

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1575

AN ORDINANCE AMENDING TOWN ORDINANCE NO. 1550, BEING: "AN ORDINANCE AMENDING TOWN ORDINANCE NO. 1482, BEING: 'AN ORDINANCE ESTABLISHING A RESIDENTIAL REFUSE GARBAGE COLLECTION FEE, AS WELL AS ESTABLISHING REGULATIONS PERTAINING TO THE COLLECTION OF REFUSE, GARBAGE AND RECYCLABLES IN THE TOWN, REPEALING ALL TOWN CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT HERewith, AND ALL MATTERS RELATED HERETO'", REPEALING ALL TOWN CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT HERewith, AND ALL MATTERS RELATED HERETO", AND REPEALING ALL TOWN CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT HERewith, AND ALL MATTERS RELATED HERETO.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana (hereinafter the "Town Council"), has heretofore established, by its adoption of Town Ordinance No. 1550, which amended previously adopted Town Ordinance No. 1482, a Residential Refuse Garbage Collection Fee, as well as Regulations Pertaining to the Collection and Disposal of Refuse, Garbage and Recyclables in the Town, which Ordinance was duly adopted the 26th day of January, 2012, by the Town Council; and

WHEREAS, the Town Council has, since its adoption of the Town Residential Refuse Garbage Collection Fee Ordinance No. 1550, charged and collected the established residential refuse collection fee for residential refuse collection services from the residents and property owners of the Town;

WHEREAS, the Town Council contracted for the collection of refuse and recyclables consistent with applicable Indiana Law on May 9, 2007, with a vendor contractor; thereafter, the Town Council entered into its FIRST AMENDMENT TO CONTRACT FOR COLLECTION OF REFUSE AND RECYCLABLES with its vendor contractor on the 27th day of May, 2010, amending said Contract for collection of refuse and recyclables only in the Contractor's compensation under said Contract for residential refuse collection services provided by said vendor contractor; and thereafter entered into its SECOND AMENDMENT TO CONTRACT FOR COLLECTION OF REFUSE AND RECYCLABLES with its vendor contractor on the 22nd day of August, 2013, effective May 1, 2013, only in the Contractor's compensation under said Contract for residential refuse collection services provided to said vendor contractor; and

WHEREAS, the Town Council has been informed and advised that notwithstanding the establishment of a residential refuse garbage collection fee by adoption of Town Ordinance No. 1550, the entry into the SECOND AMENDMENT TO CONTRACT FOR COLLECTION OF REFUSE AND RECYCLABLES required an amendment to Town Ordinance No. 1550, as concluded by the Indiana State Board of Accounts Financial Statement Examination Report of the Town of St. John, Lake County, Indiana, for the year 2010, filed November 17, 2011; and

WHEREAS, the Town Council, having reviewed the examination results and comments of the Indiana State Board of Accounts in its 2010 Financial Statement Examination Report of the Town of St. John, Lake County, Indiana, for 2010, filed November 17, 2011, has concluded and concurred that an amendment to Town Ordinance No. 1550 is appropriate to enact, by enabling Ordinance, the amended Residential Refuse Garbage Collection Fee contracted for in said SECOND AMENDMENT TO

CONTRACT FOR COLLECTION OF REFUSE AND RECYCLABLES with the vendor contractor of the Town entered August 22, 2013; and

WHEREAS, the Town Council, having reviewed the examination results and comments of the Indiana State Board of Accounts referenced hereinabove, the provisions of the **SECOND AMENDMENT TO CONTRACT FOR COLLECTION REFUSE AND RECYCLABLES**, and existing provisions of Town Residential Refuse Garbage Collection Fee Ordinance No. 1550, now concurs and agrees that it is advisable, appropriate, and in conformance with said examination results and comments referenced by the Indiana State Board of Accounts Financial Statement Examination Report for the Town of St. John, Lake County, Indiana, for 2010, and filed November 17, 2011, that said Town Ordinance No. 1550 be amended to include in said Amending Ordinance the current provisions for Contractor's Compensation to be paid to the Town's vendor/contractor for residential refuse collection services provided and rendered to the residents and property owners of the Town, with said current amending Ordinance declared to be effective from and after May 1, 2013.

