GPD/UNIT)
TOTAL FLOW:	6,300 GPD +/-

THE ANTICIPATED WATER DEMAND IS:

DOMESTIC:	75 GPM +/-
FIRE:	1,000 GPM @ 20 PSI
IRRIGATION:	25 GPM +/-

DATE: 12-01-17
TIME: 10:30 am
PERFORMED BY: M2 GROUP,LLC

GAGE HYDRANT
STATIC: 56 psi
RESIDUAL: 54 psi

FLOW HYDRANT
 STATIC: 65 psi
 RESIDUAL: 56 psi
 FLOW: 1,256 gpm / 5,991.2 gpm @ 20 psi

AT&T
500 LIBERTY PIKE
FRANKLIN, TN 37064
CONTACT: DAVID TUTTEROW
DT8243@ATT.COM
615-595-7816

COMCAST CABLE
660 MAINSTREAM DRIVE
NASHVILLE, TN 37228
CONTACT: RUSTY HOLLOWAY
RUSTY_HOLLOWAY@
COMCAST.COM
615-244-7462X1115471



100 0 100 200

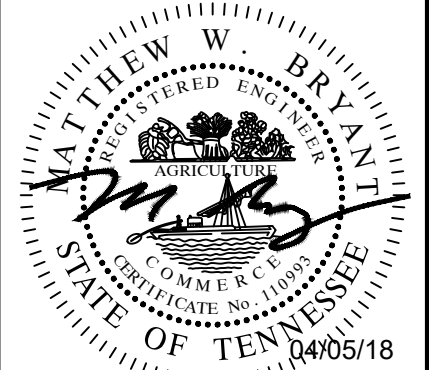
HILL SIDE / HILL CREST OVERLAY DISTRICT

500' BUFFER OF HILLSIDE OVERLAY

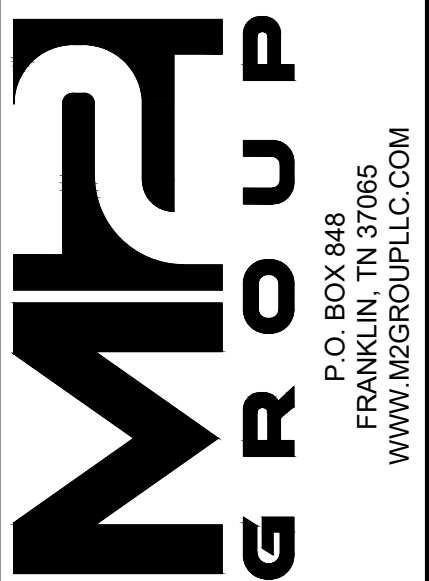
—G— GAS

—SAN— SANITARY SEWER

—W— WATER

[illegible]

**WARDS MILL
C.O.F. PROJECT #6663
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CITY OF FRANKLIN, WILLIAMSON COUNTY, TENNESSEE**



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PROJECT NO. :	-	CHECKED BY :

SHEET NUMBER:

C5.2



Know what's below.
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ORDINANCE 2018-08

TO BE ENTITLED: “AN ORDINANCE TO AMEND ORDINANCE 2013-50, ATMOS ENERGY CORPORATION FRANCHISE AGREEMENT TO EXTEND THE TERM FOR AN ADDITIONAL TEN (10) YEARS.”

WHEREAS, on October 8, 2013, the City of Franklin and Atmos Energy entered into a Franchise Agreement; and

WHEREAS, the Agreement set forth a term limit of five (5) years; and

WHEREAS, that term expires at the end of November 2018; and

WHEREAS, the parties agree to an extension of the agreement; and

WHEREAS, the Board of Mayor and Aldermen believe an extension to be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION 1: That Section 4 of the 2013-50 Ordinance Granting a Franchise Agreement to Atmos shall be amended to read as follows:

Term. This Franchise and the rights herein granted shall take effect and be enforced from and after the Effective Date hereof, and shall continue in force for ten (10) years from and after the date of the passage of this Ordinance.

SECTION 2: BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF FRANKLIN, TENNESSEE, that this Ordinance shall take effect on from and after its passage on Final Reading by the City, and upon approval of the Tennessee Public Utility Commission; the health, safety and welfare of the citizens of the City of Franklin requiring it.

Approved and Adopted by the Board of Mayor and Aldermen of the City of Franklin. Tennessee, this _____ day of _____, 2018, the public welfare so requiring it.

[signature blocks on following page]

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
ERIC S. STUCKEY
City Administrator/Recorder

By: _____
Dr. Ken Moore
Mayor

Approved as to Form:

Shauna R. Billingsley
City Attorney

ATMOS ENERGY CORPORATION

By: _____
Jay Kevin Dobbs, President
Kentucky/Mid-States Division

Date: _____

PASSED FIRST READING:

PUBLIC HEARING:

PASSED SECOND AND FINAL READING:

Natural Gas Franchise Fees
Received FY 2013-FY 2018

		FY	FY	FY	FY	FY	Partial Year	Total Received
		<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2013-2018</u>
Atmos		\$ 1,148,193.25	\$1,351,329.97	\$1,331,989.20	\$1,032,015.15	\$993,932.37	\$373,548.77	\$ 6,231,008.71
Piedmont (Nashville Gas)		\$54,058.18	\$60,097.76	\$24,103.11	\$51,874.31	\$42,694.08	\$48,066.26	\$280,893.70
Total		\$1,202,251.43	\$1,411,427.73	\$1,356,092.31	\$1,083,889.46	\$1,036,626.45	\$421,615.03	\$6,511,902.41
Note 1: For FY 2018, the City has received from Atmos payments for 1st and 2nd quarters. City receives Atmos funding quarterly.								
The City has received the one annual payment from Piedmont (Nashville Gas) for FY 2018.								
Note 2: The average annual revenue received from Atmos for FY 2013-2017 is \$1,171,492.								
The average annual revenue received from Piedmont (Nashville Gas) for FY 2013-2018 is \$46,815.								

ORDINANCE 2018-29

TO BE ENTITLED: "AN ORDINANCE TO AMEND TITLE 9 CHAPTER 2 SECTION 9-201(2) OF THE CITY OF FRANKLIN MUNICIPAL CODE AS IT PERTAINS TO ITINERANT MERCHANTS AND THE REMOVAL OF VEHICLES, TRAILERS, KIOSKS, STANDS, TABLES, SIGNAGE, FURNITURE, AND RELATED ANCILLARY EQUIPMENT WHEN NOT OPEN FOR BUSINESS."

WHEREAS, for the purpose of promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin, the Board of Mayor and Aldermen of the City of Franklin is authorized to license and regulate all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade not forbidden by law within the City; and

WHEREAS, in its legislative judgment the Board of Mayor and Aldermen has found that business regulations and standards must be dynamic and modified from time to time to reflect changes in recognized business methods, and safety standards necessary to preserve and promote the private and public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKLIN BOARD OF MAYOR AND ALDERMEN, AS FOLLOWS:

SECTION I. That Title 9, Chapter 2, Section 9-201(2) of the City of Franklin Municipal Code is hereby amended and is approved to read as follows:

Definitions.

(2) *Itinerant merchant* shall mean any person who is not a mobile food vendor, and is authorized to, engages in the giving away, the selling or offering for sale, of goods, wares or merchandise, or who solicits patronage for any person, business, or service by word of mouth, to entice or persuade anyone to buy, sell or accept goods, wares, or merchandise within the corporate limits of the city, where the above-mentioned activities are conducted from a temporary or transient location with the express, written permission of the private property owner(s). For purposes of this section, "temporary or transient location" means from a stand, stall, kiosk, trailer, and/or vehicle that is temporary and removed from the property when not open for business (unless otherwise expressly permitted by the City). This section shall also apply to any and all ancillary equipment associated with the itinerant merchant, including, but not limited to, signs, tables, chairs, marketing materials, set-ups, and/or trash bins.

SECTION II. Severability. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION III. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the City of Franklin prior to the effective date of this ordinance.

SECTION IV: BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that this ordinance shall be in full force and in effect for any itinerant merchant permit application received by the Building and Neighborhood Services Department from and after its passage on second and final reading, the health, safety, and welfare of the citizens of Franklin, Tennessee, requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
Eric S. Stuckey
City Administrator/Recorder

By: _____
Dr. Ken Moore
Mayor of Franklin

Approved as to Form:

Misty Lavender Foy, Assistant City Attorney

PASSED FIRST READING _____

PASSED SECOND READING _____

ORDINANCE 2018-29

TO BE ENTITLED: "AN ORDINANCE TO AMEND TITLE 9 CHAPTER 2 SECTION 9-201(2) OF THE CITY OF FRANKLIN MUNICIPAL CODE AS IT PERTAINS TO ITINERANT MERCHANTS AND THE REMOVAL OF VEHICLES, TRAILERS, KIOSKS, STANDS, TABLES, SIGNAGE, FURNITURE, AND RELATED ANCILLARY EQUIPMENT WHEN NOT OPEN FOR BUSINESS."

WHEREAS, for the purpose of promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin, the Board of Mayor and Aldermen of the City of Franklin is authorized to license and regulate all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade not forbidden by law within the City; and

WHEREAS, in its legislative judgment the Board of Mayor and Aldermen has found that business regulations and standards must be dynamic and modified from time to time to reflect changes in recognized business methods, and safety standards necessary to preserve and promote the private and public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKLIN BOARD OF MAYOR AND ALDERMEN, AS FOLLOWS:

SECTION I. That Title 9, Chapter 2, Section 9-201(2) of the City of Franklin Municipal Code is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in **bold**; and is approved to read as follows:

Definitions.

(2) *Itinerant merchant* shall mean any person who **is not a mobile food vendor, and is authorized to**, engages in the giving away, the selling or offering for sale, of goods, wares or merchandise, or who solicits patronage for any person, business, or service by word of mouth, ~~gesture, or by use of electrical, mechanical or sound-making devices~~, to entice or persuade anyone to buy, sell or accept goods, wares, or merchandise within the corporate limits of the city, where the above-mentioned activities are conducted from a temporary or transient location **with the express, written permission of the private property owner(s). For purposes of this section, "temporary or transient location" means from a stand, stall, kiosk, trailer, and/or vehicle that is temporary and removed from the property when not open for business (unless otherwise expressly permitted by the City). This section shall also apply to any and all ancillary equipment associated with the itinerant merchant, including, but not limited to, signs, tables, chairs, marketing materials, set-ups, and/or trash bins.**

SECTION II. Severability. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable full force and effect. If any part of this ordinance is found to be invalid in any

one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION III. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the City of Franklin prior to the effective date of this ordinance.

SECTION IV: BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that this ordinance shall be in full force and in effect for any itinerant merchant permit application received by the Building and Neighborhood Services Department from and after its passage on second and final reading, the health, safety, and welfare of the citizens of Franklin, Tennessee, requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
Eric S. Stuckey
City Administrator/Recorder

By: _____
Dr. Ken Moore
Mayor of Franklin

Approved as to Form:

Misty Lavender Foy, Assistant City Attorney

PASSED FIRST READING _____

PASSED SECOND READING _____

ORDINANCE 2018-18

TO BE ENTITLED: "AN ORDINANCE TO AMEND TITLE 9 CHAPTER 2 SECTION 9-201(2) OF THE CITY OF FRANKLIN MUNICIPAL CODE AS IT PERTAINS TO ITINERANT MERCHANTS AND THE REMOVAL OF VEHICLES, TRAILERS, KIOSKS, STANDS, TABLES, SIGNAGE, FURNITURE, AND RELATED ANCILLARY EQUIPMENT WHEN NOT OPEN FOR BUSINESS."

WHEREAS, for the purpose of promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin, the Board of Mayor and Aldermen of the City of Franklin is authorized to license and regulate all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade not forbidden by law within the City; and

WHEREAS, in its legislative judgment the Board of Mayor and Aldermen has found that business regulations and standards must be dynamic and modified from time to time to reflect changes in recognized business methods, and safety standards necessary to preserve and promote the private and public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKLIN BOARD OF MAYOR AND ALDERMEN, AS FOLLOWS:

SECTION I. That Title 9, Chapter 2, Section 9-201(2) of the City of Franklin Municipal Code is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in bold; and is approved to read as follows:

Definitions.

(2) *Itinerant merchant* shall mean any person who is not a mobile food vendor, and is authorized to, engages in the giving away, the selling or offering for sale, of goods, wares or merchandise, or who solicits patronage for any person, business, or service by word of mouth, ~~gesture, or by use of electrical, mechanical or sound-making devices~~, to entice or persuade anyone to buy, sell or accept goods, wares, or merchandise within the corporate limits of the city, where the above-mentioned activities are conducted from a temporary or transient location with the express, written permission of the private property owner(s). For purposes of this section, "temporary or transient location" means from a stand, stall, kiosk, trailer, and/or vehicle that is temporary and removed from the property when not open for business (unless otherwise expressly permitted by the City). This section shall also apply to any and all ancillary equipment associated with the itinerant merchant, including, but not limited to, signs, tables, chairs, marketing materials, set-ups, and/or trash bins.

SECTION II. Severability. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable full force and effect. If any part of this ordinance is found to be invalid in any

one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION III. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the City of Franklin prior to the effective date of this ordinance.

SECTION IV: BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that this ordinance shall be in full force and in effect for any itinerant merchant permit application received by the Building and Neighborhood Services Department from and after its passage on second and final reading, the health, safety, and welfare of the citizens of Franklin, Tennessee, requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
Eric S. Stuckey
City Administrator/Recorder

By: _____
Dr. Ken Moore
Mayor of Franklin

Approved as to Form:

Misty Lavender Foy, Assistant City Attorney

PASSED FIRST READING _____

PASSED SECOND READING _____



FOOD ON WHEELS: Mobile Vending Goes Mainstream





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Executive Summary

Mobile food vending generates approximately \$650 million in revenue annually.¹ The industry is projected to account for approximately \$2.7 billion in food revenue over the next five years, but unfortunately, most cities are legally ill-equipped to harness this expansion. Many city ordinances were written decades ago, with a different type of mobile food supplier in mind, like ice cream trucks, hot dog carts, sidewalk peddlers, and similar operators. Modern mobile vending is a substantial departure from the vending typically assumed in outdated local regulations. Vendors utilize large vehicles packed with high-tech cooking equipment and sanitation devices to provide sophisticated, safe food usually prepared to order.

