

ORDINANCE NUMBER 2019-03
ORDINANCE ESTABLISHING GARBAGE PICK UP RATES
FOR THE TOWN OF MILLERSBURG

WHEREAS, Indiana Code §§ 36-1-3-1, et. seq., permits any town in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its town or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or preempted by any other law, or as not expressly granted by any other law to another governmental entity;

WHEREAS, the Millersburg Town Council is the fiscal body for the Town of Millersburg, Indiana, and is by law authorized to adopt ordinances and resolutions concerning Town fiscal matters;

WHEREAS, Ind. Code § 36-9-6-19, empowers towns in Indiana to contract for the removal of garbage and require occupants of premises to pay expenses relative to the removal of garbage;

WHEREAS the Town Council of the Town of Millersburg finds it necessary for purposes of promoting the public health, safety, comfort, and general public welfare of the residents of the Town of Millersburg to establish a schedule of rates and charges for the removal of garbage so as to produce a more equitable basis for providing such service;

WHEREAS, the Town Council of the Town of Millersburg, Indiana desires to establish rates for the removal of garbage within the Town of Millersburg:

NOW, THEREFORE, BE IT ORDAINED, ORDERED, AND ESTABLISHED by the Town Council of the Town of Millersburg, Indiana ("Town Council") as follows:

1. Definitions - For the purposes of this ordinance, the following words, terms and phrases shall have the meanings set forth:

A. Dwelling Unit. Any room or group of rooms located within a building and forming a single habitable residence with facilities which are used or intended to be used for living, sleeping, cooking and eating.

B. Garbage. All household solid and semi-solid waste originating from a Dwelling Unit located within the Town of Millersburg, and generated by the Occupant.

C. Occupant. The person in actual possession of a Dwelling Unit, whether or not the Owner.

D. Owner. The legal or equitable owner of record who has a right to participate in controlling a Dwelling Unit, whether or not the Occupant.

2. Every Owner of a Dwelling Unit located within the corporate limits of the Town of Millersburg shall pay for the services of Garbage pick-up provided by the Town Council.

3. Every Owner of a Dwelling Unit located within the corporate limits of the Town of Millersburg shall pay monthly rates for Garbage pick-up for each Dwelling Unit as follows:

<u>Year</u>	<u>Monthly Rates</u>
2019	\$10.00
2020	\$11.00
2021	\$12.25
2022	\$12.62
2023	\$13.00
2024	\$13.39
2025	\$13.79
2026	\$14.21
2027	\$14.63
2028	\$15.07

4. All rates herein contemplated shall be prepared, billed, and collected by the Town Council in the manner provided by law and ordinance.

A. The rates for all Owners shall be prepared and billed monthly.

B. The rates may be billed to the Occupant of each Dwelling Unit served, unless otherwise requested in writing by the Owner, but such billing shall in no way relieve the Owner from the liability in the event payment is not made as herein required.

The Owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town of Millersburg for the purpose of determining whether bills have been paid by such Occupant, provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.