

CITY COUNCIL MEETING

Monday March 9, 2009 at 7:00P.M.

The Common Council of the City of Crawfordsville, Indiana, met in regular session, 7:00 PM., March 9, 2009. Present were Mayor Charles Coons, who chaired the meeting. City Attorney David Peebles and Deputy Clerk-Treasurer Ramona McCance. Also present were Council members, Heather Perkins, Nellie Thompson, George Parker, Dennis Cook and Ray Kirtley. Roger Rockenbaugh and Patrick Taylor were absent.

Other officials in attendance were Fire Chief Eric Small, Director of Planning & Community Development Brandy Allen, Wastewater Manager Tom Mitchell, Park and Recreation Director Roger Neal, Street Commissioner Rodney Jenkins, and Detective Rick Wilson.

The Press was also present.

Chairman Coons called the meeting to order. Councilwoman Perkins led the pledge to the flag.

Councilman Kirtley said the prayer.

Chairman Coons asked Deputy Clerk-Treasurer Ramona McCance to call the roll for the purpose of attendance all were present except Councilmen Roger Rockenbaugh and Patrick Taylor

Councilwoman Perkins moved to approve the minutes from the February 9, 2009 City Council meeting. Seconded by Councilman Cook. The minutes were approved with a unanimous vote.

The roll was called for the purpose of any additions to the agenda. There was one addition to the agenda, by Councilwoman Perkins.

COMMITTEE OF THE WHOLE

Councilwoman Thompson opened the Committee of the Whole to discuss the Resolution acknowledging receipt of the Proposed 2009 budget for the Crawfordsville Stormwater Department. Chairwoman Thompson moved to send the resolution onto the full council with a favorable recommendation. Seconded by Councilman Cook. Hearing no comments a voice vote was called with a unanimous vote to move the Resolution to the full council.

FISCAL AFFAIRS

Chairman Coons called on Councilwoman Thompson to present the business of the Fiscal Affairs committee.

The first item presented was a second reading of an ordinance approving an additional appropriation from Riverboat Revenue Sharing to the Crawfordsville Storm Water Department.

Chairwoman Thompson moved to place the ordinance on second reading. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. Offering comments from the public were Larry Smith and Daniel LaFollette. Offering comments from the Council were Councilwoman Perkins, Councilman Parker, Councilwoman Thompson and Councilman Cook, Wastewater Manger Tom Mitchell and Stormwater Director Gary Weliver. Hearing no further comments the roll was called for a vote. The ordinance passed on second reading with a unanimous vote.

Chairwoman Thompson moved to place the ordinance on third and final reading and so adopt. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for a vote. The ordinance passed on third and final reading with a unanimous vote.

AMOUNT	FROM	TO
\$35,000.00	Riverboat Revenue Sharing Fund (Unappropriated)	Riverboat Revenue Sharing Fund (Appropriated; Acct #310) Stormwater Consulting & Engineering Fees
\$40,000.00	Riverboat Revenue Sharing Fund (Unappropriated)	Riverboat Revenue Sharing Fund (Appropriated; Acct#310) MS4 Program Operating Expenses

ORDINANCE NO. 3-2009

AN ORDINANCE OF THE CRAWFORDSVILLE COMMON COUNCIL
ESTABLISHING A “RAINY DAY FUND”

WHEREAS the Common Council of the City of Crawfordsville desires to establish a Rainy Day Fund for the purpose of receiving transfers of unused and unencumbered funds raised by general or special tax levies as provided by IC 36-1-8-5; and

WHEREAS the Common Council of the City of Crawfordsville desires to establish a Rainy Day Fund for the purpose of receiving supplemental distributions of any excess amounts in the County Option Income Tax account as provided by IC 6-3.5-6-17.3 and in the Economic Development Income Tax as provided by IC 6-3.5-7-17.3,

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Crawfordsville that:

Section 1.

A “Rainy Day Fund” is established in and for the City of Crawfordsville.

Section 2.

(a) The Rainy Day Fund may receive transfers of unused and unencumbered funds under IC 36-1-8-5 in respect to funds raised by general or special tax levies.

(b) Whenever the purposes of a general or special tax levy on all taxable property of the City have been fulfilled and an unused and unencumbered balance remains in that fund, the Common Council may order the balance of that fund to be transferred to the Rainy Day Fund.

