

ORDINANCE NO. 2023- 08
OF THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, INDIANA

**AN ORDINANCE ESTABLISHING FEE SCHEDULE FOR
MUNICIPAL SOLID WASTE, RECYCLABLE, AND
COMPOST COLLECTION AND DISPOSAL FOR
THE TOWN OF ZIONSVILLE, INDIANA**

WHEREAS, pursuant to the authority in Ind. Code 36-9-30 *et seq.*, the Town Council of the Town of Zionsville ("Town Council") issued a request for sealed bids pursuant to Ind. Code § 36-9-30-5 and Ind. Code § 36-9-30-5.3 for collection and solid waste disposal services and recycling services for the Town of Zionsville ("Town"); and

WHEREAS, on Monday, March 20, 2023 the Town Council, assisted by the Director of the Department of Public Works opened the sealed bids and announced the key terms of each sealed bid in a public meeting of the Town Council; and

WHEREAS, after reviewing the responsive bids the Town has determined that Priority Waste ("Priority") was the lowest responsive and responsible bidder and has selected Priority for a three (3) year initial contract with the Town which can be renewed for an additional three (3) year term locked in at the pricing structure of year three (3) of the contract; and

WHEREAS, the Priority bid, as well as each of the responsive bidders, increased the per household per month rate for collection and disposal of solid waste and recycling services; and

WHEREAS, such increase in the per household per month rate requires the Town Council and the Town to raise the monthly rate for such services for each household in the Town which shall be directly tied to the increase in the publicly bid amount included in the Priority proposal; and

WHEREAS, the initial contract with the Town includes a new per household per month rate as follows: Year One: \$11.95 plus Boone County Solid Waste Management District Special Fee; Year Two: \$12.21 plus Boone County Solid Waste Management District Special Fee; Year Three: \$12.68 plus Boone County Solid Waste Management District Special Fee; and

WHEREAS, the Town Council and the Town find it financially advantageous to the Town to collect the forty cents (\$0.40) per household per month required fee, which may be amended from time to time, for the Boone County Solid Waste District ("District") and directly remit such amount to the District thereby qualifying the Town for a rebate of up to ten percent (10%) per household per month; and

WHEREAS, the Town Council and the Town must raise the solid waste collection and disposal and recycling fee which will be collected by the Town and then directly passed back to Priority and the District to cover the costs for such services.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Zionsville, Indiana as follows:

Section 1. Repeal and Replace Title V: Public Works Chapter 54, § 54.01 Collection and Recycling. The Zionsville Code of Ordinances, Title V: Public Works, Chapter 54, § 54.01: Collection and Recycling shall be repealed and replaced with the following:

§ 54.01, FEES FOR COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLING SERVICES.

(A) Authority. Pursuant to the authority found in Ind. Code § 36-9-30, Solid Waste Collection and Disposal, as may be amended from time-to-time, the Town Council serving as the "Board" for purposes of this statute may enter into a contract for the collection and disposal of solid waste services. The Town Council shall seek a request for proposals or sealed bids for such services, which may include recycling services, pursuant to the requirements of Ind. Code § 36-9-30-5 and Ind. Code § 36-1-12-4 or alternatively Ind. Code § 36-9-30-5.3. After determining the lowest responsive bidder or lowest responsible proposer ("Contractor") (if using the alternative process allowed by Ind. Code § 36-9-30-5.3), the Town Council may enter into a contract for such services with Contractor.

(B) Assessment Fee. Each residential property owner shall be assessed a pro rata charge sufficient to completely finance the collection and disposal of solid waste and recycling program for the Town. The fees for such services shall be set annually as articulated in the contract for the collection and disposal of solid waste and recycling services (as shall be amended from time-to-time).

(C) Boone County Solid Waste Management District Special Assessment Fee. In addition to the fees stated in subsection (B) above, each household shall be assessed a special fee per month as prescribed by the Boone County Solid Waste Management District ("District"). Such fee shall be collected by the Town and remitted directly to the District for payment of the special assessment fees for each household per month. The Town shall be entitled to any and all rebates provided by the District. The Town

shall deposit such rebates, if provided, into a special fund titled "Boone County Solid Waste Management District Special Assessment Fee Rebate" and shall use such funds only for the purpose of the Town as appropriated by the Town Council.

(D) Non-Residential Property Services. The contract awarded to the Contractor may allow the Town to receive services under this section at an appropriate cost to the Town if the Town elects to participate in contract with Contractor.

Section 2. Remaining Provisions. The remaining provisions of the Zionsville Code of Ordinances, Title V: Public Works, Chapter 54.99: Penalty shall remain in full force and effect and are not affected by this Ordinance.

Section 3. Repeal of Prior Ordinances. All prior Town ordinances or parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance. This Section 5 shall not apply to the provisions of the Town's Reorganizations as passed by Resolution No. 2008-12, Resolution No. 2014-3 and Resolution No. 2014-11 of the Town Council and specifically the controlling provision(s) of the latest applicable Reorganization Resolution.

Section 4. Effect of Reorganization. If any such provision of this Ordinance is found in conflict with the Town's Reorganizations as passed by Resolution No. 2008-12, Resolution No. 2014-3 and Resolution No. 2014-11 of the Town Council and specifically the controlling provision(s) of the latest applicable Reorganization Resolution, the provisions of the last applicable Reorganization Resolution shall prevail.

Section 5. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit, or extend the scope or intent of the clause to which they appertain.

Section 6. Severability. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of the Ordinance.

Section 7. Duration and Effective Date. The provisions of this Ordinance shall take effect following the date of its passage and action by the Mayor and/or the Town Council in the manner prescribed by Reorganization section ZR2A18 and shall remain in full force and effect until amended or repealed by ordinance of the Town Council.

Introduced and filed on the 10th day of April, 2023. A motion to consider on First Reading was properly made and seconded and approved by a vote of 7 in favor and 0 opposed, pursuant to Indiana Code § 36-5-2-9.4 and § 36-5-2-9.6.

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A motion to consider on Second reading was properly made and seconded and approved by a vote of 7 in favor and 0 opposed, pursuant to Indiana Code § 36-5-2-9.4, § 36-5-2-9.6 or § 36-5-2-9.8 (as applicable).

DULY PASSED AND ADOPTED this 10th day of April, 2023, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 7 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

YEA
Signature

NAY
Signature

Jason Plunkett President		
Brad Burk, Vice-President		
Josh Garrett, Member		
Alex Choi, Member		
Joe Culp, Member		
Craig Melton, Member		
Bryan Traylor, Member		

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I hereby certify that the foregoing Ordinance was delivered to Town of Zionsville Mayor Emily Styron on the 11th day of April 2023 at 900 a.m./p.m.

ATTEST: _____

Amelia Anne Lacy,
Municipal Relations Coordinator

MAYOR'S APPROVAL

Emily Styron, Mayor

4/11/23

DATE

MAYOR'S VETO

Emily Styron, Mayor

DATE

This Ordinance was prepared by Heather D. Harris, Partner, Barnes & Thornburg LLP serving as Legal Counsel to the Town Council, Town of Zionsville, Boone County, Indiana on April 4, 2023 at 2:05 p.m. EST. No subsequent revision to this Ordinance has been reviewed by Ms. Harris for legal sufficiency or otherwise.