

ORDINANCE NO. 950

AN ORDINANCE ESTABLISHING USER FEES AND OTHER REQUIRED CONTRACT TERMS FOR THE TOWN OF ST. JOHN AND WASTEHAUL, INC. FOR THE YEARS 1994 AND 1995 AS REQUIRED FOR THE COMPREHENSIVE REFUSE, YARDWASTE, AND RECYCLING COLLECTION FOR THE TOWN AND REPEALING ALL ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, supports the reduction of solid waste generated within the Town so as to achieve compliance with the solid waste reduction goals of 35% and 50% established by the State of Indiana for the years 1996 and 2001, respectively; and,

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined that in order to achieve the reduction of solid waste, it is necessary and advisable to expand the present collection of garbage to include the separate collection of required recyclable material and the separate collection of yardwaste within the Town; and,

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been previously advised of the expiration of the garbage Contract for the years 1992 and 1993 between the Town of St. John and Wastehaul; and,

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, recognizes the need to continue these essential garbage collection services for the Town and has authorized the advertisement for a new Contract for garbage collection and recycling service for the Town; and,

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, received bids on December 20, 1993, for garbage collection services which included the collection and disposal of refuse and yardwaste, the collection and recycling of required recyclable material, as well as fixed fees for the removal of freon from required white goods, a fee for replacement recyclable containers, and a fee for additional collection and disposal of the Town's dumpster beyond the required minimum pick-up; and,

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, upon its review and analysis of the Four (4) bids received on December 20, 1993, made an award of Contract on December 28, 1993 to Wastehaul, Inc., based upon its determination that the bid submission of Wastehaul, Inc. represented the lowest and most responsive bid; and,

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, authorized the preparation of a fixed fee Contract using the alternate base bid prices submitted for the years 1994 and 1995, as described in Exhibit "A" attached hereto, and has forwarded such Contract to Wastehaul, Inc. for its consideration and execution; and,

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, executed an Addendum to the current garbage Contract on December 27, 1993, with Wastehaul, Inc., in order to continue on an emergency month to month basis the collection of garbage and required service until such time that the Contract for the years 1994 and 1995 was executed, and thereafter, the Town Council additionally renewed such Addendum on January 24, 1994, to continue the emergency garbage collection services through the month of February 1994; and,

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined that it is necessary and advisable to adopt an Ordinance under the applicable provisions of the Indiana Code, the fees that are to be paid by the users of these contractual garbage collection services, as well as by the Town of St. John; and,

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined that the establishment of fees is immediately necessary by and through the adoption of this Ordinance in order to execute the Contract between the Town of St. John and Wastehaul, Inc., for the years 1994 and 1995 for garbage collection services for the Town of St. John.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, THAT:

SECTION ONE: Upon the execution and delivery of the Contract for garbage collection services for the years 1994 and 1995 between the Town of St. John and Wastehaul, Inc., the fees, as described in Exhibit "A" attached hereto, will be in effect as of the first day of the month for the next month subsequent to the adoption of this Ordinance. The garbage collection services will be rendered to those Town residents as listed on the Town's Master List, as required to be provided to Wastehaul, Inc., under the terms of the Contract between the Town of St. John and Wastehaul, Inc.

SECTION TWO: An administrative fee for the sale of the required yard waste tags as required to cover the costs incurred by the Clerk-Treasurer's Office will be added to the Contract for garbage collection services and a total price of One Dollar and Twenty-Five Cents (\$1.25) each will apply for all yard waste tags sold in the years 1994 and 1995. The required yard waste tags shall be sold by the Town of St. John in a minimum purchase of Four (4) tags at any One (1) time.

SECTION THREE: Effective on the starting date of the garbage collection services Contract, as referenced hereinabove, all yard waste shall be placed in the approved yard waste bag as defined in the garbage collection services Contract, and shall further be properly tagged with the required yard waste tag in order to be collected by Wastehaul, Inc.

SECTION FOUR: All recyclable material contained in the required recycling container shall become the property of Wastehaul, Inc. once the recycling container is placed at the required pick-up location by the Town resident.

SECTION FIVE: Penalties for private scavenging of garbage or recyclable material shall be established in conformance with the applicable penalty provisions of the Town Code, as amended from time to time, and shall be enforced by the Police Department of the Town.

SECTION SIX: All recycling bins shall remain the property of the Town of St. John. In the event replacement of the recycling bin is required, the resident will be required to pay Wastehaul, Inc. the fee, as described in Exhibit "A" attached hereto, for a replacement recycling container.

SECTION SEVEN: All whitegoods that require freon removal prior to collection by Wastehaul, Inc. shall have such freon removed and the resident will pay Wastehaul, Inc. the fee, as described in Exhibit "A" attached hereto, for freon removal.

SECTION EIGHT: Dumping of yardwaste shall not be permitted on private or public property and penalties for such dumping violations shall be established in conformance with the applicable penalty provisions of the Town Code, as amended from time to time, and shall be enforced by the Police Department of the Town.

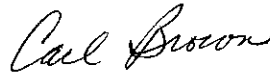
SECTION NINE: That all existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION TEN: If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

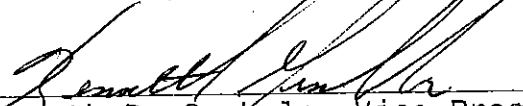
SECTION ELEVEN: That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, THIS 28 OF February, 1994.

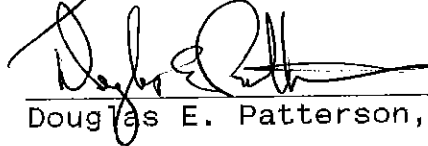
TOWN OF ST. JOHN, LAKE COUNTY,
INDIANA, TOWN COUNCIL



Carl Brown, President



Kenneth D. Gembala, Vice-President



Douglas E. Patterson, Member

ATTEST:


JUDITH L. COMPANIK,
Clerk-Treasurer

EXHIBIT "A"

A. CONTRACT BETWEEN THE TOWN OF ST. JOHN AND WASTEHAUL, INC. FROM JANUARY 1, 1994, THROUGH DECEMBER 31, 1994, SHALL BE AS FOLLOWS:

<u>Description</u>	<u>Est. Units</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Base Contract Price</u>
Base Bid per unit	2,100	EA	\$7.75	\$195,300.00
Recycling Monthly Credit	2,100	EA	\$1.00	
Rolloff Container Uncompacted Disposal	as needed for additional disposal beyond 4 times per month	CY	\$10.00	
Yard Waste Tag	as needed	EA	\$0.95	
Freon Removal per Whitegood	as requested by Town residents	EA	\$20.00	
Replacement Recycling Container	as requested by Town residents	EA	\$4.25	

B. CONTRACT BETWEEN THE TOWN OF ST. JOHN AND WASTEHAUL, INC. FROM JANUARY 1, 1995, THROUGH DECEMBER 31, 1995, SHALL BE AS FOLLOWS:

<u>Description</u>	<u>Est. Units</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Base Contract Price</u>
Base Bid per unit	2,100	EA	\$8.75	\$220,500.00
Rolloff Container Uncompacted Disposal	as needed for additional disposal beyond 4 times per month	CY	\$11.00	
Yard Waste Tag	as needed	EA	\$1.00	
Freon Removal per Whitegood	as requested by Town residents	EA	\$25.00	
Replacement Recycling Container	as requested by Town residents	EA	\$4.50	