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

SECTION ONE: That "**SECTION NINE:**", entitled "**RESIDENTIAL GARBAGE COLLECTION FEE**", of Town Ordinance No. 1550, adopted the 26th day of January, 2012, by the Town Council, be, and the same is hereby amended to read and provide hereafter, retroactive to May 1, 2013, as follows, namely:

"SECTION NINE: RESIDENTIAL GARBAGE COLLECTION FEE

A. For the use of garbage, refuse, and recyclable sanitary collection and disposal services to be rendered and provided for the period of May 1, 2013, through April 30, 2014, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or dwelling unit that is, or will be, provided such services as set forth herein. The current billing rates and charges approved hereby shall commence to the owners of each and every lot, parcel of real estate, or dwelling unit, with the billing to such owners for the October, 2013, billing cycle, and thereafter, consistent with the terms and provisions set forth hereinafter. An owner is identified as the holder of fee simple title interest in and to a lot or a parcel of real property upon which dwelling or dwelling units are situated. The owner of each such lot or parcel of real estate upon which is situated a dwelling or dwelling unit shall pay a fee of Fifteen and 75/100 Dollars (\$15.75) per month for each dwelling or dwelling unit to which sanitary garbage, refuse, recyclable, and yard waste collection and disposal service is provided. Further, the amount of Sixty Dollars (\$60.00) per additional White Good picked up, containing refrigerant, and the amount of Five Dollars (\$5.00) per additional White Good picked up, without refrigerant, shall be paid for collection and disposal, which amounts shall be paid by the TOWN resident directly to the vendor Contractor, effective from the date of this Ordinance, upon adoption by the Town Council and publication in conformance with applicable law.

B. For the use of garbage, refuse, and recyclable sanitary collection and disposal services to be rendered and provided for the period of May 1, 2014, through April 30, 2015, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or dwelling unit that is, or will be, provided such services as set forth herein. An owner is identified as the holder of fee simple title interest in and to a lot or a parcel of real property upon which dwelling or dwelling units are situated. The

owner of each such lot or parcel of real estate upon which is situated a dwelling or dwelling unit shall pay a fee of Sixteen and 30/100 Dollars (\$16.30) per month for each dwelling or dwelling unit to which sanitary garbage, refuse, recyclable, and yard waste collection and disposal service is provided. Further, the amount of Sixty Dollars (\$60.00) per additional White Good picked up, containing refrigerant, and the amount of Five Dollars (\$5.00) per additional White Good picked up, without refrigerant, shall be paid for collection and disposal, which amounts shall be paid by the TOWN resident directly to the vendor Contractor, effective from the date of this Ordinance, upon adoption by the Town Council and publication in conformance with applicable law.

C. For the use of garbage, refuse, and recyclable sanitary collection and disposal services to be rendered and provided for the period of May 1, 2015, through April 30, 2016, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or dwelling unit that is, or will be, provided such services as set forth herein. An owner is identified as the holder of fee simple title interest in and to a lot or a parcel of real property upon which dwelling or dwelling units are situated. The owner of each such lot or parcel of real estate upon which is situated a dwelling or dwelling unit shall pay a fee of Sixteen and 85/100 Dollars (\$16.85) per month for each dwelling or dwelling unit to which sanitary garbage, refuse, recyclable, and yard waste collection and disposal service is provided. Further, the amount of Sixty Dollars (\$60.00) per additional White Good picked up, containing refrigerant, and the amount of Five Dollars (\$5.00) per additional White Good picked up, without refrigerant, shall be paid for collection and disposal, which amounts shall be paid by the TOWN resident directly to the vendor Contractor, effective from the date of this Ordinance, upon adoption by the Town Council and publication in conformance with applicable law.

