



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: BL2022-1580

Type: Bill (Ordinance) **Status:** Passed

File created: 11/18/2022 **In control:** Metropolitan Council

On agenda: 1/3/2023 **Final action:** 1/3/2023

Title: An ordinance amending Metropolitan Code Section 15.16.370 to clarify the Metropolitan Department of Water and Sewerage Services' ability to access, read, repair and replace meters.

Sponsors: Russ Pulley

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|------------|------|---|--------------------------|--------|
| 1/4/2023 | 1 | Mayor | approved | |
| 1/3/2023 | 1 | Metropolitan Council | passed on third reading | |
| 12/20/2022 | 1 | Metropolitan Council | passed on second reading | |
| 12/20/2022 | 1 | Transportation and Infrastructure Committee | approved | |
| 12/6/2022 | 1 | Metropolitan Council | passed on first reading | |
| 11/29/2022 | 1 | Metropolitan Council | filed | |

An ordinance amending Metropolitan Code Section 15.16.370 to clarify the Metropolitan Department of Water and Sewerage Services' ability to access, read, repair and replace meters.

WHEREAS, the Metropolitan Department of Water and Sewerage Services ("MWS") needs commercial and residential meter access to read, repair and replace meters; and,

WHEREAS, though there is an implication of that access by way of MWS' responsibility to read the meters, the Metropolitan Code is not explicit on MWS' ability to access the meters; and,

WHEREAS, a change to the Metropolitan Code is necessary to clarify MWS's right to access meters.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Metropolitan Code of Laws is hereby amended by deleting Section 15.16.370 in its entirety and replacing it with the following language:

All water service connections, unless otherwise specified in this title, shall be metered with a meter of such size and make as may be approved by the director. Unless otherwise approved in writing by the director for good cause shown, every meter and the portion of every service line connecting such meter to a public main shall be located within the public right of way or in a dedicated easement. For meters and connecting service line segments located other than in the public right of way or dedicated easement, every customer served by such meter shall, as a condition of receiving service, be deemed to have (i) granted to the department and its employees and contractors the right at all reasonable times to access, read, repair, maintain, and replace the meter and connecting service line and any associated fixtures or fittings for which the department is

responsible; and (ii) waived any claim against the Metropolitan Government for damages relating to the exercise of such right using reasonable care.

Section 2. Amendments to this legislation shall be approved by resolution.

Section 3. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance amends Metropolitan Code of Laws Section 15.16.370 to clarify language regarding the Metropolitan Department of Water and Sewerage Services' ("MWS") ability to access, read, repair, and replace water service connection meters.

Currently, Section 15.16.370 states the following:

"All water service connections, unless otherwise specified in this title, shall be metered with a meter of such size and make as may be approved by the director."

The ordinance under consideration retains this existing language. It also clarifies that all meters and service lines connect to a public main must be located within the public right-of-way or in a dedicated easement. As a condition of receiving service, meters located outside of the public right-of-way or a dedicated easement are deemed to have granted MWS and its employees and contractors the right to reasonable access to the meter and connecting service line. Any claim against the Metropolitan Government for damages relating to the exercise of this right while using reasonable care are deemed to be waived.