

FILED

APR 14 2016

CITY CLERK

GENERAL ORDINANCE NO. 2, 2016  
AS AMENDED

AN ORDINANCE ESTABLISHING A FEE FOR THE COST OF WASTE AND REFUSE COLLECTION AND REMOVAL FOR RESIDENTIAL CUSTOMERS WITHIN THE CITY OF TERRE HAUTE.

WHEREAS, the City of Terre Haute, has historically paid all of the cost of collection and removal of waste and refuse materials for residential users located within the corporate limits of Terre Haute; and,

WHEREAS, using a sole source waste and refuse collection service for the residential citizens of the City provides substantial savings to the citizens negating the need and expense for residential users to contract with private waste and refuse haulers; and,

WHEREAS, pursuant to Indiana Code 36-9-25-11, the Board of Sanitary Commissioners (the "Board") of the Terre Haute Sanitary District (the "Sanitary District") has determined that it is fair and equitable to establish a fee for residential users to pay the Waste and Refuse Collection Costs and, following a public hearing thereon, has adopted a resolution approving such a fee; and,

WHEREAS, the Common Council has determined that it is fair and equitable to establish a fee for residential users to pay the Waste and Refuse Collection Costs; and,

WHEREAS, Indiana Code 36-9-25-11 requires that the fee for residential users to pay the Waste and Refuse Collection Costs, as approved by the Board of the Sanitary District, must be approved by ordinance of the Common Council before taking effect and the Common Council finds that such fee should be hereby approved.

IT IS HEREBY ORDAINED by the Common Council of the City of Terre Haute as follows:

Section 1. *Terre Haute City Code* Chapter 9, Article 5, Sections 9-115 is hereby created with the text as follows:

**Sec. 9-115 Definitions.**

The terms "Eligible Residential Dwelling Unit" and "Monthly Waste and Refuse Collection Costs" shall be defined as follows:

a. Eligible Residential Dwelling Unit. For purposes of this Article, the term "Eligible Residential Dwelling Unit" means a structure located within the City which includes a

room or series of rooms located within a building or mobile home and forming a single habitable unit with facilities, which are used, or are intended to be used for living, cooking, eating and sleeping, and is either:

(i) A “Single-Family Residential Dwelling Unit,” defined as a residential dwelling unit separated from any other dwelling unit by open space, and designed for occupancy for one person or family;

(ii) A “Multi-Family Residential Dwelling Unit,” defined as a building or related group of buildings not to exceed four (4) units located on the same lot, tract, or parcel of real estate, with each dwelling unit being independent of the other; or,

(iii) A “Condominium”, defined as any multi-family residential unit where the owner pays separately assessed property taxes.

b. Monthly Waste and Refuse Collection Costs. For purposes of this article the term “Monthly Waste and Refuse Collection Costs” is defined as the total annual bid amount for providing waste and refuse collection and recycling services to all Eligible Residential Dwelling Units in the City, divided by the number of Eligible Residential Dwelling Units receiving said service; prorated over twelve (12) months of equal payments.

**Sec. 9-116 Monthly Billings and Minimum Charges.**

The monthly waste and refuse collection fees shall be established as indicated with effective dates as follows:

a. The rate for waste and refuse collection inside the City shall be:

June 1, 2016 Ten Dollars and Twenty-five Cents (\$10.25) per month

July 1, 2017 Ten Dollars and Fifty Cents (\$10.50) per month

July 1, 2018 Ten Dollars and Seventy-five Cents (\$10.75) per month

July 1, 2019 Eleven Dollars (\$11.00) per month

b. The rates established by this Section shall be in addition to the rates charged by the City to operate its municipal sewage works pursuant to Section 9-99; and any other Ordinance establishing rates for the collection and treatment of wastewater by the City’s wastewater utility.

c. The rates and charges shall be prepared and billed by the City of Terre Haute and shall be collected in the manner provided by law and ordinance. Said rates and charges may be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billings shall in no way relieve the owners from liability in the event payment is not made as herein required. The owners of property served which are occupied by tenants shall have the right to examine the collection records of the City for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office in which said records are kept during the hours that such office is open for business.

d. All unpaid fees established by this Section are subject to the same delinquency fees, penalties, and interest authorized for delinquent sewer bills and may be collected by any lawful means, as authorized by Indiana Code 36-9-25, et. al.

**Sec. 9-117 Available Credits.**

a. Any owner-occupant of an Eligible Residential Dwelling Unit who has filed, and been granted:

(i) A claim for an over age 65 deduction for property taxes pursuant to Indiana Code 6-1.1-12-9; or

(ii) A claim for a blind or disabled deduction for property taxes pursuant to Indiana Code 6-1.1-12-1; or

(iii) A claim for a disabled veteran or surviving spouse deduction for property taxes pursuant to Indiana Code 6-1.1-12-13;

is eligible for a twenty-five percent (25%) per month credit from the fee schedule in Section 9-116. A residential parcel may receive only one (1) credit even though the owner-occupant may be eligible under more than one statute listed in Section 9-117(a) above.

b. Any individual or entity receiving a bill for service pursuant to Section 9-116 shall be eligible for a recycling rebate of twenty-five percent (25%) percent per month, to be applied after any credits received under Section 9-117(a), if the individual or entity receiving service through the City's waste and refuse collection service provider at the same service address:

(i) Contracts for curb side recycling services with the City's waste refuse collection service provider;

(ii) Maintains an account in good standing with the City; and

(iii) Continues to hold an active account at the time;

every month for which this rebate is to be applied.

c. Eligibility for the rebate set forth in Section 9-117(b) will be evaluated quarterly by the City and, for those months which the individual or entity remains qualified shall receive a rebate on future service bill(s). Any additional procedure regarding the implementation or application of this credit, other than what is set forth in this Section, shall be established by the Terre Haute Board of Sanitary Commissioners.

d. Any owner-occupant who has filed a claim requesting one of the available credits listed in Section 9-117(a), but does not receive the credit on the sewer bill, must submit a date stamped copy of the Owner's Affidavit requesting one of the deductions.

e. The Common Council shall annually appropriate into the Waste and Refuse Collection Fund an amount equal to the total amount of the credits ("the Credit Amount") granted by this subsection.

#### **Sec. 9-118 Waste and Refuse Collection Cost Fund.**

The City Controller shall cause the monthly charges collected pursuant to Section 9-116, and any penalties and collection costs collected resulting from delinquent payments, to be paid into a segregated, non-reverting, fund which shall be referred to as the Waste and Refuse Collection Fund. The Waste and Refuse Collection Fund shall be separated from the balance of the revenues of the Wastewater Utility, and shall be used solely for the purpose of paying the City's annual contract for Waste and Refuse Collection Cost, including administrative fees associated with the collection of the charges outlined in Section 9-116.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. This ordinance shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and publication as required by law.

Introduced by: Todd Nation Todd Nation, Councilman

Passed in open Council this 14<sup>th</sup> day of April, 2016.

Todd Nation, Todd Nation, President

ATTEST: Charles P. Hanley Charles P. Hanley, City Clerk

Presented by me to the Mayor this 15<sup>th</sup> day of APRIL, 2016.

Charles P. Hanley Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 15<sup>th</sup> day of APRIL, 2016.

Duke A. Bennett Duke A. Bennett, Mayor

ATTEST: Charles P. Hanley Charles P. Hanley, City Clerk