(c) In any fiscal year, the Common Council may transfer not more than ten percent (10%) of the City's annual budget for the fiscal year, as adopted under IC 6-1.1-17, to the Rainy Day Fund.

Section 3.

Supplemental distributions of County Option Income Tax pursuant to IC 6-3.5-6-17.3 and supplemental distributions of County Economic Development Income Tax pursuant to IC 6-3.5-7-17.3 shall be deposited by the Clerk-Treasurer into the Rainy Day Fund. Any receipts from those income taxes currently deposited into the General Fund of the City out of necessity shall be transferred to the Rainy Day Fund.

Section 4.

The Common Council may designate such other sources as it may from time to time determine are appropriate to be deposited or transferred to the Rainy Day Fund.

Section 5.

The purpose of the Rainy Day Fund shall be to provide such funding as may be determined reasonable and necessary by the Common Council for the uses and purposes for which funds from the General Fund, the County Option Income Tax, and County Economic Development Income Tax may otherwise be expended.

Section 6.

The Rainy Day Fund is subject to the same appropriation process as other funds that receive tax money. Before making an appropriation, the Common Council shall make a finding that the proposed use of the Rainy Day Fund is consistent with the intent of the fund as required by IC 36-1-8-5.1 (b).

Section 7.

Interest earned on monies in the Rainy Day fund shall be retained by the Rainy Day Fund.

Section 6.

This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Adopted and passed by the Common Council of the City of Crawfordsville, Indiana,
this 9th day of March, 2009.

Signed///Charles E. Coons
Charles E. Coons, Mayor & Presiding Officer

PRESENTED TO ME BY THE MAYOR OF THE CITY OF CRAWFORDSVILLE,
INDIANA, THIS 13th DAY OF March, 2009.

Signed///Terri Gadd
Terri Gadd, Clerk Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME, THIS 9th DAY OF
March, 2009.

Signed///Charles E. Coons
Charles E. Coons, Mayor

ATTEST:
Signed///Terri Gadd
Terri Gadd, Clerk Treasurer
City of Crawfordsville

IC 36-1-8-5

Funds raised by general or special tax levy; disposition of unused balance; transfers to local rainy day fund

Sec. 5. (a) This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision.

(b) Whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred as follows, unless a statute provides that it be transferred otherwise:

(1) Funds of a county, to the general fund or rainy day fund of the county, as provided in section 5.1 of this chapter.

(2) Funds of a municipality, to the general fund or rainy day fund of the municipality, as provided in section 5.1 of this chapter.

(3) Funds of a township for redemption of township assistance obligations, to the township assistance fund of the township or rainy day fund of the township, as provided in section 5.1 of this chapter.

(4) Funds of any other political subdivision, to the general fund or rainy day fund of the political subdivision, as provided in section 5.1 of this chapter. However, if the political subdivision is dissolved or does not have a general fund or rainy day fund, then to the general fund of each of the units located in the political subdivision in the same proportion that the assessed valuation of the unit bears to the total assessed valuation of the political subdivision.

(c) Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township. However, if more than one (1)

school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears to the total assessed valuation of the township.

(d) If there is:

(1) an unexpended balance in the debt service fund of any school township; and

(2) no outstanding bonded or other indebtedness of the school township to the payment of which the unexpended balance or any part of the unexpended balance can be legally applied;

the township trustee of the township, with the approval of the township board, may transfer the unexpended balance in the debt service fund to the school general fund of the school township.

(e) Whenever any township has collected any fund for the special or specific purpose of erecting or constructing a school building and the township trustee of the township decides to abandon the proposed work of erecting or constructing the school building, the township trustee of the township shall transfer the fund collected for the special or specific purpose to the township fund of the township, upon the order of the township board to make the transfer. It is lawful thereafter to use the funds for any purpose for which the township funds of the township may be used.

(f) Transfers to a political subdivision's rainy day fund may be made at any time during the political subdivision's fiscal year.

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L.251-2001, SEC.1; P.L.173-2003, SEC.18; P.L.73-2005, SEC.171; P.L.169-2006, SEC.46; P.L.2-2006, SEC.185; P.L.1-2007, SEC.238.

