

ORDINANCE 2-2024

SOLID WASTE ORDINANCE

AN ORDINANCE ESTABLISHING POLICY, SCHEDULE OF CHARGES AND FEES TO BE ENFORCED AND COLLECTED BY THE TOWN OF UPLAND, GRANT COUNTY, INDIANA FROM THE OWNERS OF PROPERTY SERVED BY THE CONTRACTED SOLID WASTE PROVIDER AND OTHER MATTERS CONNECTED THEREWITH

WHEREAS, it is necessary to establish terms and conditions for the proper collection, treating and disposing of garbage in a sanitary manner; and

WHEREAS, Indiana Code 36-9-23-25(d)(8) and (10) allows the legislative body of this municipality to consider the costs of collecting, treating and disposing of garbage in a sanitary manner, including equipment and wages, to be factors in establishing fees for the services rendered by the contracted servicer and any other factors the legislative body considers necessary; and

WHEREAS, a public hearing has been held as required by law.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED, BY THE UPLAND TOWN COUNCIL AS FOLLOWS:

SECTION 1: TERMS AND CONDITIONS

1. All garbage and rubbish involving residential and commercial users shall be picked up weekly at a time to be determined by the current service provider and approved by the Upland Town Council.
2. All garbage and rubbish involving residential users shall be bagged and placed in one (1) 96 gallon container, provided by the contracted servicer. Additional containers may be obtained directly from the service provider.
3. Allowable garbage and rubbish shall be determined by the service provider.
4. Containers shall be placed at least 3 feet from any poles, mailboxes, vehicles, or any other item on collection day.
5. Containers shall not be kept/stored on sidewalks, streets and/or public right of ways on any day other than the night prior to and day of the specified trash pick-up day as needed for trash removal.

SECTION 2: RATES

1. All residential users shall pay the sum of \$19.15 per month, which shall be added by the Town Clerk to the monthly utility bill and shall be charged one (1) month in advance. Rates shall be based on the current contracted price as approved by the Upland Town Council. Contracts will be rebid from time to time to ensure the lowest rates to our residents.
2. All commercial establishments will be charged the sum of \$19.15 per month, which shall be added by the Town Clerk to the monthly utility bill and shall be charged one (1) month in advance. Each commercial establishment may be additionally charged for any additional bags or containers to be picked up which shall be added to the standard rate for commercial users which will be assessed for each utility bill by the town Clerk. Rates shall be based on the current contracted price as approved by the Upland Town Council. Contracts will be rebid from time to time to ensure the lowest rates to our residents.
3. All bills shall be due and payable on the 20th day of the month following the billing date. A ten percent (10%) late penalty charge will be assessed on the unpaid balance on the 21st of each month.
4. If a bill remains unpaid for more than 60 days, the town may discontinue service and may collect the provided container until account has been brought current or payment arrangements have been made with the Utility Clerk. A \$20 fee must be paid to reestablish trash collection service.
5. Customers must notify the Utility Clerk and/or Town Clerk prior to the 21st of the month to cancel service to avoid being billed for the following month.

SECTION 3: EXCEPTIONS

1. Any commercial users which must have pickup of garbage or rubbish for five (5) or more days per week because of the nature of their commercial enterprise shall be exempt from purposes of this Ordinance and shall be entitled to procure their own independent trash service.
2. All commercial users, mobile home parks, civic organizations and apartment buildings with three (3) or more units, shall be entitled to exempt itself from participation in the pickup of garbage and rubbish by the Town. Such exemption requests must be made in writing to the Clerk's office. The exemption will thereafter be considered automatic until such time as the commercial user, mobile home park, civic organization or apartment building with three (3) or more

units shall notify the Clerk in writing of their desire to participate under the terms of this Ordinance.

SECTION 4: DEFINITIONS

1. Residential User: A residential user shall include any home, dwelling, mobile home, modular home, apartment, duplex, or any other form of structure which is used for human habitation whether or not such structure is served by its own individual water meter and/or sewage hook-up. For purposes of the definition herein, a residential user shall apply to each unit which is inhabited by a separate family unit so that a single family dwelling shall count as one (1) residential unit, each apartment unit shall count as one (1) residential user, a duplex shall count as two (2) residential units and the same arrangement shall apply for any other dwellings which may be utilities in any manner for multiple usage.
2. Commercial User: Commercial user is defined for purposes of this Section as including any building or any other structure, whether permanent or non-permanent, which currently has a water meter or is provided sewage disposal hook-up by the town, but does not meet the definition of a residential user.

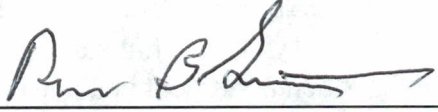

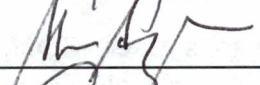
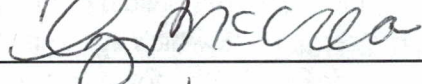
SECTION 5: Applicability of Ordinance and General Provisions

1. Any sums of monies collected as rates and fees under Section 2 shall be deposited in the Trash & Garbage Utility Fund and shall maintain a balance sufficient to pay all current obligations to the town's trash provider.
2. Any excess balance may be transferred by a majority vote to any other accounts which may be determined as appropriate by the Town Council, or they may elect to grant a credit to the residential and commercial users in an amount to reduce the excess balance.
3. The Town of Upland may conduct a review of their customers to ensure that this ordinance is being adhered to.


This Ordinance shall be in full force and effect from and after its passage and signing by the Upland Town Council.

Passed and adopted by the Town Council of the Town of Upland on 20th day of February, 2024.

Town Council of the Town of Upland, Indiana





- Brian Hundt - absent -

ATTEST:


Mary E. Fletcher
Clerk-Treasurer