Increasingly, city leaders are recognizing that food trucks are here to stay. They also recognize that there is no “one size fits all” prescription for how to most effectively incorporate food trucks into the fabric of a community. With the intent of helping city leaders with this task, this guide examines the following questions: What policy options do local governments have to regulate food trucks? What is the best way to incorporate food trucks into the fabric of a city, taking into account the preferences of all stakeholders?

Thirteen cities of varying size and geographic location were analyzed for this study. Information on vending regulations within each of these cities was collected and analyzed, and supplemented with semi-structured interviews with city staff and food truck vendors.

Based on recurring themes and commonalities, regulations are grouped into four policy areas:

- **Economic activity:** this policy area provides insight into aspects of food truck regulation that could potentially enhance economic development, and looks at specific processes that can be barriers to market entry. Two areas of regulation that impact economic activity - streamlining and permit costs – are examined, with recommendations provided for each.
 - **Public space:** mobile vending takes place on both public and private property, but public property presents a unique set of challenges. With the rapid expansion of food trucks, there is increased demand for limited space, which increases the likelihood of conflicting interests and encroaches upon the ability of stakeholders to maximize the advantages that public space can offer. Time constraints, proximity rules, and geographic limitations related to density are examined here, with recommendations provided for each.
 - **Public health:** this is one of the most basic concerns regarding mobile vending. All stakeholders realize the need for comprehensive regulations around sanitation and food safety. These issues should be addressed within a regulatory framework that is cost-efficient, thorough, and results in a streamlined process for all stakeholders.
 - **Public safety:** public safety is a key reason why many cities began regulating food trucks. Regulations examined here include private property, vending near schools, and pedestrian safety, with recommendations provided for each.
-

All of the recommendations in this guide include regulatory best practices that are currently in place in the selected cities. These best practices provide a balance of the concerns and interests of the four stakeholder groups identified in this report: (1) mobile vendors (this term is used interchangeably with 'food truck' throughout the guide) and food truck/industry associations, (2) restaurants and restaurant associations, (3) the community, and (4) city government.

In addition, five overall recommendations for cities looking to update their regulations for mobile vending are also included:

- 1. Hold Town Hall Forums and Private Meetings with Core Stakeholders.**
- 2. Encourage Dialogue and the Building of Relationships Among Competing Stakeholders.**
- 3. Implement Pilot Programs to Determine What Regulations to Adopt.**
- 4. Use Targeted Practices as a Way to Address Underserved Areas of the City.**
- 5. Identify Private Vacant Lots and Create Partnerships for Mobile Vendors to Gather and Vend in the Same Location.**

The recommendations included here are intended to be flexible enough to accommodate different circumstances, but logical enough to provide useful guidance to local leaders interested in integrating food trucks into city life for the benefit of both their residents and existing businesses.

Introduction

Mobile vending has grown considerably in recent years, generating approximately \$650 million in revenue annually.² The rapid expansion of mobile vending, or food trucks, is attributed to residents' desire for quality, value, and speed; an appreciation for fresh, local food; and a preference for small and sustainable business. As such, mobile vending is also commonly used as a means to expand economic opportunity, and enrich communities by improving access to goods and produce not otherwise available through area merchants. The recent recession has also made food trucks an appealing option for hopeful restaurateurs, as they are an easier and more cost-friendly alternative to opening a brick and mortar restaurant. Many entrepreneurs have capitalized on the mobile vending industry, creating opportunities for self-sufficiency and upward mobility.³

The mobile vending industry is on pace to quadruple its revenue stream over the next five years, but unfortunately, most cities are legally ill-equipped to harness this expansion. Many city ordinances were written decades ago, with a different type of mobile food supplier in mind, like ice cream trucks, hot dog carts, sidewalk peddlers, and similar operators.

Modern mobile vending is a substantial departure from the vending typically assumed in outdated local regulations. Vendors utilize large vehicles packed with high-tech cooking equipment and sanitation devices to provide sophisticated, safe food usually prepared to order. Food trucks also take up a significant amount of space, require more safety and health oversight, cater to a different customer than the aforementioned types of mobile vendors, and have a more challenging relationship with brick and mortar restaurants and other vendors.

Advocates of stricter regulations generally assert that mobile vending congests sidewalks and streets, are unsanitary, and diminish urban quality of life. Regulations that currently impede mobile vending operations in U.S. cities commonly include public property bans, restricted zones, proximity bans, and duration restrictions. Supporters tend to argue that food trucks provide affordable, high quality food, rejuvenate public space, and fairly compete with size and open-air limitations. City officials have to balance these interests by regulating food and traffic safety without impeding the creativity and innovation of this popular market, but because the industry is so new, there are few examples of the best ways to amend existing provisions or adopt new laws.

The purpose of this guide is to offer best practices and recommendations to city leaders about how they can most effectively take advantage of the benefits of food trucks, while balancing the need to regulate growth and account for the concerns of key stakeholders: food trucks, restaurants, residents, and city government. It includes an analysis of food truck policies and regulations, specifically as they relate to four policy areas:

- Economic activity
 - Public space
 - Public health
 - Public safety
-

The guide also includes recommendations on mobile vending policy and regulatory development for cities of all sizes. Using this guide, local leaders will be able to better understand the policy options local governments have for regulating food trucks, and determine the best way to incorporate food trucks into the fabric of a city while taking into account the preferences of all stakeholders.

Selection of Cities

This guide analyzes mobile vending regulations across 13 cities, based on population density, presence of local food truck industry, and availability of mobile vending regulations. Figure 1 shows the cities that are included in the guide.

Very large cities like New York City and San Francisco were not included on the basis that conclusions drawn from analyzing their regulations would not be generalizable to most other cities.

Figure 1: Selection of cities

Cities (population density)



Stakeholders and Stakeholder Values

Stakeholders are identified as: (1) mobile vendors (this term is used interchangeably with food trucks here) and food truck/industry associations, (2) restaurants and restaurant associations, (3) the community at large, and (4) city government. For food truck vendors, it is assumed they would prefer an approach of looser regulations, clear, narrowly tailored laws, and streamlined procedures. For restaurants, it is assumed they favor stricter regulations that limit competition from food truck vendors. Although values are likely to vary among different community groups, it is assumed that — in general — community members hold quality of life concerns, including fear of negative spillovers (congestion, noise, pollution, etc.) as primary concerns, but also harbor a strong desire for community vibrancy. At the same time, community members generally prefer more food options to fewer. For city government, balancing the interests of stakeholders is a key priority, but so is a desire for economic vibrancy and revitalization, administrative ease, effective enforcement through regulatory clarity, and options that are budget friendly and cost-effective.

LOW POPULATION DENSITY

Durham, NC
New Orleans, LA
Indianapolis, IN
Atlanta, GA
Austin, TX

MODERATE POPULATION DENSITY

Cincinnati, OH
Denver, CO
Las Vegas, NV
Portland, OR
St. Louis, MO

HIGH POPULATION DENSITY

Oakland, CA
Washington, DC
Boston, MA

Economic Activity

This policy area provides insight into aspects of food truck regulation that could potentially enhance economic development, and specific processes that can be barriers to market entry. This section covers two topics that impact economic activity - streamlining and cost of permits for food trucks - and explores how these issues impact the various stakeholder groups.



Streamlining

Regulations that dictate how centralized the mobile vending permitting process is can greatly impact mobile vendors' level of access to a city's economic activity, as they determine how easy or difficult it is to gain permits and licenses.

Stakeholder Concerns

For food trucks, one of the key objectives is to earn revenue. For brick and mortar restaurants, their goal is the same, and the level of competition food trucks create or are perceived to create can be of concern. For the community and city, creating opportunities for economic development is a key priority because it raises tax revenue, vibrancy, and creates a level of attractiveness for business and residents as well as for the city as a whole.

Having a more centralized process for permitting generally allows vendors greater ease in entering the mobile vending arena by reducing the number of city departments they must interact with and receive

approval from. Centralizing the process also reduces the number of intra-department communications. A streamlined process benefits both the mobile vendors and city staff directly, as it diminishes the amount of work for each. Although to be fair, it increases the level of work for whichever department is tasked with overseeing mobile vending permitting process. For the community, a centralized process is in their best interest as it helps to create more efficiency, a greater potential for economic development and ultimately, raise more revenue for the city.

Regulatory Trends

The majority of the cities included here do not have a centralized permitting process in place; they use multiple city departments to permit and license various aspects of the mobile vending business. For instance, mobile vendors must apply for and receive a health permit that inspects the sanitation and food safety of a mobile vending vehicle, a traditional business license, and at times a zoning license and a safety permit. Although the number of permits and departments involved may vary, there is a trend of three to five departments and three to five permits that are typically involved in the permitting process for mobile vendors. Three cities use three departments, four use four or more. Only three cities have centralized the process into one city department for all city permits. Although these cities have centralized the part of the permitting process they control, there is still a need for a county health permit.

Recommendation

Making the permitting process more streamlined has positive impacts on both mobile vendors and city staff. Austin and Cincinnati's streamlined permitting processes can be used as models by other cities looking to implement a more centralized mobile vending permitting process. Austin's comprehensive set of requirements can be found on the city's official government website, and contains everything the vendor needs, including:

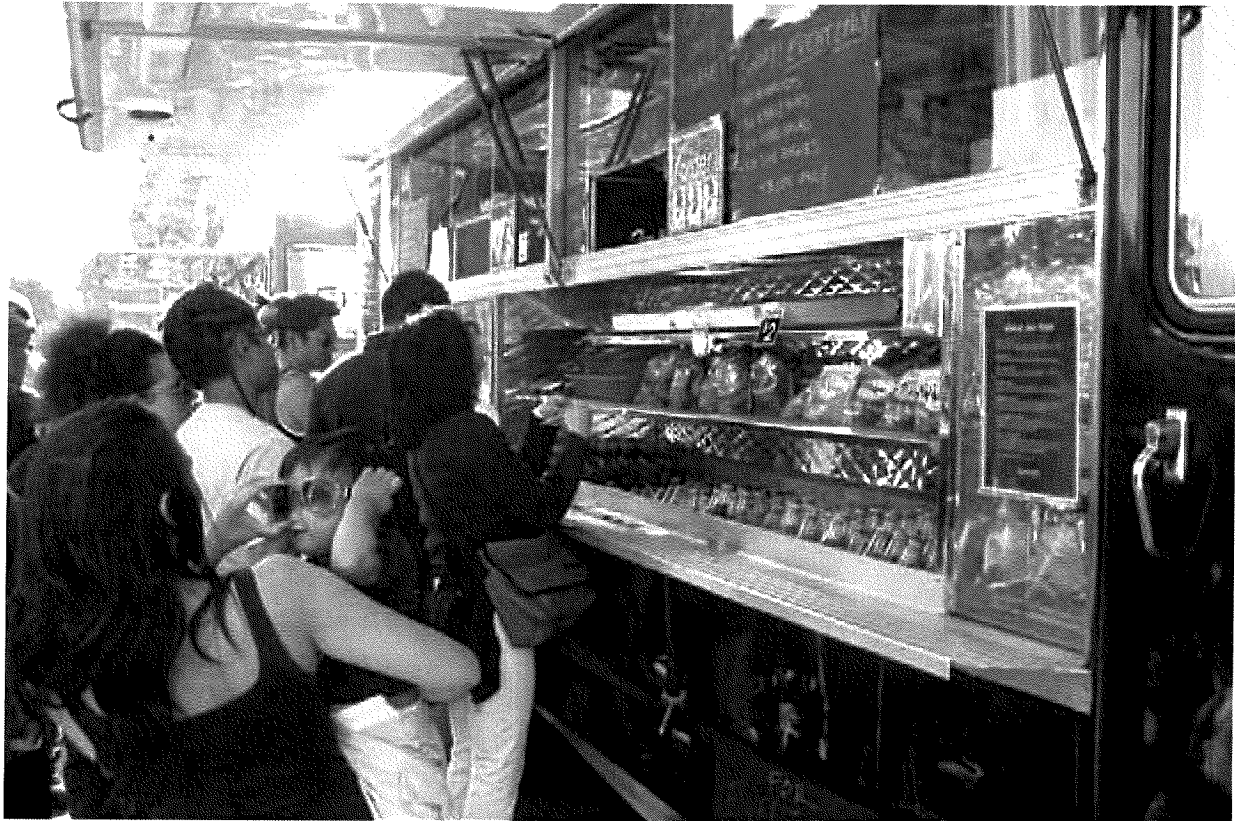
- Mobile Food Vendor Permit form, including the cost of the permit,
- Checklist of additional permit requirements for mobile vendors (with exact descriptions of what is expected and who to contact if there are any questions),
- Mobile Vending Unit Physical Inspection Checklist (includes 14 requirements ranging from a current license plate to the specifications of the sinks),
- List of mobile food vendor responsibilities including the signature of the certified food manager/food handler, the responsibilities of the central preparation facility (the commissary), and the restroom facility agreement.⁴

Austin's webpage is clear and concise. It has detachable forms and blank spots for the necessary signatures, with instructions regarding who to contact to obtain those signatures, specifics about the actual schematics of the truck components required for food preparation and handling safety, and perhaps best of all, nowhere does it suggest to refer to a subsection of some code or statute not included in the document.

As of January 2013, the Cincinnati Department of Health is solely responsible for the city's permitting process, application process, and payments associated with the city's mobile food vending.⁵ This change was an effort to streamline the permitting process and give food truck owners a one-stop shop for all their licensing needs.

Cost of Permitting

The actual cost of permitting plays a role in would-be mobile vendors' decision-making process about whether or not to start a business. One of the most basic barriers to entry for many potential entrepreneurs is start-up costs, which include permitting fees.



Stakeholder Concerns

This issue impacts all stakeholder groups. On the vendor side, high permitting costs can serve as a barrier to entry. On the city government and community side, it can mean either an increase in revenue (from the actual permit) or a decrease in revenue (if cost deters some vendors from applying for a permit(s)). For mobile vendors, their self-interest is to keep the costs of permitting low so that there is an ease of entry into the market. For brick and mortar restaurants that believe mobile vendors are their competition, their interests lie in keeping the costs high to keep the number of mobile vendors low. City staff want to keep costs high enough to raise revenue, but low enough to keep the amount of mobile vendors growing. For the community, their interests are much the same as city staff - to find the balance between raising costs enough to maximize fees while not increasing them to the extent that they become a deterrent for mobile vendors.

