

CITY OF FRANKLIN COMMON COUNCIL
ORDINANCE NO. 25-04

AN ORDINANCE IMPOSING A MUNICIPAL WHEEL TAX AND
MOTOR VEHICLE LICENSE EXCISE TAX AND CREATING THE CITY OF
FRANKLIN WHEEL TAX FUND AND THE CITY OF FRANKLIN MOTOR VEHICLE
LICENSE EXCISE SURTAX FUND

WHEREAS, the legislature of the State of Indiana through legislation proposed in the 2025 legislative session has revised Indiana real estate property taxes in such a manner that the City of Franklin is projected to see substantial decreases in tax dollars available for City of Franklin projects;

WHEREAS, the City of Franklin has been advised that with the new legislation, absent the adoption of this Ordinance, the City of Franklin would not be eligible for Community Crossings Matching Grants;

WHEREAS, Ind. Code §6-3.5-1 *et seq.* (the "Wheel Tax Act") authorizes the Common Council of the City of Franklin, Indiana ("Common Council") to impose by ordinance an annual wheel tax ("Wheel Tax") of not more than forty dollars (\$40.00) on certain motor vehicles registered within the City of Franklin (the "City");

WHEREAS, Ind. Code §6-3.5-10 *et seq.* (the "Excise Tax Act") authorizes the Common Council to impose by ordinance an annual municipal vehicle license excise tax surtax (the "Excise Surtax") at a rate of not more than Twenty-Five Dollars (\$25.00) on certain vehicles registered in the City;

WHEREAS, the Wheel Tax Act authorizes the Common Council to impose the Wheel Tax at a different rate for each class of vehicle subject to the Wheel Tax Act. Additionally, the Wheel Tax Act authorizes the Common Council to establish different rates within different classes of busses, recreational vehicles, semitrailers, trailers, trucks, and tractors based on weight classifications established by the Indiana Bureau of Motor Vehicles ("BMV");

WHEREAS, the Excise Tax Act authorizes the Council to impose the Excise Surtax on each motor vehicle that is subject to the tax or impose the Excise Tax on vehicles subject to the Excise Surtax at one or more different amounts based upon the class of vehicles;

WHEREAS, the Wheel Tax Act prohibits the Common Council from adopting an ordinance imposing a Wheel Tax unless the Common Council concurrently adopts an ordinance under Ind. Code §6-3.5-10-1 *et seq.* to impose the annual motor vehicle license excise surtax;

WHEREAS, pursuant to Ind. Code §6-3.5-10-1 *et seq.*, the City Council is concurrently adopting a Motor Vehicle License Excise Surtax;

WHEREAS, the Council may not adopt an Ordinance to impose the surtax

unless the City uses a traffic asset management plan approved by the Indiana Department of Transportation ("INDOT");

WHEREAS, the City utilizes a traffic asset management plan referred to as its Pavement Asset Management Plan, which is approved annually by INDOT and is outlined in the attached Exhibit A, incorporated herein by reference;

WHEREAS, the Common Council deems it necessary to impose the Excise Surtax and the Wheel Tax so that it may generate revenue to support the safe operation and continued maintenance of the streets and roads under the jurisdiction of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA AS FOLLOWS:

Section I. The Municipal Code of the City of Franklin shall be amended to create a Section designated 3.12.110: Wheel Tax and Fund under Chapter 3.12: City Fund Accounts of Title 3: Revenue & Finance to the City of Franklin Municipal Code.

Wheel Tax and Fund.

