

**ORDINANCE NO. 885**

**AN ORDINANCE OF OGDEN DUNES, INDIANA  
ESTABLISHING RATES TO BE COLLECTED BY THE  
TOWN OF OGDEN DUNES FROM THE OWNERS OF PROPERTY  
IN SAID TOWN FOR GARBAGE PICKUP AND DISPOSAL,  
INCLUDING RECYCLING**

WHEREAS, Ind. Code 36-9-23-25(d)(8) and (10) allows the legislative body of a 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 sewage works of said town and any other factors the legislative body considers necessary; and

WHEREAS, I.C. 36-1-3-2 grants the Town of Ogden Dunes all the powers needed for the effective operation of government as to local affairs; and

WHEREAS, I.C. 36-1-3-4 gives Ogden Dunes, among other things, all powers necessary or desirable in the conduct of its affairs, even though not granted by statute; and

WHEREAS, the Home Rule statutes cited above provide a separate and independent basis of establishing the rates contained herein; and

WHEREAS, the rates contained herein are not greater than fees reasonably related to reasonable and just rates and charges for the services provided herein; and

WHEREAS, the rates set forth in this Ordinance are not only for the convenience for Town residents, but also protect the public health by regulating the collection and disposal of garbage, therefore minimizing or eliminating a source of disease; and

WHEREAS, the purpose of this Ordinance is to protect the health, safety and welfare of the Town of Ogden Dunes; and

WHEREAS, it is necessary to establish rates for garbage pickup and disposal including recycling pickup and disposal, within the corporate boundaries of the Town of Ogden Dunes; and

WHEREAS, a public hearing has been held according to law.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED, by the Ogden Dunes as follows:

**SECTION 1:** That Section 51.34 of the Ogden Dunes Town Code shall be amended and hereafter read as follows:

**§ 51.34 RATES.**

(A) The rate to be charged for garbage pickup and disposal, including recycling pickup and disposal is \$91.94 per quarter per residential structure in the town for one year beginning April 1, 2022, and ending December 31, 2022; \$94.43 per quarter per residential

structure in the town for one year beginning January 1, 2023 and ending December 31, 2023; and \$97.01 per quarter per residential structure in the town for one year beginning January 1, 2024 and ending December 31, 2024. Administrative costs of the Town, including but not limited to, its employees, legal services, postage, insurance, the cost of leaf pickup, disposal and mulching, along with twig and brush pickup are included in the quarterly rate. These fees shall be in effect beginning the month of March 2022 and thereafter.

(B) The garbage pickup and disposal service, including recycling, shall be done by contract on a basis deemed appropriate by the Town Council to an outside entity that, as a regular part of its business, performs the task of garbage pickup and disposal, including recycling pickup and disposal.

(C) From and after March 1, 2022, Republic Services of Indiana will be the exclusive waste hauler, without exception in the Town.

(D) (1) The charges set forth in this Ordinance is mandatory for all residential structures in the Town of Ogden Dunes. All charges assessed in accordance with this Ordinance are the ultimate responsibility of the owner of the property served. All sanitation service shall be arranged with the Town through the property owner of record for each property requiring such service. Quarterly billing will be sent to the property owner of record and may not be sent to or placed in the name of a temporary tenant. It is the responsibility of the property owner of record to supply correct billing address to the Town for property owners living off property.

(2) Relief from the provisions of this section may be granted by the Town Council for sanitation service upon submission of a proper request. All such requests must be made in writing by the person seeking such relief and must state the special circumstances that the submitted believed would justify relief. The decision to grant such relief shall be determined by the Town Council for sanitation services. Decisions on such requests, including the grounds for granting or denying such requests, shall be made of record during a regular meeting of the Town Council.

(E) All payments required pursuant to this Ordinance shall be invoiced and included in the Town Water Works bills, and on the same interval as the Water Works bills. A ten percent (10%) penalty shall be assessed on all late payments. The amount of the refuse charge, the penalty and reasonable attorney fees shall be recovered by the Town in a civil action in the name of the municipality in accordance with Indiana law. Additionally, payments or penalties that have been due and unpaid for at least ninety days may be filed as a lien against the real property in accordance with I.C. 36-9-23-33.

(F) The fees set forth in this Ordinance are not based solely upon I.C. 36-9-23 *et seq.* Separate and independent authority for these fees is in accordance with the Home Rule statutes contained in the Indiana Code for the purposes previously stated.

SECTION 2: This Ordinance shall be in full force and effect on March 1, 2022, after its adoption and publication as required by law.

ALL OF WHICH IS PASSED AND ADOPTED by the Ogden Dunes Town Council, Porter County, Indiana, this 28 day of February, 2022.

**OGDEN DUNES TOWN COUNCIL**

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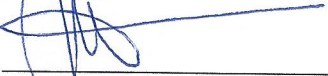
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ATTEST:



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Mimi Ramos, Clerk-Treasurer