

ORDINANCE 2009-03

**AN ORDINANCE AMENDING ORDINANCE NO. 2001-05 AND
ESTABLISHING RATES FOR THE COLLECTION, TREATING AND
DISPOSING OF GARBAGE IN A SANITARY MANNER**

WHEREAS, the Town of Leo-Cedarville, Indiana (“Town”) has adopted Ordinance No. 2001-05 regulating the accumulation, collection and disposal of residential solid waste; and

WHEREAS, Ordinance No. 2001-05 has been codified at Title V, Chapter 50 of the Leo-Cedarville Town Code; and

WHEREAS, the Town Council has determined to amend said ordinance to adjust the rates charged for solid waste collection and to amend other provisions relating to billing and collecting for solid waste collection.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL
OF THE TOWN OF LEO-CEDARVILLE, INDIANA;**

Section 1. Leo-Cedarville Town Code §50.07 is hereby amended as follows:

A) **USER FEES:**

(i) The user fee charged each covered residential unit for solid waste collection services provided pursuant to said chapter shall be \$11.29 per month.

(ii) The fees shall be invoiced and collected by The Town (not the contractor) on a quarterly basis.

B) **EXEMPTIONS:**

(i) A new subsection (3) shall be added to §50.07(B) which shall read as follows:

(ii) Any resident with a commercial bin located within the town limits may opt out of residential service upon proof of active service”

(iii) A new subsection (4) shall be added to §50.07(B) which shall read as follows:

(iv) *Temporary Suspensions of Service.* A resident may temporarily suspend trash collection service provided that the resident can establish that garbage collection services shall not be needed on the property due to a vacancy on the property (e.g.

empty rental units, seasonal vacancy, remodeling, etc.). A vacancy affidavit must be completed and on file before a suspension of service will be honored. Such resident shall pay a one-time flat rate fee of \$25.00 to cover the administrative expenses associated with suspending the service. The \$25.00 fee shall be due and payable prior to the reestablishment of service and shall be deposited in the town's general fund. All garbage bins are to be removed from the premises during any period of suspension of service.

Section 2. All parts of previous ordinances in conflict herewith are repealed to the extent of said conflict.

Section 3. In the event any section, subsection, clause, phrase or portion of this chapter is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this chapter. It is the legislative intent of the council that this chapter would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 4. This ordinance shall be in full force and effect on the later of July 1, 2009, or the date that it is both signed by the Town Council President and published as required by State law.

Passed and adopted by the Town Council of the Town of Leo-Cedarville, Indiana on this ____ day of _____, 2009.

FOR THE TOWN OF LEO-CEDARVILLE:

R. Paul Steffens
Council President

John Eastes
Council Member

John Clendenen
Council Member

Mike Young
Council Member

Gordon Liechty, Jr.
Council Member

Attestation of Clerk-Treasurer

I, Pamela Spannuth, the Clerk-Treasurer for the Town of Leo-Cedarville, Indiana, hereby attest that the ordinance set forth above was adopted by the legislative body of the Town of Leo-Cedarville on _____ and signed by the Executive for the Town of Leo-Cedarville, and properly executed in my presence on _____.

Pamela Spannuth
Clerk-Treasurer