

COUNCIL PENDING ORDINANCE CPO 2023-51
ORDINANCE NO. _____
AS AMENDED _____
CERTIFICATION DATE _____
FAVORABLY _____
UNFAVORABLY _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF GARY,
INDIANA, APPROVING THE AMENDMENT OF GARBAGE COLLECTION FEES
FOR USERS LOCATED IN THE CITY OF GARY**

WHEREAS, pursuant to Indiana Code 36-9-30-5, the Gary Sanitary District (the "District") of the City of Gary, Indiana (the "City") is authorized to contract for the collection and disposal of solid waste and garbage; and

WHEREAS, the District desires to provide for the public health and welfare of the residents of the City by the collection and disposal of solid waste and garbage; and

WHEREAS, the District has investigated the cost of providing trash collection services and determined an amount to be charged for such services, that amount determined to be just and equitable as set forth in **Exhibit A** (the Schedule of Fees) in accordance with Indiana Code sections 36-9-30-21 and 36-1-3-8(6) upon the single-family residential unit and each multi-family unit containing no more than four (4) family living units on a single parcel of land (the "Users"); and

WHEREAS, the District's Board of Commissioners, at a meeting on June 21, 2023, proposed the Schedule of Fees, scheduled a public hearing on said Schedule of Fees pursuant to IC 36-9-30-21(f), and authorized the publication of a notice of the public hearing (the "Hearing") on said Schedule of Fees pursuant to IC 5-3-1; and

WHEREAS, notice of the Hearing was published consistent with IC 5-3-1, and the Hearing was held and all interested parties were provided the opportunity to be heard at the Hearing; and

WHEREAS, following the Hearing held on July 5, 2023, the District adopted Resolution SD23-09 (the "Fee Resolution") on July 5, 2023, a copy of which Resolution is attached hereto as **Exhibit B**: (i) finding the Schedule of Fees to be just and equitable to pay for the collection of trash, garbage and refuse with the City to the Users; and (ii) adopting and approving the Schedule of Fees on the Users pursuant to IC 36-9-30-21 and 36-1-3-8(6); and

WHEREAS, said Fee Resolution further approved and ratified action of the Secretary of the Board to file with the Common Council of the City (the "Common Council") an approving ordinance for the purposes of said Common Council approving the Schedule of Fees and finding that the Schedule of Fees is just and equitable and that the collection of garbage will serve the public purpose of the City and is in the best interests of its residents; and

WHEREAS, the Common Council desires to approve said amendment to the Schedule of Fees, pursuant to IC 36-9-25-11(c), which provides that a schedule of fees approved by a resolution of the Board must be approved by an ordinance of the municipal legislative body for the fees related to property that is subject to full taxation to take effect.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Gary, Indiana as follows:

Section 1. That the Common Council hereby finds that the Schedule of Fees, as approved by the Board, is just and equitable, and further finds that the collection of trash, garbage and refuse will serve the public purpose of the City and is in the best interests of its residents.

Section 2. That the Common Council hereby approves said Schedule of Fees, as approved by the Commission, pursuant to IC 36-9-30-21 and 36-1-3-8(6), in substantially the form provided at this meeting and attached hereto as **Exhibit A**.

Section 3. This Ordinance shall be in full force and effect from and after passage by the Common Council and approval by the Mayor.

PASSED and **ADOPTED** by the Common Council of the City of Gary, Indiana, this ____ day of _____, 2023.

PRESIDING OFFICER

ATTEST:

CITY CLERK

Presented by me to the Mayor for his approval and signature this ____ day of _____ 2023.

CITY CLERK

APPROVED and **SIGNED** by me this ____ day of _____ 2023.

MAYOR, CITY OF GARY, INDIANA

PREPARED BY: Angela Lockett, Corporation Counsel

SPONSORED BY: Mayor Jerome Prince
Celita Green, City Controller

COMMITTEE ASSIGNMENT _____ Reported-out/Date _____
1st Reading/Date _____ Committee Hearing/Date _____
2nd Reading/Date _____ Public Hearing/Date _____
3rd Reading/Date _____ Final Reading/Date _____
Passed/Date _____ Defeated/Date _____ Deferred/Date _____
Tabled/Date _____ Override/Date _____ Adopted Date _____
Publications/Date _____ Community Hearing/Date _____ Veto _____
Pocket Veto _____ Adopted _____

EXHIBIT A

Schedule of Current and Proposed Garbage Collection Fee per Month

Single-family residential unit and multi-family units not to exceed four units:

Current Garbage Collection Fee per Month	\$25.65
Proposed Garbage Collection Fee per Month - 2023	\$26.42
Proposed Garbage Collection Fee per Month - 2024	\$27.21

GARY SANITARY DISTRICT
BOARD OF COMMISSIONERS
RESOLUTION NO.: SD23-09

A RESOLUTION AMENDING THE GARBAGE COLLECTION FEES FOR THE
COLLECTION OF TRASH, GARBAGE, AND REFUSE WITHIN THE
CITY OF GARY, INDIANA

WHEREAS, pursuant to Indiana Code § 36-9-30-5, the Gary Sanitary District (the "District") is authorized to contract for the collection or disposal of solid waste; and

WHEREAS, the District desires to provide for the public health and welfare of the residents of the City of Gary, Indiana (the "City") by the collection and disposal of solid waste; and

WHEREAS, pursuant Indiana Code § 36-9-30-21 and § 36-1-3-8(6), the District may impose service charges or fees for the collection and disposal of solid waste so long as such charges or fees are reasonable and just for such services; and

WHEREAS, the District has received a 3% cost increase in collection and disposal of solid waste from its provider, Republic Industries effective both on January 1, 2023 and 2024 and is proposing to pass the cost increase onto its customers as outlined in Exhibit A; and

WHEREAS, the District has held a public hearing as provided by IC 36-9-30-21(f) after due notice thereof was published in accordance with IC 5-3-1, and has received comments from all members of the public wishing to be heard.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE GARY SANITARY DISTRICT, as follows:

SECTION 1. The Board of Commissioners now finds that all requirements for the adoption of an amendment to trash collection fee have been met.

