

AN ORDINANCE amending Section 50.13: "FEES" of the Fort Wayne Code of Ordinances regarding charges related to the Fort Wayne Biosolids Handling Facility.

WHEREAS, the City of Fort Wayne, Indiana (the "City") owns a Biosolids Handling Facility located at 6202 Lake Avenue, Fort Wayne, Indiana 46815 (the "BHF"); and

WHEREAS, the City wishes to continue to operate the BHF in order to accommodate the needs of its citizens; and

WHEREAS, the City will incur certain operational costs in the operation of the BHF; and

WHEREAS, the City desires to continue the rates that are in effect for non-residential customers and offer rates to non-residential customers for dropping off materials that will help the City develop products that are in demand; and

WHEREAS, an adjustment to the ordinance will help facilitate the development of new and in-demand products at the BHF; and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana believes it is in the City's best interest to amend Section 50.13 to enable the BHF to continue to operate in a cost-efficient manner.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 50.13 of the Fort Wayne Code of Ordinances: "FEES" is hereby deleted and replaced with the following:

§ 50.13 FEES.

(A) The following fees are established for users of the city's yard waste recycling facility located at 6202 Lake Avenue, when it is deemed feasible to operate a site open to the public:

(1) *Residential.* \$20.00 per ton of material, pro-rated based on actual weight of material dropped off, with a minimum charge of \$1.00 per vehicle load.

(2) *Non-residential (commercial, industrial, or municipal users).* The city or its designated agent may enter into agreements with non-residential users for dropping off materials at the city's yard waste facility on terms and conditions that are mutually acceptable to the user and the city or its designated agent. For purposes of this subsection, the city or its designated agent shall have the authority to negotiate the pricing for dropping off materials from each user, taking into consideration factors such as volume and quantity of materials and any other factors deemed appropriate by city or its designated agent.

(B) *Commercial billings.* Non-residential users of the yard waste recycling site may establish commercial accounts. Charges shall be computed and billed by the General Office of the City Utilities. Bills shall be rendered approximately monthly. For the purpose of this chapter, a month shall constitute 25 - 35 days.

(C) *Collections, late charges and delinquency.* City Utilities may bring a civil action to recover any delinquent charges together with interest at the statutory rate, the costs and disbursements of said action, reasonable attorney fees and any other remedy prescribed by law. All bills not paid on or before the due date indicated on the bill shall be subject to a collection or deferred payment charge consistent with those assessed to other delinquent City Utilities accounts.

SECTION 2. That any and all action previously taken by the City in connection with the foregoing is hereby ratified, confirmed, and approved in all respects.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

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Council Member

APPROVED AS TO FORM AND LEGALITY:

Malak Heiny, City Attorney

CHAPTER 50: GARBAGE AND REFUSE

Section

Collection and Disposal

- 50.01 [Reserved]
- 50.02 User fee for collection and disposal of residential municipal solid waste
- 50.03 Separate solid waste fund
- 50.04 Refuse storage containers and the storage of refuse
- 50.05 Location of refuse storage containers and recycling containers
- 50.06 Set-out time for refuse containers and recycling containers
- 50.07 Enforcing authority
- 50.08 Unsafe Building Fund
- 50.09 Garbage user fee

Management of Yard Waste

- 50.10 Definitions
- 50.11 Yard waste prohibited from being placed in solid waste landfills
- 50.12 City utilities yard waste recycling facility
- 50.13 Fees
- 50.14 Enterprise fund

Collection of Recyclable Materials

- 50.15 Definitions
- 50.16 Recycling contractors authorized
- 50.17 Collection of recyclable materials
- 50.18 Manager to make rules and regulations

Illegal Dumping

- 50.19 Illegal dumping
- 50.20 Illegal Dumping Fund

Solid Waste Advisory Board

- 50.21 Establishment

50.22 Purpose

50.23 Membership terms; officers

50.99 Penalty

§ 50.13 FEES.

(A) The following fees are established for users of the city's yard waste recycling facility located at 6202 Lake Avenue, when it is deemed feasible to operate a site open to the public:

(1) Residential. \$20.00 per ton of material, pro-rated based on actual weight of material dropped off, with a minimum charge of \$1.00 per vehicle load.

(2) Non-residential (commercial, industrial, or municipal users). ~~The city or its designated agent may enter into agreements with non-residential users for dropping off materials at the city's yard waste facility on terms and conditions that are mutually acceptable to the user and the city or its designated agent. For purposes of this subsection, the city or its designated agent shall have the authority to negotiate the pricing for dropping off materials from each user, taking into consideration factors such as volume and quantity of materials and any other factors deemed appropriate by city or its designated agent. \$20.00 per ton of material, pro-rated based on actual weight of material dropped off, with a minimum charge of \$4.00 per vehicle load. Non-residential users may be offered discounts based on volume and frequency of use at the discretion of the City Superintendent or Deputy Director of Capital Assets-City Utilities.~~

(B) Commercial billings. Non-residential users of the yard waste recycling site may establish commercial accounts. Charges shall be computed and billed by the General Office of the City Utilities. Bills shall be rendered approximately monthly. For the purpose of this chapter, a month shall constitute 25 - 35 days.

(C) Collections, late charges and delinquency. City Utilities may bring a civil action to recover any delinquent charges together with interest at the statutory rate, the costs and disbursements of said action, reasonable attorney fees and any other remedy prescribed by law. All bills not paid on or before the due date indicated on the bill shall be subject to a collection or deferred payment charge consistent with those assessed to other delinquent City Utilities accounts.

(Ord. G-1-18, passed 2-27-18)