Regulatory Trends

For the cities included in this guide, the cost of permitting fees ranged from \$110 - \$1,500 annually. Although the amount of permits required and the cost for each vary depending on city, the majority of cities fall either within either the \$150-\$400 (five cities) or \$1,000+ range (five cities).

Recommendation

Permit fees should be high enough to generate revenue that off-sets at least some of the costs produced by the presence of food trucks, but not so high that they discourage potential business owners from entering the market. The actual amount is contextually determined, as budgets and administrative expenses vary depending on the city.

Below are examples of permitting costs in three cities:

- Durham: \$75 for a yearly permit (not including health permit costs).
- New Orleans: Annual mobile vending permit fee - \$305.25, Occupational license - \$150.00, Mayoralty permit - \$100.25, Sales tax deposit - \$50.00, and Identification card - \$5.00, totaling \$610.50.
- St. Louis: \$500 mobile vending permit fee to the Director of Streets, a \$200 licensing fee (and \$20 for each employee) to the License Collector, and \$130-\$310 (depending on type of food served) for a health permit to the Director of Health.

Public Space

Mobile vending takes place on both public and private property, but public property presents a unique set of challenges. Flexible access can lead to over-utilization, which in turn can produce unwanted congestion, pollution, and conflicts between different stakeholders trying to use the space at the same time.⁶

With the rapid expansion of the food truck scene, there is increased demand for limited space, which increases the likelihood of unwanted externalities and encroaches upon the ability of other stakeholders to maximize the advantages that public space can offer. In most cases, cities are tasked with managing this property, which includes balancing the needs of all interested parties, diminishing negative externalities, and otherwise preserving the integrity of the space. They are also trying to find appropriate ways to address the higher demand.



This section looks at three issues related to public space: time constraints, proximity rules, and geographic limitations related to density. A variety of approaches are recommended for dealing with these issues that balance stakeholder needs and take into account context and other practicalities.

Time Constraints

One set of regulations that impacts the use of public space for mobile vendors is how much time food trucks are allowed to park and vend in one location.

Stakeholder Concerns

Shorter time limits translate to less time for vendors to sell in one spot, which favors competing stakeholders like restaurants, since less time means less competition. Time limitations have both advantages and disadvantages for members of the public - less time means fewer choices for consumers but it also means less congestion and more parking options. For the city, the issue is also a mixed bag. Longer time limits mean vendors are easier to track down, since they are in fewer spots throughout the day. At the same time, longer time limits have the potential to reduce patronage at area restaurants. Moderate time limits, such as four to five hours, are often the preferred approach for cities, since they usually produce the most balanced results (from a stakeholder perspective).

Regulatory Trends

Most of the cities included in this guide favor moderate or less restrictive parking durations. Five cities have no time limits, while three currently have durations of 45 minutes or less. The rest have provisions of four or five hours. It is worth noting that cities with more restrictive limits often have lax enforcement of these regulations.

Recommendations

Time limits of four hours or longer are recommended. Vendors need approximately one hour to set-up and pack-up once they are done with selling. As a result, anything less than four hours leaves vendors with only one to two hours of actual vending time. Moreover, it is more difficult for city staff to track food trucks for safety or health purposes when they are in several locations throughout the day. However, an unlimited approach may not be feasible in denser regions, where restaurants and other established businesses, pedestrian traffic, and congestion are more significant factors. This four hour or more time limit is included in regulatory amendments and council suggestions of various cities, including Oakland and Durham.

Oakland has a five hour time limit. Originally, the city had a two hour limit for one location. This left little time to actually sell food before having to move again. Vendors complained about the restriction, and were successful in getting it changed to five hours.⁷ Originally, Durham had a regulation on the books that required mobile vendors to move 60 feet every 15 minutes. The police did not enforce this provision because the number of trucks was not large enough to create much conflict with other stakeholders. As the number of trucks started to increase around 2010, push back began, particularly among restaurants that insisted the police enforce the 15-minute rule. This prompted the city to consider amending the rules to more effectively address modern vending. The Town Hall meetings on the topic were well attended, not only by key stakeholders but also by members of the public. Durham is a town with strong public support for small businesses, and regulations that would make vending easier were favored. In late 2012, the rules were amended, and included a repeal of the 15-minute provision. No additional time constraints were adopted, and as a result, food trucks can vend in one location for an unlimited amount of time.⁸

Unlike Durham and Oakland, Atlanta's provision of 30 minutes in no more than two locations per day has not been successfully challenged. Since the 2013 NCAA Final Four basketball game, vending on public property is completely prohibited. Before this, vending in public space was very limited, based on history that dates back to the 1996 Summer Olympics in Atlanta and the more recent contracting

out to a private company the responsibility of mobile vendor management.⁹ Virtually all mobile vending takes place on private property, where the 30-minute rule does not apply.

Proximity Restrictions

This refers to regulations that designate a certain amount of distance that must be maintained between food trucks and other establishments, people, or infrastructure. This section is primarily concerned with the distance restrictions between food trucks and restaurants that impact the use of public space. The limits that concern distance from pedestrians or infrastructure are addressed in other parts of this guide. The cities included here have adopted a variety of proximity requirements.

Stakeholder Concerns

Greater distance requirements favor restaurants and other established businesses, and are a mixed bag for residents for the same reasons discussed under time constraints. Larger proximity rules disadvantage mobile vendors because it reduces the number of places to sell, particularly where clusters of restaurants exist, which are often denser areas with more pedestrian traffic. Many cities prefer a moderate approach in regards to proximity restrictions, since such regulations usually balance competing stakeholder needs most effectively. Unlike parking, there are no tracking advantages related to distance requirements, but such regulations do impact where vendors conduct their business, which means the city still has to deal with congestion and other spillover concerns, particularly in denser regions.

Regulatory Trends

Similar to time constraints, the cities included here have largely moderate or lenient proximity restrictions. Six or seven have no restrictions, or relatively short distances, and four of the cities occupy the middle ground, with 150-200 foot requirements. Only one, New Orleans, has a restriction of 600 feet. New Orleans has a proposal to shorten the distance to 50 feet, but there has been resistance to this proposal from some city council members and the Louisiana Restaurant Association.¹⁰

Recommendations

Proximity restrictions should be no more than 200 feet at the high end. Density issues may call for a tiered structure, or for abandoning proximity altogether. One of the problems with adopting an explicit distance rule is that a “one size fits all” approach ignores context. Three hundred feet may make sense in less dense areas of a city, but such a distance is impractical in very dense neighborhoods. A city right-of-way, with multiple restaurants on both sides of the street where the distance between each side may be less than 300 feet, makes the area entirely off limits to mobile vending. As such, cities may want to loosen or abandon proximity rules in dense neighborhoods with a great deal of commercial and residential activity. A tiered model, where the distance requirements are shortened for denser neighborhoods and widened for others is also an option.

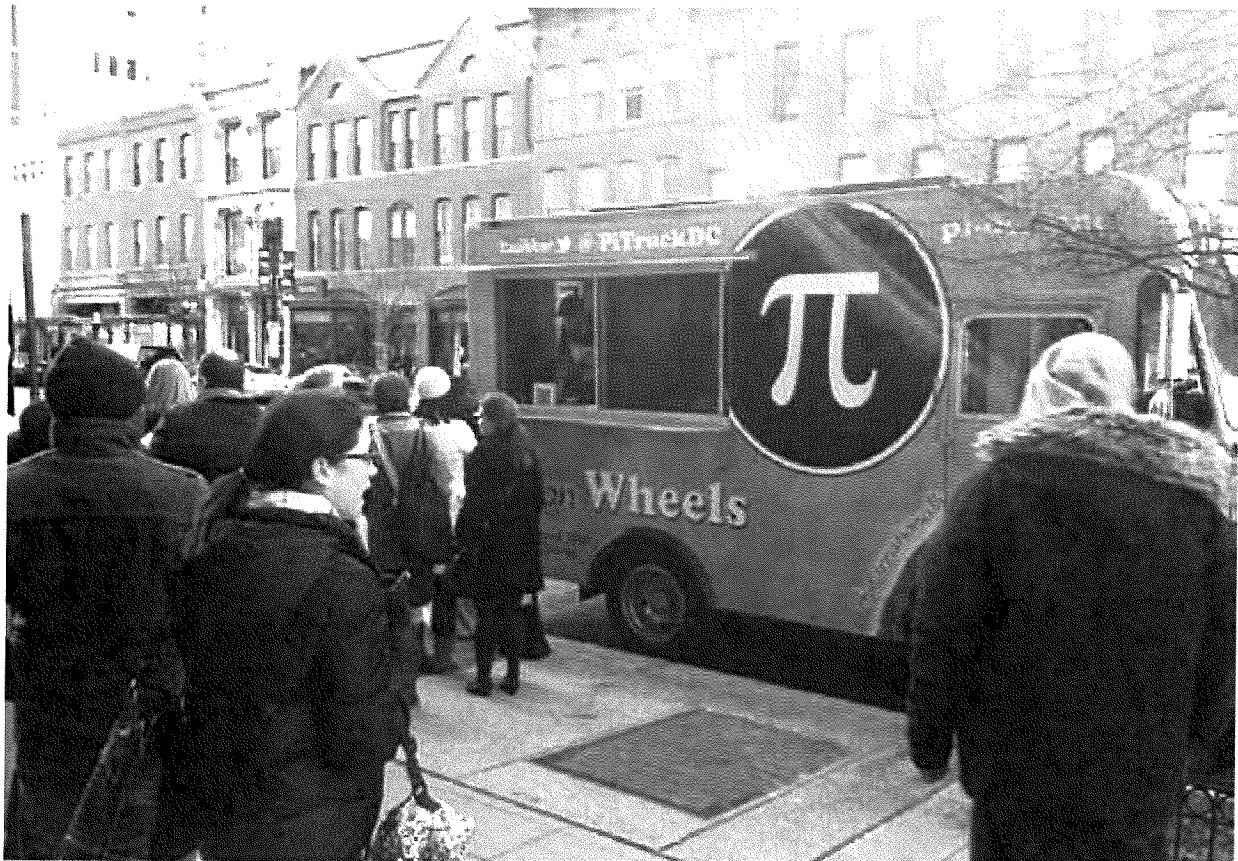
As the food truck scene has expanded within the last few years in St. Louis, conflicts between restaurants and food trucks have surfaced. In order to quell the rising tension, the St. Louis Department of Streets enacted a 200 foot rule.¹¹ Durham has adopted a 50 foot rule.¹²

Geographic Limitations Associated with Density

Another set of regulations relate to whether vending is permitted in particular segments of public space. Unlike proximity restrictions, these provisions concern access to fixed locations.

Stakeholder Concerns

Like the above issues, the more restrictive provisions advantage established businesses like restaurants, while working against the interests of food trucks. Constraints on the number of places open for selling tend to be more prevalent in denser areas of cities due to the much greater number of players utilizing the space at the same time. These are usually core downtowns where a large number and variety of established businesses and residences are located in close proximity to each other within a relatively limited area. Again, for cities, moderate approaches are generally the best at balancing stakeholder interests. Like parking durations, tracking issues come up here as well. Limiting vending to certain locations makes it easier for cities to find vendors, but might hinder economic growth and opportunity.



Regulatory Trends

Of the cities included here, most currently embrace a patchwork approach, wherein vending is limited to certain zones, districts, parking spaces, or limits on operation in the Central Business District (CBD). Three have lenient provisions, where few public spaces are off limits, while another three are on the more restrictive side, with outright bans on public space or CBD vending.

Recommendations

The greater the density of the area, the greater the case for more restrictions, but an outright ban on all mobile vending is not suggested unless the circumstances are exceptional. For a city like Durham, heavy-handed zoning constraints make little sense, as the interests of other stakeholders are only modestly compromised compared to denser areas, there are fewer negative spillover threats, city residents are given more choice without substantively higher safety concerns, and vendors are given more flexibility to choose where to operate. As a result, street right-of-ways and core downtown parks are open for vending.¹³ In denser cities, the compromises that other stakeholders must make and the risk of negative externalities are increased, suggesting a more moderate regulatory framework should be implemented that requires all parties to relinquish some freedoms without entirely excluding them from the space. One option is the approach taken by Denver, where only the densest section of downtown is off limits to food trucks. Vendors are barred from selling in a section of the southwestern corner of downtown, which is roughly seven by nine blocks. Vendors must also maintain a 300 foot distance from all public parks, unless a special event is taking place, and then they must obtain permission from the city to participate.

Another approach is a lottery or first-come, first-serve system that allows a restricted number of parking spaces or sections of right-of-way to be set aside for mobile vending. Las Vegas currently has a pilot program that adopts a version of this (three spaces are being set aside downtown for food trucks only).¹⁴ Washington, DC is also in the process of establishing a lottery system to increase efficiency and safety, and to balance the competing needs of residents. There could also be higher permit or parking fees associated with more heavily trafficked areas.

Areas where vending is allowed must be clearly delineated and easy to decipher. Several cities have regulations that make it difficult to easily discern permitted regions from unpermitted ones. The patchwork of restricted and unrestricted space (both public and private) in Denver, for example, has made knowing where to lawfully operate challenging for city vendors. Regulations that clearly define permitted areas are needed. Distinctions between public and private regulations should also be clear and transparent. A map that explicitly labels the areas where vendors are allowed to operate would be a helpful tool for all stakeholders.

If the political climate or density issues make it difficult to relax restrictions on public space, cities could consider making private space in less dense areas easier for vendors to access. Atlanta has a unique history that has produced provisions that greatly restrict vending on public property, and most recently, an outright ban by the Mayor Kasim Reed. To alleviate the impact of this restriction on mobile vending, Councilmember Kwanza Hall and others have worked to make vending on private property easier. A provision that originally required food trucks to maintain a distance of 1,500 feet from restaurants when at least two mobile vendors are selling on private property was amended to shorten the distance to 200 feet.¹⁵ Trucks have adapted to the ban on public property by moving into private space, and this has kept mobile vending alive in Atlanta.

Public Health

One of the most intrinsic and logical concerns regarding food trucks, and one that has been a basic consideration since their inception, is public health. All stakeholders realize the need to address sanitation and food safety. The role of health departments and increasingly, commissaries should be continually reevaluated to address these concerns within a regulatory framework that is cost-efficient, thorough but not onerous, and results in a streamlined process with outcomes that provide for the wellbeing of all stakeholders.

