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ARTICLE 917  
Sewer Rentals

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CROSS REFERENCES

General Authority: Art. 155

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917.01 RENTAL IMPOSED

A monthly or quarter-annual rental, rate or charge is hereby imposed for the use of sewers, sewer systems or sewage treatment works of the City of Franklin, to be payable in monthly or quarter-annual payments as hereinafter specified by the owners of all properties served by any of the sewers of the City of Franklin. (Ord. 15 of 1967, Sect. 1, Passed 12-20-67; Ord. 8 of 1986, Sect. 1, Passed 9-2-86)

917.02 BILLINGS TO BE MAILED

A statement of the sewer rental, rate or charge imposed by this Article shall be rendered and forwarded by mail to each owner of a property served by the City sewers, sewer systems, or sewage treatment works, monthly or quarter-annually as hereinafter specified during the calendar year on or about the last day of each month or quarter for the preceding month or quarter. (Ord. 15 of 1967, Sect. 2, Passed 12-20-67; Ord. 8 of 1986, Sect. 2, Passed 9-2-86)

917.03 PENALTY ON LATE PAYMENTS

The rental, rate or charge so imposed shall be paid in accordance with the aforesaid statements on or before the 20th day of the month the statement is rendered. A penalty of ten percentum (10%) is hereby levied and imposed upon each rental, rate or charge not paid on or before the 20th day of the month the statement is rendered. (Ord. 15 of 1967, Sect. 3, Passed 12-20-67)

917.04 CITY HAS CONTROL

The City shall have charge and management of the Sewer System subject to and in accordance with the applicable provisions of the 1973 Sewer System Agreement of Lease. The City shall collect and receive all sewer rates and charges, and all such moneys received shall continue to be deposited to the credit of the City's Sewer System Fund, established pursuant to the terms of the 1973 Sewer System Agreement of Lease. (Ord. 7 of 1977, Sects. C and D, Passed 6-20-77)

917.05 SEWER RENTAL PER MONTH OR PER QUARTER

a.) The sewer service charge for a dwelling unit, a partial dwelling unit, or any commercial unit on a flat sewer service shall be, commencing as of September 1, 1986, \$14.11 per month.

b.) Sewer service charges to commercial and industrial metered customers of sewer service shall be as follows, commencing as of September 1, 1986:

22,500 gallons of water used, or less . . . \$42.33 per quarter

Plus: For each quantity of 1,000 gallons or fraction thereof, in excess of 22,500 gallons of water used . . . . . \$1.33 per 1,000 gallons per quarter.

(Ord. 13 of 1979, Sect. 1, Passed 11-29-79; Ord. 18 of 1982, Sect. 1, Passed 11-30-82; Ord. 16 of 1983, Sect. 1, Passed 11-21-83; Ord. 8 of 1986, Sect. 3, Passed 9-2-86)

c.) The sewer service charge for a dwelling unit, a partial dwelling unit, or any commercial unit on a flat sewer service shall be, as of January 1, 1984, \$30.90 per quarter.

d.) Sewer service charges to commercial and industrial metered customers of sewer service shall be as follows as of January 1, 1984:

22,500 gallons of water used, or less . . . \$30.90

Plus: for each quantity of 1,000 gallons or fraction thereof, in excess of 22,500 gallons of water used . . . . . \$.970 per 1,000 gallons per month

(Ord. 18 of 1982, Sect. 1, Passed 11-30-82; Ord. 16 of 1983, Sect. 1, Passed 11-21-83)

917.06 COMPLIANCE WITH FEDERAL REGULATIONS

The City, in order to comply with Federal Regulations regarding Industrial Cost Recovery and User Charge Systems, specifically agrees and covenants that it shall:

a.) Develop and institute the Environmental Protection Agency of the Federal Government (the "EPA")-approved Industrial Cost Recovery System, included herein in Sections 917.07 through 917.15.

- b.) Annually review revenues against operation, maintenance and replacement costs and other costs and revise the sewer service rental charges as necessary to insure adequate income to defray expenses.
- c.) Maintain such records as may be required to document compliance with Federal Regulations.
- d.) Specifically allocate the first \$0.35/1000 gallons collected from metered customer's usage in excess of 22,500 gallons per quarter to operation, maintenance and replacement, the excess of which at any time to be allocated as required.

