

CHAPTER 67.
Refuse, Garbage and Weeds.¹

Article I. General Provisions.

- § 67.01. Definitions.
- § 67.02. Removal of weeds.
- § 67.03. Depositing, etc., on property prohibited.
- § 67.04. Removed by passage of Ord. No. 28-10
- § 67.05. Accumulation of garbage and rubbish prohibited.
- § 67.06. Container specifications.
- § 67.07. Location of containers.
- § 67.08. Preparation of garbage, limbs, boxes, etc., for collection.
- § 67.09. Private collectors.
- § 67.10. Responsibility for collection of garbage, refuse and industrial wastes.

Article II. Service Charges.

- § 67.20. Imposition--city-compatible dumpster.
- § 67.21. Remittance to clerk-treasurer-recording.
- § 67.22. Biweekly collection--restrictions.
- § 67.23. Owner liability.
- § 67.24. Collection of delinquent charges.
- § 67.25. Review by common council.
- § 67.26. Water service turned off--partial fee.

¹ For state law as to authority of city relative to refuse, garbage, etc., see Indiana Code § 36-9-6-19 and Indiana Code chapter 36-9-30. As to fire protection generally, see ch. 63 of this code. As to food and food establishments generally, see ch. 82. As to health and sanitation generally, see ch. 64. As to prohibition against depositing garbage in parks, see § 24.134. As to sanitary disposal of garbage, etc., see ch. 30.

Article I. General Provisions.

Sec. 67.01. Definitions.

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

Garbage. Rejected food wastes, and includes every waste accumulation of animal, fruit or vegetable matter, used or intended for food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

Rubbish. Ashes, cans, metalware, broken glass, crockery, dirt, sweepings, boxes, wood, grass, weeds or litter of any kind. (Code 1960, § 10-1.)

Sec. 67.02. Removal of weeds.

It is hereby made the duty of the chief of police to serve a written or printed notice on the owner or occupant, lessee or agent of any premises within the city whereon are allowed, suffered or permitted to grow or mature any poisonous or noxious or other weed, to cut down, remove or otherwise destroy such weeds within ten days from the date of such notification: provided, that in case such owner is a nonresident of the city, and there are no occupants of the premises

and there are no agents or lessees in the city, the notice shall be posted in a conspicuous place on the premises and it shall be the duty of such owner, occupant, lessee or agent to cut down, remove or otherwise destroy such weeds within ten days from the date of service or posting of such notice.

If any such owner, occupant, lessee or agent should fail to cut down, remove or otherwise destroy such weeds within the time as notified, the street commissioner shall cut down, remove or destroy the weeds at the expense of the city and the city shall thereupon hold in lien upon the real estate, upon which such weeds are located for the amount of the cost and expenses thereof with interest of six percent per annum, which shall be connected in the manner provided for the collection of assessments for street improvements. (Code 1960, §§ 27-1, 27-3.)

Sec. 67.03. Depositing, etc., on property prohibited.

It shall be unlawful to throw, place, cause to be placed or permit to remain on any property, any items that may be called rubbish, trash or debris, unless such rubbish, trash or debris is placed and caused to remain in suitable containers intended for the storage and collection of such rubbish, trash or debris.

Rubbish, trash and debris as used in this section, is defined as any item that may be unsightly to persons and is further defined, but not necessarily limited to, waste paper, paper containers such as paper cups, soda straws, paper napkins, paper plates, cleansing tissues, plastic containers of any description, peelings or rinds of any description, or any edible food or non-edible such as garbage. (Ord. No. 15-68, §§ 1, 2.)

Sec. 67.04. Burning leaves etc. in streets.²

Removed by passage of Ordinance No. 28-10

² As to fire protection generally, see ch. 63 of this code.

Sec. 67.05. Accumulation of garbage and rubbish prohibited.

The owner, occupant or lessee of any premises in the city shall cause to be removed from the premises all garbage and rubbish, and shall keep the premises at all times free and clear of any accumulation of garbage and rubbish. (Code 1960, § 10-2.)

Sec. 67.06. Container specifications.

Suitable containers shall be of a galvanized metal or other suitable material that is leak-proof, having two handles or a bale and close-fitting covers, and shall be watertight and shall have a capacity of not less than five gallons nor more than twenty gallons and shall be kept in a sanitary condition. (Code 1960, § 10-4)

Sec. 67.07. Location of containers.

The city or its duly authorized agency shall collect all garbage and rubbish on scheduled collection days; provided, that such garbage and rubbish is placed on the lot, and as prescribed by the sanitation department and prepared in accordance with § 67.08.

Except on designated collection days all garbage receptacles and rubbish shall be stored in any inconspicuous location on land of the owner. (Code 1960, § 10-6.)

Sec. 67.08. Preparation of garbage, limbs, boxes, etc., for collection.

Garbage shall be carefully drained and securely wrapped before depositing in receptacles. Trees, limbs, boxes and other articles of unwieldy size or shape will only be acceptable for collection if they are broken or cut down to a size suitable for handling and transportation. (Code 1960, § 10-5)

Sec. 67.09. Private collectors.

