

(Proposed amendments to Ordinance No. 22- 2005)  
As Amended and Passed May 9, 2005

**AN ORDINANCE CREATING A REFUSE/GARBAGE  
COLLECTION FEE AND ESTABLISHING A PROCEDURE  
FOR COLLECTION OF A REFUSE/GARBAGE FEE**

**WHEREAS**, the City of Valparaiso protects the public health, welfare and safety of the citizens of the City of Valparaiso by collecting refuse/garbage; and

**WHEREAS**, the City of Valparaiso has determined there to be a need to implement a refuse/garbage collection fee so as to generate revenue for continuation of an efficient and effective refuse/garbage program; and

**WHEREAS**, I.C. 36-9-30-21 empowers and authorizes the Common Council of the City of Valparaiso functioning as the legislative body of the city to adopt an ordinance establishing reasonable service charges and/or user fees for funding of a refuse/garbage collection program; and

**WHEREAS**, I.C. 36-1-3-8(6) empowers and authorizes the Common Council of the City of Valparaiso as the legislative body of the City to adopt an ordinance establishing reasonable service charges or user fees for municipal services including the collection of refuse/garbage; and

**WHEREAS**, the Common Council of the City of Valparaiso is desirous of implementing a refuse/garbage collection fee system which will facilitate the creation of an independent funding source for the refuse/garbage collection program and in so doing relieve the general fund of the costs associated therewith and allocate the general fund expenditure reduction to road repair and maintenance.

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Valparaiso that there should be and there is hereby added to the Valparaiso Municipal Code a new § 53.07 which shall henceforth read as follows:

**Section 53.07. Refuse/Garbage Collection Fee.**

**A.** A refuse/garbage collection fee shall be assessed against each resident/owner of real estate or the improvements contained thereon being served by the city refuse/garbage collection service. The city refuse/garbage collection service shall serve each single family residential unit and each duplex located within the city. In addition, the city refuse/garbage collection service shall serve fourplex multi-family residential units. However, refuse/garbage will not be picked up from and no fee will be charged to the following:

1. multi-family residential unit larger than a fourplex;
2. a multi-family residential unit which is part of an apartment complex;
3. two or more fourplexes which are adjacent to each other and which are owned by the same person or entity;
4. industrial properties.

**B.** Limited weekly refuse/garbage collection services may be offered to commercial properties. The commercial properties must request such service and must generate no more refuse/garbage than can be contained in three 96-gallon collection containers. The Director of Public Works may implement reasonable rules and regulations concerning the collection of refuse/garbage from commercial properties.

C. Refuse/garbage collection services may be provided to properties located on private roads. Prior thereto, the Director of Public Works shall secure legal waivers of liability from the owners of such private roads holding the City harmless from any liability for road or property damage caused by the refuse/garbage collection services. The Director of Public Works may develop and implement reasonable rules and regulations concerning such collections.

D. A refuse/garbage collection fee is hereby established as follows:

1. For residential refuse/garbage collection, a flat rate amount of \$9.00 per month per unit served. Residential refuse/garbage collection customers qualifying as "low income residents" shall be assessed a reduced flat rate fee of \$6.00 per month. To qualify as a "low income resident", a resident must have an income level no greater than 150% of the federally established poverty guidelines. Residents may qualify for the reduced monthly fee by applying for such reduction through the Office of the City Clerk-Treasurer. Additional disposal units will be charged at an additional \$6.00 per month per unit.

2. For commercial refuse/garbage collection, a flat fee of \$12.00 for each 96-gallon collection container up to the maximum of three such containers.

E. The refuse/garbage collection fee shall be billed and collected by the Valparaiso City Utilities in conjunction with the city sanitary sewer and water billing. All refuse/garbage collection fees shall be due upon billing by the Valparaiso City Utilities and if not paid within thirty days, shall be subject to a penalty of 10%.

F. The fees collected pursuant to this section shall be deposited by the Valparaiso Clerk-Treasurer into the general fund of the City of Valparaiso. An amount equivalent to the revenue generated by the net fees collected pursuant to this section shall be allocated, used and appropriated for road maintenance and repair. Funds will be allocated solely and exclusively for road maintenance and repair.

G. The refuse/garbage collection fee established by this ordinance shall be in force and effect as of June 1, 2005.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 7-0 vote of all members present and voting this 23<sup>rd</sup> day of May, 2005.

  
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Jon Costas, Mayor

ATTEST:

  
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Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 23<sup>rd</sup> day of May, 2005 at 9:05 o'clock P.m.

  
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Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 23<sup>rd</sup> day of May, 2005 at 9:05 o'clock P.m.

  
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Jon Costas, Mayor