- (a) Definitions. The definitions and provisions set forth in Ind. Code §6-3.5-11-1 are incorporated herein by reference and shall apply throughout this Ordinance.
- (b) City of Franklin Wheel Tax Fund. The "City of Franklin Wheel Tax Fund" is hereby created and shall be a non-reverting fund. The City may only use the Wheel Tax revenues for the following purposes:
 - (1) to construct, reconstruct, repair, or maintain streets and roads that are under the jurisdiction of the City;
 - (2) as a contribution to an authority established under Ind. Code §36-7-23;
 - (3) for the City's contribution to obtain a grant from the local road and bridge matching grant fund under Ind. Code 8-23-30; and
 - (4) any other allowable uses under Ind. Code §6-3.5-11.
- (c) Imposition and Rate of Wheel Tax. Effective January 1, 2026, the following vehicles registered in the City of Franklin and subject to the Wheel Tax shall incur a Wheel Tax in the amount of Forty Dollars (\$40.00) pursuant to Ind. Code §6-3.5-11-1 *et seq.*
 - (1) Buses;
 - (2) Recreational vehicles;
 - (3) Semitrailers;
 - (4) Trailers with a declared gross weight of more than nine thousand (9,000) pounds; and
 - (5) Trucks and tractors with a declared gross weight or more than eleven thousand (11,000) pounds.

- (d) Pursuant to Ind. Code §6-3.5-11-4, a vehicle is exempt from the Wheel Tax if the vehicle is:
 - (1) owned by the State of Indiana;
 - (2) owned by a state agency of the State of Indiana;
 - (3) owned by a political subdivision of the State of Indiana;
 - (4) subject to the annual municipal vehicle license excise tax imposed pursuant to Ind. Code §6-3.5-10;
 - (5) a bus owned and operated by a religious or non-profit youth organization and used to transport persons to religious services or for the benefit of its members;
 - (6) a school bus;
 - (7) a motor vehicle that is funeral equipment and that is used in the operation of funeral services as defined in Ind. Code §25-15-2-17; or
 - (8) any other vehicle exempt pursuant to Ind. Code §6-3.5-11-4.
- (e) The Wheel Tax shall be paid to the Indiana Bureau of Motor Vehicles each year at the time the vehicle is registered. The City Clerk Treasurer shall deposit the Wheel Tax revenues in a fund to be known as the "City of Franklin Wheel Tax Fund" and shall distribute the City of Franklin Wheel Tax Fund consistent with Ind. Code §6-3.5-11-1 *et seq.*
- (f) Accounting of Wheel Tax Fund. On or before October 1st of each year, the City Clerk Treasurer shall provide the Common Council an estimate of the Wheel Tax revenues to be received by the City during the next calendar year. The City shall include the estimated Wheel Tax revenues in the City's budget estimate for the calendar year.
- (g) Transmittal of Ordinance. The Common Council authorizes the Mayor or the Mayor's designee to provide a copy of this Ordinance to the Indiana Department of Revenue and the Indiana Bureau of Motor Vehicles and required by Ind. Code §6-3.5-11-8.

Section 2. Title 3 of Municipal Code of the City of Franklin shall further be amended to add a Section designated as 3.12.120: Motor Vehicle License Excise Surtax and Fund.

Motor Vehicle License Excise Surtax and Fund

- (a) Definitions. The definitions and provisions set forth in Ind. Code §6-3.5-10-1 are incorporated herein by reference and shall apply throughout this Ordinance.
- (b) City of Franklin Motor Vehicle License Excise Surtax Fund. The "City of Franklin Motor Vehicle License Excise Surtax Fund" is hereby created and shall be a non-reverting fund. The City may use

the Excise Surtax revenues for the following purposes:

- (1) to construct, reconstruct, repair, or maintain streets and roads under the City's jurisdiction;
- (2) for the City's contribution to obtain a grant from the local road and bridge matching grant fund under Ind. Code 8-23-30; or
- (3) any other allowable uses under Ind. Code §6-3.5-10.

(c) Imposition and Rate of Excise Surtax. Effective January 1, 2026, the following vehicles, registered in the City of Franklin and subject to the Motor Vehicle License Excise Tax, shall be subject to the Excise Surtax in the amount of Twenty-Five Dollars (\$25.00), pursuant to Ind. Code §6-3.5-10-1 *et seq.*

- (1) Passenger motor vehicles.
- (2) Motorcycles.
- (3) Motor driven cycles.
- (4) Collector vehicles.
- (5) Trailer vehicles with a declared gross weight of 9,000 pounds or less.
- (6) Trucks with a declared gross weight of 11,000 pounds or less.
- (7) Mini-trucks.
- (8) Military vehicles.

