

ORDINANCE NO. 20-06
OF THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA

AN ORDINANCE AMENDING FEES FOR CONNECTION TO THE SEWAGE WORKS
OF THE CITY OF FRANKLIN

WHEREAS, the City of Franklin, Indiana (the "City") owns and operates sewage works serving the City and nearby areas (the "Sewage Works");

WHEREAS, the Common Council for the City of Franklin, Indiana (the "Council") is the legislative body of the City and as such is authorized by Indiana Code § 36-9-23-25 to set just and equitable fees as required to maintain the Sewage Works in the sound physical and financial condition necessary to render adequate and efficient service, which fees must be sufficient to:

- (A) pay all expenses incidental to the operation of the Sewage Works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals, and interest charges on bonds or other obligations;
- (B) provide the sinking fund required by Indiana Code § 36-9-23-21;
- (C) provide adequate money to be used as working capital; and
- (D) provide adequate money for improving and replacing the Sewage Works.

WHEREAS, the current schedule of permit and inspection fees for connection to the Sewage Works was set by Ordinance Number 01-02, which schedule of fees is incorporated into Section 13.04.120 of the Franklin Municipal Code;

WHEREAS, the Council has reviewed and considered the City of Franklin Sewer Connection Fee Study prepared by Peters Municipal Consultants, LTD (the "Fee Study"), and has determined that replacing the current permit and inspection fee schedule with a new consolidated Sewer Connection Fee, largely based on the capacity the new connection will be acquiring in the Sewage Works system, is necessary in order to achieve a similar equity position between new and existing customers in the Sewage Works system and to plan and prepare for the future growth of the Sewage Works system;

WHEREAS, the Council has determined that the fees of the City's Sewage Works should be adjusted accordingly; and

WHEREAS, a public hearing on the proposed fees has been properly noticed and held;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Franklin, Indiana that:

SECTION 1. The recitals set forth above are hereby incorporated herein, are made findings and determinations of the Council, and are made an operative part of this Ordinance. The Council further finds that the charges adopted by this Ordinance are just and equitable fees as required to maintain the Sewage Works in the sound physical and financial condition necessary to render adequate and efficient service, and as required to:

- (1) pay all expenses incidental to the operation of the works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals, and interest charges on bonds or other obligations;
- (2) provide the sinking fund required by Indiana Code § 36-9-23-21;
- (3) provide adequate money to be used as working capital; and
- (4) provide adequate money for improving and replacing the works.

SECTION 2. Effective upon the final approval of this Ordinance, the City of Franklin Municipal Code, Section 13.04.120, shall be amended to read as follows:

13.04.120 - Classes of sewer connections—Fees.

- A. There shall be ten (10) classes of sewer connections and permits and associated Sewer Connection Fees based upon the water meter size being installed, as follows:
 1. Five-eighths inch to three-fourths inch ($5/8 - 3/4$ ") meter;
 2. One inch (1") meter;
 3. One-and-one-fourth inch ($1\frac{1}{4}$ ") meter;
 4. One-and-one-half inch ($1\frac{1}{2}$ ") meter;
 5. Two inch (2") meter;
 6. Three inch (3") meter;
 7. Four inch (4") meter;
 8. Six inch (6") meter;
 9. Eight inch (8") meter; and
 10. Larger than Eight inch (8") meter.
- B. In all cases wherein a new connection to the city sewage works is sought, the owner or his or her agent shall make application on a special form furnished by the city. The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the inspector or City Engineer.
- C. The determination of the appropriate meter size shall be within the sole and exclusive right, authority, and good engineering judgment of the city, and shall be related to factors including, but not limited to, the volume and nature of water flow. Any effort to avoid, circumvent or alter the fee schedule in this section, or the intent of this section, through the utilization, installation or configuration of multiple smaller meters is strictly prohibited. If such avoidance, circumvention, or alteration occurs, the Board of Public Works and Safety is empowered to charge a Sewer Connection Fee based upon the water meter size it determines to be appropriate for the property regardless of what is actually installed.
- D. In addition to any other fees, charges, or costs, and prior to connecting to or discharging sewage into the city's sewage works system, a Sewer Connection Fee shall be paid to the clerk-treasurer at the time the application is filed, based on the size of the water meter to be installed, as follows:

<u>Meter Size</u>	<u>Sewer Connection Fee</u>
5/8 – 3/4 inch water meter	\$2,674
1 inch water meter	\$6,286
1 ¼ inch water meter	\$9,196
1 ½ inch water meter	\$13,643
2 inch water meter	\$24,143
3 inch water meter	\$53,572
4 inch water meter	\$94,572
6 inch water meter	\$207,287
8 inch water meter	\$359,288

For meters larger than eight inch (8”), the Sewer Connection Fee shall be the Sewer Connection Fee for an eight inch 8” meter multiplied by the cross-sectional area of the proposed meter divided by the cross-sectional area of an eight inch (8”) meter.

