

CHAPTER171.....
APPROVED3/13/69.....

SENATE ENROLLED ACT No. 420

AN ACT authorizing cities and towns to establish and maintain facilities for the collection and disposal of refuse.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. (a) As used in this act unless the context clearly requires otherwise:

The word "municipality" shall include cities, towns or sanitary districts comprising one or more cities or towns.

The word "Board" shall mean the Board of Sanitary Commissioners, the Board of Trustees of a town, utility service board or any other agency or municipal government designated by law or authorized pursuant to law to perform services in the collection and disposal of refuse.

(b) The Board shall have the right to establish, acquire, by purchase or condemnation, construct, install, operate and maintain facilities for the collection and disposal of refuse; to contract with other governmental agencies or private contractors for the collection or disposal of refuse; to secure the collection and disposal of refuse accumulated within or without the corporate limits of such municipality or county wherein said municipality is located and to issue revenue bonds to pay in whole or in part the cost of such facilities. In executing any or all of the powers and duties, as aforesaid, such Board may do so either directly or by contract with other governmental agencies or private contractors.

SEC. 2. In order to carry out its powers, functions and duties under section 1 of this act, such Board shall be authorized:

(a) To prepare a schedule of reasonable service charges and collect the same from any and all persons who own, lease or are in possession or control as tenants or as agents of lots and lands situated inside and outside the boundaries of the sanitary district of such municipality which said lots and lands or users of said facilities are benefited by reason of any use of said refuse disposal facilities.

(b) To establish rates for service charges to collect refuse on the basis of volume, weight or type of refuse to be disposed. In executing any or all of its powers and duties, such Board shall have authority to enforce collection of said service char-

ges by direct billing or with the permission of the county council, by certifying such charges and the description of the real property to which such service charges relate, to the county auditor for collection in the same manner as real property taxes. Provided, That said charges may by ordinances, be made payable either by the users of the facilities or the owners of the property served by the facilities or by the municipality; or, alternately, such required rates or charges may be divided between such users or owners and the municipality in such proportions as shall be fixed by ordinance. Revenue collections pursuant to this Act shall be deemed the revenues of the facilities. No rates or charges shall be established until after a public hearing, at which all of the users of the facilities and owners of property served, or to be served thereby, and others interested shall have an opportunity to be heard concerning the proposed rates or charges and the provisions concerning payment of the same. After introduction of the resolution fixing rates or charges and provisions for the payment of same, and before such resolution is finally enacted, notice of such hearing, setting forth the proposed schedule of rates or charges and the provisions concerning payment of the same, shall be given by one (1) publication in a newspaper published in the municipality, having a general circulation therein, at least ten (10) days before the date fixed in such notice for the hearing, which may be adjourned from time to time. After such hearing, the resolution, either as originally introduced or as modified and amended, may be passed and put into effect. A copy of the schedule of rates and charges so established shall be kept on file in the office of the Board and also in the office of the City or Town Clerk and shall be open to inspection by all parties interested. Any change or readjustment of rates or charges of such provided for payment may be made in the same manner as the same originally established as hereinabove provided: Provided, however, That if such change or readjustment be made substantially pro-rata as to all classes of use of service, no hearing or notice shall be required. The aggregate or the required rates or charges shall always be sufficient to pay the costs of operation, repair and maintenance of the facilities, to provide reasonable depreciation and to pay the sum required to be paid into the fund established to operate said facilities. If any rate or charge so established and to be paid by any such user or owner shall not be paid within thirty (30) days after the payment is due, the amount thereof, together with a penalty of ten percent (10%) and a reasonable attorney's fee,

may be recovered by the city or town in a civil action in the name of the city.

(c) To extend the service area for refuse collection, by contract with other governmental agencies, private individuals, corporations, associations or public utilities or trusts for the assessment, billing and collection for such service charges for the collection of refuse as may be established by the Board.

(d) To provide all necessary equipment, land, buildings or contract for the construction, installation, operation or maintenance for the disposal of refuse. To contract for maintenance, operation, or the sale of by-products of said facilities including, but not limited to, salvage materials, maintenance of equipment, sale of steam, sale of compost, or for the operation of a sanitary landfill, incinerator, or such other suitable refuse disposal methods or facilities as may be in existence or hereinafter to be created by said Board for such term not to exceed twenty-five (25) years.

(e) To contract for the use of private refuse disposal facilities including, but not limited to, incinerators, sanitary landfills, composting, garbage grinding or such other suitable refuse disposal methods or facilities as may be approved by the Board.

