

PUBLIC HEALTH AND SAFETY

ORDINANCE NO. 2013-01

AMENDMENT TO ORDINANCE NO. 2001-04, ESTABLISHING RATES AND CHARGES FOR MUNICIPAL COLLECTION AND DISPOSAL FOR THE TOWN OF WOLCOTT, INDIANA

WHEREAS, the Council of the Town of Wolcott, Indiana, has determined that a clean and well-maintained town is necessary for the safety and welfare of its citizens; and

WHEREAS, the Council of the Town of Wolcott has become aware of residents leaving unsightly and odorous garbage and trash openly displayed in front yards more than one day before scheduled garbage and trash pick-ups; and

WHEREAS, the Town of Wolcott is responsible to insure that all property within the corporate limits of the Town of Wolcott, Indiana, are collected and removed; and

WHEREAS, to date, the cost for collection and removal of trash and refuse has been paid by a portion of regular tax levy on the property owners in the Town of Wolcott and by a portion paid by the resident and/or the property owners in the Town of Wolcott; and

WHEREAS, after due consideration of the estimated cost for the provision of trash and refuse collection service within the Town of Wolcott, Indiana, the Council of the Town of Wolcott has determined that in the best interest of its citizens, it is necessary that the Council of the Town of Wolcott to adopt an ordinance increasing the fees and charges for the use of the trash and refuse collection service, and to set a schedule of when garbage and trash shall be set out for pick-up.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Wolcott, White County, Indiana, as follows:

SECTION II

Rates and Charges

1. Fees.
The owner and/or the occupant of each residence or residential unit or other non-family dwelling located within the Town of Wolcott which are currently being provided Trash Collection Service by the Town or its agent(s) shall continue to be provided Trash Collection Service by the Town or its agent(s) unless specified differently in the contractual agreement between the Town and its agent(s). The service fee for each single residential unit and other non-family structure shall be assessed in accordance with the current contract for said service. Any additional fees for administrative purposes by the town shall be determined by the town council. The fees imposed under this division shall

be payable monthly, and shall be billed, whenever practical to do so, with the regular Water and Wastewater billing for water and other charges.

2. Billing.

The fees imposed under this division shall be payable monthly, and shall be billed, whenever practical to do so, by the Town of Wolcott in the same manner as other utility rates and charges are collected

3. Liability for payment.

The user charges imposed under this division shall be billed to the person who is billed for water service at the residence dwelling, apartment or commercial unit, unless by contract with the town another person assumes responsibility. If a tenant, occupant or other non-owner is billed, the owner shall be liable for the user charge if payment is not made by the tenant, occupant or other non-owner when the charge is due as required in this division. Such owner shall have the right to examine the town's collection records to ascertain whether such charges have been paid.

4. Delinquent accounts.

(a) Fees levied pursuant to this division shall be due and payable on or before the due dates shown on the bills. Any fee not paid by the due date (approximately 15 days after the bill is rendered) shall be considered delinquent. Such delinquent fee, together with any applicable interest, shall be collectible as set forth in this section. Any delinquent or unpaid rates and charges may be assessed a 10% penalty and collected according to the provisions of Indiana Code as amended.

(b) If provided by the state statutes, delinquent fees may be made a lien against the property served through certification to the auditor and the recorder of the county.

(c) In addition to the remedies otherwise provided for in this section, the town shall have the right to bring a civil action to recover any delinquent fees, together with interest at the rate of eight percent per annum and a reasonable attorney's fee. It shall also have the right, if provided by the statutes of the state, to foreclose any lien established under the provisions of this section with recovery of the charge, interest of eight percent per annum and a reasonable attorney's fee.

SECTION III

Revenues

1. All revenues generated from the collection of fees for trash collection as provided above shall be paid in the Office of the Clerk-Treasurer of the Town of Wolcott.

2. Upon receipt of all such revenues, the Town Clerk-Treasurer shall deposit such revenues into the General Fund.

3. The Council of the Town of Wolcott shall utilize such revenues deposited in the General Fund in such manner and for such purposes and in the manner required for appropriation and expenditure of funds as provided by law.

SECTION IV

Effective Date

This Amendment to Ordinance No. 2011-04 shall be in full force and effect retroactive as of January 1, 2013, upon final hearing according to law and passage by the Council of the Town of Wolcott, Indiana, as described in IC 5-3-1-4. The rates established herein shall remain in effect until amended or changed by the Council of the Town of Wolcott. This ordinance shall amend or revoke any previously adopted ordinances in conflict herewith.

Passed and adopted by the common Council of the Town of Wolcott, White County, State of Indiana, this 5th day of March, 2013.

YEA

NAY

Marsha L. Mackey, Council President

Marsha L. Mackey, Council President

Jon H. Evans, Council Vice President

Jon H. Evans, Council Vice President

Richard A. Lynn, Council Member

Richard A. Lynn, Council Member

Fred A. Young, Council Member

Fred A. Young, Council Member

Michael A. Yelton, Council Member
Attest:

Michael A. Yelton, Council Member

Linda S. Bajzatt, IAMC, CMC
Clerk-Treasurer