- E. For modifications enlarging an existing water meter, or the addition of a supplemental meter, a Sewer Connection Fee shall be assessed based on the new or additional meter size, less a credit for any meters that are replaced. No refund shall be provided for modifications that downsize a meter or reduce the number of meters.
- F. Unmetered Connections. For connections to residential single-family dwellings not having metered water service, the Sewer Connection Fee applicable to such connections shall be the Sewer Connection Fee for five-eighths inch to three-fourths inch meters. For connections to nonresidential single-family dwellings not having metered water service, the Sewer Connection Fee applicable to such connections shall be determined by the city based on the meter size category that would be applicable for a similar enterprise with metered usage and related factors including, but not limited to, the volume and nature of water flow. The determination of the appropriate Sewer Connection Fee meter size category shall be within the sole and exclusive right, authority, and good engineering judgment of the city.
- G. A Sewer Connection Fee shall not be assessed for water meters installed strictly for fire protection or irrigation systems providing water that will not enter the city’s sewage works system.
- H. A Sewer Connection Fee paid may be refunded to the person who paid the fee, in the amount paid less a reasonable fee to cover the city’s administrative costs, if no connection to the city’s sewage works system has actually been made and the city has received satisfactory evidence that the project and associated connection permit have been abandoned.
- I. A party challenging or questioning the amount of its Sewer Connection Fee may file a written appeal to the Board of Public Works and Safety who shall review the matter to determine whether this section was properly applied.

SECTION 3. The Council hereby authorizes and directs the appropriate officials and representatives of the City to take all necessary actions to implement this Ordinance following final adoption.

SECTION 4. All prior ordinance provisions in conflict herewith are repealed as of the effective date of this Ordinance.

SECTION 5. If any provision of this Ordinance or its application to any person or circumstance is adjudged invalid or unenforceable by a court of competent jurisdiction, then the remainder of this Ordinance or the application of such provision to other persons or circumstances will not be affected by such adjudication, and a suitable and equitable provision shall be substituted for such provision in order to carry out, so far as may be valid and enforceable, the intent and purpose of the provision and this Ordinance.

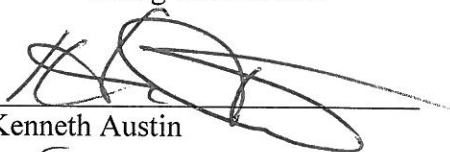
SECTION 6. This Ordinance shall be in full force and effect after its passage and approval by the Mayor of the City of Franklin, Indiana, or as otherwise provided by I.C. 36-4-6-14.

Introduced and Filed on the 4 day of May, 2020

DULY PASSED this 1 day of June, 2020, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of 7 in Favor and 0 Opposed.

City of Franklin, Indiana, by its Common Council

Voting Affirmative:

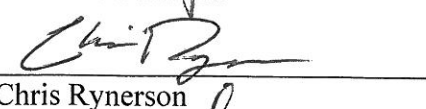

Kenneth Austin


Daniel J. Blankenship


Melissa Jones


Robert D. Heuchan


Anne McGuinness


Chris Rynerson


Shawn Taylor

Voting Opposed:

Kenneth Austin

Daniel J. Blankenship

Melissa Jones

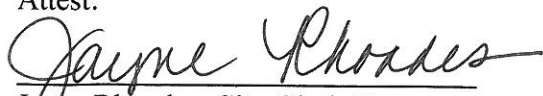
Robert D. Heuchan

Anne McGuinness


Chris Rynerson

Shawn Taylor


Attest:


Jayne Rhoades, City Clerk-Treasurer


Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16 this 1 day of June, 2020 at 6:30 o'clock a.m./p.m.


Jayne Rhoades
City Clerk-Treasurer

This ordinance having been passed by the legislative body and presented to me [Approved by me and duly adopted pursuant to Indiana Code § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2)] this 1 day of June, 2020 at 6:30 o'clock a.m./p.m.


Stephen Barnett
Mayor

Attest:


Jayne Rhoades
City Clerk-Treasurer

Prepared by: Stephen K. Watson, Attorney