

AMENDED
ORDINANCE NO. 846

AN ORDINANCE CONCERNING THE COLLECTION, REMOVAL, AND DISPOSAL
OF GARBAGE AND WASTE MATERIAL WITHIN THE CITY OF NORTH VERNON,
INDIANA, AND IMPOSING A WASTE DISPOSAL AND RECYCLING FEE

Section 1. Definitions.

For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Ashes" means the residue of combustion of such fuels as wood, coal, coke, charcoal and similar materials.

"Combustible waste" means all waste substances capable of burning, including garbage, paper, rags, excelsior, wood, grass, leaves and similar materials.

"Commercial establishment" includes all mixed-use structures such as those consisting of both commercial and any number of residential units.

"Garbage" means all putrescible animal solid, vegetable solid and semisolid wastes resulting from processing, handling, preparation, cooking, serving or consumption of food or food materials.

"Hazardous waste" means a solid waste of a combination of solid wastes, that because of its quantity, concentration or physical, chemical or infectious characteristics, may:

1. Cause or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness; or,
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

"Industrial process waste" includes, but is not limited to, oils, lubricants, resins, chemical catalysts, distillation bottoms, ink, paint, sludges, grinding sludges, incinerator ash, core stand, metallic dust sweepings, material which may create asbestos dust, contaminated or recalled wholesale or retail products.

"Infectious waste" means waste that epidemiological evidence indicated is capable of transmitting a dangerous communicable disease (as defined by rule adopted under Indiana Code 16-1-9.5-1). Infectious waste includes the following:

1. Pathological wastes, including tissue, organs, body parts and blood or body fluids in liquid or semi-liquid form that are removed during surgery, biopsy or autopsy;
2. Biological cultures and associated biologicals;
3. Contaminated sharps;
4. Infectious agent stock and associated biologicals;
5. Blood and blood products in liquid or semi-liquid form;
6. Laboratory animal carcasses, body parts and bedding; and,
7. Wastes.

"Noncombustible waste" means all waste substances incapable of burning, including tin cans, tinware and other metallic substances, bottles, glassware, earthenware, ashes and similar materials and, also, discarded articles, the greater part of which is incapable of burning, such as roofing material, electric batteries, etc.

"Putrescible waste" means waste that is subject to organic decomposition.

"Refuse" means all non-putrescible wastes.

"Responsible party" means person or persons held accountable for the illegal placement of waste in recycling or solid waste containers.

"Solid waste land disposal facility" means a solid waste facility in or upon the land into which solid waste is disposed. Permitted solid waste land disposal facilities shall be classified into one of the following types:

1. Sanitary landfill;
2. Construction/demolition sites;
3. Restricted waste sites.

"Solid waste" means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from a pollution control facility or other discarded material including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining or agricultural operations or from community activities.

"Yard waste" means all vegetative matter including grass, weeds, leaves, brush, tree trimmings, hedge clippings and garden waste.

Section 2. Promulgation of rules and regulations.

The city street superintendent, with the approval of the Common Council, shall be authorized to prepare and publish rules for effective administration and enforcement of the provisions of this ordinance. Any such rules so published shall have the force of law, and a violation of such rules shall be punishable in the same way as a violation of this ordinance.

Section 3. Collection.

The city street superintendent, through the adoption and promulgation of rules, shall be authorized to fix and arrange the dates and schedules for the public collection of solid waste in the various sections of the city. Commercial establishments, industrial establishments, and residents residing on private streets in for-profit residential establishments, and in buildings arranged for occupancy with nine residential units or more shall be responsible for arranging trash pick up through a private hauler of their choice effective May 1, 2005. Solid waste will be collected by the city from residential dwellings one time per week and must be put out for collection by seven a.m. on the designated day. Any excess accumulation of solid waste or yard waste by residents shall be disposed of by and at the expense of the establishment creating the excess solid waste or yard waste. Any solid waste or yard waste generated by contractors at a private dwelling shall be removed and disposed of or recycled by the contractor and/or person or persons residing there.