Sanitation

Sanitation refers to food trucks' proper cleaning of preparation utensils and disposal of garbage, wastewater (gray water) and remnants of grease traps. Unlike the variety of procedural approaches taken by cities within the sphere of public space, the guidelines adopted for sanitation tend to be similar across cities.

Atlanta's rules provide a typical example of the sanitation provisions that exist in most cities. Mobile food units must have a trashcan that is at least 30 gallons, and it must be emptied at the commissary. Two sinks are required - a three-compartment equipment sink (for washing dishes, etc.) and another sink for washing hands. A wastewater tank that has a 15 percent larger capacity than the potable water tank is also required. To prevent contamination, the connections for each must be distinguishable, and the wastewater tank must be lower than the potable tank.¹⁶ Atlanta is also typical of many cities in that the health code is state law. As such, cities are unable to craft law; they can only enforce provisions established at the state level.

Recommendation

Cities looking to adopt sanitation regulations for mobile vendors should adhere to the standard requirements in cities with an already established food truck industry. These regulations can be found on almost any city government website; Austin has particularly clear processes.¹⁷ Since many cities are unable to enact their own sanitation laws, they may want to articulate their need and concerns to the state legislature when appropriate.

Food Safety

Not surprisingly, the specifics of food safety do not vary that much from city to city. The guidelines for the cities profiled in this guide are common sense and fairly straightforward.

For example, in Atlanta, mobile vendors are mandated to have a "Certified Food Safety Manager" (CFSM). The CFSM could be the owner or an operator; whoever is selected must complete a food safety-training program and pass a "professionally validated" CFSM exam. The mobile unit must always have a designated Person in Charge (PIC). This will be the CFSM when present. When absent,

the CFSM must designate someone else as the PIC. During Health Authority inspections, the PIC may be asked to demonstrate their “knowledge of foodborne disease prevention,” for example. The Food Code lists a variety of ways this can be shown, such as demonstrating knowledge of how to properly handle food, among other things.¹⁸



Recommendation

State laws often require mobile vendors to adhere to the same food safety regulations that are applied to brick-and-mortar restaurants. This is an effective way to promote proper food handling and accountability. Many vendors report that they actually appreciate the standards because they serve to combat the “roach coach” stereotype. Brian Bottger, a food truck vendor in Durham, is one of these operators. He likes that he can confidently tell patrons that his truck is held to the same health standards as restaurants.¹⁹

Role of Commissaries

One of the most promising and more diversified aspects of mobile food vending is the commissary, a food truck “home base” of sorts. Commissaries are fixed location kitchens where food must be prepped before being loaded onto the truck for cooking and selling. They often operate as storage for various ingredients as well.

Stakeholder Concerns

All stakeholders can benefit from the appropriate utilization of commissaries. If more than one truck may operate out of a commissary, city employees, whether collecting licensing and permit documents and fees, or performing routine inspections for maintaining sanitation and public health standards, have fewer places to visit and can more easily streamline their permit review and inspection process.

Food truck owners can reap the benefits of the economies of scale that commissaries provide. Compliance with many of the regulatory burdens food trucks face are less expensive when shared by several owners; mobile vendors can also be assured that they are doing their due diligence with regards to regulations, which if not properly followed could mean large fines and even the possibility of being shut down. Commissaries provide new vendors with a central facility to get all the information they need to operate. This can save a significant amount of time and cost, especially when city business codes are difficult to track down. They may also benefit by not having to shoulder the full responsibility for compliance; if they sign a contract with a commissary, it may become the commissary operator's responsibility to see that compliance is achieved.

Commissaries provide brick-and-mortar restaurant owners with the assurance that food trucks are being held to the same standards and inspections as they are. Lastly, the general public can rest easy knowing that commissaries cut down on the number of unregulated mobile vendors and that health concerns are addressed in a thorough and efficient manner (when considering taxpayer monies spent on health departments).

Regulatory Trends

All of the cities included in this guide have a commissary requirement. Boston requires proof that food trucks are serviced by a mobile food vending commissary and that mobile vendors keep accurate logs indicating that the food truck is serviced at least twice daily by a mobile food commissary for all food, water and supplies, and for all cleaning and servicing operations. In Washington, D.C., all vendors must maintain access to an approved depot location. A copy of the license for the service support facility and/or a recent inspection report is required to be presented. In St. Louis and Denver, trucks must operate from a commissary and report there once a day to clean all supplies and servicing operations.

Recommendations

Mobile vendors should embrace the use of commissaries. It is recommended that cities adopt an approach similar to the ones employed in Austin and Durham, where all food trucks must have a contract with a commissary, but more than one food truck may be associated with a single commissary.²⁰ Food trucks may also negotiate with restaurants to utilize (and pay) them as places to dispose of waste. These contracts foster a sense of community and keep conflicts to a minimum. In Durham, multiple mobile vendors are also able to use a single commissary.

This approach best satisfies the concerns of all stakeholders. The regulation is not terribly onerous to the food truck operators, but still ensures food safety, which the public and the city may be concerned about. It helps give the impression that food trucks are being held to the same standards, which restaurants appreciate; and makes it easier for local food safety enforcement officials to do their job.

Public Safety

Public safety is a key reason why many cities began regulating food trucks. Issues around public safety include private property, vending near schools, and pedestrian safety.



Private Property

Private property options for mobile vendors create opportunities for businesses to extend their market reach, particularly for denser cities or those with very little public space (consider the Atlanta case discussed under public space). The cities included here have adopted a variety of regulatory models to address private space. In some cases, they practice a more informal approach, allowing food truck operators to gain a private space permit and conduct business without further regulatory strings attached. Others restrict mobile vending operations solely to private property. Equally important are existing zoning codes applied to private property that may or may not be zoned for vending.

Stakeholder Concerns

Standard public safety practices used in other city regulatory affairs (within the realm of private property) ought to lead the dialogue and development of relevant rules that empower proprietors to observe

and enforce appropriate safety measures on their property, and communicate those measures with mobile vendors. For cities, responsibility of property maintenance is lessened and is likely to fall on the shoulders of vendors and property owners, who will determine ways to address sanitation, safety, and property upkeep. Mobile vendors generally appreciate the flexibility that private space has to offer, e.g. fewer time restrictions and less government involvement in their daily operations.

Regulatory Trends

When examined through the lens of public safety, the cities selected have adopted a variety of regulatory models to deal with private property. Seven cities had rules regarding private property. Two cities lacked specifics on the issue, perhaps because they do not allow vendors to operate in private space in general. Cities that allow the use of private property for mobile vending have designated specific private zones where food trucks can operate to ensure public safety.

Recommendations

The adoption of more lenient regulatory language is generally the preferred approach for food trucks on private property, with the exception of denser regions. Owners of private property have the power to control what takes place on their land, including the ability to exclude whomever they choose. The issue at stake is not how to best balance the needs of various parties that have access to the land, as it is with public space. Instead, the emphasis shifts to reducing any negative externalities that might spillover onto adjacent or neighboring properties, particularly if an owner grants permission to multiple vendors.



As such, a regulatory framework that is generally less restrictive than for public property is appropriate as long as the owners grant permission for their land to be used by mobile vendors. However, since there is a greater danger of negative externalities when private property is located in denser areas, a modestly more regulated structure may be called for within these regions.

In Indianapolis, few regulations limit mobile vending business on private property. While the time-frame for vending on public space is limited to between 10am and 6pm, a business can get a permit for operating on private property and simply park at parking meters for the same rate as personal vehicles.²¹ The majority of Portland's mobile vending occurs on private property, particularly surface parking lots.²² A zoning permit may be required for development associated with a mobile vending cart, such as changes to an existing parking area, landscaping, and drive-through facilities. Vending carts over 16 feet in length, with or without wheels, are considered Heavy Trucks by the Zoning Code, and are not allowed in certain zones.²³

Vending Near Schools

Mobile vendors encounter several public safety issues when deciding to operate near schools. Issues of concern include traffic-related safety, increased chances of interaction with predators that may be waiting for children to step off public property, and whether the food offered by mobile vendors meets school food safety standards.²⁴

Stakeholders

Mobile vendors are beginning to recognize the potential opportunity to expand the food options available to local secondary schools and simultaneously capture a new, steady stream of customers, but they may be met with opposition from school administrators and parents who see their presence as a threat to safety and may view their menu options as potentially unhealthy. Cities looking to regulate vending near schools must determine the best precautionary measures in terms of distance requirements that mobile vendors must abide by.

Regulatory Trends

Five of the cities included in the guide have regulations around vending near schools. The regulations emphasized specific distances from schools that are intended to keep students from venturing off campus to patronize mobile vendors, and maintain safety standards for neighboring schools and communities. All other cities have no specific rules around this, perhaps indicating that this is not an issue in their jurisdictions.

Recommendations

Restrictions on operating during school hours are recommended, and mobile vendors should be required to maintain farther proximity from schools compared to restaurants, keeping density in mind. The time restriction is mostly a health-related issue, while the proximity suggestion is largely motivated by safety concerns. The framing of regulations surrounding mobile vendors and schools should be focused on protecting children during school operating hours. This approach keeps vendors from selling to students without adult supervision, but still allows them to benefit from afterschool activities

such as games, competitions, and concerts, where adults are more likely to influence food consumption decisions. However, proximity requirements should not handicap vendors in denser areas from selling in viable spaces that happen to be closer to schools.

In Indianapolis, vendors are prohibited from operating within a distance of 1,000 feet (roughly 0.2 miles) of any part of a public or private grade or junior high school grounds while school is in session. In Durham, a special temporary permit can be obtained for mobile vendors to operate at non-profit or civic events held on public property such as a school.

School districts that want to expand their food options, but wish to do so with minimal budgetary impact should work with city officials to create school vending permits for a limited number of vendors. Designated curb-side parking (which is not adjacent to a main road) could reduce many public safety concerns, particularly if students are generally allowed to roam the school parking lot where the trucks would operate. As long as they continue to comply with the city's food safety standards, this could be a viable option for city and school officials.

Pedestrian Safety

Mobile vendors move from location to location, coming in close contact with pedestrians at intersections and street corners every day. While some city ordinances have distance-from-pedestrian/sidewalk requirements (e.g. Durham has a 4-foot rule), the majority of the cities examined here have no such language in their regulations. Pedestrian safety may be part of a broader regulatory approach in many cities, but that focus often lacks emphasis or enforcement for mobile vendors (although it may be taken up in other sections of city ordinances). Pedestrian and intersection safety measures be included in food truck regulations, as they affect all potential food truck patrons.

Additional Recommendations

In addition to the recommendations included under each policy area, there are other, more general recommendations to help cities adopt new vending policies, amend existing policies, build stakeholder collaboration, and harness the potential for economic growth through the mobile food industry. Five of these recommendations are discussed in detail below:

1. Hold Town Hall Forums and Private Meetings with Core Stakeholders.

Durham decided to embrace a very inclusive approach to their ordinance restructuring. The city brainstormed initial ideas internally then presented the draft suggestions to the public for feedback. They also had private meetings with individual stakeholders to allow them to speak freely without fear of backlash. This tactic was particularly useful for restaurants in a food truck friendly city like Durham. Any fears they may have been afraid to share in Town Hall meetings could still be articulated to decision-makers. The weight of opinion worked against restaurants in this context, but they were still brought to the table.

2. Encourage Dialogue and the Building of Relationships Among Competing Stakeholders.

Cities should look for ways to encourage relationships between the various stakeholders. At the heart of proximity rules are concerns that restaurants (and other established businesses) have about unfair competition. They pay expensive monthly rents and property taxes, but they are also engaged with the community. Because they are stationary, most restaurants see themselves as part of the community fabric. They create employment opportunities and care about neighborhood safety and aesthetics. Some view mobile vendors as profit-driven, fly-by-night operators with few or no ties to the community. Conversely, mobile vendors often feel that restaurateurs are fearful of innovation in food culture.

Collaboration between these stakeholders is something to strive toward, and cities can play an important role in spearheading dialogue between these groups. Conferences, forums, or meetings could be called with stakeholders from both sides invited to the table in a spirit of cooperation, with the intent of encouraging them to see each other as collaborators rather than competitors more often than they currently do. It could also encourage voluntary compromise help craft solutions that balance the needs and concerns of both parties. Cincinnati has achieved this, to some degree. Food Truck Alliance President Matt Kornmeyer explained that food trucks in the city, voluntarily maintain a 100-foot distance from neighboring restaurants as a sign of respect to brick and mortars, and as a preparatory measure.²⁵

3. Implement Pilot Programs to Determine What Regulations to Adopt.

Pilot programs are flexible, encourage innovation, and can help uncover and address issues unique to particular communities. They are usually implemented on a small scale, so they do not create a sudden, large burden on an already existing network, and they provide insight that can inform the decision-making process before regulations are made into law. Their flexibility and emphasis on experimentation make them an especially useful tool for new industries. Pilot programs are being used in a variety of cities, including Oakland, and are recommended for cities with a relatively new food truck scene or a rapidly expanding one.

In 2001, the Oakland City Council created the Pushcart and Vehicular Food Vending Pilot Programs.²⁶ The pilot program was created to promote the health, safety, comfort, convenience, prosperity, and general welfare by requiring that new and existing pushcart food vendors provide residents and customers with a minimum level of cleanliness, quality and safety.²⁷ This program issued 60 permits and required a 10-step validation process, including a complete application, proof of Business Tax Certificate, and a photocopy of a valid driver's license.²⁸ The program restricted the use of these permits to centralized districts because of the added desire to infuse economic development into the city.²⁹ This pilot program is still active.



4. Use Targeted Practices as a Way to Address Underserved Areas of the City.

The issue of food accessibility has been linked to poverty, decreased public health, and quality of life.³⁰ Moreover, in recent years, food deserts have become an issue of public concern. Although the cities included here are not directly using mobile vending to combat food deserts, some are employing a targeted strategy to get food trucks into various areas of their cities, outside of the core downtown districts, some of which are underserved by brick and mortar restaurants.