IC 36-1-8-5.1

Rainy day funds established by political subdivisions

Sec. 5.1. (a) A political subdivision may establish a rainy day fund by the adoption of:

(1) an ordinance, in the case of a county, city, or town; or

(2) a resolution, in the case of any other political subdivision.

(b) An ordinance or a resolution adopted under this section must specify the following:

(1) The purposes of the rainy day fund.

(2) The sources of funding for the rainy day fund, which may include the following:

(A) Unused and unencumbered funds under:

(i) section 5 of this chapter;

(ii) IC 6-3.5-1.1-21.1;

(iii) IC 6-3.5-6-17.3; or

(iv) IC 6-3.5-7-17.3.

(B) Any other funding source:

(i) specified in the ordinance or resolution adopted under this section; and

(ii) not otherwise prohibited by law.

(c) The rainy day fund is subject to the same appropriation process as other funds that receive tax money.

(d) In any fiscal year, a political subdivision may transfer under section 5 of this chapter not more than ten percent (10%) of the political subdivision's total annual budget for that fiscal year, adopted under IC 6-1.1-17, to the rainy day fund.

(e) A political subdivision may use only the funding sources specified in subsection (b)(2)(A) or in the ordinance or resolution establishing the rainy day fund. The political subdivision may adopt a subsequent ordinance or resolution authorizing the use of

another funding source.

(f) The department of local government finance may not reduce the actual or maximum permissible levy of a political subdivision as a result of a balance in the rainy day fund of the political subdivision.

As added by P.L.251-2001, SEC.2. Amended by P.L.90-2002, SEC.461; P.L.173-2003, SEC.19; P.L.267-2003, SEC.15; P.L.81-2004, SEC.45.

The second item presented was an ordinance establishing a “Rainy Day Fund” in the City of Crawfordsville, IN. Chairwoman Thompson moved to place the ordinance on first reading. Seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and the public. Hearing no comments the roll was called for a vote. The ordinance passed on first reading with a unanimous vote.

FIRST READING

Chairwoman Thompson moved to suspend the rules to move the ordinance to second reading. Seconded by Councilwoman Perkins. The vote was unanimous to suspend the rules.

Chairwoman Thompson moved to place the ordinance on second reading. Seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and the public. Hearing no comments the roll was called for a vote. The ordinance passed on second reading with a unanimous vote.

SECOND READING

Chairwoman Thompson moved to place the ordinance on third and final reading, and so adopt. Seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and the public. Hearing no comments the roll was called for a vote. The ordinance passed on third and final reading with a unanimous vote.

ORDINANCE 4-2009

Ordinance on file in the City Clerk Treasurer’s Office 2009 Ordinance File

The third item presented was an ordinance authorizing the execution and delivery of the Fourth Amendment to the Capacity Purchase Agreement by and between the City of Crawfordsville and the Indiana Municipal Power Agency. Chairwoman Thompson moved to place the ordinance on first reading. Seconded by Councilman Parker. Chairman Coons called for comments from the Council and the public. Offering comments from the Council were Councilman Parker and Roy Kaser of Crawfordsville Electric Light and Power. Hearing no further comments the roll was called for a vote. The ordinance was placed on first reading with a unanimous vote.

FIRST READING

The fourth item presented was a resolution of the Common Council acknowledging receipt of the proposed 2009 budget for the Crawfordsville Stormwater Department.

Chairwoman Thompson moved to approve the resolution. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and the public. Hearing no comment the roll was called for a vote. The resolution was approved with a unanimous vote.

RESOLUTION NO 3-2009

A RESOLUTION OF THE COMMON COUNCIL ACKNOWLEDGING RECEIP OF THE PROPOSED 2009 BUDGET FOR THE CRAWFORDSVILLE STORMWATER DEPARTMENT

BE IT HEREBY RESOLVED AND ACKNOWLEDGERD by the Common Council of the City of Crawfordsville, Indiana, that the Crawfordsville Stormwater Department has timely filed its proposed budget for the year 2009 with the Common Council, all as provided by law.

Adopted by the Common Council of the City of Crawfordsville, Indiana, this 9th , day of March, 2009.