(Ord. 7 of 1977, Sect. E, Passed 6-20-77)

#### 917.07 INDUSTRIAL COST RECOVERY CHARGES

In providing the Sewer System, a waste collection, transportation and treatment system which includes facilities for the treatment of industrial wastes, either independently or in conjunction with other wastes, the City, as the Lessee thereof from the General Authority, shall have the authority and shall collect from such Industrial Users to which they are applicable all or any part of the construction costs of such waste treatment system reasonable attributed to such industrial wastes. The apportionment of such costs shall be equitable among Industrial Users, and such costs shall be collected by periodic charges in conjunction with the sanitary sewage collection, transportation and treatment charges imposed hereunder, or in such other manner or combinations thereof as in the judgment of the City is equitable and will assure each industrial cost recovery. (Ord. 7 of 1977, Schedule "B", Passed 6-20-77)

#### 917.08 'INDUSTRIAL USER' DEFINED

An Industrial User hereunder is any non-governmental user of the Sewer System of the City and General Authority as identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- a.) Division A - Agriculture, Forestry and Fishing
- b.) Division B - Mining
- c.) Division D - Manufacturing
- d.) Division E - Transportation, Communication, Electric, Gas and Sanitary Services
- e.) Division F - Services

Any Industrial User shall be excluded if it is determined that it will introduce exclusively segregated domestic wastes or wastes from sanitary conveniences. (Ord. 7 of 1977, Schedule "B", Passed 6-20-77)

#### 917.09 INDUSTRIAL USE FORMULA

The annual amount to be recovered from each Industrial User shall be predicated on the following formula:

$(A/C \times B) \div D = \text{Annual Payment (\$/year) where:}$

- A. Eligible Federal Grant for Project C-420769 as determined by final payment by EPA.
- B. Industrial User's flow discharge to Sewer System, in 1,000 gal/day.
- C. Total design flow (q), in 1,000 gal/day = 3,500
- D. Amortization period in years = 30 years

For the purpose of computing hereunder the Industrial User's annual payment, a cost recovery period of 30 years is hereby established. (Ord. 7 of 1977, Schedule "B", Passed 6-20-77)

#### 917.10 MONTHLY BILLING

Any and all sections of the City's Sewer System Rules and Regulations as from time to time amended, pertaining to the determination, measurement, billing and collecting regulations for industrial waste water discharges shall be the same and in effect as if written herein. Each Industrial User shall be billed monthly on the basis of his computed annual Industrial Cost Recovery Payment divided by 12. (Ord. 7 of 1977, Schedule "B", Passed 6-20-77)

#### 917.11 "INDUSTRIAL COST RECOVERY ACCOUNT"

Moneys collected under the Industrial Cost Recovery Charges hereunder shall be deposited into a special account under the City's Sewer System Fund entitled "Industrial Cost Recovery Account", which is hereby established. On an annual basis, fifty (50%) percent of the amounts recovered, together with interest earned thereon, shall be returned to the U.S. Treasury. Of the fifty (50%) percent remaining, together with interest earned thereon, eighty (80%) percent shall be used for eligible costs for reconstruction and expansion pursuant to 40 CFR 35.928-2(b), and twenty (20%) percent used as the City and the General Authority see fit. Pending use, retained amounts in said Industrial Cost Recovery Account shall be invested in (1) obligations of the U.S. Government; or (2) obligations guaranteed as to principal and interest by the U.S. Government or any agency

thereof; or (3) shall deposit such amount in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof. (Ord. 7 of 1977, Schedule "B", Passed 6-20-77)

#### 917.12 INDUSTRIAL USERS REVIEWED ANNUALLY

Industrial Users shall be reviewed annually by the City and the General Authority for quantity and strength of waste, and the Industrial Cost Recovery Charges imposed hereunder adjusted accordingly. (Ord. 7 of 1977, Schedule "B", Passed 6-20-77)

#### 917.13 REPORTS SUBMITTED TO E.P.A.

The City and the General Authority shall maintain records and submit reports and financial statements to the Environmental Protection Agency in conformance with the latest applicable Federal Regulations. (Ord. 7 of 1977, Schedule "B", Passed 6-20-77)

#### 917.14 AMENDMENTS

Sections 917.07 through 917.15, regarding the Industrial Cost Recovery and User Charge Systems, shall be amended, as necessary, in order to comply with the latest applicable Federal Regulations. (Ord. 7 of 1977, Schedule "B", Passed 6-20-77)

#### 917.15 APPEALS

Any industry so wishing may appeal Industrial Cost Recovery Charges imposed herein for the following reason:

- a.) It is in disagreement with the quantity of industrial waste discharged as determined by the City.

The appeal procedure shall be as follows:

- a.) The industry shall state its appeal in a registered letter addressed to the City Clerk.
- b.) The City Clerk shall refer the appeal to the Consulting Engineer for review.
- c.) The Consulting Engineer shall review the appeal request and render an opinion to the City and the General Authority within 45 days.
- d.) The City and the General Authority shall vote to approve or disapprove the appeal within 45 days after receipt of the Consulting Engineer's report.

(Ord. 7 of 1977, Schedule "B", Passed 6-20-77)

#### 917.99 PENALTY

Any sewer rental, rate or charge hereby imposed which is not paid on or before the 20th day of the month the billing statement is rendered, shall, together with the penalty herein levied and imposed, be a lien on the property charged with the payment thereof, from the 20th day of the month the billing statement is rendered; and if not paid after thirty (30)

days' notice may be collected by an action in assumpsit in the name of the City against the owner of the property charged, or by distress of personal property on the premises or by lien filed in the nature of a municipal lien. (Ord. 15 of 1967, Sect. 5, Passed 12-20-67)