SECTION 2. The Board of Commissioners now finds that the proposed fee as adopted herein is determined to be reasonable and just for the provision of trash collection services.

SECTION 3. Trash Collection.

Definitions. The following words, terms, and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garbage means all putrescible animal solid and vegetable solid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

Trash means all non-putrescible solid waste, including ashes, paperboard, paper, rags, small pieces of metal and wood, excelsior, rubber, leather, crockery, and other waste

materials that ordinarily accumulate around a home. It shall not include garbage, bulk refuse, dead animals, hazardous materials, industrial waste, or building waste resulting from the operations of a contractor or other commercial business.

Residential Dwelling Unit means a single-family residential unit or a multi-family unit containing no more than four (4) family living units on a single parcel of land.

Collection of Trash; Fees.

(a) No person shall place within the City any garbage or trash in any street, alley, or other public place or upon any private property, whether owned by such person or not, except in proper containers for collection or under express approval granted by the enforcement officer designated by the City.

(b) No person shall cast, place, sweep or deposit within the City any garbage or trash in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, or other public place.

(c) Every owner, occupant and tenant of any building, house, or structure on grounds where garbage or trash accumulates shall provide for the collection and disposal of said items in order to prevent the unsanitary accumulation thereof.

(d) The District shall provide for collection and disposal of garbage, trash, and recyclable materials from all residential dwelling units within the City no less than one time each week. The District shall provide for collection of heavy trash no less than one time per month.

(e) It is the responsibility of every owner, occupant, or tenant to provide a proper system of disposal of garbage, trash and recyclables for all commercial, retail, industrial, professional, apartment, institutional, church or governmental units. The District shall have no obligation to collect and dispose of any garbage, trash, or recyclables of any commercial, retail, industrial, professional, apartment, institutional, church or governmental units.

(f) The District shall establish all routes for collection and shall be authorized to establish reasonable rules and regulations pertaining to said collection.

(g) Garbage, trash, and recyclable materials shall be placed behind the curb or at the edge of the street, not in the street. Where collection is made in the alley, containers shall be placed back on the property and not in the alley.

(h) All garbage and trash shall be bagged and be placed in provided containers. All recyclables shall be placed in provided recycling containers. The only exception to having trash bagged and placed in provided containers is on heavy trash pickup days when heavy trash items are allowed to be placed behind the curb or at the edge of the street, not in the street.

(i) In addition to any other remedies, pursuant to Indiana Code § 36-9-30- 21(j), if the fee is not paid within 30 days after its is due, the District shall have the right to bring a civil action to recover any delinquent charges together with a penalty of ten percent (10%) and reasonable attorney's fee.

Garbage Collection Fee

A garbage collection fee (the "Solid Waste Fees") shall be assessed for each parcel of real estate or building served by the city garbage collection service. The city garbage collection service shall serve each single-family residential unit and each multi-family unit containing no more than four (4) family living units on a single parcel of land. However, garbage will not be picked up from and no fee will be charged to a multi-family residential structure of more than four (4) family living units. The fee is amended for a single-family residential unit and for multi-family units not to exceed four units to a charge of \$26.42 in 2023 and \$27.21 in 2024 per month per unit served. The fee shall not be reduced for head of such household that is over the age of 65 years or is disabled.

Regardless of how payments may be designated, partial payments of combined trash collection, recycling and sewer bill shall be applied first to the trash, recycling, and heavy trash collection bill, and second to the sewer bill. A copy of this resolution shall be kept on file in the office of the Finance Director of the District, Office of the Board Administrative Office, and the Controller of the City.

SECTION 4. Upon adoption by the Board of Commissioners of the District, this Resolution shall be in full force and effect except that the Garbage Collection Fee of \$26.42 shall only be effective upon adoption of an Ordinance by the Gary Common Council approving same. All prior Resolutions or parts thereof which may be inconsistent with any provision of this Resolution are hereby repealed.

SECTION 5. The Board of Commissioners recommends to the Gary Common Council adopt an Ordinance approving the \$26.42 in 2023 and \$27.21 in 2024 Garbage Collection Fee provided for herein and directs the Board's Secretary to forward a certified copy of this Resolution to the President of the Gary Common Council and the Gary City Clerk.

PASSED AND ADOPTED by the Board of Commissioners of the Gary Sanitary District on the 5th day of July 2023.

GARY SANITARY DISTRICT BOARD OF COMMISSIONERS

DocuSigned by:

Jewell Harris, Jr.

JEWELL HARRIS, JR, ATTORNEY

DocuSigned by:

Daniel F. Viani

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PRESIDENT

DocuSigned by:

Maurice G. Mabon

TF24728A99F4482

VICE-PRESIDENT

DocuSigned by:

Charles G. Peller, Jr.

EXECUTIVE DIRECTOR

DocuSigned by:

Ola V. Morris

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SECRETARY

DocuSigned by:

Charles W. Jackson, Jr.

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COMMISSIONER

DocuSigned by:

Darnail Lyles

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COMMISSIONER