

**ORDINANCE 2021-12-1**

**An Ordinance of the Town of Winona Lake, Indiana Amending  
Ordinance Numbered 2019-11-3 by Modifying the  
Schedule of Charges for Garbage Disposal**

**WHEREAS**, Indiana Code 36-9-23-25 and Indiana Code 36-9-30-21 provides for the establishment of fees for services for the collection and disposal of garbage; and

**WHEREAS**, the Town Council of Winona Lake, Indiana, has previously determined that it is necessary to establish fees for the garbage disposal service provided by the Town; and

**WHEREAS**, the existing rates and charges by the Town do not provide sufficient revenues, the Town Council now finds that the rates and charges established by Ordinance 2019-11-3 on December 17, 2019, should be increased,

**WHEREAS**, the Town Council finds that the rates, charges, rules, and regulations established herein are just, equitable, and in the general health and welfare of the Town.

**NOW THEREFORE**, be it Ordained by the Town Council of the Town of Winona Lake, Indiana, as follows:

**Section 1: Rate Structure**

- A. For the garbage collection service provided by Town of Winona Lake, the owners of each and every lot, parcel or real estate or building or parts of buildings in possession of the diverse persons that are utilizing or that are able to utilize the Town of Winona Lake's garbage collection system, shall pay the following monthly fees, to-wit:
1. Dwelling units
    - a. Family units - single or double \$8.00 each unit
    - b. Apartment units \$8.00 each unit
    - c. Condominiums \$8.00 each unit
- B. Billing - The fees provided by this Ordinance shall be payable on the twenty-eighth (28th) day of each month commencing January 1, 2022. The fees shall be considered delinquent if not paid by the tenth (10th) day of the month following the day the payment is due. Payments shall be applied to the oldest outstanding balance. As provided by IC 36-9-23-31, a penalty of ten percent (10%) attaches to any payment that is not paid by the time it is due, and the penalty is due immediately.

Section 2: The fees required herein shall be collected in the manner provided for the collection of sewer use fees as provided by IC 36-9-23 which includes but is not limited to the fees being a lien upon the real estate for which the service is available, and the right of the Clerk-Treasurer of the Town to certify the amount of the bill, plus additional administrative costs incurred to the County Recorder and the County Treasurer to be a lien upon and to be collected as taxes upon the real estate for which the service was available.

Section 3: Ordinance Number 2019-11-3 of the Town of Winona Lake is hereby superseded by this Ordinance, provided however, that the existing rates and charges provided for in Ordinance Number 2019-11-3 shall remain in effect until the rates and charges provided by this ordinance shall become effective. All other ordinances of the Town not in conflict herewith shall remain in full force and effect.

Section 4: Each and every part of this Ordinance is severable, so that if any part of this Ordinance is declared unenforceable, each and every other part shall remain in full force and effect.

Section 5: This Ordinance will become effective upon its adoption and publication as required by law.

This Ordinance was introduced at the Regular Meeting of the Town Council of the Town of Winona Lake, Indiana on December 21, 2021.

A Public Hearing upon the rates and charges proposed in the Ordinance was held during a Special Meeting of the Town Council, held on December 28, 2021 at the time and hour scheduled therefore pursuant to Notice published in the Warsaw, Times Union, on December \_\_\_, 2021, at least ten (10) days prior to the hearing as required by law, with all persons having had the opportunity to be heard, and any written responses having been read aloud. The hearing was concluded, and the meeting continued.

Following the Public Hearing this day this Ordinance was upon motion duly made and seconded, adopted by the Town Council of the Town of Winona Lake, Indiana at the special meeting of the Town Council this 28<sup>th</sup> day of December 2021, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**REMAINDER OF PAGE INTENTIONALLY**

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WINONA LAKE TOWN COUNCIL

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NAY

\_\_\_\_\_  
Rick Swaim, President

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Rick Swaim, President

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Dennis Duncan, Vice-President

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Dennis Duncan, Vice-President

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James Lancaster, Council Member

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James Lancaster, Council Member

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Heather James, Council Member

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Heather James, Council Member

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Austin Reynolds, Council Member

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Austin Reynolds, Council Member

ATTEST:

\_\_\_\_\_  
Kent Adams, Clerk-Treasurer  
Town of Winona Lake