Initially, the 2012 Cincinnati City Council approved an ordinance that declared a mobile vendor could not sell food on the curbside or right-of-way. Now, seven zones exist in strategic places around the city, up from four in 2011 per the recommendation of the Department of Community Development.³¹

Denver has actively considered several issues that might impact or encourage economic development. These include whether food truck clustering could be used to combat food deserts, the ability of food trucks to activate underutilized space (like surface parking lots), food trucks as restaurant incubators underserved areas.³²

5. Identify Private Vacant Lots and Create Partnerships for Mobile Vendors to Gather and Vend in the Same Location.

The use of private space has been used to create several food truck centers that increase economic activity in various West Coast cities. For example, Portland is known as the food truck capital of the world. This type of clustering can create hot spots for loyal customers, as well as an opportunity for mobile vendors to gain new clients. For city government, it can create an ease of regulation and enforcement by focusing the attention and resources on specific parts of the city.

While Portland has a number of the more traditional mobile food trucks around the city, the majority of their mobile vending occurs on private property, particularly surface parking lots and vacant lots.³³ Portland uses food truck centers to create economic vibrancy within various parts of the city. In 2009, the city proposed the use of vacant lots as pods, or areas for food trucks to cluster. The idea was to use vacant lots as catalysts for economic development, deterring blight and encouraging vibrancy in the process. It is important to note that while many of the food trucks (what they refer to as food carts) are mobile, the city has several stationary mobile units. These units are moveable, but primarily remain on private property.³⁴ Many of the pods are hosts to more permanent vending units, particularly in downtown. They are still classified as mobile though because as long as the food carts are on wheels, they are considered vehicles in the eyes of the law, and are therefore exempt from the building code.³⁵

Atlanta often uses private surface parking lots to encourage mobile selling. Atlanta has also had a very active and successful food truck association, the Atlanta Street Food Coalition, which does an admirable job mobilizing vendors, and keeping public and private partners informed.

Conclusion

Mobile vending is not just a passing fad. However, it is important to recognize that there is no one size fits all prescription for how best to incorporate food trucks into the fabric of a community. Many characteristics contribute to the complexity and vibrancy of a city, including political climate, state laws, demographics, and the existing restaurant industry. With this in mind, the recommendations included here are intended to be flexible enough to accommodate different circumstances, but logical enough to provide useful guidance. They can serve as a road map that will help cities establish a regulatory framework best suited to their unique circumstances and that takes into account the whole spectrum of stakeholder needs and concerns.



About this Publication

Research for this guide and the original draft of the document were completed by graduate students at the George Washington University Trachtenberg School of Public Policy and Public Administration. Contributors include Anju Chopra, Malia Dalesandry, Garrett Jackson, Ana Jara, and Stephen Tu. These students worked in partnership with J. Katie McConnell, Brett Common, and Christiana McFarland at the National League of Cities to conduct an analysis of food truck regulations in cities across the country. The final report was edited by Christiana McFarland and Emily Pickren at NLC.

The National League of Cities is the nation's oldest and largest organization devoted to strengthening and promoting cities as centers of opportunity, leadership and governance. NLC is a resource and advocate for more than 1,600 member cities and the 49 state municipal leagues, representing 19,000 cities and towns and more than 218 million Americans.

NLC provides research and analysis on key topics and trends important to cities, creative solutions to improve the quality of life in communities, inspiration and ideas for local officials to use in tackling tough issues and opportunities for city leaders to connect with peers, share experiences and learn about innovative approaches in cities.

Acknowledgements

Special thanks to the George Washington University Trachtenberg School of Public Policy and Public Administration faculty and staff, particularly Elizabeth Rigby and Patrick Besha. Special thanks also go to all the interviewees - city staff, food trucks owners, and city officials for their candid and informative perspectives regarding the regulatory concerns and opportunities for their cities.

Appendix

Selection of Cities

This report analyzes mobile vending regulations across a range of cities. First, cities with existing food truck industries (51 in total) were identified, based on information from the Washington, DC Department of Transportation (DDOT). Each city's context and food truck policy/regulatory environment was reviewed, and data was gathered on each city's region, population density, level of the local food truck industry, and availability of mobile vending regulations. The 51 cities were stratified into three groups based on population density. Specifically, we developed a three-tiered density structure in which cities were classified as:

- Low density (cities as those with a density range of 3,500 persons per square mile (ppsm) and below)
- Moderate density, (cities with 3,501-7000 ppsm)
- High population densities (cities with 7,001 ppsm and above)

Ultimately, the sample of cities drawn ranges in population size from 279,641 (Durham) to 827,609 (Indianapolis), in density from 936 ppsm (Durham) to 12,793 ppsm (Boston). Very large cities like New York City (27,000 ppsm) and San Francisco (17,000 ppsm) were not included on the basis that conclusions drawn from analyzing their regulations would not be generalizable to most other cities.

Between three and five cities from each population density tier were selected for a total of 13 cities, as shown in Figure 1 and highlighted in the map below (Figure 2). The selection process focused on cities with a food truck presence, then cities were divided into geographic regions, and several cities were chosen from those regions. Context and background were also taken into account. That is, cities with mobile vending regulations and histories that insufficiently highlighted particularly noteworthy regulatory conflicts or solutions were ruled out in favor of those that lent themselves better to examination of recurring themes and common pitfalls.

With such an approach, it is possible that a city regulation that was uniquely innovative or informative in some way was overlooked. The low, medium and high density methodological structure, paired with the regional breakdown, is an attempt to minimize this risk.

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Mobile Food Units

List & Schedule of
Mobile Food
Units in
Knoxville
Mobile Food Unit
Ordinance [PDF]
Permit Application
for Mobile Food
Unit [PDF]

FAQs for Mobile
Food Unit
Ordinance [PDF]
Rules and Maps for
Operation in
City Parks [PDF]

Business Liaison

Patricia Robledo
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(865) 215-3155

400 Main St., Room
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Knoxville, TN
37902



After a two-year successful experience with a pilot program for food trucks, a permanent Mobile Food Unit (MFU) ordinance was drafted late in 2015. Public comment was solicited, and



thoughtful feedback from citizens prompted a series of amendments to the proposed ordinance, first by City staff and then by City Council. On April 26, 2016, City Council voted unanimously to adopt the permanent ordinance regulating food trucks.

The permanent ordinance, which replaces the regulations set up for the pilot program, continues to allow mobile food vendors to operate in similar fashion – plus, it expands the program to allow food trucks in other districts under certain closely-regulated conditions.

Additionally, permit fees have been reduced as part of the new ordinance. The pilot program included a tiered fee system; MFUs operating only on private property paid \$200 annually, and those operating on private property and in designated zones in the public right-of-way paid \$400 annually. Under the new ordinance, MFUs will pay an initial \$200 annual fee and an annual \$50 renewal fee. MFUs desiring to operate during a one-time event may apply for a temporary permit at a cost of \$75; these MFUs must still comply with all MFU requirements.

If you have comments or questions about operating a Mobile Food Unit in the City of Knoxville, please contact Patricia Robledo, the City's Business Liaison, at probledo@knoxvilletn.gov or 865-215-3155.

Learn more about operating a Mobile Food Unit in the City of Knoxville:

- [Mobile Food Unit Ordinance \[PDF\]](#)
- [FAQs for Mobile Food Unit Ordinance \[PDF\]](#)
- [Permit Application for Mobile Food Unit \[PDF\]](#)
- [Rules and Maps for Operation in City Parks \[PDF\]](#)

News	Events	City Services	Contact
May 10, 2018	May 11, 2018		© City of
Short-Term	KPD T.R.A.C.K.	3-1-1	Knoxville
Rental Update:	Defensive	Dial for City	400 Main
Enforcement	Driving Program	Services	Street
Software, Tax			Knoxville,
Collection			TN 37902
Agreement			View Map /
			Site Map

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Division 1. Generally

Section ____. **Purpose.** The City has determined that regulation of Mobile Food Units (MFUs) and Mobile Food Vendors is necessary in order to protect the health, safety, and welfare of the public, as well as to promote the public interest by regulating the areas and methods of operation. To meet these ends, the City has determined that all persons or entities that desire to vend from MFUs within the City must be issued a permit pursuant to the requirements of this Article.

Section ____. **Definitions.** The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section. The word "shall" is always mandatory and not merely advisory.

- a. **Commissary.** A fixed, non-mobile establishment or any other place used for the storage of supplies, the preparation of food to be sold or served at or by Vendor, or the cleaning and servicing of the MFU.
- b. **Edible Food Products.** Edible Food Products are those products that are ready for immediate consumption, including Prepackaged Food, Prepared Food, and On-site Prepared Food. The term "Edible Food Products" does not include fresh produce so long as the produce has not been packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared for consumption.
- c. **External Preparation Unit.** An External Preparation Unit is any cooking appliance or device that is not a smoker and may include, but is not limited to, a grill, a roaster, or a warmer.
- d. **Ice Cream Vending Unit.** A motor vehicle containing a commercial freezer from which a Vendor sells or gives away frozen food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water, and similar desserts, whether prepackaged, prepared, or prepared on-site. Such frozen food products are typically sold on City streets at intermittent locations. A Pedestrian Vendor selling frozen desserts shall not be considered an Ice Cream Vending Unit.
- e. **Mobile Food Unit.** A Mobile Food Unit ("MFU") is an enclosed unit, truck, or trailer, or similar vehicle-mounted unit that:
 - i. Is mobile or capable of being moved by a licensed motor vehicle;
 - ii. May or may not be independent with respect to water, waste water, and power utilities;
 - iii. Is used for the preparation, sale, or donation of On-site Prepared Food;
 - iv. Is not a Pedestrian Vendor as defined and regulated in Sections 16-317 and 16-329 of the Code of Ordinances; and
 - v. Does not exceed thirty-five (35) feet in length and nine (9) feet in width; and
 - vi. Is not eligible for an exemption under this Article.
- f. **Mobile Food Vendor.** A Mobile Food Vendor ("Vendor") is any individual engaged in the operation of a MFU; if more than one individual is operating a single MFU, then Vendor shall include all individuals operating such single MFU.
- g. **On-site Prepared Food.** Any food or beverage that is served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared on-site within the MFU or within an external preparation unit by a Mobile Food Vendor or other persons and that may be purchased at the MFU for immediate or later consumption.

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- h. **Operate.** To “operate” or “operation” shall mean all activities associated with the conduct of business, including, but not limited to, set up, take down, and actual hours where the MFU is open for business.
- i. **Prepackaged Food.** Any properly labeled and processed food or beverage, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, and prepared at an off-site approved source, and that may be purchased at the MFU for immediate or later consumption.
- j. **Prepared Food.** Any food or beverage that is served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared by persons off-site from a MFU that may be purchased at the MFU for immediate or later consumption.
- k. **Public Property.** Any property owned or maintained by the City or any other public entity or public utility within the jurisdictional boundaries of the City.
- l. **Right-of-Way.** For the purposes of this Article, right-of-way shall mean streets where public parking is allowed and includes marked or unmarked parking spaces thereon.
- m. **Smoker.** A smoker is a cooking appliance or device that maintains a low cooking temperature, typically between 225 and 275 degrees Fahrenheit, using varying sources of heat, including, but not limited to gas, charcoal, wood, wood pellets, or an electric heating element with or without wood, for extended periods of time while producing smoke and heat to cook a food, usually meat.

Section ____ . Applicability of Article.

The provisions of this Article shall apply to Mobile Food Vendors engaged in the business of preparing, cooking, and distributing On-site Prepared Food with or without charge from Mobile Food Units on or in public or private property within the City of Knoxville. This Article shall also apply to vendors selling prepared or prepackaged food if the vendor desires to exceed the exemption provided for the vendor in Section ____.

Section ____ . Limited Exemptions.

- a. **Ice Cream Vending Units.** This Article shall not apply to an Ice Cream Vending Unit so long as the unit is stationary in the same location for no more than fifteen (15) minutes at a time. An Ice Cream Vending Unit may sell or attempt to sell any item from an Ice Cream Vending Unit only on local streets, as defined by the Knoxville-Knox County Metropolitan Planning Commission Major Road Plan, where the speed limit is thirty (30) miles per hour or less. An Ice Cream Vending Unit shall not stop within twenty (20) feet of an intersection or double park when attempting a sale or making a sale.
- b. **Pedestrian Vendors.** This Article shall not apply to a Pedestrian Vendor so long as the unit complies with any other applicable regulations within the City of Knoxville Code of Ordinances.
- c. **Prepackaged or Prepared Food Vendors.** This Article shall not apply to a vending unit in which there is no packaging, combining, cooking, chopping, slicing, mixing, brewing, squeezing, or otherwise preparing of food or drink on-site. In order to be eligible for this exemption, all food or drink products must be prepared off-site as a Prepared or Pre-Packaged Food and must be ready for immediate purchase and consumption by a customer without any additional preparation whatsoever.
- d. **Use of Zones.** Exempt units and vendors shall not use the Mobile Food Vendor Zones (the “Zones”), as further described in Section _____. Any exempt vendor or unit that desires to use the Zones shall apply for and must receive a Unit Permit before operating in the Zones;

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provided, however, that no exempt unit or vendor that receives a Unit Permit shall operate in the Zones if the unit is not enclosed.

- e. **Compliance with Article.** Any vendor who is granted an exemption under this Section and who desires to operate beyond the terms of the Limited Exemption described in this Section shall comply with the provisions of this Article that are applicable to MFUs even if the vendor sells prepackaged or prepared food.

Division 2. Application and Permitting.

Section ____ . Mobile Food Unit Permit.

