

**ORDINANCE NUMBER 04-18
OF THE CITY OF FRANKLIN, INDIANA**

**AN ORDINANCE CREATING WITHIN THE EXISTING MUNICIPAL SEWAGE
WORKS A DEPARTMENT OF STORM WATER MANAGEMENT, A SPECIAL
TAXING DISTRICT FOR SAME, AND A STORM WATER UTILITY FUND**

WHEREAS, the Common Council of the City of Franklin, Indiana, pursuant to Indiana Code § 36-9-23 *et seq.*, and in order to promote the health, safety and general welfare, establishes within the City's existing Municipal Sewage Works a Department of Storm Water Management ("Department") to be governed by the applicable statutory provisions provided therein.

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

- 1) **Creation of the Department of Storm Water Management.** There is now created within the City of Franklin, Indiana's existing Municipal Sewage Works a new Department of Storm Water Management, to be operated pursuant to the applicable provisions of the Indiana Code, including Indiana Code § 36-9-23 *et seq.*, and governed by the same administrative procedures currently employed for the Municipal Sewage Works.
- 2) **Special Taxing District.** All of the territory within the City of Franklin, Indiana's corporate boundary is included in and constitutes a special taxing district for the Department.
- 3) **Creation of Storm Water Utility Fund.** A new non-reverting fund to be known as the Storm Water Utility Fund ("Fund"), and which is to be given a number or letter designation by the Clerk as she deems appropriate, is now established. The Fund will receive revenues received by the Department as well as monies received by the City for storm water management. The Fund will be used for the exclusive use of the Department for all valid public purposes.
- 4) **Storm Water Utility User Fee, Rates, and Procedures:** By subsequent ordinance(s), the City will enact certain user fees, rates, and procedures relative thereto for the repair, replacement, planning, improvement, operation, regulation and maintenance of existing and future storm water systems within the City.
- 5) **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.

- 6) **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed.
- 7) **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.
- 8) **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on day of the passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-6-15, 16.

Introduced and Filed on the 27 day of September, 2004. A motion to consider same on the First Reading or day of introduction was [not offered] [~~sustained by a vote of ___ in Favor and ___ Opposed,~~ pursuant to Indiana Code § 36-4-6-13.]

DULY PASSED on this 25 day of October, 2004 by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote 5 in Favor and 0 Opposed.

City of Franklin, Indiana, By its Common Council:

Voting Affirmative:

Voting Opposed:

absent
Stephen D. Hougland, President

Stephen D. Hougland, President

Joseph R. Ault
Joseph R. Ault

Joseph R. Ault

Kenneth W. Austin
Kenneth W. Austin

Kenneth W. Austin

Phillip R. Barrow
Phillip R. Barrow

Phillip R. Barrow

Jeffrey C. Eggers
Jeffrey C. Eggers

Jeffrey C. Eggers

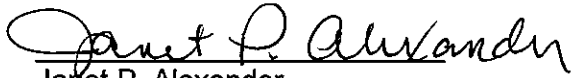
absent
Dr. William T. Murphy

Dr. William T. Murphy

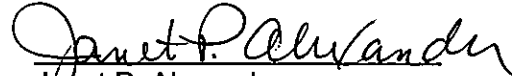
Ann M. Gordon
Ann M. Gordon

Ann M. Gordon


Attest:


Janet P. Alexander
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, 16, this 25 day of October, 2004 at 10:00 o'clock a.m./p.m.


Janet P. Alexander,
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 ___ day of _____, 2004 at _____ o'clock a.m./p.m.


Norman P. Blankenship Jr.,
Mayor of the City of
Franklin, Indiana

Attest:

Janet P. Alexander,
City Clerk-Treasurer

Prepared by:

Robert H. Schafstall
Atty. No. 16944-41
Cutsinger & Schafstall
98 North Jackson Street
P.O. Box 159
Franklin IN 46131
Ph: 317-736-7146
Fax: 317-736-8005
Email: robhschafstall@earthlink.net

Storm
Water