

3 AN ORDINANCE amending Section 50.13:
4 "FEES" and Section 41.07:
5 "COMPREHENSIVE FEE, FINE, and
6 PENALTY SCHEDULE" of the Fort Wayne,
7 Indiana Code of Ordinances regarding
8 charges related to the Fort Wayne
9 Biosolids Handling Facility.

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

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

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

17 **WHEREAS**, since 1999, the City has maintained the same pricing
18 schedule for drop-offs of yard waste and other material at the BHF; and

19 **WHEREAS**, the City's current rates for drop-offs at the BHF are
20 codified in Sections 50.13 and 41.07 of the Fort Wayne, Indiana Code of
21 Ordinances; and

22 **WHEREAS**, an adjustment to the rates for users of the BHF is needed
23 to ensure that the City can continue to operate the BHF in a cost-efficient
24 manner; and

25 **WHEREAS**, the Common Council of the City of Fort Wayne, Indiana
26 believes it is in the City's best interest to update the current pricing schedule
27

1 as set forth in Sections 50.13 and 41.07 to enable the BHF to continue to
2 operate in a cost-efficient manner.

3 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON**
4 **COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**
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7 **SECTION1.** That Section 50.13 of the Fort Wayne, Indiana Code of
8 Ordinances: "FEES" is hereby deleted and replaced with the following:
9

10 **§ 50.13 FEES.**

11 (A) The following fees are established for users of the city's yard waste
12 recycling facility located at 6202 Lake Avenue, when it is deemed feasible to
13 operate a site open to the public:
14

15 (1) *Residential.* \$20.00 per ton of material, pro-rated based on actual
16 weight of material dropped off, with a minimum charge of \$1.00 per vehicle
17 load.
18

19 (2) *Non-residential (commercial, industrial, or municipal users).* \$20.00
20 per ton of material, pro-rated based on actual weight of material dropped off,
21 with a minimum charge of \$4.00 per vehicle load. Non-residential users may
22 be offered discounts based on volume and frequency of use at the discretion
23 of the City Superintendent or Deputy Director of Capital Assets—City
24 Utilities.
25

26 (B) *Commercial billings.* Non-residential users of the yard waste recycling
27 site may establish commercial accounts. Charges shall be computed and
28

1 billed by the General Office of the City Utilities. Bills shall be rendered
2 approximately monthly. For the purpose of this chapter, a month shall
3 constitute 25 - 35 days.
4

5 (C) *Collections, late charges and delinquency.* City Utilities may bring a
6 civil action to recover any delinquent charges together with interest at the
7 statutory rate, the costs and disbursements of said action, reasonable
8 attorney fees and any other remedy prescribed by law. All bills not paid on or
9 before the due date indicated on the bill shall be subject to a collection or
10 deferred payment charge consistent with those assessed to other delinquent
11 City Utilities accounts.
12

13
14 **SECTION 2.** That the table in Section 41.07 of the Fort Wayne,
15 Indiana Code of Ordinances: "COMPREHENSIVE FEE, FINE, and
16 PENALTY SCHEDULE" shall be amended to update the new rates set forth
17 in Section 50.13 of the Fort Wayne, Indiana Code of Ordinances.
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20 **SECTION 3.** That any and all action previously taken by the City in
21 connection with the foregoing is hereby ratified, confirmed, and approved in
22 all respects.
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24 **SECTION 4.** That this Ordinance shall be in full force and effect from
25 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:



Carol Helton, City Attorney

MEMO

To: Members of Common Council

From: John Clark and Brandon Almas

Re: Proposal to Increase Rates at Biosolids Handling Facility

Date: February 8, 2018

Dear Members of Council,

We are asking that you approve changes to Sections 50.13 and 41.07 of the City Code to establish new rates for users of the Biosolids Handling Facility. The current rates have been in effect since 1999. Since that time, operational costs have increased, but the rates have not increased accordingly.

The old rates for residential users was \$1.00 per vehicle load up to 260 pounds and \$17.00 per ton for loads of 261 pounds or more. The new proposed rate is \$20 per ton, pro-rated based on actual weight of material. For a typical residential customer dropping off 260 pounds or less, the maximum increase will be \$1.60 per load.

We are also proposing to increase the commercial rates to \$20 per ton, but we would like to provide some discretion for the City to negotiate discounts based on volume or the quality of material that is brought to the facility. For high volume users bringing in at least 50 tons of material per year (with no discounts), the cost increase will be about \$150.00 per year.

We believe the changes in the rate structure are necessary to keep up with the increasing costs of operation over the past 20 years, and respectfully request your approval.

BILL NO. G-18-02-09

REPORT OF COMMITTEE ON REGULATIONS

February 20, 2018

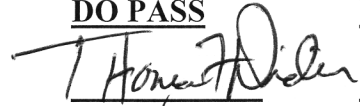
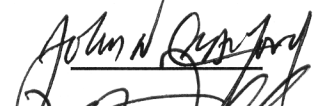





Thomas Didier Chair

Paul Ensley Co-Chair

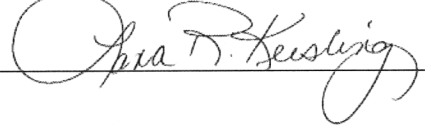
All Council Members

An Ordinance amending Section 50.13: "Fees" and Section 41.07: "Comprehensive Fee, Fine, and Penalty Schedule" of the Fort Wayne, Indiana Code of Ordinances regarding charges related to the Fort Wayne Biosolids Handling Facility

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilman Didier.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilman Didier, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: February 27, 2018



 LANA R. KEESLING, CITY CLERK

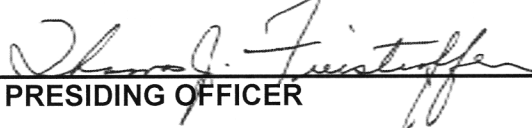
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. G-18-02-09 on the 27th day of February, 2018

ATTEST:



 LANA R. KEESLING
 CITY CLERK



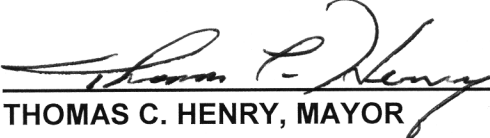
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th of February 2018, at the hour of 10:10 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 28th day of FEBRUARY 2017, at the hour of 3:00 O'clock PM E.S.T.



 THOMAS C. HENRY, MAYOR