

ORDINANCE NO. 81- 10

AN ORDINANCE AMENDING ORDINANCE NO. 76-19 TO ADD THERETO A PROVISION FOR ESTABLISHING MAXIMUM RATES FOR LICENSED SANITARY LANDFILLS.

WHEREAS, the Statutes of the State of Indiana grant to the Board of Commissioners the power to regulate the furnishing of services for the collecting, processing and disposing of solid wastes in the county, including the power to fix the price to be charged for that service; and

WHEREAS, it is necessary to regulate the public disposal of solid wastes in order to protect the public safety and health; and

WHEREAS, the Board of Commissioners did on June 14, 1976, enact Ordinance No. 76-19 regulating the public disposal of solid wastes and providing for the licensing, through permits, of all premises used for the disposal of solid wastes within Tippecanoe County, Indiana; and

WHEREAS, on June 1, 1971, the Board of Commissioners entered into a contract with Tippecanoe Sanitary Landfill, Inc., for the operation of a sanitary landfill in Tippecanoe County for a period of ten years, which contract as amended during the term expired on May 31, 1981; and

WHEREAS, paragraph 10 of said contract and various amendments thereto, including any amendatory agreement dated May 30, 1971 contained provisions for the establishment, and periodic adjustment of the rates to be charged to users of the Tippecanoe Sanitary landfill; and

WHEREAS, it is necessary that the user rates charged at such sanitary landfill be reasonable and affordable so that solid waste is placed therein in order to protect the public health and safety of the residents of Tippecanoe County; and

WHEREAS, because of the expiration of the contract dated June 1, 1971, with Tippecanoe Sanitary Landfill, Inc. as amended there are now no approved rates in effect at the Tippecanoe County Sanitary Landfill; and

WHEREAS, it is necessary in the public interest to provide a reasonable and fair method for the establishment and periodic adjustment of maximum rates to be charged by persons operating sanitary landfills in Tippecanoe County to the users thereof in order to promote the public health and safety of Tippecanoe County.

NOW, THEREFORE, BE IT ORDAINED and enacted by the Board of Commissioners of the County of Tippecanoe, State of Indiana, as follows:

1. Ordinance 76-19 enacted on the 14th day of June, 1976, is hereby amended by the addition thereto of the following ARTICLE:

"ARTICLE IIA
MAXIMUM RATES

SECTION 201A: No person now or hereafter holding an unrevoked permit issued from the Health Officer pursuant to Section 202 shall charge any user of a Sanitary Landfill any sum for disposal of garbage, rubbish, or refuse therein in excess of those maximum charges established pursuant to the provisions of this Article.

SECTION 202A: Whenever any person now or hereafter holding an unrevoked permit issued pursuant to Section 202 desires to charge rates in excess of those then in effect such person shall file a verified petition with the Board of Commissioners requesting permission to do so which petition shall include the following information:

1. Name and address of petitioner.
2. Disposal site.
3. Number and expiration of disposal site permit.
4. Maximum rates then established for such disposal site.

5. New maximum rates requested for such disposal site.
6. Date maximum rates in effect were established.
7. Level of the Construction Cost Index published by the Engineering News Record on date rates in effect were set.
8. Level of Constuction Cost Index at most recent date of publication at time petition is filed.
9. Reasons for requested increase.
10. Signature of person seeking increase or an officer thereof.

SECTION 203A: Whenever a petition is received by the Board of Commissioners pursuant to Section 202A, the Board of Commissioners shall hold a public hearing thereon within fifteen (15) days of the date of receipt thereof, and shall act thereon within thirty (30) days of the date of receipt thereof.

SECTION 204A: In no event shall the maximum rates authorized or established by the Board of Commissioners for the present Tippecanoe Sanitary Landfill be less than the rates in effect on May 1, 1981 at the Tippecanoe Sanitary Landfill plus the percentage of increase in the level of the Construction Cost Index after January 1, 1981.

SECTION 205A: In the event that the Board of Commissioners fail to set new rates within thirty (30) days of the date of receipt of such verified petition, the rates petitioned for therein shall be, and remain, in effect until final action is taken by the Board of Commissioners on such petition.

SECTION 206A: No petition to increase the maximum rates shall be filed pursuant to Section 202A until the expiration of six (6) months from the date of filing the last previous petition for a rate increase or decrease at such disposal site.

SECTION 207A: Until otherwise established pursuant to the provisions of this Article, the maximum rates to be charged at the present Tippecanoe Sanitary Landfill shall be those in effect thereon on May 31, 1981, plus the percentage of increase in the level of the

Construction Cost Index from January 1, 1981 to June 1, 1981. No further increase shall be granted therein until a petition is filed for such with the Board of Commissioners pursuant to the provisions of this Article.

SECTION 208A. Any person holding an unrevoked permit for a disposal site located in Tippecanoe County, Indiana, shall accept and process all Garbage, Rubbish and Refuse presented to it for disposal by any person during normal business hours upon tender of payment of the maximum rates then established for such disposal site.

2. Passed and adopted by the Board of Commissioners of Tippecanoe County, Indiana, on this 1st day of June, 1981.

THE BOARD OF COMMISSIONERS
OF TIPPECANOE COUNTY, INDIANA

BY: *William G. Vanderveen*
William G. Vanderveen, President

Bruce V. Osborn

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ATTEST:

Michael E. Smith
Michael E. Smith, Auditor