

ORDINANCE NO. 24-04
OF THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA

An Ordinance Amending The Rates And Charges For Use Of 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 governing board of the City's Sewage Works 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 rates and charges for use of the Sewage Works was set by the Council on March 2, 2020, under Ordinance Number 20-01, which schedule of rates and charges is incorporated into Section 13.04.360 of the Franklin Municipal Code;

WHEREAS, the Sewage Works are in need of significant replacements and improvements in order to provide adequate service to the City (the "Projects");

WHEREAS, the Council has reviewed and considered the City of Franklin Wastewater Utility Rate Study prepared by Peters Franklin, LTD (the "Rate Study"), and has determined that the new rates and charges proposed in the Rate Study are necessary in order to fund the Projects and to maintain the Sewage Works in the sound physical and financial condition necessary to render adequate and efficient service;

WHEREAS, the Council has determined that the rates and charges 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 Council finds that the rates and 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:

- (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.

SECTION 2. ~~Effective with the bills for the use of the Sewage Works to be first issued in October 2024 and due October 31, 2024,~~ Section 13.04.360(C) and (D) of the City of Franklin Municipal Code, shall be revised to read as follows, which new rates and charges shall be effective with the bills for the use of the Sewage Works to be first issued in October 2024 and due October 31, 2024, or as soon thereafter as the revised rates and charges can be implemented by the City's billing system:

C. **All Metered Water Users.** Each metered user of the sewage works shall pay the following rates and charges:

- 1. The volume treatment rate shall be \$~~10.23~~10.75 per one thousand (1,000) gallons of usage per month;

plus:
- 2. A base rate per month in accordance with the following schedule of meter sizes:

	Equivalency Factor	Total
5/8 to 3/4 inch water meter	1.0	\$ 10.49 <u>11.03</u>
1 inch water meter	2.6	\$ 27.27 <u>28.68</u>
1 ¼ inch water meter	4.0	\$ 41.96 <u>44.12</u>
1 ½ inch water meter	5.8	\$ 60.84 <u>63.97</u>
2 inch water meter	10.2	\$ 107.00 <u>112.51</u>
3 inch water meter	23.0	\$ 241.27 <u>253.69</u>
4 inch water meter	41.0	\$ 430.09 <u>452.23</u>
6 inch water meter	92.2	\$ 967.18 <u>1,016.97</u>
8 inch water meter	163.8	\$ 1,718.26 <u>1,806.71</u>

D. **Unmetered Water Users.** The rates and charges for unmetered water users of the sewage works shall be as follows:

- 1. Unmetered residential (single-family residence) users of the sewage works shall pay \$~~74.95~~78.76 per month.

2. Unmetered water users of the sewage works other than residential single-family dwelling units shall be charged a monthly fee to be determined by the City based on comparison with a similar enterprise with metered usage.

SECTION 3. ~~Effective with the bills for the use of the Sewage Works to be first issued in October 2024 and due October 31, 2024,~~ Section 13.04.380(A) of the City of Franklin Municipal Code, shall be revised to read as follows, which new rates and charges shall be effective with the bills for the use of the Sewage Works to be first issued in October 2024 and due October 31, 2024, or as soon thereafter as the revised rates and charges can be implemented by the City's billing system:

- A. Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of two hundred (200) milligrams per liter of fluid or suspended solids in excess of two hundred fifty (250) milligrams per liter of fluid or nitrogen in excess of thirty (30) milligrams per liter of fluid. Additional charges for treatment of stronger-than-normal domestic waste shall be made on the following basis:
 1. Rate surcharge based upon suspended solids: there shall be an additional charge of thirty cents (\$0.30) per pound of suspended solids received in excess of two hundred fifty (250) milligrams per liter of fluid.
 2. Rate surcharge based upon BOD: there shall be an additional charge of thirty cents (\$0.30) per pound of biochemical oxygen demand for BOD received in excess of two hundred (200) milligrams per liter of fluid.
 3. Rate surcharge based upon NH₃N: there shall be an additional charge of sixty cents (\$0.60) per pound of ammonia nitrogen received in excess of thirty (30) milligrams per liter of fluid.
 4. Rate surcharge based upon Phosphorus (P): there shall be an additional charge of five dollars (\$5.00) per pound of phosphorus received in excess of seven (7) milligrams per liter of fluid.

SECTION 4. The Council hereby authorizes and directs the appropriate officials and representatives of the City to take all necessary actions to implement this Ordinance once it is in full force and effect.

SECTION 5. All prior ordinance provisions in conflict herewith are repealed as of the effective date of this Ordinance.

SECTION 6. If any part of this Ordinance is held to be invalid, such part shall be deemed severable and its invalidity shall have no effect upon the remaining provisions of this Ordinance.

SECTION 7. This Ordinance shall be in full force and effect, until repealed or amended by Ordinance, 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 15th day of July, 2024

DULY PASSED this ____ day of _____, 2024, by the Common Council of

the City of Franklin, Johnson County, Indiana, having been passed by a vote of _____ in Favor and _____ Opposed.

[Remainder of page intentionally left blank.]

City of Franklin, Indiana, by its Common Council

Voting Affirmative:

Voting Opposed:

Kenneth Austin, President

Kenneth Austin, President

Todd Shuck, Member

Todd Shuck, Member

Anne McGuinness, Member

Anne McGuinness, Member

Irene Nalley, Member

Irene Nalley, Member

Jennifer Price, Member

Jennifer Price, Member

Josh Prine, Member

Josh Prine, Member

Shawn Taylor, Member

Shawn Taylor, Member

Attest:

Jan Jones, 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 ____ day of _____, 2024 at _____ o'clock a.m./p.m.

Jan Jones
City Clerk-Treasurer

This ordinance, having been passed by the legislative body and presented to me, is:

____ Approved by me and duly adopted pursuant to Indiana Code § 36-4-6-16(a)(1), or
____ Vetoed by me pursuant to Indiana Code § 36-4-6-16(a)(2),

this ____ day of _____, 2024 at _____ o'clock a.m./p.m.

Steve Barnett
Mayor

Attest:

Jan Jones
City Clerk-Treasurer

Prepared by: Stephen K. Watson, Attorney