

ORDINANCE NO. 23-08

**STORMWATER MANAGEMENT USER FEE SCHEDULE FOR THE CITY OF FRANKLIN
THIS ORDINANCE AMENDS AND REPEALS ORDINANCE 09-14**

WHEREAS, the City of Franklin ("City") established a Stormwater Utility on December 7, 2009 Ordinance 09-14 for the purpose of managing the collection, treatment, drainage and disposal of City storm and surface water of stormwater runoff from real properties within the stormwater service areas ("District");

WHEREAS, the City established the Stormwater Management User Fee Schedule and approved a monthly stormwater service charge of \$5 for single family residential and non-residential properties less than or equal to 40,000 square feet, \$2.50 for other residential, and \$15 for non-residential properties greater than 40,000 square feet;

WHEREAS, it is in the best interest of the City and its residents to repeal the currently established Stormwater Management User Fee Schedule;

WHEREAS, the City has prepared a Stormwater Utility Rate Study to update its stormwater program costs for projects and found that the existing rates and charges for the use of services provided to City property owners by the Stormwater Utility do not produce sufficient revenue to satisfy the fiscal needs of the stormwater program;

NOW, THEREFORE, BE IT ORDAINED, by the Franklin City Common Council meeting in session as follows:

Section 1. Stormwater Management User Fees. The Council adopts and approves the Stormwater User Fees as recommended by the Board of Public Works and Safety, to wit:

- a. The monthly Stormwater Management User Fees shall be uniform for all residential property (agricultural and residential single family residential, duplex, triplex, mobile homes and condominiums) located in the District, and same shall be assigned one (1) Equivalent Residential Unit ("ERU").
- b. The monthly Stormwater Management User Fees for all non-residential properties (commercial, industrial, tax exempt, apartments and residential common areas) located in the District shall be determined by using an ERU multiplier, which shall be the quotient obtained by dividing the total square feet of impervious surface area within a non-residential property by a divisor of 3,500 square feet, then rounded to the next whole number. The rounded multiplier will then be multiplied by the ERU rate to obtain the monthly Stormwater Management User Fee. The monthly Stormwater Management User Fee for a non-residential property located in the District shall not be less than one (1) ERU.
- c. The monthly Stormwater Management User Fees for all public education facilities located in the District shall be the product of the ERU multiplied by 0.50 and rounded to the next whole number, based on the actual amount of impervious surface area, but subject to one (1) ERU minimum.



- d. The monthly Stormwater Management User Fees for all unimproved property located in the District shall be the product of the ERU multiplied by 0.33 and rounded to the next whole number.
- e. The fee per ERU shall be \$5.00.

Section 2. Collection of Fees and Charges. Stormwater Management User Fees set forth above shall be billed and collected monthly along with the established user fees for the City's Sewage Works.

Section 3. Lien of Property. The Stormwater Management User Fees shall be liens upon the property with respect to which they are charged and if not paid within ninety (90) days after the date due, and the City may certify the lien of the City's Sewage Works to the Auditor of Johnson County who shall place that lien on the tax duplicate of Johnson County, Indiana, with interest and penalties allowed by law, to be collected as other taxes are collected.

Section 4. Construction of Clause Heading. 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.

Section 5. 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.

Section 6. Severability of Provisions. If any part of this ordinance is held invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.

Section 7. Duration and Effective Date. Unless otherwise provided by applicable Indiana law, the provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on 1st day of January, 2024 by adoption of this ordinance by the Common Council and by signature of the executive in the manner prescribed by Indiana Code § 36-4-6-15 and -16.

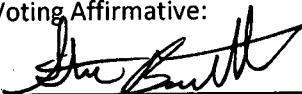
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SIGNATURE PAGE FOLLOWS

RECOMMENDED for approval by the City of Franklin Board of Public Works and Safety this 8th day of August, 2023.


City of Franklin, Indiana, By its Board of Public Works and Safety:

Voting Affirmative:



Mayor Steve Barnett

Tina Gross, Member



Kenneth Austin, Member

Voting Opposed:


Mayor Steve Barnett



Tina Gross, Member

Kenneth Austin, Member

Attest:



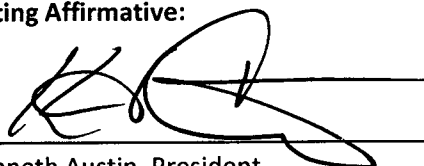
Jayne Rhoades,
City Clerk-Treasurer

INTRODUCED on the 19th day of July, 2023.

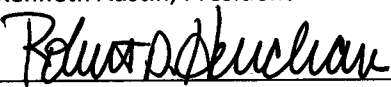
DULY PASSED on this 21 day of August, 2023, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of 7 in Favor and 0 Opposed.

City of Franklin, Indiana, by its Common Council:

Voting Affirmative:



Kenneth Austin, President



Robert D. Heuchan

Voting Opposed:

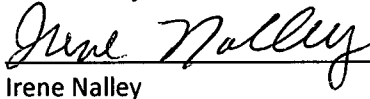
Kenneth Austin, President

Robert D. Heuchan



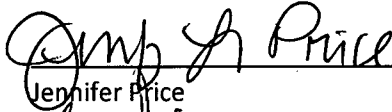
Anne McGuinness

Anne McGuinness



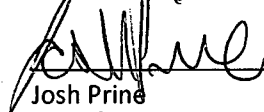
Irene Nalley

Irene Nalley



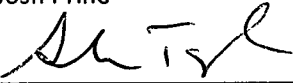
Jennifer Price

Jennifer Price



Josh Prine

Josh Prine




Shawn Taylor

Shawn Taylor

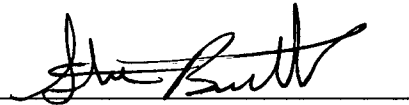
Attest:


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 21 day of August, 2023 at 6:30 o'clock p.m.



Jayne Rhoades, 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 21 day of August, 2023 at 6:30 o'clock p.m.

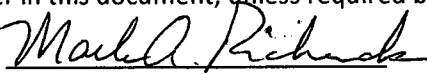


Steve Barnett, Mayor

Attest:


Jayne Rhoades, City Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Signed 

Prepared by:
Mark A. Richards, City Engineer
Department of Planning & Engineering
70 E. Monroe Street
Franklin, IN 46131