Section 4. Containers for households.

Every householder residing in a building arranged solely for occupancy with eight residential units or less shall provide themselves with proper containers for solid waste as provided in Section 5 sufficient in number for accumulations between the dates of regular collection.

Section 5. Container specifications.

No owner, tenant or lessee, of any public or private premises shall permit to accumulate upon his/her premises any solid waste except in containers approved by the city street superintendent, which shall be one of the following types:

- A. A thirty-two gallon (maximum) galvanized or plastic container, with handles, and a lid that is tight fitting which shall be in place at all times;
- B. Tied plastic bags, which shall not be placed in collection area earlier than twenty-four hours before scheduled pick up, unless they are placed in an approved rigid container; or,
- C. A three cubic yard (maximum) rolling metal dumpster with lids and a top center winch hook.

Section 6. Container placement.

All solid waste containers shall be placed near the public street or near the public alley behind their premises for efficient collection and disposal by the city.

Section 7. Curbside collection.

Solid waste containers shall be placed at curbside no earlier than twenty-four hours prior to the scheduled collection time and shall be removed within twenty-four hours after pick up.

Section 8. Accumulations prohibited - Coverings on containers.

No solid waste shall be allowed to remain exposed in any building or on any premises for a longer time than shall be reasonably necessary to remove and deposit the waste in proper waste containers. Lids shall be kept on containers holding solid waste at all times.

Section 9. Cleaning and disinfecting containers.

All containers used for solid waste shall be kept clean and disinfected.

Section 10. Disposal requirements.

When disposing of cardboard boxes, they shall be flattened and stacked neatly. Tree

cuttings, not to exceed six feet in length, shall be piled neatly and free of any other solid waste. Newspapers shall be bundles when they are not in an approved container.

Ashes, sawdust and similar dusty materials must be in tied, plastic bags. Hot ashes are prohibited.

Hazardous wastes, tires, appliances, and furniture shall not be placed in a container with any other solid waste and will not be disposed of by the city.

Infectious waste will not be collected by the city services. Sharps must be placed in a leakproof, labeled, rigid container in order to be disposed of by sanitation crews.

Lead acid batteries shall not be placed in containers with other solid waste and will not be collected by the city. They should be taken by the resident or business establishment to a battery recycling center.

Motor oil shall not be placed in a container with any other solid waste and will not be disposed of by the city. It is the responsibility of the generator to dispose of motor oil at a reclamation center.

Paint shall not be placed in a container with any other solid waste unless it is in a dry state. Once the paint has dried to a solid state, it can be placed in a container and disposed of by sanitation crews.

Section 11. Areas for disposal of solid waste or refuse restricted.

The disposal of solid waste other than clean fill or concrete by a person in any place, public or private, within the city other than the sites authorized by the Indiana Department of Environmental Management is prohibited.

Section 12. Disposal requirements - Industrial process waste.

All combustible and noncombustible industrial process waste which is the result of manufacturing a product shall be disposed of or recycled by the person or persons generating such waste at his expense.

Section 13. Nuisances.

- A. No occupant of any private or commercial premises shall create, or permit to exist, any of the following conditions which shall be declared and considered public nuisances:
1. Placing bags near an alley or curbside more than twenty-four hours before scheduled collection;
 2. Keeping open containers (lids must be kept on at all times);
 3. Placing trash for collection in cardboard boxes or paper sacks; and,
 4. No solid waste shall be permitted to ferment, putrefy or become odoriferous in containers on private premises.

