

**STATE OF INDIANA
CITY OF CHARLESTOWN
CHARLESTOWN CITY COUNCIL**

ORDINANCE NO. 2005 - OR - 21

ORDINANCE OF THE CHARLESTOWN CITY COUNCIL

**AN ORDINANCE REGARDING THE RULES, REGULATIONS, PENALTIES AND FEES
FOR THE STORAGE, COLLECTION AND REMOVAL OF SOLID WASTE COLLECTED
BY THE CITY SANITATION DEPARTMENT FROM RESIDENTIAL CUSTOMERS**

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 residential citizens located within the City, the City operates a Sanitation Department, whose purpose is to collect and dispose of solid waste generated within the City; and

WHEREAS, it is the desire of the City Council to enlist the cooperation of all residential customers to facilitate the orderly collection, removal and disposal of solid waste; and

WHEREAS, the interests of all City residents would be best served if the Sanitation Department was as financially self-supporting as possible, and not dependent totally on the expenditure of City general fund tax revenues; and

WHEREAS, it has become necessary to revise the schedule of fees, charges, rates, penalties and certain other policies of the Sanitation Department in order to make sanitation services financially and operationally as efficient and fair as possible; and

WHEREAS, it is in the best interest of the health, safety and well-being of all citizens of the City of Charlestown 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 City Council of Charlestown that:

Section 1. Definitions

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

Appliances: Washers, 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 Containers: Means a refuse container used by a customer of the Sanitation Department, which meets the requirements and specifications set out in Sections 5(B) and 5(C) of this Ordinance.

Ashes: Residue from fires, whether produced by fires used for cooking, heating buildings, grills, fireplaces, trash burners or any 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 owned by a residential customer of the Sanitation Department, which does not meet the requirements and specifications set out in Section 5(B) or 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 by transport to a solid waste sanitary landfill.

Residential Customers: Any areas zoned R, R1, R2 or R3 and/or structures used exclusively for residential purposes are considered residential customers for the purposes of this Ordinance.

Sanitation Department: Means the City of Charlestown Sanitation Department.

Solid Waste: Means appliances, ashes, garbage, refuse, trash, rubbish and/or debris.

Trash, Rubbish and Debris: Means combustible refuse, including, but not limited to, paper 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 a violation of this Ordinance to place or permit to remain anywhere in the City any ashes, garbage or refuse or other material subject to decay, other than leaves or grass, excepting in a 96 gallon or 64 gallon City 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 an approved City

container. It shall not be the responsibility of the Sanitation Department to collect any solid waste before it is properly contained.

Section 3. Wind-Blown Refuse

It shall be a violation of this Ordinance 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.

Section 4. Garbage to be Secured

While awaiting pick-up, all solid waste to be collected by the Sanitation Department that by its size is capable of being placed in a City container shall be securely placed in a 96 gallon or 64 gallon City container, with all liquids drained and all toxic substances removed.

Section 5. Containers

- A.) All residential solid waste that by its size is capable of being placed in a City container which is to be picked up by the Sanitation Department shall be placed in either 96 gallon or 64 gallon City approved containers purchased from the City by the residents.
- B.) All 96 gallon or 64 gallon City containers shall be 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 and must be originally purchased from the City.
- C.) For regular solid waste pick-up service by the Sanitation Department, each single family residence shall have no more than three (3) 96 gallon and/or 64 gallon City containers.
- D.) 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 by a residential customer, said container shall be subject to non pick-up and a fine imposed on the residential customer.

Section 6. Trees

- A.) Small tree branches, tree trimmings and wood shall be placed in City containers whenever possible.
- B.) Small evergreen trees used in homes as "Christmas Trees" will be accepted whole at no additional fee, provided the trees are set out for pick-up ten (10) days immediately after the 25th day of December.
- C.) Any tree that is topped, pruned or removed will not be the City's responsibility. The residential customer shall pay for the tree remover and dispose of all limbs and logs. It shall be the responsibility of the residential customer to dispose of any tree removed by the residential customer and/or any contractor.

Section 7. Yard Waste

- A.) All leaves and grass shall not be placed in City containers but shall be bagged up in plastic or paper containers.
- B.) All leaves and grass shall be placed within six (6) feet of the street to be picked up as long as it is bagged up in plastic or paper containers.
- C.) 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 storm sewers. Residential customers should keep their catch basins and storm sewers clear at all times.

Section 8. Collection of Ashes

No ashes shall be set out for collection unless they are cold and dampened to avoid dust and must be placed in plastic or paper containers and then placed in City containers.

Section 9. Appliances

Appliances will be collected by the City as long as the appliance is placed within six (6) feet of the street. All freon appliances (e.g. Refrigerators, Freezers, Air Conditioners, etc) will be collected only if they have affixed to them authorized appliance pick-up stickers issued by the City of Charlestown, which stickers shall be sold at an additional cost to the residential customer as specified in the attached Fee Schedule.

Section 10. Refusal to Collect Refuse

Collection of trash, garbage, solid waste, or other refuse by the Sanitation Department may be refused any time the trash, garbage, solid waste, or other refuse is not presented for pick up as herein provided. In such cases the owners and/or residential customers in possession of the trash, garbage, solid waste, or other refuse shall promptly properly dispose of the solid waste. Failure of residential customers to properly dispose of the solid waste within five (5) days shall be a violation of this ordinance.

Section 11. Residential Customers

Solid waste collection services shall be available to all single residential dwellings, any areas zoned R, R1, R2, or R3 and/or structures used exclusively for residential purposes. City residents may not opt out of the City solid waste program for single residential dwellings or duplexes. Apartments of three (3) or more units may contract with a commercial hauler and if they elect to contract with a commercial hauler they will not be assessed a City sanitation fee.