Signed///Charles E Coons

Charles E. Coons, Mayor & Presiding Officer

Attest:

Signed///Terri Gadd

Terri Gadd, Clerk - Treasurer

Completing the business of the Fiscal Affairs committee Chairwoman Thompson turned the meeting over to Chairman Coons.

ORDINANACE AND PETITIONS

Chairman Coons called on Councilman Cook to present the business of the Ordinance and Petitions committee.

The first item presented was a second reading of an ordinance amending Title V, Chapter 51 of the city code of Crawfordsville Indiana concerning the collection of municipal waste. Chairman Cook moved to place the ordinance on second reading with amendments. Seconded by Councilman Kirtley. Chairman Coons called for comments from the Council and public. Offering comments from the public was Judy North. Hearing no further comments the vote was called on the amendments to the ordinance. The amendments passed with a 4 to 1 vote with Councilman Parker voting nay.

Chairman Cook moved to place the ordinance on second reading. Seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and the public. Offering comments from the Council was Councilman Parker. Hearing no further comments the roll was called for the vote. The ordinance was passed on second reading with a 4 to 1 vote with Councilman Parker voting nay.

SECOND READING

The second item presented was a second reading of an ordinance approving amendments to the zoning code of the City of Crawfordsville, Indiana. Chairman Cook moved to place the ordinance on second reading. Seconded by Councilman Kirtley. Chairman Coons called for questions and concerns from the Council and public. Hearing no comments the roll was called for a vote. The ordinance passed on second reading with a unanimous vote.

SECOND READING

Chairman Cook moved to place the ordinance on third and final reading and so adopt. Seconded by Councilwoman Perkins. Chairman Coons called for questions and concerns from the Council and public. Hearing no comments the roll was called for a vote. The ordinance was passed on third and final reading with a unanimous vote.

ORDINANCE 5-2009

Ordinance on file in the City Clerk Treasurer's Office 2009 Ordinance File

The third item presented was a second reading of an ordinance approving amendments to the subdivision control ordinance of the City of Crawfordsville, Indiana. Chairman Cook moved to place the ordinance on second reading. Seconded by Councilwoman Thompson. Chairman Coons called for questions and concerns from the Council and public. Hearing no comments the roll was called for a vote. The ordinance passed on second reading with a unanimous vote.

SECOND READING

Chairman Cook moved to place the ordinance on third and final reading and so adopt. Seconded by Councilwoman Perkins. Chairman Coons called for questions and concerns from the Council and public. Hearing no comments the roll was called for a vote. The ordinance was passed on third and final reading with a unanimous vote.

ORDINANCE NO. 6-2009

AN ORDINANCE VACATING CERTAIN ALLEYS & STREETS IN THE CITY OF CRAWFORDSVILLE, MONTGOMERY COUNTY, INDIANA

WHEREAS, an appropriate request was made to the City of Crawfordsville pursuant to Indiana Code 36-7-3-12 by Wabash College, as owner of various parcels near its existing field house, to vacate (a) Chandler Street, from Union to Russell Street, (b) Union Street, from

Chandler to Jennison Street, and (c) any and all north-south alleys between Jennison and Chandler Streets, all of which lie on or adjacent to property it owns, in order to construct a baseball complex and athletic fields; and,

WHEREAS, the City, by and through its Plan Commission, conducted a public hearing to vacate said streets and alleys, with notice of hearing having been provided as required by law and public comment having been received; and,

WHEREAS, after ensuring access by easement to the owner of an adjacent property, and otherwise ensuring compliance with the requirements of Indiana Code 36-7-3-13, the Plan Commission found that said streets and alleys ought to be vacated and ownership returned to the appropriate adjacent property owner(s) pursuant to Indiana law; and,

WHEREAS, the Common Council concurs in the recommendation of the Plan Commission,

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Crawfordsville, Indiana, following public hearing and Plan Commission review and approval, as well as sufficient consideration pursuant to law, that:

Section 1. The following streets and alleys within the City of Crawfordsville are hereby vacated:

- a. Chandler Street, from Union to Russell Street,
- b. Union Street, from Chandler to Jennison Street, and
- c. Any and all north-south alleys between Jennison and Chandler Streets.

A map of said streets and alleys being vacated is attached to this Ordinance, marked as “Exhibit 1,” and that map is hereby made a part of this Ordinance.

