

ORDINANCE 2010-05

**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 §50.05 is hereby amended to add the following subparagraph (A):

(A) *Additional services.* Owners and/or occupants of covered residential units may contract directly with the contractor regarding additional services not covered by this ordinance. Such additional services that fall within the scope of the contract between the Town and the contractor shall be in compliance with the rates set forth in the contract, which are attached hereto as Exhibit “A”.

Prior Subparagraph (A) shall become subparagraph (B), and prior subparagraph (B) shall become subparagraph (C).

Section 2. Leo-Cedarville Town Code §50.07 is hereby amended as follows:

A) ***USER FEES:*** Except as provided in division (B) of this section, an annual user fee of \$109.68 for each covered residential unit shall be charged for the solid waste collection services provided pursuant to this chapter. The fees shall be invoiced and collected by the contractor at an interval to be determined by the contractor. This user fee shall cover one (1) 90-gallon container. An owner or occupant of a covered residential unit may contract with the contractor for “extra containers” issued pursuant to §50.04(C), under terms that comply with the rates set forth on Exhibit “A” attached hereto. The owner and occupant of each covered residential unit shall each be jointly and severally liable for the fee. The invoice shall be directed to the owner of each covered residential unit,

unless the owner of a residential unit and the contractor agree that the invoice be sent to the occupant of the unit. The fact that an invoice is directed to an occupant of a covered residential unit does not relieve the owner of liability for the services rendered hereunder.

B) *Exemption from user fees.* The user fees describes in division (A) of this section shall be charged for each covered residential unit unless the owner or occupant can fall within an exemption approved by the contractor under its internal policies.

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 July, 2010.

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