The Excise Surtax shall be paid with the registration of each such vehicle.

(d) The City Clerk Treasurer shall deposit revenue received from the Excise Surtax in a fund to be known as the "City of Franklin Motor Vehicle License Excise Surtax Fund" and shall distribute the Surtax Fund consistent with Ind. Code §6- 3.5-10-10.

(e) Accounting of Wheel Tax Fund. On or before October 1st of each year, the City Clerk Treasurer shall provide the Common Council an estimate of the Excise Surtax revenues to be received by the City during the next calendar year. The City shall include the estimated Excise Surtax revenues in the City's budget estimate for the calendar year.

(f) Transmittal of Ordinance. The Common Council authorizes the Mayor or his designee to provide a copy of this Ordinance to the Indiana Department of Revenue and the Indiana Bureau of Motor Vehicles and required by Ind. Code §6-3.5-10-6.

Section 3. The WHEREAS Recitals are incorporated herein by reference.

Section 4. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed. This Ordinance shall have no effect upon any other sections of the Franklin Municipal Code or ordinances not specifically changed by this Ordinance, except as herein provided, and all other sections of the Franklin

Municipal Code not inconsistent herewith remain the same.

Section 5. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this ordinance.

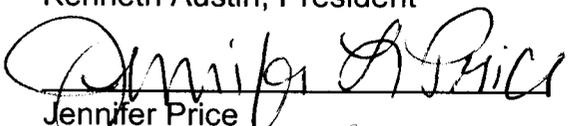
Section 6. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

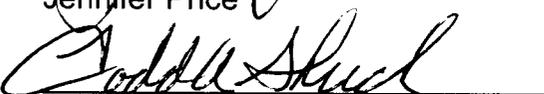
INTRODUCED & APPROVED by the Common Council of the City of Franklin, Johnson County, Indiana, this 5 day of May, 2025.

City of Franklin, Indiana, By its Common Council:

Voting Affirmative:


Kenneth Austin, President


Jennifer Price


Todd Shuck


Anne McGuinness


Irene Nalley


Josh Prine


Shawn Taylor

Attest:


Jan Jones,

Voting Opposed:

Kenneth Austin, President

Jennifer Price

Todd Shuck

Anne McGuinness

Irene Nalley

Josh Prine

Shawn Taylor

City Clerk Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana §36-4-6-15, 16 this 5 day of May, 2025 at 6:05 o'clock P.M.



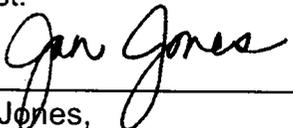
Jan Jones,
City Clerk Treasurer

This Ordinance having been passed by the legislative body and presented to me was 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 5 day of May, 2025 at 6:05 o'clock P.M.



Steve Barnett, Mayor

Attest:



Jan Jones,
City Clerk Treasurer

Prepared by:
Lynnette Gray
Attorney, City of Franklin
JOHNSON GRAY & JOHNSON
63 E. Court St.
Franklin, IN 46131



Local Technical Assistance Program

1281 Win Hentschel Blvd
Suite 2111
West Lafayette, IN, 47906

December 1, 2024

Franklin, Indiana

RE: Approval Letter for 2024 Pavement Asset Management Plan

To Whom It May Concern,

Thank you for submitting Franklin's Asset Management Plan. It has been determined that your 2024 Pavement Asset Management Plan has met all the criteria required from the INDOT approved template and is complete.

Use this approval letter for the 2025 (calendar year) Community Crossings Matching Grant Program's application. Please note that you will need to submit your asset management plan each year by December 1st to be eligible for the following year's Community Crossing Matching Grant Program.