- a. **Mobile Food Unit Permit Required.** A Mobile Food Unit Permit ("Unit Permit") is required by all Vendors in order to vend or operate in the City of Knoxville. A Unit Permit is required for each MFU and the Unit Permit is non-transferrable. The Unit Permit shall be prominently displayed on the MFU.
- b. **Application.** Every Vendor desiring to engage in Mobile Food Vending shall submit an application for a Unit Permit to the Office of Business Support. All Vendors shall obtain necessary inspections and permits otherwise required by the City of Knoxville, Knox County, and the Knoxville Utilities Board to operate a MFU. In addition to the information required by the application, the Office of Business Support may request other information reasonably required. The Permit application shall not be considered complete until the Office of Business Support has all information as required by the application or otherwise.
- c. **Issuance of Permit.** Once the application is considered complete by the Office of Business Support, the Office of Business Support shall forward the application to the Plans Review and Inspections Department. The Plans Review and Inspections Department shall issue or deny the Unit Permit within fourteen (14) business days of receipt from the Office of Business Support. If the Plans Review and Inspections Department is satisfied that the application and MFU conform to the requirements of this Article and other pertinent laws and ordinances, a Permit shall be issued to the applicant. If the application and MFU do not conform to the requirements of this Article or other pertinent laws or ordinances, the Plans Review and Inspections Department shall not issue the Permit, but shall inform the applicant of the denial. Such denial, when requested, shall be in writing and state the reasons for denial. The Unit Permit shall be valid for one calendar year from the date of issuance, unless the Unit Permit is revoked pursuant to his Article.
- d. **Temporary MFU Permit.** Vendors that wish to operate within the City of Knoxville during a single event may apply for a Temporary MFU Permit ("Temporary Permit"). The Temporary Permit shall be valid only for a maximum, consecutive three (3) day period and a Vendor or Unit may only apply for and receive a Temporary Permit two (2) times during a calendar year. Vendors and Units that receive a Temporary Permit are required to follow the same rules and regulations that apply to annual Unit Permit holders, except that Temporary Permit applicants may have their Unit inspected on the day of the event. Units inspected outside of regular City of Knoxville business hours may incur a fee for such inspection, as determined by the inspecting department. Prior to the inspection, the Vendor seeking a Temporary Permit shall pay the Temporary Permit fee to the inspecting authority in the form of a check payable to the City of Knoxville. The Temporary Permit shall be issued to the Vendor upon completion of a successful inspection and upon the MFU meeting all applicable requirements of this Article. However, if the MFU does not meet the requirements of the City of Knoxville

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ordinances, the MFU shall not receive a Temporary Permit and it shall not be permitted to operate. If the MFU fails the inspection, the Vendor shall not be reimbursed the Temporary Permit fee.

- e. **Fees.** An application for a Unit Permit under this Article shall be accompanied by a fee in the amount of Two Hundred Dollars (\$200.00). The application for a Temporary Permit shall be accompanied by a fee in the amount of Seventy-Five Dollars (\$75.00). The Plans Review and Inspections Department shall collect the Permit fee. There shall be no proration of fees. Fees are non-refundable once a Permit has been issued by the Plans Review and Inspections Department.
- f. **Permit Renewal.** Every Unit Permit, unless suspended or revoked for a violation of any provision of this Article or other rule or of the City of Knoxville, can be renewed annually provided that a renewal fee of Fifty Dollars (\$50.00) is paid no later than five (5) business days after the Unit Permit's expiration. An application for renewal of a Unit Permit shall be made through the Office of Business Support. After five (5) business days following the Permit's expiration, the holder of the Unit Permit forfeits the right to renew and the Vendor must reapply as a new MFU.
- g. **Inspections after Permitting.** Permitted operations will be inspected periodically and without notice by representatives of various City departments to ensure compliance with this Article.
- h. **Operation without Permit.** Any MFU operating without a valid Unit Permit or Temporary Permit shall be deemed a public safety hazard and may be ticketed and impounded. The penalty for operating without a Permit is Fifty Dollars (\$50.00) per occurrence.
- i. **Complaints.** If a complaint is filed with the Office of Business Support, the Plans Review and Inspections Department, or 311 alleging that a Vendor has violated the provisions of this Article, the Office of Business Support Business Liaison shall provide written notification of the complaint by regular mail to the Vendor at the Vendor's address listed on the MFU Application, and the Plans Review and Inspections Department shall investigate the complaint. Within thirty (30) days of date that the notification was sent to the Vendor, the Vendor may respond to the complaint, present evidence, and respond to evidence produced by the investigation. If the Plans Review and Inspections Department, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the Plans Review and Inspections Department may revoke the Unit Permit or take or cause to be taken other enforcement action as provided in the Knoxville City Code.
- j. **Revocation of Permit.** The Plans Review and Inspections Department may revoke a Unit Permit or Temporary Permit if the Department discovers that:
 - i. An applicant obtained the Unit Permit or Temporary Permit by knowingly providing false information on the application;
 - ii. The continuation of the Vendor's use of the Unit Permit or Temporary Permit presents a threat to public health or safety, or if the Vendor otherwise presents a threat to public health or safety; or
 - iii. The Vendor or MFU violates regulations of this Article or any other City of Knoxville ordinance.
- k. **Appeal of Revocation.** If a Unit Permit is revoked, the Building Official shall state the specific reasons for the revocation. Any Vendor whose Unit Permit has been revoked may appeal such denial by submitting a written request for a hearing submitted to the Building Official within ten (10) days of revocation. A hearing shall be conducted within thirty (30) days of the Building Official's receipt of said appeal by a panel comprised of the Zoning Chief, the Downtown Coordinator, and the Revenue Administrator of the City of Knoxville. The panel shall consider whether the revocation was justified and whether good cause exists to

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reinstate the Permit. The panel shall issue its decision on the appeal in a written opinion within ten (10) business days; the written opinion will be sent via first class mail to the Vendor at the address listed on the MFU application. The decision resulting therefrom shall be final and subject only to judicial review pursuant to state law. Following the revocation of a Permit, a Vendor must wait six (6) months before reapplying for a new Permit. Upon reapplication, the Vendor must pay the full Permit fee.

- I. **Prohibition against the Transfer of a Permit.** No Vendor or other entity holding a Unit Permit for a MFU shall sell, lend, lease, or in any manner transfer a Unit Permit for value; provided, however, that a holder of a Unit Permit may transfer the Unit Permit as part of the sale of a majority of the stock in a corporation holding such Unit Permit, as part of the sale of a majority of the membership interests of a limited liability company holding such Unit Permit, or as part of the sale of a business or substantially all of its assets; provided that there shall be no allocated or actual value for the transfer of the Unit Permit. Prior to any such transfer permitted by this subsection, the transferor shall notify the Office of Business Support and the Plans Review and Inspections Department in writing and the transferee shall submit a Unit Permit application for approval to the Office of Business Support pursuant to the process set forth in this section. Any such transfer shall be subject to the terms and conditions of the original Unit Permit. Any unauthorized transfer or attempt to transfer a Unit Permit shall automatically void such Unit Permit. Persons violating this provision, including both the transferor and transferee, may be subject to a citation and fine. The unauthorized transfer or attempt to transfer of each Unit Permit shall constitute a separate violation.

Division 3. Placement and Operation of Mobile Food Units.

Section ____. **Operation of Mobile Food Units.** The following requirements apply to all MFUs and Vendors operating at any location, whether on the right-of-way or on private property, within the City of Knoxville. Additional requirements may apply to certain units operating on private property, as specified in Section ____.

- a. **Additional Structures.** When vending on public property or right-of-way outside of a special event authorized by the Office of Special Events, Vendors shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, tents, and standup counters. The term "additional structures" does not include the waste containers required by this Section. When vending on private property or within a special event authorized by the Office of Special Events, permission from the property owner is required before the Vendor provides or allows any dining area, including but not limited to tables, chairs, booths, bar stools, benches and standup counters. Such permission may be included in the Letter of Permission. Under no circumstances shall these dining areas encroach into the public right-of-way. The Vendor shall remove all additional structures when the Vendor ends its operations for the day.
- b. **Compliance with Laws.** Except as provided herein, MFU placement and operation must adhere to federal, state, and local laws, regulations, and policies. Local laws, regulations, and policies include, but are not limited to, Knoxville's zoning ordinances, noise ordinances, stormwater regulations, and fire code.
- c. **Distance between MFUs.** While operating, MFUs shall be at least three (3) feet from other MFUs.

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d. Zoning District Restrictions.

- i. **Districts Other Than Residential.** Mobile Vending on private property is permitted only in Commercial Districts, Industrial Districts, Office Districts, Open Space Districts, and Form Based Code Districts (collectively, the “allowed non-residential districts”) as defined in the City of Knoxville Zoning Code, pursuant to the following restrictions. In the allowed non-residential districts, any MFU without a smoker shall operate in a location according to the setbacks of the base zone. Any MFU using a smoker shall operate at least one hundred (100) feet from the boundary of any residentially zoned property, regardless of the use on the residentially zoned property, as measured in a straight line.

- 1.Commercial, Industrial, and Form Code Districts.** For the purposes of this section, Commercial, Industrial, and Form Code Districts refer to C-1 through C-6, SC-1, SC-2, SC-3, PC-1, PC-2, TC-1, I-1 through I-4, SW-2 through SW-7, and CU. In these districts, MFUs are prohibited from operating between 2:00 AM and 7:00 AM.

- 2.Office Districts.** For the purposes of this section, Office Districts refer to O-1, O-2, O-3, and BP-1. In these districts, MFUs are prohibited from:

- A. operating on parcels that are smaller than 2.0 acres in size as shown on the KGIS standard map;
 - B. operating between 7PM and 7AM; and
 - C. serving passersby. A MFU operating on Office property is limited to only serving the employees or clients of the entity that has hired or solicited the MFU.

- 3.Open Space Districts.** For the purposes of this section, Open Space Districts refer to OS-1 and OS-2. In these districts, for properties not owned by the City of Knoxville, permission will need to be obtained from the owner before a MFU can operate. MFUs on property not owned by the City of Knoxville are prohibited from operating between 11PM to 7AM. For properties zoned OS and owned by the City of Knoxville, MFUs shall comply with the Rules for MFU Operation in City Parks adopted by the Parks and Recreation Department and by City Council.

- ii. **Residential Districts.** For the purposes of this section, Residential Districts refer to R-1, R-1A, R-1E, EN-1 & 2, R-2, R-3, RP-1, RP-2, RP-3, SW-1, and TND-1. In Residential zones, MFUs are permitted to operate only as part of an event that is sponsored or hosted by a neighborhood association, by a homeowners’ association, a non-profit corporation or by the City of Knoxville or another governmental entity. For the purposes of this section, a neighborhood association is any group registered with the City’s Office of Neighborhoods and a homeowners’ association is any non-profit corporation existing under the laws of the State of Tennessee, including, but not limited to, the Horizontal Property Act and the Tennessee Condominium Act of 2008. . A non-profit organization is a charitable organization that has a tax exempt 501(c)(3) status as determined by the Internal Revenue Service. As part of the event, a road closure permit is required if the MFUs will be operating from or in the right-of-way.

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- e. **Electrical Requirements.** Any Vendor operating a MFU under this Article shall comply with the requirements of the National Electrical Code as adopted by the City of Knoxville and any other rules and regulations adopted by the City for regulating electrical operation on MFUs.
- f. **Electrical Service.** Any power required for a MFU on a public right-of-way or public property shall be self-contained and a MFU shall not use utilities drawn from the public right-of way or other public property unless specifically authorized in writing by the City of Knoxville. MFUs operating on private property may use electrical power from the property being occupied or an adjacent property only when (1) permission has been given by an operator of the property to hook-up to electricity from the property; (2) such hook-up has been inspected and approved by the Plans Review and Inspections Department, as further provided for in this Article; and (3) the MFU has been inspected by the Plans Review and Inspections Department. There shall be no charge for the electrical inspection of the MFU by the Plans Review and Inspections Department. No power cord, cable, or equipment shall be extended at or across any public right-of-way, alley, sidewalk, or other public property. For the purposes of this section, "operator" refers to either the property owner or tenant where there is one occupant of the parcel, or refers to the property owner where there are multiple occupants or tenants on a parcel.
- g. **Fire Code Requirements and Inspection.** Any Vendor operating a MFU under this Article shall comply with requirements of the International Fire Code as adopted by the City of Knoxville, any other regulatory fire code as adopted by the City of Knoxville, and any rules and regulations promulgated by the Fire Marshal's Office for regulating MFUs.
- h. **Items for Sale.** Only food and beverage items may be sold from MFUs, and the sale or distribution of alcoholic beverages is prohibited specifically. For the purposes of this Article, an alcoholic beverage is any beverage with an Alcohol By Volume (ABV) amount of greater than 0.50 percent. A Vendor may sell or distribute merchandise from the MFU only if the merchandise bears the logo of the Vendor or the MFU; all other merchandise sales are prohibited.
- i. **Letter of Permission.** Vendors operating on private property shall obtain a letter from an operator of the property stating that the Vendor has permission to vend on the property and, if applicable, has permission to serve the operator's employees and/or customers. The Vendor shall keep a copy of the permission letter on the MFU at all times and while operating, the Vendor shall produce the letter upon the request of any City official acting in an enforcement capacity. For the purposes of this section, "operator" refers to either the property owner or tenant where there is one occupant of the parcel, or refers to the property owner where there are multiple occupants or tenants on a parcel.
- j. **Maximum Number of Units per Parcel.** While operating on private property, the number of MFUs allowed is limited by the size of the parcel as follows: For a lot that is one-half (0.50) acre or smaller, a maximum of two (2) Units is allowed; for a lot that is larger than one-half (0.50) acre and up to one (1.0) acre in size, a maximum of three (3) Units is allowed; for a lot that is larger than one (1.0) acre and smaller than two (2.0) acres, a maximum of four (4) Units is allowed; and on any lot larger than two (2.0) acres, a maximum of five (5) Units is allowed. The size of the parcel shall be calculated using the standard map on KGIS. The maximums indicated by this section may be waived only upon approval of an event by the City of Knoxville Office of Special Events or for the Tennessee Valley Fair.
- k. **Methods of Support.** MFUs shall be free-standing and shall not use stakes, rods, or any method of support that must be drilled, driven, or otherwise fixed, into or onto asphalt, pavement, curbs, sidewalks, or buildings.

