

ORDINANCE NO. 111318A

**AN ORDINANCE GOVERNING THE COLLECTION AND DISPOSAL OF TRASH,
GARBAGE AND REFUSE FOR CUSTOMERS OF THE SEWER UTILITY OF TOWN
OF McCORDSVILLE, INDIANA**

WHEREAS, the Town of McCordsville, Indiana, (the "Town") wishes to provide as a service for their residents pickup and collection of trash, garbage, and refuse, from single family and two family residential properties which are either Town Sewer Utility or Town Storm Water utility customers whether within the Town incorporated limits and providing recycling opportunities by way of rolloff trash receptacles located at Town Hall (the "Trash Collection Service") as part of its regular government services and pursuant to its authority under Indiana Code 36-9-30, as amended, and other applicable provisions of the laws of Indiana (collectively, the "Act"); and

WHEREAS, the cost of providing Trash Collection Service to the single family and two family residences which are customers of the Town Sewer Utility or the Town Storm Water Utility whether within the Town incorporated limits has been increasing steadily over the last number of years; and

WHEREAS, the Town believes that it can collectively contract with a trash collection provider at a substantially reduced cost on a per customer basis; and

WHEREAS, the Town has determined that in order to offset the collection cost to the Town for providing the Trash Collection Service, it is necessary to enact a fee for said service; and

WHEREAS, the Town Council of the Town has retained the services of Umbaugh & Associates to conduct a rate study for the provision of the services described herein which study is attached hereto as Exhibit A and incorporated by reference herein; and

WHEREAS, the Town Council of the Town finds that the fee set forth on Exhibit A, attached hereto and incorporated by reference herein is based upon the cost facts authorized by Indiana Code to be considered when formulating a fee for trash collection service and will enable the Town to meet its expenses for the provision of said service; and

WHEREAS, the Town shall cause notice of a public hearing on the matter of a fee for the provision of Trash Collection Service to be published in accordance with the Act and Indiana Code 5-3-1, and will consider the evidence presented at said public hearing prior to adoption of this ordinance.

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

SECTION I

For the service provided by the Town consisting of the collection of trash, garbage and refuse, and off-site recycling services (i.e., the Trash Collection Service), there shall be charged

to and collected from the owners of each and every lot, parcel of real estate or building that receives said Trash Collection Service a fee of \$10.18 per month (the "Trash Collection Fee").

SECTION II

The Trash Collection Fee shall be prepared, billed and collected by the Town in the manner provided by the Act, this ordinance and as follows:

- (a) The Trash Collection Fee shall be prepared and billed monthly.
- (b) The Trash Collection Fee may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required.
- (c) The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.
- (d) All Trash Collection Fees not paid by the 10th day to the month following receipt (the "Due Date") are hereby declared to be delinquent and a penalty of ten percent (10%) of the first \$3.00 of delinquent fees and three percent (3%) of the remaining delinquent balance shall be added to the Trash Collection Fees due. If trash collection fees become two (2) months delinquent, service will be terminated. In addition, pursuant to Indiana Code 36-9-30-21, and all acts supplemental or amendatory thereto, a reasonable attorney fee may be recovered by the Town of McCordsville, Indiana, should a civil action be filed to collect any unpaid fee for services and any unpaid fees shall become a lien against the real estate pursuant to law.

SECTION III

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which shall be given effect without such invalid part or parts.

SECTION IV

The Trash Collection Fee as herein set forth shall become effective as soon as practicable after adoption of this ordinance.

SECTION V

This Ordinance shall be in full force and effect from and after its passage and publication as prescribed by law.

SECTION VI

Introduced and filed on the 13th day of November, 2018. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of 5 in favor and 0 opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this 13th day of November, 2018, by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

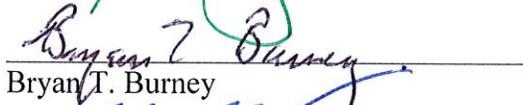
TOWN OF McCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

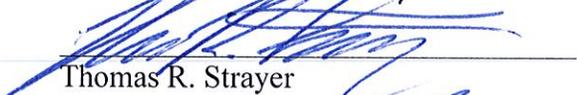
Voting Opposed:


Larry J. Longman

Larry J. Longman


Bryan T. Burney

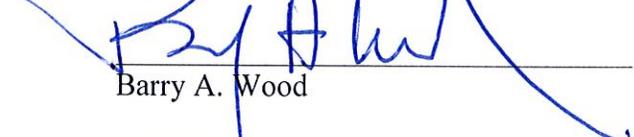
Bryan T. Burney


Thomas R. Strayer

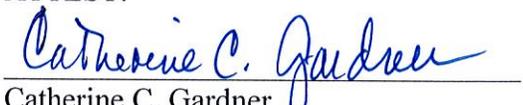
Thomas R. Strayer


Branden D. Williams

Branden D. Williams


Barry A. Wood

Barry A. Wood

ATTEST:

Catherine C. Gardner
Clerk-Treasurer

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, 6 West South Street, Greenfield, IN 46140.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Gregg H. Morelock.