

ORDINANCE NO. 2002-OR- 01

AN ORDINANCE REVISING RULES, REGULATIONS AND FEES FOR THE STORAGE, COLLECTION, AND REMOVAL OF REFUSE COLLECTED BY THE CITY OF CHARLESTOWN, INDIANA SANITATION DEPARTMENT

WHEREAS, the City of Charlestown (the "City") is a third class city organized under the laws of the state of Indiana; and

WHEREAS, as a service to its citizens and businesses located within the City, the City operates a Sanitation Department, whose purpose is to collect and dispose of solid waste within the City; and

WHEREAS, it is the desire of the City Common Council to enlist the cooperation of all citizens and business customers to facilitate the orderly collection, removal and disposal of garbage, trash, and refuse; and

WHEREAS, the City would be best served if the Sanitation Department was financially a self supporting service, and not one dependent on the expenditure of the City's tax revenues, capital trust funds or other city funds to operate; and

WHEREAS, it has become necessary to revise the schedule of fees, charges and rates and certain other policies of the Sanitation Department in order to eventually make such services financially self supporting, and

WHEREAS, it is in the best interest of the health, safety and well-being of all citizens of the city of Charlestown, Indiana that the previous ordinances regulating the storage and removal of solid waste and the operation of the City's Sanitation Department be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CHARLESTOWN, CLARK COUNTY, INDIANA, as follows:

Section 1. Definitions

As used in this ordinance, the following words shall have the meaning respectively ascribed to them:

Appliances: Washer, Dryers, Refrigerators, Freezers, Dishwashers, Air Conditioners, Microwave Ovens, Stoves, Cooking Units, Washing Units, or any other apparatus that is designed to be used within the home.

Approved Container: Means a refuse container used by a customer of the Sanitation Department, which meets the requirements and specifications set out in *Sections 5(B) & 5(C)* of this ordinance.

Ashes: Residue from fires, whether produced by fires used for cooking, heating buildings, grills, fireplaces, trash burners or other fires.

City: Means the civil city of Charlestown, Indiana.

Contractor: Means a person, group, or other entity performing work for hire (e.g. construction, cleaning, remodeling, etc. . .).

Garbage: Garbage includes all refuse accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruits or vegetables, and containers originally used for food stuffs.

Non-conforming Container: Means a refuse container used by a customer of the Sanitation Department, which does not meet the requirements and specifications set out in *Sections 5(B) & 5(C)* of this ordinance.

Refuse: Refuse shall mean garbage, trash, debris, rubbish, litter, ashes, solid waste, or other items having little or no value which are intended to be disposed of, or any of them.

Sanitation Department: Means the City of Charlestown, Indiana Sanitation Department.

Trash, Rubbish and Debris: Combustible refuse, including, but not limited to, papers cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and other wood or combustible articles, bedding, plastic, noncombustible refuse, including but not limited to, metals, tin cans, dirt, contents of litter receptacles, small quantities of rocks and pieces of concrete, glass, crockery, leaves, bottles and other containers.

Section 2. Loose Garbage and Refuse

A) It shall be unlawful to place or permit to remain anywhere in the city any garbage or other material subject to decay, other than leaves or grass, excepting in a tightly covered metal or plastic container.

B) It shall be the responsibility of a person, group or entity causing loose refuse to be deposited on the street or other public place to immediately place it in a lawful container. It shall not be the responsibility of the Sanitation Department to collect it before it is properly contained.

Section 3. Wind-Blown Refuse

It shall be unlawful to cause or permit to accumulate any dust, ashes or trash or any other such material that can be blown away by the wind anywhere in the city, excepting in a covered container, and such ashes or other such material shall be properly dampened so as not to cause dust when emptied by the Sanitation Department when collecting same.

Section 4. Garbage to be Secured.

While awaiting pick-up, all refuse to be collected by the Sanitation Department of the city of Charlestown shall be securely placed in an approved container, with all liquids drained and all toxic substances removed.

Section 5. Containers.

A) All refuse which is to be picked up by the Sanitation Department shall be placed in Approved Containers provided by the owners, or in the case of other tenants, then by the occupants.

B) Approved Containers shall have a capacity of not more than thirty (32) gallons, and the contents thereof shall have a weight not exceeding fifty (50) pounds. Oil drums, barrels or like containers, or cardboard or like boxes that fall apart when wet or moist are not acceptable.

C) All Approved Containers shall be metal or plastic, with tightly fitting lids, and sufficiently durable to withstand repeated handling, and shall, at all times, be kept in a clean, neat and sanitary condition.