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- l. Mobile Vending in the Public Right-of-Way.** Mobile Food Vending in public rights-of-way shall be permitted only in Mobile Food Vendor Zones (the “Zones”) specified by the Office of Business Support and identified by temporary signage. Spaces in the Zones are available to all Vendors with a Unit Permit. Vendors’ use of the Zones is subject to availability using a registration system designated by the Office of Business Support. Any MFU that desires to operate in a Zone must register their location as designated by the Office of Business Support. If the MFU wants the Zone marked for the reservation, the Vendor must contact the Office of Business Support at least twenty-four (24) hours in advance. Vendors shall operate only within the designated Zones and at the times designated by the Office of Business Support. During permitted operations, Vendors in the Zones are not required to fund parking meters that may be located at the Zones. The use, marking, or designation of spaces for Mobile Food Vending does not grant Vendors a vested right, property interest, or privilege in any specific space. The Zones may be adjusted, modified, or removed if such adjustment, modification, or removal is determined to be in the interest of public health, safety, and welfare. Moreover, the City reserves the right to create temporary, short-term Zones from time to time. Notification of changes to Zones will be emailed to current permit holders and posted on the City’s website.
- m. Obstruction of Vehicular and Pedestrian Traffic.** Placement of MFUs and any devices related to the MFU shall not obstruct or impede pedestrian or vehicular traffic, access to driveways, and sight distance for drivers. Mobile Food Vending from the Zones shall not reduce the clear pedestrian path of travel on the sidewalk to less than six feet (6’). All awnings or canopies of the MFU shall be at least six feet, eight inches (6’8”) above the sidewalk, if applicable, or above grade.
- n. Operation on Unimproved Lots.** MFUs shall not operate on unimproved lots. For the purposes of this Article, an unimproved lot is a lot without one or more of the following: (1) paved surface; or (2) paved driveway access to a City street. This prohibition regarding unimproved lots shall not be applicable to properties owned by Knox County or to events coordinated by Knox County.
- o. Parking Direction.** Unless specifically authorized in writing by the Office of Special Events and the Department of Engineering, MFUs operating on public streets shall park in the same direction as traffic, with no more than eighteen inches (18”) between the curb face or edge of pavement and with the service window of the MFU facing the curb.
- p. Parks and Community Centers.** The City of Knoxville Parks and Recreation Department shall create rules for the operation of MFUs at City parks and recreation or community centers. These rules and any subsequent changes shall be adopted by resolution by the Knoxville City Council.
- q. Preparation Outside of the MFU.** While operating in a Zone, any food and beverage preparation outside of the MFU shall not obstruct vehicular or pedestrian traffic, and such preparation shall not create safety hazards for the public. Vendors shall not serve food to customers directly from any outside preparation unit. Any barbecue or meat smoker that is external to the MFU shall be marked with at least two (2) “Caution Hot” or similarly messaged stickers. Any barrel smoker used in conjunction with a MFU shall use at least four (4) twenty-eight inch (28”) tall traffic safety cones, which shall be placed at each corner of the barrel smoker. If a barrel smoker is being employed at a special event approved by the City of Knoxville’s Office of Special Events, the barrel smoker shall be enclosed with a non-combustible fence that is at least thirty-six inches (36”) tall.
- r. Public Alleys.** Unless specifically authorized in writing by the Office of Special Events and the Department of Engineering, MFUs are prohibited from operating in public alleys.

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- s. **Service to Pedestrians.** MFUs shall serve pedestrians only; a drive-thru or drive-in service for vehicular customers is prohibited.
- t. **Signs and Flashing Lights.** A MFU is limited to signs mounted to the exterior of the mobile food establishment and one (1) detached sandwich board sign with dimensions no larger than twenty-five inches by forty-five inches (25" x 45"). All signs mounted on the MFU shall be secured and mounted flat against the MFU and shall not project more than six inches (6") from the exterior of the MFU. Sandwich board signs shall not obstruct or impede pedestrian or vehicular traffic. Signs shall not contain flashing lights or flashing light-emitting diodes (LED), nor shall the MFU use flashing lights or flashing LED as an embellishment on the MFU.
- u. **Sound Amplification.** A MFU or Vendor shall not use sound amplification equipment for any purpose.
- v. **Special Events.** For event and pedestrian safety, Vendors shall not operate on public or private property within three hundred (300) feet of the boundaries of a special event approved by the City of Knoxville Special Events Office. Additionally, Vendors shall not operate within the boundaries of a Special Event, including in any Zone, unless the Vendor has written authorization from the event sponsor.
- w. **Spills.** To prevent discharges into the storm drain system and river, each MFU shall comply with the stormwater regulations of the City of Knoxville. In addition, each MFU shall have a spill response plan and kit onboard to contain and remediate any discharge from the MFU, as specified in the Mobile Food Service Operations BMP generated by the Department of Engineering.
- x. **Unattended MFUs Prohibited.** No MFU shall be parked on the street overnight or left unattended and unsecured at any time food is kept in the MFU. Any MFU which is found to be unattended in this manner shall be considered a public safety hazard and may be ticketed and impounded. Additionally, after a Vendor is done operating on private property for the day, the MFU must be relocated to a site other than the private property on which it was operating, unless that private property is also the commissary for the MFU.
- y. **Waste Storage and Disposal.** Vendors shall supply, in a prominent location, trash containers sufficient in size to collect all waste generated by customers and staff of the MFU. The Vendor shall keep the area around the MFU clear of litter and debris at all times. All trash and debris generated by customers and staff shall be collected by the Vendor and deposited in their trash or recycling container and removed from the site by the Vendor. The Vendor may deposit excess trash in the garbage totes currently located in aluminum-enclosed areas at four (4) designated spaces in downtown: 200 Block of South Gay Street; 100 Block of South Central Street; State Street Garage; and the 400 Block of Union Avenue. The Vendor shall contain onboard at all times any waste liquids generated by its operations (e.g. oil, wash water, etc.).

Section ____. **Additional Permits Needed.** If a private property operator wants to offer shore power on the property for use by MFUs, the private property operator shall obtain either an electrical safety inspection or electrical permit. If a private property operator wants to allow MFUs to operate on the property outside of the designated parking spaces, the operator shall obtain a Site Permit as further described in this Section. For the purposes of this section, "operator" refers to either the property owner or tenant where there is one occupant of the parcel, or refers to the property owner where there are multiple occupants or tenants on a parcel.

- a. **Site Permit Required.** A Mobile Food Unit Site Permit ("Site Permit") is required before a Vendor can operate on private property outside of the designated parking spaces. The Site

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Permit indicates approval of the placement of MFUs on private property. The Site Permit shall be prominently displayed on the MFU while operating on such private property.

- b. Site Permit Application.** The private property operator shall submit an application for a Site Permit to the Plans Review and Inspections Department. The application for the Site Permit shall illustrate the dimensions of the private property, including any access by driveways; the dimensions of a place for MFUs; required parking; and compliance with setback requirements. A fee of Fifty Dollars (\$50.00) for the Site Permit shall be collected by the Plans Review and Inspections Department at the time of application.
- c. Issuance of Site Permit.** If the applicant provides all the necessary information and meets criteria for issuance of a Site Permit, the Plans Review and Inspections Department shall issue the Site Permit within fourteen (14) business days of its application. The Site Permit shall be valid for one calendar year from the date of issuance. The Site Permit is specific to the property, not the applicant; therefore, the permit may be used by any Vendor with a valid Unit Permit.
- d. Printing of Site Permit.** If a Site Permit has been issued for the private property, anyone with a letter of permission as described in Section ____ may request and use a copy of such Site Permit from the Plans Review and Inspections Department. The cost of obtaining such Site Permit from the Department shall be \$0.15 per page.
- e. Electrical Service.** In order to be used by MFUs, all new and existing electrical service components on private property require inspection and approval by the Plans Review and Inspections Department, as follows:

 - i. Permit for New Electrical Service.** If an electrical component is newly installed on the private property, the installation shall be completed by a licensed electrician who possesses an electrical permit with the Department. The fee for such electrical permit is in accordance with the Knoxville Electrical Ordinance, and is based on the number and type of devices inspected. The electrical permit for newly installed hook-ups includes a final inspection.
 - ii. Safety Inspection of Existing Electrical Service.** If the private property has an electrical service component for use by MFUs, the Plans Review and Inspections Department shall conduct a safety inspection of the component. The cost of this safety inspection is in accordance with the Knoxville Electrical Ordinance, and based on the number and type of devices inspected. Once the initial electrical safety inspection is approved, annual safety inspections are not required to renew site permits in subsequent years.

Division 4. Liability

Section ____. **Indemnity for Benefit of the City and Insurance.** Any Vendor operating under this Article shall comply with all requirements of the City with regard to risk management, including the provision of insurance in accordance with the standards set by the City and the execution of an indemnity agreement in favor of the City.

Mobile Food Units

Frequently Asked Questions

Q: What does the City of Knoxville consider a Mobile Food Unit?

A: A Mobile Food Unit ("MFU") is defined generally as follows:

1. an enclosed unit, truck, or trailer, or similar vehicle-mounted unit that is mobile or capable of being moved by a licensed motor vehicle;
2. that may or may not be independent with respect to water, waste water, and power utilities;
3. is used for the preparation, sale, or donation of On-site Prepared Food; and
4. is no larger than thirty-five (35) feet.

There are other types of vendors who sell food from mobile units; depending on how these vendors operate, they may be exempt from the MFU ordinance.

Q: Why does the City of Knoxville regulate Mobile Food Units?

A: After a pilot program, the City of Knoxville saw large growth in the MFU business. Currently, there are twenty-four MFUs operating as part of the pilot program. The pilot program provided the City with an invaluable opportunity to explore best practices and evaluate feedback before adopting a permanent ordinance. The MFU ordinance provides MFU owners, customers, and citizens with guidance and certainty on the safe and reasonable operation of MFUs.

Q: I'm interested in operating a MFU Unit in Knoxville. What's the first step?

A: Before submitting an application to the City of Knoxville, all Mobile Food Units need to comply with the Food Service Establishment Rules and Regulations of the Tennessee Department of Health. If you reside in Knox County, please contact:

[Knox County Health Department](#)
Environmental Health Division
140 Dameron Avenue
Knoxville, TN 37917
(865) 215-5200
environmental@knoxcounty.org

If you do not reside in Knox County, please contact your local health department or health authority.

Q: Other than the health department and the City of Knoxville Office of Business support, what other agency do I need to contact?

A: You need to contact the Knoxville Utilities Board (KUB) to apply for a Grease Control Program Permit. Please call the KUB Grease Hotline at (865) 594-8337 to start the process. Based on the information you provide in the application, KUB will determine the size of the grease control equipment that you need. There will be some other requirements, such as regularly maintaining the equipment and posting a cleaning log of the grease control equipment according to a schedule set by KUB. You will also need to address with KUB your plans for disposal of the contents removed from the grease control equipment. More information is available at the KUB web page on [Grease Control Guide for Food Service Facilities](#), or by emailing KUB at GreaseControlProgram@kub.org.



Q: How do I apply for a Mobile Food Vending Permit?

A: Please download the [Mobile Food Unit Permit Application](#), complete it and send it along with any additional required information to:

Patricia Robledo
probledo@knoxvilletn.gov
400 Main Street
City & County Building #654D
(865) 215-3155

After the Office of Business Support receives the application and all required information, the Plans Reviews and Inspections Department will administer the Permit.

Q: How much does the City of Knoxville MFU Permit cost?

A: The initial MFU Permit Fee is \$200.00, and the Permit is valid for one year. The City of Knoxville also offers a Temporary Permit for a single event not to exceed three days, and the fee for this Temporary Permit is \$75.00. Permit fees cannot be pro-rated and are non-refundable once the Plans Review and Inspections Department issues the Permit.

Q: Do I need to get a MFU Permit for my ice cream truck?

A: It depends. An Ice Cream Vendor is not required to get a Permit so long as the Vendor is stationary in the same location for no more than fifteen (15) minutes at a time. More regulations, which can be found in the ordinance, also apply to this type of an Ice Cream Vendor. However, if an Ice Cream Vendor would like to park and operate for longer than 15 minutes in a designated Mobile Food Vending Zone, as part of a special event, or on private property, the Ice Cream Vendor will be required to comply with the MFU ordinance and receive a Permit.

Q: Will my MFU need to be inspected by the City of Knoxville?

A: Yes. All MFUs must be inspected prior to operation and the issuance of a Permit. In all instances, the MFU will have to be inspected by the Fire Marshal's Office and an Electric Inspector. Inspections are scheduled at the Coliseum at 9:00 am on the first and third Tuesday of every month. The Knoxville Fire Department and an electrical inspector will contact you to arrange your required inspections. After the MFU is permitted, the City reserves the right to conduct additional inspections to ensure compliance with the City's ordinances.

Q: What equipment does the City of Knoxville Fire Department require?

A: The Knoxville Fire Department requires all MFUs to be equipped with a 2-A:10-B:C fire extinguisher that is certified annually by a licensed company. Additionally, MFUs that produce grease laden vapors (e.g., those units with deep fat fryers or flat top griddles) must be equipped with a K-Class fire extinguisher that is certified annually by a licensed company, and must have a hood suppression system. For more information about these requirements, please see the [Mobile Food Unit Permit Application](#).

Q: What additional information will the City of Knoxville need before issuing a permit?

A: In addition to a completed City of Knoxville Mobile Food Unit Permit Application, you will need to provide the following:

- The permit fee, by cash, credit card, or check payable to the City of Knoxville
- Copy of Tennessee Department of Health License

**CITY COUNTY BUILDING • 400 MAIN STREET • ROOM 654-D
P.O. Box 1631 • KNOXVILLE, TENNESSEE 37901
OFFICE: 865-215-3155 • EMAIL: PROBLEDO@KNOXVILLETN.GOV**



- Knoxville Utilities Board Grease Control Program Permit Number
- Copy of City and County business license(s)
- Copy of a valid government-issued driver's license for all drivers
- Proof of Commercial, Automobile, and Workers' Compensation Insurance, if applicable
- Executed Indemnity Agreement
- A color photo of the MFU

Q: What type of business licenses do I need?

A: If your business is within Knoxville city limits, you need a [City of Knoxville business license](#) and a [Knox County business license](#). If your business is outside Knox County, you need to check the requirements in your jurisdiction.

Q: What permits must be displayed in my Mobile Food Unit?

A: You must visibly display the Health Department License and the City of Knoxville MFU Permit. Additionally, if you are required to have a Site Permit, you must also display it. Finally, if you are operating on private property, you are not required to display the letter of permission, but you should have it on hand.

Q: Can I operate my Mobile Food Unit in City streets?

A: You may only operate in the City streets in Mobile Food Vending Zones during the times permitted. You must reserve your use of Zones through the City of Knoxville. Operating a MFU on City streets or rights-of-way outside of the Mobile Food Vending Zones or outside of a special event is illegal.

Q: Where can I operate my Mobile Food Unit other than in the designated Mobile Food Vending Zones?

A: With certain restrictions, mobile vending on private property is permitted in Commercial, Industrial, Office, Open Space, and Form Based Code Districts as defined in the City of Knoxville Zoning Code. Additionally, MFUs may operate in Residential Districts under specific circumstances; see the ordinance for more detail. If you are parking your Unit on private property outside of the designated (i.e., striped) parking spaces, a Site Permit is required. If your Unit is using shore power on private property, the electrical hook-up must be inspected and approved by the Plans Review and Inspections Department.