- A. Occupants who violate any of the provisions of this chapter shall receive a written warning from the city street superintendent notifying said person(s) of the nature of the violation, the action necessary to correct said violation and the time within which said violation must be corrected. The notification shall also contain a statement that failure to correct said condition within the prescribed time, or the occurrence of a second violation of this chapter at said location shall result in a fine of twenty dollars plus reasonable attorneys' fees incurred by the city in enforcing this ordinance. Once the occupant has been fined for a violation of this chapter, subsequent violations by the occupant shall result in fines which shall increase in increments of twenty dollars, but shall not exceed one thousand dollars plus reasonable attorney's fees incurred by the city in enforcing this ordinance.

Section 14 Improper disposal and transportation of waste prohibited.

- A. No person shall throw, place, or deposit solid waste in any street or other place or on any public or private property except in proper waste containers, and no person shall remove the lid from any waste container without replacing it.
- B. No person shall deposit solid waste in any container or on any public or private property without the consent of the property owner. In the event any solid waste is disposed of improperly the responsible party causing such a condition to exist shall receive notice of a cleanup fee in accordance with subsection F of this section.
- C. No person shall turn over or upset the contents of any waste container on any street, sidewalk, or public place.
- D. When waste or recyclables have been set out in containers near a public street, sidewalk, or alley for collection, no person shall remove any part of this material from such container. When waste or recyclables have been set out in containers on private premises, no person shall remove any materials therefrom except with the consent of the owner or lessee of the premises.
- E. Solid waste shall be covered and secured during hauling such that there is no leakage or loss of waste.
- F. In the event any solid waste is disposed of improperly, as above set forth, the property owner or if responsible party can be determined as in subsections A, C, D, and E of this section, permitting or causing such a condition to exist shall first receive a five-day written notice from the city street superintendent to resolve the situation. All notices for such violations will be sent to both the party owner and the responsible party. If at the end of the five-day period the condition continues to exist, the sanitation department shall have the right to rectify such condition and the property owner and responsible party shall receive notice of clean-up fee. The clean-up fee shall consist of a reimbursement of costs of labor and equipment used as certified by the city street superintendent, but shall in no case be less than fifty dollars. Failure to pay this fee within thirty days to the clerk treasurer will result in the filing of an ordinance violation in a court of competent jurisdiction. The fine levied for such a violation shall be fifty dollars plus the cost of clean-up plus reasonable attorney's fees incurred by the city in enforcing this ordinance. For each subsequent violation of this section by the property owner or responsible party within a twelve-month period, the fine shall be one hundred dollars, plus costs of clean-up plus reasonable attorney's fees incurred by the city in enforcing this ordinance.

Section 15 Waste disposal and recycling fee.

Pursuant to IC 36-9-30-21, there is hereby imposed a waste disposal and recycling fee on the users of the city's solid waste disposal facilities as follows:

- A. The fee shall be the sum of \$7.50 per residential unit per month.
- B. The fee shall be invoiced on the residential unit's wastewater treatment bill on a monthly basis, set out and accounted for separately. If more than 1 residential unit (i.e. duplexes, triplexes, apartments, trailer courts, etc.) is included on a particular wastewater treatment bill, the the bill shall include a fee of \$7.50 per residential unit.
- C. All waste disposal and recycling fees collected shall be deposited into a non-reverting fund by the Clerk Treasurer to be designated the Waste Disposal and Recycling Fee Fund.
- D. The funds in the Waste Disposal and Recycling Fee Fund shall be used solely for landfill fees, capital equipment necessary for waste disposal and recycling activities, the salary and wages of those responsible for trash pick-up, and the operation of the city's waste disposal and recycling facilities.

Section 16 Repealed.

All ordinances and parts thereof in conflict with this ordinance are hereby repealed.

Section 17 Effective Date.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed and adopted by the Common Council of the City of North Vernon, Indiana on this _____ Day of _____, 2021.

Brian Hatfield

Baron Wilder

Jack Kelley

Trent Wisner

Jerry Lamb

Presented, approved, and signed by me this ____ day of _____, 2021.

Mike Ochs, Mayor of the City of North Vernon

ATTEST:

Raymond Shawn Gerkin
Clerk Treasurer, City of North Vernon