Sincerely,

Patrick A. Conner, PE
LTAP Asset Management Engineer

Year	Rating	Treatment Used	Estimated Cost per Mile	Estimated Miles	Estimated Cost
2025	9	Rejuvenator	28,152.80	11.57	325,727.90
2025	8	Rejuvenator	28,540.13	1.52	43,381.00
2025	7	Rejuvenator	27,929.13	7.25	202,486.22
2025	7	Crack Seal	11,051.67	1.056	11,670.56
2025	6	Concrete - Joint/Crack Sealing	90,737.77	0.48	43,554.13
2025	6	Crack Seal	15,546.06	2.2	34,201.33
2025	5	Concrete - Joint/Crack Sealing	159,216.78	0.83	132,149.93
2025	5	Mill and Overlay - 1.5"	153,271.79	2.86	438,357.33
2025	4	Concrete - Joint/Crack Sealing	154,880.00	0.29	44,915.20
2025	4	Mill and Overlay - 1.5"	230,721.27	5.02	1,158,220.80
2025	3	Mill and Overlay - 4"	326,421.35	0.2	65,284.27
2026	9	Rejuvenator	32,102.57	8.08	259,388.80
2026	8	Rejuvenator	23,466.67	0.12	2,816.00
2026	7	Rejuvenator	29,478.60	1.05	30,952.53
2026	7	Crack Seal	10,578.11	6.36	67,276.80
2026	6	Crack Seal	14,506.62	1.9	27,562.57
2026	6	Concrete - Joint/Crack Sealing	55,381.34	0.35	19,383.47
2026	5	Mill and Overlay - 1.5"	114,672.97	7.69	881,835.17
2026	5	Concrete - Joint/Crack Sealing	162,912.85	0.13	21,178.67
2026	4	Concrete - Joint/Crack Sealing	145,200.00	0.24	34,848.00
2026	4	Mill and Overlay - 1.5"	241,442.09	1.72	415,280.40
2026	3	Mill and Overlay - 4"	373,384.74	1.78	664,624.83
2026	2	Full Depth Reclamation with Asphalt	498,666.67	0.15	74,800.00
2027	9	Rejuvenator	28,611.16	7.88	225,455.95
2027	7	Rejuvenator	26,851.60	0.556	14,929.49
2027	7	Crack Seal	9,668.09	6.36	61,489.08
2027	5	Concrete - Partial Depth Repairs	3,174,211.76	0.85	2,698,080.00
2028	8	Rejuvenator	29,606.32	3.46	102,437.88
2028	7	Rejuvenator	26,573.33	10	265,733.33
2028	7	Crack Seal	10,539.26	11.69	123,203.96
2028	6	Concrete - Full Depth Repairs	51,291.43	0.35	17,952.00
2028	6	Crack Seal	13,939.56	7.63	106,358.84
2028	5	Concrete - Partial Depth Repairs	3,168,000.00	0.15	475,200.00
2028	5	Mill and Overlay - 1.5"	120,976.39	4.65	562,540.20
2028	5	Concrete - Joint/Crack Sealing	130,044.49	0.107	13,914.76
2028	4	Concrete - Joint/Crack Sealing	175,812.39	0.394	69,270.08
2028	4	Mill and Overlay - 1.5"	280,098.14	1.25	350,122.67
2028	3	Mill and Overlay - 4"	436,110.08	2.03	885,303.47
2028	2	Full Depth Reclamation with Asphalt	398,933.29	0.07	27,925.33
2029	9	Rejuvenator	27,449.74	5.05	138,621.16
2029	8	Rejuvenator	188,586.08	1.1	207,444.69
2029	7	Crack Seal	11,562.66	8.02	92,732.54
2029	6	Crack Seal	15,604.28	5.67	88,476.27
2029	5	Mill and Overlay - 1.5"	242,906.51	7.95	1,931,106.74
2029	3	Mill and Overlay - 4"	388,198.94	1.18	458,074.75
2029	2	Full Depth Reclamation with Asphalt	440,422.40	0.22	96,892.93

City of Franklin

Pavement Management Plan

Objectives and Measures

A. Define the Agency's performance goals and expected level of service for pavements.

The goal for the City of Franklin is to spend its resurfacing budget wisely and provide the best roads for its citizens and commuters. The roads will be maintained to allow for the optimum traffic flow.