D) For regular refuse pick-up service by the Sanitation Department, each single residence or business shall have no more than four (4) Approved Containers.

E) Durable plastic bags securely tied, that are not utilized as a liner placed within an authorized container, may be used only for the containment of leaves and grass clippings.

F) Any Non-conforming container being utilized as a receptacle for pick-up by the Sanitation Department shall initially have placed upon it a sticker notifying the resident that the container does not meet the requirements of this ordinance. Upon a second use of the Non-conforming container, said container shall be subject to removal and disposal by the Sanitation Department.

Section 6. Trees.

A) Small tree branches, tree trimmings and wood need not be placed in containers, provided they are securely bundled and provided such bundles are not more than three (3) feet in length, twenty four (24) inches in diameter, having no single piece thereof more than four (4) inches in width or thickness, and provided such bundle may be easily handled by one person.

B) Small evergreen trees used in homes as "Christmas Trees" will be accepted whole at no fee, provided they are set out for pick-up five (5) days prior to or immediately after the 25th day of December.

Section 7. Yard Waste.

A) All leaves and grass shall be placed in proper containers or plastic bags that shall be placed at a designated place.

B) No leaves or grass shall be allowed to blow into and accumulate, or be raked, swept, or placed in the gutters along the streets, as these are frequently washed into catch basins and storm sewers, thereby blocking or stopping the drainage of such sewers.

Section 8. Newspapers.

All newspapers, magazines and cardboard must be securely bundled or contained to prevent the spread of litter on the streets.

Section 9. Collection of Ashes.

No ashes shall be set out for collection unless they are cold and dampened to avoid dust and are contained as herein provided.

Section 10. Appliances.

Appliances will be collected by the city on the regularly scheduled day for trash collection. Each appliance that will not otherwise fit in an authorized container will be collected only if it has an authorized appliance pick-up sticker issued by the City of Charlestown, which sticker shall be sold at an additional cost to the customer as specified in *Section 19* below.

Section 11. Refusal to Collect Refuse.

Collection of trash, garbage or other refuse by the Sanitation Department may be refused any time the trash, garbage or other refuse is not presented as herein provided. In such case the owner and/or occupant in possession of the trash, garbage or other refuse shall promptly properly and dispose of the same.

Section 12. Customers.

Garbage and trash collection service shall be available to all single residential dwellings, duplexes and apartments. Service may be provided for commercial or industrial customers only after eligibility and ability of the Sanitation Department to do so is determined by the Sanitation Department superintendent.

Section 13. Holidays.

Collection service shall not be provided on any day observed by the City as a holiday. Holidays currently recognized by the City are: New Years Day, Martin Luther King, Jr. Day (observed), Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday Following Thanksgiving Day, Christmas Eve, and Christmas Day. Collection for these holidays shall be made on the next regular day of business following the holiday.

Section 14. Placement of Receptacles for Pick Up.

A) All garbage and trash shall be set out or placed at the edge of the pavement at the sidewalk line (if there is a sidewalk) or at such other place as the superintendent of the Sanitation Department from time to time shall designate. The Sanitation Department shall not be responsible to collect refuse placed for pick-up after 7:00 A. M. on the day of collection. Refuse shall not be set out for collection sooner than 6:00 P.M. on the evening in advance of the scheduled collection day.

B) Once refuse is collected, all empty refuse containers shall be removed from the street and returned to the owner's/occupant's property on the same day. Such containers shall be stored in a place and in such a manner as to not be visible from the residence road frontage, or any thoroughfare or pedestrian walkway, by any person.

Section 15. Construction Waste and Large Items.

A) Refuse resulting from work performed by a Contractor, from performing construction, cleaning, remodeling, or produced in any other manner, shall not be collected by the Sanitation Department. All such refuse shall be removed at the Contractor's or owner/occupant's expense, and shall be removed within 24 hours of being set out for disposal.

B) Large quantities of rubbish, trash, debris, or other refuse, over and above four (4) thirty-two (32) gallon containers a week, requiring use of a city sanitation vehicle, may be removed for owners,

renters or other residents by the Sanitation Department for an additional charge, as specified in the fee schedule. In such cases the Sanitation Department superintendent shall determine where Sanitation Department vehicles may be left and shall determine the rate of usage as defined by the fee schedule set forth in *Section 19* of this ordinance. Arrangements for payment for services shall be made prior to the time removal services are provided.

C) There shall be a separate charge for any large items that will not fit in an Approved Container. The surcharges are set forth in *Section 19(C)* below.

Section 16. Littering.