Q: I am the owner or operator of a private property and would like to invite a Mobile Food Units onto my property. What do I need to do?

A: Mobile Vending on private property is only permitted in specific districts (see previous question and answer). If the Units will be operating on your property in designated (i.e., striped) parking spaces **and** using onboard generators, you don't need to do anything extra. However, if the Units will be operating outside of designated parking spaces or using shore power, additional approvals will be required. If the Units are outside of the designated parking spaces, a Site Permit is required to ensure that the placement of the MFU allows fire access, does not impede visibility of motorists, and is otherwise situated safely. If the Units are using shore power on your property, the electrical hook-up must be inspected and approved by the Plans Review and Inspections Department. Please note that MFUs are not permitted to operate on unpaved, gravel lots.

Q: How can I set up my Mobile Food Unit at Special Events?

A: You need to contact the person in charge of the special event to be a vendor, and you will need a Permit. The City of Knoxville offers a Temporary Permit for MFUs that may be used for a single event not to exceed three consecutive days. It is crucial for you to contact the Office of Business Support in advance of the event to ensure that your Unit can comply with City regulations. For information about special events in the City, including a calendar of events, visit the [Special Events website](#).



Q: Can I operate my Mobile Food Unit in a City of Knoxville park?

A: Yes, but you may only operate in certain parks and you must make a reservation through the Parks and Recreation Department. If you wish to operate your Mobile Food Unit in a City of Knoxville park, please refer to the [Rules for MFU Operation in City Parks](#) and contact the Parks and Recreation Department at (865) 215-2091.

Q: Can I use signs to advertise my business?

A: Yes, a MFU is limited to signs mounted to the exterior of the mobile food establishment and one (1) sandwich board sign with dimensions no larger than twenty-five inches by forty-five inches (25" x 45"). All signs mounted on the Unit shall be secured and mounted flat against the Unit and shall not project more than six inches (6") from the exterior of the Unit. Sandwich board signs shall not obstruct or impede pedestrian or vehicular traffic. You may not use flashing lights to draw attention to your MFU.

Q: May I use amplification equipment on or around my Unit?

A: No.

Q: May I operate my Mobile Food business from my house?

A: No. Specific districts govern any activity or use associated with operating a MFU (e.g., food preparation, waste disposal, produce deliveries). Residential districts strictly limit the operation of home occupations, as defined in [Article V, Section 12](#) of the City of Knoxville Zoning Ordinance.

Q: Where can I access all the rules that apply to Mobile Food Units?

A: In the [MFU ordinance](#), you can find detailed information including definitions, permitting process, zones, indemnity, insurance requirements, and much more.

Q: Why are there so many regulations?

A: It may seem like there are a lot of rules for Mobile Food Units; however, most of these rules—such as the stormwater regulations, electrical inspections, and zoning restrictions—already exist in the City of Knoxville's ordinances. The laws relevant to MFUs have simply been compiled into one ordinance for convenience. Most importantly, though, the City of Knoxville wants to keep its citizens safe and the City of Knoxville wants everyone to have a clear understanding of how MFUs may operate.

Q: Who should I contact if I have further questions?

A: While the Mobile Food Unit initiative is a joint effort of numerous City departments, the program is administered by the Office of Business Support. If you have questions, please contact Patricia Robledo, Business Liaison, at (865) 215-3155 or probledo@knoxvilletn.gov.

For office use only:

PERMIT#: _____ DATE OF APPROVAL: _____ EXPIRATION DATE: **12/31/20** _____

NUMBER OF FOOD TRUCK LOCATIONS APPROVED ON LOT: _____

ACCESSORY USE PERMIT APPLICATION

Food Trucks

(Please print clearly)

Property Owner (applicant) Name: _____

Property Address: _____ Zip _____

Contact Numbers: Home _____ Work _____ Mobile _____

Email address: _____

(All correspondence will be emailed to this address unless otherwise requested.)

ZONING DISTRICT: _____

Allowed in Zoning Districts as noted in 5.3.4(P)(1) and 5.3.4(P)(2). Please confirm at <http://vip.townofcary.org>.

NUMBER OF FOOD TRUCK LOCATIONS REQUESTED: _____ (up to 3 max. per lot)

LOCATION ON LOT:

- ☐ Attach a site layout with the specific location of each food truck. Show the required distances from the elements listed in 5.3.4(P)(1)(b) Locational Standards.

Note: A site layout is not required for food trucks serving residents and guests at a neighborhood activity or function on commonly-owned property within that residential development

APPROVED VENDORS:

- ☐ Please list potential food truck vendors on page 2 and provide a copy of their NC Sales and Use Tax Certificate and Wake County Environmental Services Vending Permit for each.

Note: To amend (add or remove) your list of authorized vendors on an existing permit, submit page 2 only.

TERMS AND CONDITIONS:

1. This permit is valid through December 31 of the year in which it is issued.
2. Only the food truck vendors listed on this permit shall operate on site, and must be in approved locations (up to 3 may be allowed, if approved).
3. Food trucks must be operated in accordance with all Locational, Operational, and Health and Sanitation standards and other requirements detailed in Section 5.3.4(P).

APPLICANT'S STATEMENT:

I hereby certify that I am making this application for myself and that the statements given are true to the best of my knowledge. I further attest that I understand that I am responsible for compliance with the terms and conditions of this permit and any other applicable laws and regulations not expressly stated in this permit.

Signature of applicant

Date

Signature of property owner, if different from above

Date

FOOD TRUCK VENDORS

Please check one: ☐ New application ☐ Amended vendor list only

Important: To change the number of approved locations on your lot, please submit a new application!

Only the Food Trucks listed below may operate on the lot as a part of this permit, if approved. This list may be amended within the approval period. **No more than the approved number of food trucks may be on site at any one time, and may operate only in approved locations.**

For each vendor listed below, please submit a copy of their (1) NC Sales and Use Tax Certificate, and (2) Wake County Environmental Services Vending Permit.

Food Truck Vendor Name	NC Sales and Use Tax Certificate	Wake County Environmental Vending Permit
1. _____	☐	☐
2. _____	☐	☐
3. _____	☐	☐
4. _____	☐	☐
5. _____	☐	☐
6. _____	☐	☐
7. _____	☐	☐
8. _____	☐	☐
9. _____	☐	☐
10. _____	☐	☐
11. _____	☐	☐
12. _____	☐	☐
13. _____	☐	☐
14. _____	☐	☐
15. _____	☐	☐

Signature of applicant

Date

Signature of property owner, if different from above

Date

REQUIREMENTS FOR OPERATING FOOD TRUCKS

5.3.4 ACCESSORY USES AND STRUCTURES: *Accessory Uses and Structures Allowed*

(P) Food Trucks

The purpose of these regulations is to promote the general health, safety and welfare of the citizens of the town by establishing reasonable regulations and review procedures to allow for the retail sale of food and food products via mobile food vending vehicles, commonly called "food trucks." The intent of these provisions is to establish rules related to the location and operation of food trucks on private and public property within the town, while considering their potential effects on public streets, public properties, nearby residential properties, and other food service establishments. These provisions are not intended to apply to peddlers and solicitors who are otherwise regulated under Chapter 20, Licenses and Business Regulations, of the Cary Town Code.

(1) Developed Sites in Non-Residential Zoning Districts, Mixed Use Overlay Districts and Non-Residential Portions of Planned Development Districts, and HMXD, MXD, COM, OFC/INS and OFC/IND Sub-districts of the Town Center District

(a) Permits Required

1. An accessory use permit per Section 3.5 shall be obtained by the property owner for any lot proposed to accommodate one or more food truck businesses. A copy of the accessory use permit shall be kept in the food truck.
2. The accessory use permit application shall include a list of potential food truck businesses expected to operate on the lot, and a copy of the following for each business:
 - a) NC Sales and Use Certificate for collecting and paying the proper sales taxes and prepared meals taxes; and
 - b) Wake County Environmental Services Vending Permit and a means for the disposal of grease within an approved grease disposal facility.

Said certificate and permit shall be clearly displayed on the food truck.

4. The accessory use permit shall be valid for up to one calendar year and may be amended during the period of validity to remove or add specific food truck business(es) authorized to operate on the lot.
5. The Accessory Use Permit shall designate the specific locations on a given site where a food truck may operate.

(b) Locational Standards

Food trucks shall be located on developed lots in accordance with the following standards:

1. Food trucks must be located in an area that is not actively used by an existing, approved principal use on a developed lot.
2. Food trucks may not encroach upon open space, landscaping, fire lanes, vehicular access ways or pedestrian walkways, and shall not obstruct or disturb existing buffers or required setbacks from buffers or streetscapes,
3. Food trucks shall be located a minimum of one hundred (100) feet from the main entrance of any eating establishment or similar food service business, any outdoor dining area, and any other food truck location, as measured in a straight line. This 100-foot separation requirement shall not apply to a food truck located on the same lot as an eating establishment or similar food service business, outdoor dining area, or other food truck, so long as all other requirements of this Ordinance are met. No more than three (3) food trucks may be located on a single lot.
4. Food trucks may not be located within 150 feet of a lot with a dwelling unit as measured in a straight line from the location of the food truck to the nearest property boundary.
5. In the event that one or more permanent restaurant or other food service establishment or residence is located within the minimum separation requirement after an accessory use permit for a food truck location has been issued, the food truck may continue to operate under the terms of its Accessory Use Permit until said permit expires.
6. Food trucks shall be located a minimum of five (5) feet from any fire hydrant, sidewalk, utility box, handicap ramp and building entrance.
7. Food trucks may not occupy parking spaces required to fulfill the minimum requirements of the principal use, unless the hours of operation of the principal use do not coincide with those of the food truck.

(c) General Operational Standards

1. Food trucks may only operate between the hours of 6:00 a.m. to midnight.

2. Food trucks must be removed from all permitted locations during the hours when they are not permitted to be in operation, and may not be stored, parked, or left overnight on any public street or sidewalk.
3. One sandwich board sign shall be allowed.
4. Amplified music is not permitted.
5. Outdoor seating areas for dining associated with a food truck, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters, are not permitted.

(d) Health and Sanitation Standards

1. All food preparation, storage, and sales or distribution by a food truck operator shall be in compliance with all applicable County, State and Federal Health Department sanitary regulations. In accordance with such laws, the food truck shall return daily to a commissary for proper servicing.
2. The operator shall keep all areas within five (5) feet of the food truck and any associated customer or dining area clean of grease, trash, paper, cups or cans associated with the food truck.
3. Each food truck operator is responsible for the proper disposal of solid waste associated with the operation of the food truck and any outdoor dining areas. Public trash receptacles are not to be used for this purpose.
4. Operators shall remove all waste and trash prior to leaving their approved location or as needed to maintain the health and safety of the public.
5. No waste or grease may be disposed in storm drains, the sanitary sewer system or onto the sidewalks, streets, or other public spaces.
6. If at any time evidence of the improper disposal of liquid waste or grease is discovered, the food truck operator shall be required to cease operation immediately. The owner of the food truck business shall be liable for the violation.

(2) Other Zoning Districts

In all zoning districts other than those listed in Section 5.3.4(P)(1) above, food trucks may be allowed only on commonly-owned property within a residential development serving residents and guests at a neighborhood activity or function. Requirements of Section 5.3.4(P)(1) shall apply.

(3) Public Property

Food trucks may not be operated on public property such as parks or plazas, parking lots, public street rights-of-way, or public sidewalks except as specifically authorized by the Town and as part of an official public event sponsored or co-sponsored by the Town of Cary,

(4) Component of Temporary Event

In accordance with Sec. 5.4, Temporary Uses and Structures, food trucks may be placed on private property in conjunction with a public or private event. If food trucks are included as part of the event, the temporary use permit for the event itself, if required in Table 5.4-1, shall also identify the inclusion of food trucks and shall serve as the accessory use permit for the site for the duration of the event. Such food trucks shall only be operated during the hours of the event, which time does not include the time before and after the event where the operator is preparing to set up or remove the food truck.

(5) Construction Sites

In all zoning districts, food trucks may be allowed on construction sites in accordance with the following:

- (a) The site is undergoing construction in accordance with an approved and valid site plan or subdivision plan and building permit.
- (b) Such trucks may vend to person(s) lawfully authorized to be on the construction site, and not to the general public.
- (c) Food trucks shall be parked in an appropriate location based on the location of active construction activity, as authorized by the general contractor consistent with safe construction site management practices,
- (d) A copy of the following shall be clearly displayed on each food truck:
 - (i) NC Sales and Use Certificate for collecting and paying the proper sales taxes and prepared meals taxes; and
 - (ii) Wake County Environmental Services Vending Permit and a means for the disposal of grease within an approved grease disposal facility.
- (e) General operational standards specified in Section 5.3.4(P)(1)(c) shall apply.
- (f) Health and sanitation standards specified in Section 5.3.4(P)(1)(d) shall apply.

CHAPTER 2. - PEDDLERS, SOLICITORS, ETC.

Sec. 9-201(2). - Definitions.

Itinerant merchant shall mean any person who is authorized to engage in the giving away, the selling or offering for sale, of goods, wares or merchandise, or who solicits patronage for any person, business, or service by word of mouth, or gesture, or by use of electrical, mechanical or sound-making devices, to entice or persuade anyone to buy, sell or accept goods, wares, or merchandise during the hours of 7:00 AM to 10:00 PM Sunday through Saturday within the corporate limits of the city, where the above-mentioned activities are conducted from a temporary or transient location with the express, written permission of the private property owner(s). For purposes of this section, "temporary or transient location" means from a stand, stall, kiosk, trailer, and/or vehicle that is intended to be temporary and removed from the property when not open for business (unless otherwise expressly permitted by the City). This section shall also apply to any and all ancillary equipment associated with the itinerant merchant, including, but not limited to, signs, tables, chairs, marketing materials, set-ups, and/or trash bins.

Sec. 9-208(2). - Limitations on use of streets and sidewalks.

(2) *Prohibitions.* The following activities shall be declared unlawful:

(a) Soliciting by parked vehicle or movable receptacle on public streets, highways, sidewalks, right-of-way, and public places.

(b) The erection of stands or similar contrivances on public streets, highways, sidewalks, rights-of-way, and public places for the purpose of giving away displaying and/or buying or selling of goods, wares or merchandise.

(c) Sale of drinks or other prepared foods and/or edible items upon public streets, sidewalks, highways and rights-of-way, except as may be regulated elsewhere in this Code.