The expected level of service (LOS) rating for the HMA roads maintained by Franklin is based upon the functional classification. Local Streets and Collectors will be maintained to a PASER rating of 4 or higher, while arterials will be maintained to a PASER rating of 5 or higher.

The long-term goal is to increase the average PASER rating of roadways to a 7 over the next 10 years.

A PASER rating of 8 is lowest rating for a road to be considered in good shape. A PASER rating of 5 is the lowest rating for a road to be considered in fair condition.

Pavements if unmaintained will typically deteriorate over time at an ever-increasing rate. Maintenance and rehabilitation can slow or reverse this deterioration. The degree to which this occurs is dependent on the type of maintenance or rehabilitation as well as the timing of such actions. In general, a plan including early and systematic maintenance and rehabilitation is the most cost effective and results in the greatest extension of useful pavement life. This concept is further illustrated in the figure below. Maintenance items, such as crack sealing, are a low-cost treatment that can be performed on higher PASER rated roadways to keep the pavement in good condition and extend the overall life of the pavement.

B. Define the Rating System.

The Pavement Surface Evaluation and Rating (PASER) system visually evaluates the condition of road segments. The PASER system rates each segment on a scale of 1 – 10 with 1 being the worst condition and 10 being the best condition (new pavement). Ratings of 1 to 4 indicate Poor Condition, 5 to 7 represent Fair, and 8 to 10 represent Good Condition.

C. Describe the process used to develop a work plan.

The City of Franklin created the road inventory by breaking the roads into segments using the following criteria:

- 1) From Intersection to Intersection*
- 2) Where the number of lanes changed.*
- 3) Where material type of road changed (ie. Asphalt, Concrete, Brick).*

The lengths and widths of the road segments were determined from GIS.

The process for the collection of the condition ratings the shapefile of the roadways and ESRI Field Maps to locate and rate the segments.

The work plan for the City of Franklin is to improve as many roads as budget constraints allow. The work plan will focus on a mixture of roads to be treated. It balances the needs of the road with the budget. The preventative maintenance items such as the rejuvenators and crack seals provide great value, while the overlays and reconstruction return roadways to more drivable states. Due to the high cost of full reconstruction and structural overlays, funding through the Redevelopment Commission it typically utilized.

The selection of which route to improve may be based on several factors including rating, route classification/importance, or grouping of similar work.

D. Describe the monitoring program and plan for making updates and adjustments.

In order to capture the rate of deterioration of the City of Franklin's roads as well as to capture the effectiveness of the pavement preservation treatments, the condition ratings of several routes will re-evaluated on an annual basis. Ratings will be performed near the end of each calendar year so that up to date information is available for CCMG applications. The City evaluates all of their roadways and updates their inventory at least every two years. This two-year cycle allows proper assignment of maintenance needs. Quickly responding to appropriate maintenance needs reduces the deterioration of the roads and minimizes the need for the most expensive repairs.

The Pavement Asset Inventory should be updated prior to any new PASER inspection. The feature layer inventory allows for easier field reporting and creation of maps for the results. The data may be exported to excel for any data manipulation and summaries. The asset management plan is a living document and must be updated as work is completed on each segment. This allows Franklin to track when each segment is treated and the effectiveness of the treatment.

E. Describe drainage and ROW conditions.

The City of Franklin's Right of Way (ROW) information is stored in paper files such as subdivision plats, Warranty Deeds, etc. For specific widths and locations please refer those documents. Prior to starting any project, the City of Franklin will acquire any additional ROW or right-of-entry required to complete the project.

During the project development phase, drainage area(s) within the project limits will be evaluated and addressed and corrected, if need be, during design and construction.

The City of Franklin has ordinance-specified ROW on most of roads, with some newly annexed roads (formerly County roads) being limited to edge of pavement. Drainage on most urban road segments is generally very good with curb/gutter and storm sewers. Drainage on rural road segments ranges from poor to good, with less than 2% having poor drainage due to lack of ditches.