

**ORDINANCE \_\_\_\_\_ 2019 -12-3.**

**AN ORDINANCE ESTABLISHING A USER FEE  
FOR THE COLLECTION OF REFUSE**

WHEREAS, the Town of Middletown, Indiana may enact regulations to protect and promote the public health, safety and welfare; and,

WHEREAS, Indiana Code §36-9-30-5, permits a unit of local government to enter into a contract for exclusive right to collect and dispose of solid waste; and,

WHEREAS, Indiana Code §36-9-23-25, provides that a municipality, in establishing fees for its sewage works, impose a charge for the cost of collecting, treating and disposing of garbage in a sanitary manner; and,

WHEREAS, the Town of Middletown has or will enter into contract with a vendor under which the vendor will collect and dispose of solid waste from all Dwellings within the Town of Middletown; and,

WHEREAS, the Town believes that it is in the best interest of its citizens to enter into a contract with a single source vendor for the collection and disposal of garbage from Dwellings within the Town and to assess a user fee to pay for the cost of the service.

NOW THEREFORE, BE IT ORDAINED as follows:

1. The owner or occupant of each property, located within the Town's corporate boundaries, that contains a Dwelling shall be assessed and shall pay a monthly charge for the collection of solid waste in the sum of \$13.84. The charge shall appear on the monthly utility bill that is sent to each owner or occupant of a property that contains a Dwelling.

2. For purposes of this Ordinance the term Dwelling shall be defined as "all residential structures" located within the boundaries of the Town of Middletown that are primarily used for abode for one or more persons, including multi-family structures not containing more than two (2) living units.

**REPEALER:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SEVERABILITY:** Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation of law shall be deemed unenforceable, shall be omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

**EFFECTIVE DATE:** This Ordinance shall become effective immediately upon passage and publication required by law.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MIDDLETOWN,  
INDIANA THIS 17 DAY OF DEC., 2019.

Donita Chambliss

John Ames

Richard Schwalbe

[Signature]

Dayton

ATTEST:

[Signature]  
Clerk-Treasurer