ORDINANCE 31 2009

AN ORDINANCE PLACING THE COLLECTION OF SERVICE FEES FOR WASTE DISPOSAL SERVICES UNDER THE SUPERVISION AND CONTROL OF THE COLUMBUS CITY UTILITIES

WHEREAS, Indiana Code § 36-1-3 *et seq.* confers upon units of local government within the State of Indiana such powers as are necessary or desirable to conduct the affairs of local government;

WHEREAS, Indiana Code § 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana, to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit;

WHEREAS, Indiana Code § 36-9-30-7 authorizes the Common Council of the City of Columbus, Indiana, to pass an ordinance providing for certain functions related to the disposal of solid waste to be performed under the supervision and control of the Columbus City Utilities; and,

WHEREAS, the Common Council of the City of Columbus, Indiana, deems it desirable and proper for the Columbus City Utilities to supervise and control certain of such functions,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Common Council of the City of Columbus, Indiana, that the Columbus Municipal Code be amended as follows:

Section I

Chapter 8.24 Garbage and Refuse

8.24.____ Columbus City Utilities is responsible for administering waste disposal service fees.

Service fees for the disposal of solid waste shall be prepared, billed and collected by the Columbus City Utilities in the manner provided by law and ordinance.

A. The service fees for all users shall be prepared and billed monthly, beginning January 1, 2010.

B. The monthly bill that includes service fees for the disposal of solid waste shall also include fees for any services under the administration, supervision, and control of the Columbus City Utilities.

C. The fees for solid waste disposal collection services provided to single family residential dwellings shall be billed directly to customer of record with Columbus City Utilities. In the event that the single family residential dwelling is not a current customer of Columbus City Utilities, or receives billings through a master meter, the record titleholder shall receive a monthly bill for solid waste disposal services only.

D. For multi-family dwellings with four or less units, each individual unit shall be billed separately for solid waste disposal services whereby each individual unit receives water and/or wastewater billings. The tenants of these units shall be billed directly for the services by Columbus City Utilities. Where such dwellings have a water meter or meters that apply to more than one rental unit, the City shall provide a single toter for each water service of record and will bill the record titleholder for solid waste disposal services

E. Bills must be paid at the office of Columbus City Utilities, 1111 McClure Road, Columbus, IN 47201, during business hours or at such other place or places as may, from time to time, be determined by the Columbus City Utilities. If a bill is not paid within thirty (30) days from the due date thereof as stated in the bill, the customer shall be considered delinquent in payment, and the City may, at any time after providing notice, discontinue services. Failure to receive such bill shall not entitle the customer to a new bill if he fails to make payment within such thirty (30) day period, nor shall it affect the right of the City to discontinue services for nonpayment as provided in this section.

F. If the service fee imposed pursuant to this chapter is not paid within thirty (30) days of its due date as indicated conspicuously on the billing, there shall be assessed a delinquency charge in the amount of 10%, which delinquency charge and service fee shall be immediately due and payable. If any customer does not pay their utility bill in full on any month's payment, the Utility Department is directed to apply the partial payment as follows:

(1) First, to the outstanding water bill;

(2) Second, to the outstanding solid waste disposal services bill; and

(3) Third, to the outstanding waste-water bill.

G. When any portion of the combined service fee bill remains unpaid thirty (30) calendar days after the user is first billed, the Columbus City Utilities may refer the matter to the City Attorney for collection. In the event the City Attorney takes action to collect any unpaid amount, the user shall be responsible for paying the City's reasonable attorney's fees incurred as a result. The right of the City Attorney to initiate an action for collection of unpaid fees is in addition to, and not in derogation of, any other right of the City to seek any other remedy against the user or to enforce any lien provided by law upon the user's property.

H. In the event a customer of the Columbus City Utilities requests to shut down the water meter to his/her residential premises, the Columbus City Utilities shall also contemporaneously discontinue the billing of service fees for the collection of solid waste disposal to the residential premises.

I. All service fees collected pursuant to this section will be distributed by the Columbus City Utilities to the City of Columbus on a monthly basis, pursuant to terms and conditions agreed upon by and between the Columbus City Utilities and the City of Columbus and the appropriate bodies.

J. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of the Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section II

This ordinance shall have full force and effect from and after its passage.

* * * * * * *

DULY PASSED on this 1st day of December, 2009, by the Common Council of the City of Columbus, Indiana.

COMMON COUNCIL
CITY OF COLUMBUS, INDIANA

_____
Presiding Officer

ATTEST:

_____
Clerk-Treasurer

Presented by me to the Mayor of the City of Columbus for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this 1st day of December, 2009 at 6:45 p.m.

_____
Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16 (a)(1), this 1st day of December, 2009 at 6:45 p.m.

_____
Mayor of the City of Columbus, Indiana

Attest:

_____
Clerk-Treasurer