

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1384

AN ORDINANCE AMENDING TOWN CODE SECTION 10-3 PERTAINING TO BUSINESS LICENSE REGULATIONS IN THE TOWN OF ST. JOHN, AND REPEALING ALL TOWN CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, the Town of St. John, Lake County, Indiana, is unit of local government, and by virtue of its existence and statutory mandate is within the jurisdiction of the Lake County Solid Waste Management District (hereinafter referred to as "District"); and

WHEREAS, the Town of St. John, Lake County, Indiana, is represented at the District by its membership on the District Board; that pursuant to applicable law, a member of the Town Council is appointed as a member of the District Board to represent St. John; and

WHEREAS, the District is empowered by I.C. §13-21-3, *et seq.*, as amended from time to time, to promote the reduction, reuse and recycling of solid waste, and to promote the proper management of solid waste within Lake County, Indiana; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, is authorized pursuant to I.C. §13-21-1, *et seq.*, as amended from time to time, to regulate and manage solid waste within its corporate boundaries; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised that the District Board passed and adopted Board Resolution 99-1 on January 21, 1999, entitled "Recycling Grants Policy"; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised that the "Recycling Grants Policy" provides funds to municipalities for curbside recycling and other programs which meet the statutory goals of I.C. §13-21-1, *et seq.*, as amended from time to time, and the goals of the District; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been further advised that the District passed its twenty (20) year plan pursuant to I.C. §13-21-5, *et seq.*, as amended from time to time, which provides a plan for the solid waste stream as it relates to both residential and business solid waste within Lake County, Indiana; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been further advised that the District Board, pursuant to I.C. §13-21-5, *et seq.*, as amended from time to time, in cooperation with participating District member Lake County municipalities, through its twenty (20) year plan, seeks to reduce the impact that businesses and households have on the solid waste stream generated in Lake County by encouraging and assisting in the implementation of a solid waste management plan including reducing, reuse, and recycling at the business and individual residential levels; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been further informed by the District that it is advisable to amend Town Code Section 10-3 pertaining to business license application requirements to include recycling plans for businesses within the Town; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the text provisions of Town Code Section 10-3 concerning application for business license requirements; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, having reviewed the provisions of Town Code Section 10-3 concerning application for business license requirements, and being duly advised, now concurs that it is advisable, necessary, and in the best interests of the residents of St. John that Town Code Section 10-3 be amended and modified to require a recycling plan for the issuance of business licenses within the Town of St. John.

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

SECTION ONE: That **Town Code Section 10-3(a)**, entitled **Same-Applications; forms; investigations.**, of **Article 1**, entitled **IN GENERAL**, of **Chapter 10**, entitled **LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS**, as amended from time to time, be, and the same is hereby replaced to read and provide as follows, namely:

Sec. 10-3 Same-Applications; forms; investigations.

“(a) Applications. Applications for all licenses required by section 10-2 shall be made in writing to the town zoning administrator in the absence of provisions to the contrary. Each application shall state the name of the applicant, the license desired, the location to be used, if any, the time covered and the fee to be paid, and each application shall contain such additional information as may be needed for the proper guidance of town officials in issuing the license applied for. Additionally, each business located within the boundaries of the Town, upon being licensed or obtaining any renewal thereof, shall provide as part of its business application a Recycling Plan, on a Town provided form, describing how its solid waste will be managed, including reduction, reuse and recycling steps taken to reduce its solid waste stream, which plan shall be subject to approval as provided in this article.”


SECTION TWO: That all other 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 THREE: 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 FOUR: 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, Lake County, Indiana, in conformance with applicable law.


ALL OF WHICH IS PASSED AND ADOPTED THIS 21st DAY OF APRIL, 2005, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.


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


Michael S. Fryzel, President

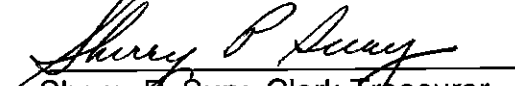

Jerri A. Teibel, Vice-President


Mark Barente, Member


Charles E. Pearson, Member


Gregory J. Volk, Member

ATTEST:


Sherry P. Sury, Clerk-Treasurer