

**COMMON COUNCIL  
CITY OF FRANKFORT**

**ORDINANCE NO. 09-10A**

**AN ORDINANCE PROVIDING FOR THE RECOVERY  
OF PUBLIC FIRE PROTECTION COSTS  
AND REPEALING ORDINANCE NO. 97-8 AS TO USER FEES**

**WHEREAS**, the City of Frankfort, Indiana ("City") owns and operates a municipal water utility ("Utility") which, among other things, produces, stores, delivers and furnishes water for fire protection purposes; and

**WHEREAS**, the rates and charges for service by the Utility must produce an income sufficient to maintain the Utility in a sound physical and financial condition to render adequate and efficient service to its customers; and

**WHEREAS**, public fire protection is a service provided to all residents and customers inside the City's corporate limits; and

**WHEREAS**, the City wishes to collect charges necessary to maintain fire protection services from the residents and customers who benefit from its availability; and

**WHEREAS**, the Common Council desires to repeal Ordinance No. 97-8 which established a user fee for fire protection services;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Frankfort, Indiana:

**Section 1.** The costs for the production, storage, transmission, sale, delivery, or furnishing of water for public fire protection purposes ("fire protection costs") shall be recovered from all customers of the Utility located within the City's corporate limits through the assessment of a Monthly Fire Protection Surcharge. The Fire Protection Surcharge shall be \$4.00 per month and shall be assessed to all customers located within the City's corporate limits. The Fire Protection Surcharge shall be collected by and retained by the Utility.

**Section 2.** Effective upon the date of this change in the manner of recovering fire protection costs, the City shall cease collecting fire hydrant user fees.

**Section 3.** Effective upon the date of this change in the manner of recovering fire protection costs, the Utility shall cease directly billing the City for fire protection costs. The public fire hydrant rate provided for in Section 52.11(A) of Ordinance No. 2008-02 shall no longer be charged and is repealed. Any balance remaining in Fund 324 entitled "User Fee Hydrant Fee", as of the effective date of this ordinance, shall be paid to Utility.


**Section 4.** Notwithstanding this change in the recovery of fire protection costs, the construction cost of any new fire hydrants installed at the request of the City shall continue to be paid for by or on behalf of the City.

**Section 5.** Ordinance No. 97-8 entitled Ordinance Establishing User Fee for Service Supplied Residents, which was enacted September 8, 1997, is hereby repealed.

**Section 6. Severability.** The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

**Section 7. Effective Date.** This Ordinance shall be in full force and effect the day following its date of passage..

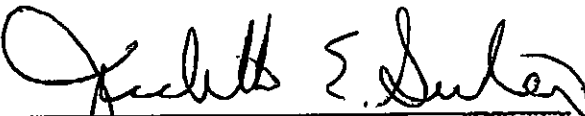
Dated: June 8, 2009.

  
Chris N. Pippenger, President  
of Common Council

ATTEST:

  
Judith E. Suter, Clerk-Treasurer

Presented to the Mayor of the City of Frankfort, Indiana the 8<sup>th</sup> day of JUNE, 2009.

  
Judith E. Suter, Clerk-Treasurer

Approved by me, the Mayor of the City of Frankfort, Indiana, this 8<sup>th</sup> day of JUNE, 2009.

  
Chris N. Pippenger, Mayor

ATTEST:

  
Judith E. Suter, Clerk-Treasurer