A) No person, group or other legal entity shall discard, place, or permit to discard or place any refuse, any inoperable vehicle, appliance or other discarded chattel on any public property or thoroughfare in the city.

B) In addition to any other civil or criminal penalty which can be imposed, a person, group or other legal entity littering shall be responsible for the costs of cleaning up any litter, as well as all costs incurred in enforcing this provision of this ordinance.

Section 17. Dumping.

A) No person, group or other legal entity shall discard, place, or permit to discard or place any refuse, any inoperable vehicle, appliance or other discarded chattel on any private property in the city, without the owner's permission.

B) In addition to any other civil or criminal penalty which can be imposed, a person, group or other legal entity dumping shall be responsible for the costs of cleaning up any dumped material, as well as all costs incurred in enforcing this provision of this ordinance.

Section 18. Foreign Refuse.

Collection of refuse shall be available to residents at times designated by the Charlestown Board of Public Works and Safety. Refuse from sources outside the City shall not be collected. Such refuse shall not be placed at any residential, business or industrial customer of the Sanitation Department, or within the City or other authorized place of collection serviced by the Sanitation Department. In addition to other penalties prescribed herein, a person that violates or permits violation of this section of this ordinance forfeits the privilege of collection service by the Sanitation Department, at the discretion of the superintendent of the Sanitation Department and/or City Board of Public Works and Safety.

Section 19. Fee Schedule.

The following schedule of fees shall apply to all City sanitation services for the City of Charlestown:

A) The monthly charge for garbage pickup service (4 thirty-two gallon cans weekly) shall be Eight Dollars (\$8.00) per month, with a twenty-five cent (\$0.25) increase in that charge every three (3) months, the first increase occurring three (3) months from the effective date of this ordinance, and those increases continuing until either otherwise changed by ordinance, or until the Sanitation Department becomes financially self sufficient, whichever occurs first.

B) Utilization of the City-owned flatbed truck for construction-type waste or large loads of refuse shall be fifty dollars (\$50.00) per half (1/2) load and seventy-five dollars (\$75.00) per full load. (The Street and Sanitation Department superintendent will determine the load size).

C) All large items (i.e. appliances, etc..., that will not fit into a conforming 32 gallon container) can be picked up for a charge of five dollars (\$5.00) per item. (payment method to be determined by the Board of Public Works).

D) All items or appliances which use freon, whether or not the freon has been removed (i.e. refrigerators, freezers, air conditioners) will be picked up at a cost of \$40.00 per item.

E) Yard waste such as grass clippings, leaves and small branches will be picked up at no cost to residential customers, provided they are placed in the proper containers. Loose yard waste will not be picked up. Small tree trimmings, branches and wood shall be picked up at no cost providing they are placed for collection as set forth in Sections 6 and 7 of this ordinance.

Section 20. Compliance With State Regulations.

Notwithstanding the requirements set out herein, the manner of containing, storing or disposing of refuse shall also be in compliance with all Indiana statutes, and rules and regulations of the Department of Health of the State of Indiana.

Section 21. Penalties.

In addition to any other sanctions set out herein, any person, group or entity violating any term of this ordinance shall be fined in an amount not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00). Each day a violation continues shall constitute a separate offense. It is the intent of the Common Council that subsequent offenses or violations with aggravated circumstances be punished more severely.

Section 22. Opting Out of Service.

Any commercial or business customer or residential customer of the Sanitation Department may elect to have refuse removed by a private contractor, and if such an election is made no service charge will be levied. This election must be in writing and filed with the Clerk/Treasurer of the City. If such an election is not made, as required above, all eligible residences will be provided with sanitation service.

Section 23. Severability.

Should a court of competent jurisdiction hold any section or part of section of this ordinance invalid, the remaining parts shall be severable and shall continue in full force and effect.

Section 24. Other Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed in so far as the same affect this ordinance.

Section 25. Effective Date.

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

PASSED AND APPROVED BY THE COMMON COUNCIL OF THE CITY OF CHARLESTOWN, INDIANA, ON THE 4th DAY OF February, 2002.

AYES

Michael Anthony Jackson
Michael Anthony Jackson

Ward Tackett
Ward Tackett

Terry Pierce
Terry Pierce

Ed Bolly
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Bruce M. Bottorff
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NAYS

Michael Anthony Jackson
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Ward Tackett
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Ed Bolly
Ed Bolly

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Bruce Bottorff

SEEN AND APPROVED THIS 4th DAY OF February, 2002, BY:

G. Robert Hall
Mayor G. Robert Hall, Mayor

ATTEST:

2-4-2002
Date

Donna Coomer
Donna Coomer,