Section 2. As mandated by Indiana Code 36-7-3-16(b), any easements for public utilities running over, under, across or through said real estate, and being currently existing, shall not be affected by this Ordinance but shall remain in full force and effect, with all rights and privileges applicable thereto.

Section 3. This document shall be recorded at the expense of the petitioner(s) requesting this street and alley vacation, but shall become effective upon passage.

ADOPTED AND PASSED by the Common Council of the City of Crawfordsville, Indiana, this 9th day of March, 2009.

Signed///Charles E. Coons
Charles E. Coons, Mayor & Presiding Officer
City of Crawfordsville, Indiana

Presented by me to the Mayor of the City of Crawfordsville, Indiana, this 9th day of March, 2009.

Signed///Terri Gadd
Terri Gadd, Clerk-Treasurer

City of Crawfordsville, Indiana

This Ordinance APPROVED and SIGNED by me this 9th day of March, 2009.

Signed///Charles E. Coons
Charles E. Coons, Mayor
City of Crawfordsville, Indiana

I hereby affirm under penalty for perjury that I have taken reasonable care to redact any Social Security numbers in this document unless required by law. ATTEST:

Signed///Terri Gadd
Terri Gadd, Clerk-Treasurer
City of Crawfordsville, Indiana

This instrument prepared by David S. Peebles
Harris, Harvey & Peebles, LLC
100 West Main Street, P. O. Box 686
Crawfordsville, Indiana 47933

The fourth item presented was a second reading of an ordinance vacating certain alleyways and streets in the City of Crawfordsville, Indiana (for Wabash College baseball field). Chairman Cook moved to place the ordinance on second reading. Seconded by Councilwoman Thompson. Chairman Coons called for questions and concerns from the Council and public. Hearing no comments the roll was called for a vote. The ordinance passed on second reading with a unanimous vote with Councilwoman Perkins abstaining from the vote.

SECOND READING

Chairman Cook moved to place the ordinance on third and final reading and so adopt. Seconded by Councilman Kirtley. Chairman Coons called for questions and concerns from the Council and public. Hearing no comments the roll was called for a vote. The ordinance passed on third and final reading with 4 yea votes, with Councilwoman Perkins abstaining.

ORDINANCE NO. 7-2009

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 30th DAY OF March, 2009.

Signed///Charles E. Coons

Charles E. Coons, Mayor & Presiding

Officer

ATTEST:

Signed///Terri Gadd

Terri Gadd, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Crawfordsville, Indiana, this 30th day of March, 2009.

Signed///Terri Gadd

Terri Gadd, Clerk-Treasurer

APPROVED by me as Mayor of the City of Crawfordsville, Indiana, this 30th day of March, 2009.

Signed///Charles E. Coons
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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Completing the business of the Ordinance and Petitions committee Chairman Cook turned the meeting over to Chairman Coons.

TRAFFIC, PARKING & SAFETY

Chairman Coons called on Councilman Kirtley to present the business of the Traffic, Parking and Safety committee

The first item presented was an ordinance requesting a stop sign on Ray Street at the intersection of Ray Street and Southgate Drive. Chairman Kirtley moved to place the ordinance on first reading. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for a vote. The ordinance passed on first reading with a unanimous vote.

FIRST READING

The second item presented was an ordinance requesting a speed limit reduction on Southgate Drive. Chairman Kirtley moved to place the ordinance on first reading. Seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for a vote. The ordinance passed on first reading with a unanimous vote.

FIRST READING

ANNEXATION

MISCELLANEOUS

Councilwoman Perkins recalled her addition to the agenda. Chairman Coons opened discussion with Council members regarding Public hearings on proposed Stormwater fees and on proposed sanitation (trash) fees. After discussion a voice vote was called. The vote was unanimous to convene a special council meeting on March 30, 2009, to hold the hearings at 6:30PM and 7:00PM respectfully regarding trash fees and Stormwater rates.

ADJOURNMENT

There being no further business, Chairman Coons moved to adjourn seconded by Councilwoman Perkins the meeting was adjourned at 8:25 PM.

Signed by me this 13th day of April, 2009

Signed///Charles E. Coons
Charles E. Coons, Mayor

ATTEST:

Signed///Ramona L. McCance
Ramona McCance, Deputy Clerk Treasurer
City of Crawfordsville