

ORDINANCE NO. _____-2009

AN ORDINANCE AMENDING TITLE V, CHAPTER 51
OF THE CITY CODE OF CRAWFORDSVILLE, INDIANA
CONCERNING COLLECTION OF MUNICIPAL WASTE

WHEREAS, the Mayor and Common Council of the City of Crawfordsville have determined that it is advisable to revise the City's ordinance(s) regarding collection of municipal waste, and

WHEREAS, due to increased costs over the last 15 years or so since fees were last set, it also necessary to increase the fees to be charged for collection of municipal waste,

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA, that:

SECTION 1. Title V, Chapter 51, Garbage, of the Municipal Code of the City of Crawfordsville is hereby amended to delete the current Chapter and replace it in its entirety with the following:

CHAPTER 51: MUNICIPAL WASTE

51.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. "Garbage" means all putrescible animal solid, vegetable solid, and semisolid wastes resulting from the:

- (1) processing;
 - (2) handling;
 - (3) preparation;
 - (4) cooking;
 - (5) serving; or
 - (6) consumption;
- of food or food materials, but does not include dishwater or waste water.

LARGE ITEMS. "Large items" means one or more of the following:

- (1) Home appliances, such as refrigerators, freezers, stoves, washing machines, dryers, humidifiers, and dishwashers,
- (2) Mattresses,
- (3) Box springs (which count as a separate item from mattresses),
- (4) Furniture,
- (5) Large consumer electronics, such as televisions and computer monitors,
- (6) Outdoor decorations and play equipment, such as swing sets, and
- (7) Any other objects included on a list of approved items prepared by the Sanitation Department, which list shall be available to the public.

"Large items" does not include:

- (a) Any item that, by its smaller size and lighter weight, may be placed in a trash bag or ~~container~~ as approved for collection by this ordinance,
- (b) Yard waste,
- (c) Municipal waste,
- (d) Old tires, and
- (e) Construction materials and debris.

MUNICIPAL WASTE. "Municipal waste" means any garbage, refuse, industrial lunchroom or office waste, and other similar material resulting from the operation of residential, municipal, commercial, or institutional establishments and community activities. The term does not include the following:

- (1) Hazardous waste (as defined by IC 13-11-2-99),
- (2) Hazardous materials (as defined by IC 13-11-2-96),
- (3) Infectious waste (as defined in IC16-41-16-4),
- (4) Wastes that result from the combustion of coal and that are referred to in IC13-19-3-3,
- (5) Materials that are being transported to a facility for reprocessing or reuse, or
- (6) Yard waste.

REFUSE or TRASH. "Refuse" or "trash" shall mean all municipal waste other than garbage.

YARD WASTE. "Yard Waste" shall mean dirt, rocks, mulch, grass, grass cuttings, bark, leaves, limbs or sticks from trees, bushes, shrubs, or hedges, whether alive or dead, and other organic matter normally and usually associated with yard and garden maintenance.

RESIDENCE. "Residence" shall mean a single family dwelling, a structure containing two families in separate units, and single structures containing apartments of two, three or four units. "Residential" shall mean applying to residences. "Residents" shall mean persons occupying residences.

51.02 COMPLIANCE WITH CHAPTER REQUIRED.

All municipal waste shall be collected and disposed of as provided in this chapter.

51.03 MUNICIPAL WASTE REMOVAL.

(A) Residential municipal waste in the city shall be collected and disposed of by the Sanitation Department of the City of Crawfordsville. Non-residential municipal waste and waste other than municipal waste must be disposed of by other lawful means.

(B) The Sanitation Department shall collect residential municipal waste once each week at each residence of the city, by regular weekly routes. The Sanitation Department shall provide to any person who requests it a schedule of its collection and a map showing which area of the city will receive collection service each day of the week, Monday through Friday, except when collection is to occur during holidays or when events beyond the Department's control, such as weather, prevent collection. In such event, residences will receive collection service by the Sanitation Department the next available day or the same day of the following week. If a street is the boundary line between collection days, the residences on opposite sides of the street will receive collection services on different days of the week. Collection maps and schedules shall be made available to the public at the Sanitation Department office and at the City Building.