Section 12. Holidays

Collection services 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, Veterans Day,

Thanksgiving Day, the Friday following Thanksgiving Day, Christmas Eve and Christmas Day Collection for those holidays shall be made on an alternate pick-up day.

Section 13. Placement of Receptacles for Pick-Up

- A.) All solid waste 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 Director of the Sanitation Department from time to time shall designate. The Sanitation Department shall not be responsible to collect solid waste placed for pick-up after dawn on the scheduled day of collection. Solid waste shall not be set out for collection sooner than 5:00 p.m. on the evening in advance of the scheduled collection day.
- B.) Once solid waste is collected, all empty solid waste containers shall be removed from the street and returned to the sides of the residential customer's houses on the same day. Such City 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. All 96 gallon or 64 gallon City containers must not be left on the street unless the Director of the Sanitation Department grants a hardship waiver. A hardship waiver may be granted to a residential customer with a disability, a residential customer with a small space to hide the container or a government building.

Section 14. Construction Waste and Large Items

- A.) Solid waste resulting from work performed by a contractor, from performing construction, cleaning, remodeling or produced in any other activity, shall not be collected by the Sanitation Department. All such solid waste shall **be** removed at the contractor's or residential customer's expense, and shall be removed within twenty-four (24) hours of being set out, unless **the** solid waste is placed in a commercial container that is temporarily placed on **the** residential property and emptied at least every thirty (30) days.
- B.) Large quantities of solid waste, rubbish, trash, debris, or other refuse, over and above a maximum of three (3) 96 gallon or 64 gallon City containers allowed each week per housing unit, requiring use of a City sanitation vehicle, may be removed for owners, renters or other residential customers by the Sanitation Department for an additional charge, as specified in the attached Fee Schedule. In such cases the Sanitation Department Director shall determine the rate of usage as defined by the attached Fee Schedule. 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 a 96 gallon or 64 gallon City container. The surcharges for such large items are set forth in the attached Fee Schedule.

Section 15. Littering

- A.) No person, group or other legal entity shall discard, place or permit another person to discard or place any solid waste, any inoperable vehicle, appliance or other discarded solid waste on any public property or thoroughfare in the City.

- B.) In addition to any other civil or criminal penalties which may be imposed, a person, group or other legal entity littering on any public property or thoroughfare shall be responsible for the costs of cleaning up any litter or solid waste, as well as all costs incurred in enforcing this provision of the Ordinance.

Section 16. Dumping

- A.) No person, group or other legal entity shall discard, place or permit another person to discard or place any solid waste, any inoperable vehicle, appliance or other discarded items on any private property in the City.
- B.) In addition to any other civil or criminal penalties which may be imposed, a person, group or other legal entity dumping shall be responsible for the costs of cleaning up any solid waste dumped on any private property, as well as all costs incurred in enforcing this provision of the Ordinance.

Section 17. Non-City Solid Waste

Collection of solid waste shall be available to residential customers designated by the Charlestown Board of Public Works and Safety. Solid waste from sources outside the City shall not be collected. Such outside solid waste shall not be placed at any residential customer's home or anywhere within the City or any other authorized place of collection serviced by the Sanitation Department. In addition to other penalties prescribed herein, a person that violates or permits the violation of this section of the Ordinance forfeits the privilege of collection service by the Sanitation Department, at the determination of the Charlestown Board of Public Works and Safety.

Section 18. Compliance with State Regulations

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

Section 19. Penalties

In addition to any other sanctions set out herein, any person, group or other legal entity violating any of the terms of this Ordinance shall be subject to fines in amounts not less than one hundred dollars (\$100.00) 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 City that multiple violations should be fined more severely.

Section 20. Savings Clause

If any section of this Ordinance shall be deemed unenforceable and/or not in compliance with any applicable statute or law by a court of competent jurisdiction, then to the extent permissible all other sections of this Ordinance shall remain in full force and effect.

Section 21. Repealing Clause

All sections of any previous Ordinances and/or Resolutions that are inconsistent and/or contradictory to the above provisions of this Ordinance are hereby repealed. This Ordinance specifically repeals Ordinance 2002-OR-01 as that Ordinance relates to residential customers.

Section 22. Effective Date

This ordinance shall be in full force and effect as provided by law

ADOPTED by the City Council of Charlestown, Indiana, this ____ day of _____, 200_.

	AYE	NAY	ABSTAIN	ABSENT
_____ Jeff Aaron	_____	_____	_____	_____
_____ Bruce Bottorff				_____
_____ Terry Pierce, President		_____		
_____ Brian Walker	_____	_____		_____
_____ Matthew Woods	_____	_____		_____

APPROVED: _____
Michael D. Hall, Mayor

DATE: _____

ATTEST: _____
Donna Coomer, Clerk-Treasurer

DATE: _____

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FEE SCHEDULE FOR ORDINANCE NO. 2005 - OR - 21

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

- A.) The monthly sanitation charge for solid waste pickup service (maximum of three (3) 96 gallon or 64 gallon City containers) shall be ten dollars and fifty cents (\$10.50) per month.
- B.) Residential customers shall be charged the costs expended by the City to provide the 96 gallon or 64 gallon City containers and the cost to the City for disposal of freon appliances at the land fill.
- C.) Large quantities of solid waste, rubbish, trash, debris, or other refuse, over and above a maximum of three (3) 96 gallon or 64 gallon City containers a week per housing unit, requiring use of a City sanitation vehicle, may be removed for owners, renters or other residential customers by the Sanitation Department for an additional charge based on volume and/or weight.
- D.) Yard waste such as grass clippings, leaves and small branches will be picked up at no additional cost to residential customers. Small tree trimmings, branches and wood shall be picked up at no additional cost providing they are placed for collection as set forth in Section 6 and 7 of this Ordinance.