

An Ordinance Amending Garbage Collection Rates

WHEREAS, pursuant to the authority provided by Indiana Code 36-9-30-5, The Town of Pierceton adopted Ordinance No. 82-2-1 to provide for the collection and disposal of solid waste within the Town of Pierceton, Indiana, and in that Ordinance set fees and charges with respect thereto, and,

WHEREAS, the provisions of said Ordinance and the amendments thereafter have been codified as Section 3-2-3 of the Town Code of the Town of Pierceton, Indiana, and

WHEREAS, the cost of collecting and disposing of garbage and solid waste within the Town of Pierceton has increased, the Town Council has determined that an increase in the rates and charges therefore is needed;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PIERCETON, INDIANA, as follows:

Section One: Modification of Section 3-2-3 of the Town Code: Section 3-2-3 of the Town Code of the Town of Pierceton, Indiana, is now hereby amended in its entirety as follows:

Sec. 3-2-3 Rate Categories for Garbage Collection

The Town of Pierceton, Indiana, does hereby establish the following rate categories for provision to its citizens of sanitation, garbage and solid waste disposal services:

- a. Residential Rates: Residential rates shall apply to residential users, which are defined to be person(s) who own or occupy a residential unit, whether a single-family residence unit or a multi-family unit where each apartment shall be considered a separate residential unit and therefore a separate residential user, regardless of whether or not each such residential unit is occupied. Notwithstanding the foregoing, the Town Council may hear and grant variances from the charges established herein if extraordinary circumstances justify such a variance.
- b. Commercial Rates: If established, commercial rates shall apply to commercial users, which are defined as all users of solid waste disposal services provided by the town except those users defined as residential users in subparagraph (a) above or industrial users in subparagraph (c) below.
- c. Industrial Rates: If established, industrial rates shall apply to industrial users, which are defined as manufacturers or processors of products or goods. Industrial rates shall be negotiated between the industrial user and the Town and shall be approved by the Town Council by ordinance, on a case-by-case basis and such rates shall be determined on the basis of volume, density, weight, character of the solid waste, and/or the charges as contracted between the town and any private collector. Payment of such rates shall be the responsibility of either the owner of the real estate or the industrial user, as negotiated and agreed to by such owner or industrial user and approved by the Town Council.

Section Two: Modification of Section 3-2-3.1 of the Town Code: Section 3-2-3.1 of the Town Code of the Town of Pierceton, Indiana, is now hereby amended in its entirety as follows:

Sec. 3-2-3.1 Rates and Charges per User Type

The Town of Pierceton, Indiana, does hereby establish, for provision to its citizens of sanitation, garbage and solid waste disposal services, the following rates and charges:

- a. Residential Rates: Residential rates shall be Eleven Dollars (\$11.00) per residential user per month.
- b. Commercial Rates: None currently established. Commercial users shall be responsible to provide for their own garbage collection or solid waste disposal services at this time.
- c. Industrial Rates: None currently established. Industrial users shall be responsible to provide for their own garbage collection or solid waste disposal services at this time.

Section Three: Chapter 3 Article 2 Applicability: All parts of Chapter 3 Article 2 of the Town Code of the Town of Pierceton, Indiana, nototherwise modified by this Ordinance, shall remain in full force and affect.

Section Four: Severability: If any part of this Ordinance is determined to be unenforceable or unconstitutional, then all parts of this Ordinance not so determined to be unenforceable or unconstitutional, shall remain in full force and affect.

Section Five: Effective Date: The rates provided herein shall commence with the February 28 billing cycle which is for garbage collection from January 15, 2022 to February 15, 2022.

UPON MOTION DULY MADE AND SECONDED this Ordinance was presented and introduced as Ordinance Number 2021-12-_____, at the Regular Meeting of the Town Council on the 13th day of December, 2021, by unanimous vote of _____ ayes and _____ nays.

On the 10th day of January, 2022, a public hearing was held before the Town Council of the Town of Pierceton, Indiana, on the rates and charges proposed by this Ordinance Number 2021-12-_____, as introduced on December 13, 2021. The public hearing was held in accordance with I.C. 8-1.5-3-8.1 after publishing notice thereof in accordance with I.C. 5-3-1 (I.C. 5-3-1-1 thru I.C. 5-3-1-9), by mailing to owners of vacant or unimproved property if there is a fee for service to vacant or unimproved property, and by mailing to users of the service for property located outside the municipality's corporate boundaries. The Town Council, after permitting all persons whom attended to be heard, and after reading the written comments submitted to the Town, then closed the hearing.

UPON MOTION DULY MADE AND SECONDED, at the Regular Meeting of the Town Council of the Town of Pierceton, Indiana, this Ordinance was adopted by the Town Council by a vote of _____ ayes and _____ nays this 10th day of January, 2022.

The Town Council of the Town of Pierceton, Indiana

Thomas Barker, President

Mandy Espinoza, Member

Matthew Brubaker, Member

ATTEST:

Myra Mast, Clerk/Treasurer