(C) Large items may be collected from residences from time to time by the City separately from municipal waste, pursuant to a program to be managed by the Sanitation Department. There shall be a fee of \$25.00 paid to the City for every large item pickup at a residence. ~~No more than three (3) large items may be picked up at any residence per large item pickup, and before~~ **Before** being placed for collection, all items must be appropriately decommissioned and/or secured. Nothing in this ordinance shall obligate the City to pick up large items, **and any item that is capable of being placed in a trash bag approved for collection pursuant to this ordinance will not be collected, whether it is placed in a larger container or otherwise.**

(D) All garbage must be drained and placed in sealed bags. Broken glass and sharp or piercing objects must be wrapped heavily with newspaper or other padding in such a manner as to prevent rupturing any bag and possibly injuring collection personnel or others. Syringes and/or needles shall be placed in a solid container with a tight fitting lid so as not to puncture any containers. Flammable and explosive materials, including ammunition, are not municipal waste and are prohibited from being placed for collection by the city.

(E) All residential municipal waste must be placed in ~~approved containers or suitable bags~~ **trash bags that comply with the requirements of this ordinance.** Trash bags shall not exceed 33 gallons in size and shall not exceed 40 pounds in weight when filled and shall be securely tied or crimped. **One or more of those bags may then be placed in trash cans or bins or other appropriate containers to protect the bags from animals or the elements.** Containers shall be made of such material intended for garbage or trash storage ~~and shall be~~

~~no more than 33 gallons in capacity. They shall, when filled, not exceed more than 40 pounds in weight. All containers shall have lids on them and a bail or handle on each side.~~
Municipal waste **A bag** will not be collected if it is frozen to a container or if the **bag or** container is frozen to the ground, **or if the bag is so weak or torn that it cannot be lifted into the trash truck without the likelihood of the bag breaking.** Cardboard boxes are not approved containers.

(F) Containers and bags shall not be overfilled so that any contents fall out when handled. Residents shall be responsible for promptly cleaning up any municipal waste that falls due to ripped, weak or overfilled bags, or due to the resident's failure to properly secure a lid or container.

(G) Containers and bags shall be placed at a visible and accessible place on the resident's property within five feet of an alley if the alley is in use, or if the alley is not in use, then at an easily accessible and visible spot on the resident's property within five feet of the curb or street pavement. A resident who is unable to place containers or bags at such locations shall contact the Sanitation Department to make acceptable arrangements for placement.

(H) No more than ten bags ~~or containers~~ shall be collected by the city from a residence at any pickup, and no more than one stop at each residence shall be made per week.

(I) The city has placed public trash receptacles at various locations around Downtown for the exclusive use of pedestrians and passersby, and no person other than pedestrians or passersby shall deposit any municipal or other waste into those receptacles.

(J) No residential municipal waste shall be placed out for collection prior to 5:00 p.m. on the day preceding collection, nor later than 7:30 a.m. on the day of collection.

~~(K) All residences shall have one standard container or 33-gallon plastic bag per family unit collected by the Sanitation Department at no charge. Any containers and bags over that first one must bear an official city fee sticker or else they shall not be collected.~~ **All trash bags must bear a non-reusable official sticker issued by the City of Crawfordsville in a clearly visible location. Stickers may not be affixed to the trash can or any container other than the bag itself.** Stickers may be purchased at various locations as may be designated by the Mayor at a cost of ~~\$2.00~~ **\$1.00** each. **Bags without an intact valid sticker attached will not be picked up.**

51.04 PROBLEM RESOLUTION.

Any problems that residents or other persons may have with the city's residential municipal waste collection shall be referred first to the Sanitation Commissioner and then if no resolution is timely forthcoming, to the Board of Public Works and Safety.

51.05 PROMPT DISPOSAL BY SANITATION DEPARTMENT.

All municipal waste that is collected by the Sanitation Department shall be disposed of as promptly as possible.

51.06 COMMERCIAL TRASH HAULERS.

All commercial haulers of waste, trash and garbage shall dispose of all waste, trash and garbage that is collected at a facility lawfully operated for such purpose and shall follow all rules, regulations and laws as may apply to same.

51.07 DUMPING TRASH; UNLAWFUL DISPOSAL.

(A) No person shall deposit or permit to accumulate in the city or on any lot or ground within one half mile of the city any waste, trash or filth.

(B) Any person who willingly or knowingly dumps or disposes of any type of waste (municipal or hazardous), trash, debris, garbage or large items of junk on property other than that person's own property is in violation of this chapter and subject to the penalty set forth in this ordinance. Such an action may also constitute a violation of other applicable public health, trespassing, and nuisance laws.

51.08 GARBAGE TRUCKS.

No person shall haul or transport on any street or alley of the city any manure, slop, garbage, or refuse of any kind offensive to the smell, unless it is in a tightly covered and enclosed conveyance.