D. For the use of garbage, refuse, and recyclable sanitary collection and disposal services to be rendered and provided for the period of May 1, 2016, through April 30, 2017, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or dwelling unit that is, or will be, provided such services as set forth herein. An owner is identified as the holder of fee simple title interest in and to a lot or a parcel of real property upon which dwelling or dwelling units are situated. The owner of each such lot or parcel of real estate upon which is situated a dwelling or dwelling unit shall pay a fee of Seventeen and 40/100 Dollars (\$17.40) per month for each dwelling or dwelling unit to which sanitary garbage, refuse, recyclable, and yard waste collection and disposal service is provided. Further, the amount of Sixty Dollars (\$60.00) per additional White Good picked up, containing refrigerant, and the amount of Five Dollars (\$5.00) per additional White Good picked up, without refrigerant, shall be paid for collection and disposal, which amounts shall be paid by the TOWN resident directly to the vendor Contractor, effective from the date of this Ordinance, upon adoption by the Town Council and publication in conformance with applicable law.

E. For the use of garbage, refuse, and recyclable sanitary collection and disposal services to be rendered and provided for the period of May 1, 2017, through April 30, 2018, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or dwelling unit that is, or will be, provided such services as set forth herein. An owner is identified as the holder of fee simple title interest in and to a lot or a parcel of real property upon which dwelling or dwelling units are situated. The owner of each such lot or parcel of real estate upon which is situated a dwelling or dwelling unit shall pay a fee of Eighteen and 00/100 Dollars (\$18.00) per month for each dwelling or dwelling unit to which sanitary garbage, refuse, recyclable, and yard

waste collection and disposal service is provided. Further, the amount of Sixty Dollars (\$60.00) per additional White Good picked up, containing refrigerant, and the amount of Five Dollars (\$5.00) per additional White Good picked up, without refrigerant, shall be paid for collection and disposal, which amounts shall be paid by the TOWN resident directly to the vendor Contractor, effective from the date of this Ordinance, upon adoption by the Town Council and publication in conformance with applicable law.

For the purposes of collected fees above, owners are liable for payment as required herein. The individual residential refuse garbage collection fee shall be billed with the water and wastewater utility billing of the Town on a monthly basis. Said billing shall be issued by the Town on or about the first day of each month. All rates and charges billed by the Water and Waste Water Utility Billing Department of the Town, including for residential refuse garbage collection fees imposed hereby, shall be paid by no later than the 15th day of each month. In the event such billing is not paid on or before the 15th day of each month, then a Ten percent (10%) penalty shall be imposed. For purposes of computing time, and particularly for assessment of the Ten Percent (10%) penalty, the 15th day of each month is the last day in which payment of billing without imposition of the Ten Percent (10%) penalty may be made. After the 15th day of each month, the Ten Percent (10%) penalty on each such billing shall be assessed and collected. In the further event of necessity of pursuit of delinquent or late fees in a civil action, reasonable attorneys fees shall be imposed.

SECTION TWO: That all remaining terms and provisions of Town Ordinance No. 1550 not replaced, amended, clarified or repealed herein are hereby ratified and reaffirmed in all respects.

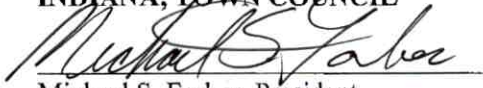
SECTION THREE: If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

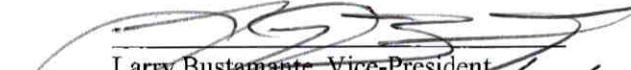
SECTION FOUR: That all existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

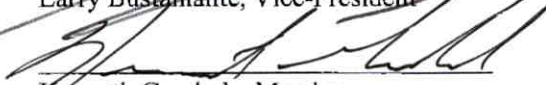
SECTION FIVE: That this Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of St. John, Lake County, Indiana, and publication in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED THIS 26th DAY OF SEPTEMBER, 2013, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

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


Michael S. Forbes, President

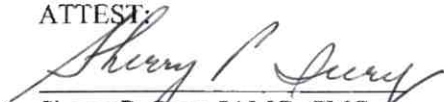

Larry Bustamante, Vice-President


Kenneth Gembala, Member

Gregory J. Volk, Member

Mark Barenie, Member

ATTEST:


Sherry P. Sury, IAMC, CMC
Clerk-Treasurer