51.99 PENALTY.

Any person violating any provision of this chapter for which no penalty is otherwise provided shall, upon conviction, be fined in any sum not to exceed \$2,500, which fine shall be set by the Board of Public Works and Safety. In addition, that person shall be responsible for all reasonable clean up and disposal costs, including the fees for any necessary environmental professional services and fees paid to third party haulers, that may result or arise from that person's violation of this ordinance.

SECTION 2. All provisions of existing ordinances in conflict with this ordinance are hereby repealed. In the event that any provision of this ordinance is held

to be invalid by a court of competent jurisdiction, all other provisions of this ordinance not otherwise invalidated shall remain in full force and effect.

SECTION 3. This ordinance shall be effective thirty (30) days after publication.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA, THIS _____ DAY OF _____, 2009.

Charles E. Coons, Mayor & Presiding Officer

ATTEST:

Terri Gadd, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Crawfordsville, Indiana, this _____ day of _____, 2009.

Terri Gadd, Clerk-Treasurer

APPROVED by me as Mayor of the City of Crawfordsville, Indiana, this _____ day of _____, 2009.

Charles E. Coons, Mayor
City of Crawfordsville, Indiana

IC 13-11-2-88

"Garbage"

Sec. 88. "Garbage", for purposes of environmental management laws, means all putrescible animal solid, vegetable solid, and semisolid wastes resulting from the:

- (1) processing;
- (2) handling;
- (3) preparation;
- (4) cooking;
- (5) serving; or
- (6) consumption;

of food or food materials.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-96

"Hazardous material"

Sec. 96. (a) "Hazardous material", for purposes of IC 13-18-5, means any of the following:

- (1) A hazardous chemical (as defined in 42 U.S.C. 11021(e), as in effect on January 1, 1990).
- (2) A hazardous waste.
- (3) A hazardous substance (as defined in 42 U.S.C. 9601(14), as in effect on January 1, 1990).
- (4) A substance that is on the list of extremely hazardous substances published by the Administrator of the United States Environmental Protection Agency under 42 U.S.C. 11002(a)(2).
- (5) A material that is identified by the water pollution control board as potentially harmful to surface water or groundwater if accidentally released from a storage or handling facility.

(b) "Hazardous material", for purposes of IC 13-25-6, means a material or waste that has been determined to be hazardous or potentially hazardous to human health, to property, or to the environment by:

- (1) the United States:
 - (A) Environmental Protection Agency;
 - (B) Nuclear Regulatory Commission;
 - (C) Department of Transportation; or
 - (D) Occupational Safety and Health Administration; or
- (2) the solid waste management board.

The term includes all of the hazardous materials identified in 49 CFR 172.101.

IC 13-11-2-99

"Hazardous waste"

Sec. 99. (a) "Hazardous waste", for purposes of section 96(a) of this chapter, IC 13-19, and environmental management laws, means a solid waste or 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:
 - (A) mortality;
 - (B) serious irreversible illness; or
 - (C) incapacitating reversible illness; or
- (2) pose a substantial present or potential hazard to:
 - (A) human health; or
 - (B) the environment;

when improperly treated, stored, transported, disposed of, or otherwise managed.

(b) "Hazardous waste", for purposes of IC 13-22-10, includes a waste determined to be a hazardous waste under IC 13-22-2-3(b).

(c) "Hazardous waste", for purposes of IC 13-22-11, has the meaning set forth in the federal Resource Conservation and Recovery Act (42 U.S.C. 6903(5)), as in effect January 1, 1989.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-133

"Municipal waste"

Sec. 133. (a) "Municipal waste", for purposes of:

- (1) IC 13-20-4;
- (2) IC 13-20-6;
- (3) IC 13-20-21;
- (4) IC 13-20-23;
- (5) IC 13-22-1 through IC 13-22-8; and
- (6) IC 13-22-13 through IC 13-22-14;

means any garbage, refuse, industrial lunchroom or office waste, and other similar material resulting from the operation of residential, municipal, commercial, or institutional establishments and community activities.

(b) The term does not include the following:

(1) Hazardous waste regulated under:

(A) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14; or

(B) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), as in effect on January 1, 1990.

(2) Infectious waste (as defined in IC 16-41-16-4).

(3) Wastes that result from the combustion of coal and that are referred to in IC 13-19-3-3.

(4) Materials that are being transported to a facility for reprocessing or reuse.

(c) As used in subsection (b)(4), "reprocessing or reuse" does not include either of the following:

(1) Incineration.

(2) Placement in a landfill.

As added by P.L.1-1996, SEC.1. Amended by P.L.133-1998, SEC.5;

P.L.138-2000, SEC.2; P.L.218-2001, SEC.1.

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