Every person desiring to engage in the business of garbage and rubbish collection and disposal shall make application to the city clerk-treasurer by setting forth the name of such person, the residence thereof, or the address or place of business together with the description of the vehicles to be used in the collection of such garbage or rubbish and the place and method of disposal to be practiced. Before issuing a permit, the city clerk-treasurer shall require the applicant to submit a written approval of the issuance thereof, executed by the sanitation department, which approval shall state that the vehicles to be used for such purpose have satisfactorily met the requirements of the sanitation department. (Code 1960 § 10-7.)

Sec. 67.10. Responsibility for collection of garbage, refuse and industrial wastes.

(a) Collection of garbage, rubbish and industrial wastes will be a service provided by the city to assist the occupants of single-housing and occupants of town houses and multiple housing dwellings not to exceed four units to comply with this chapter.

(b) It shall be the responsibility of the occupants or owners of shopping centers, stores, commercial businesses, industry and town houses and apartments in excess of four units to provide for the removal of all garbage, rubbish and industrial wastes so as to comply with this chapter. (Ord. No. 6-70, § 2.)

Article II. Service Charges.

Sec. 67.20. Imposition--city-compatible dumpster.

There is imposed on each owner, tenant or occupant of single housing and occupants of town houses and multiple housing dwellings not to exceed four units, a service charge for the collection and removal of refuse and garbage according to the following schedule:

- (a) For a single-family dwelling, nine dollars per month;
- (b) For a townhouse or multiple housing dwelling not exceeding four units, nine dollars per month per dwelling unit;
- (c) For any dwelling unit within subsections (a) or (b) of this section where the head of the household who permanently and totally disabled or is sixty-five years of age or older, has submitted to the clerk-treasurer proof of having had less than seventeen thousand dollars in household income during the last calendar year, the charge shall be four dollars and fifty cents per month for that unit. Household income shall be deemed to include all taxable income as well as Social Security benefits, railroad retirement benefits, veterans pensions, and any other nontaxable income of any member of the household. The household income requirement shall be indexed each December for the following calendar year by adjusting the

previous year's rate by the change in the Customer Price Index-Urban Wage Earner;

(d) The owner of any multiple housing dwelling not exceeding four units or a religious institution may elect to use a city-compatible dumpster in lieu of individual trash and garbage containers for a fee of thirty-six dollars per month for each dumpster. The initial cost of the dumpster as well as any future maintenance shall be the responsibility of the property owner. In addition, any owner adjacent to an alley receiving city service must provide a concrete pad, three feet by five feet and four inches thick for the dumpster. All pads shall be sloped toward the alley for drainage and ease of emptying the dumpster. No dumpster shall be allowed in the front yard or street right-of-way except on days of service. (Ord. No. 31-82, § 1; Ord. No. 8-83, § 1; Ord. No. 28-92, §21-11; Ord. No. 42-02 § 1.)

Sec. 67.21. Remittance to clerk-treasurer-recording.

Service charges, as specified in § 67.21, shall be prepared and billed by the city along with the bills for services rendered by the sewage treatment works and shall be payable at the same times as the sewage bills with all such sanitation fees collected being remitted to the clerk-treasurer for deposit. The clerk-treasurer, upon receiving the funds set out herein, shall record the receipts and disbursements therefrom in a manner to validate that the receipts are sufficient to cover the expenditures of the sanitation department. Such records will be maintained and presented to the council on a monthly and annual basis. (Ord. No. 31-82, § 2.)

Sec. 67.22. Biweekly collection-restrictions.

Payment of service charges as specified in § 67.06 shall entitle the recipient of said service to two collections of refuse and garbage per week, except upon declared holidays. Recipient shall also receive, upon request, one weekly special pick-up. Such biweekly service shall be restricted in the following manner:

- (a) Containers shall be in accordance with § 67.06.
- (b) Bags, full containers, individual articles or bundles of brush shall weigh no more than forty pounds.
- (c) No article or item shall be longer than four feet in length or two inches in diameter.
- (d) The following items shall not be included as acceptable for pickup:
 - (1) Any liquids;
 - (2) Hot ashes;
 - (3) Any broken concrete, asphalt, bricks, blocks, gravel, sod, or earth;
 - (4) Brush, tree trimmings and construction materials from a private contractor.

Special pickup service on a weekly request basis, over and above the normal biweekly sanitation service, shall include only such items as household and yard furnishings, construction materials from work

performed by the resident at that address, and auto parts weighing less than forty pounds. (Ord. No. 31-82, § 3.)

Sec. 67.23. Owner liability.

The charges for refuse and garbage collection shall be billed to the person being billed for sewage treatment. If a tenant is billed, the owner shall in no way be relieved of liability in the event payment is not made by the tenant. (Ord. No. 31-82, § 4.)

Sec. 67.24. Collection of delinquent charges.

Charges for refuse and garbage collection shall be due and payable on or before the due dates shown on the bills and in keeping with the standard practices of the billing department for sewage treatment. Any service charge not paid by the due date shall be considered delinquent and shall be collectible, with any applied penalty, as hereinafter set forth:

(a) Collection Through Tax Duplicate. As provided by the statutes of the state, delinquent service charges may be made a lien against the property served through certification to the auditor and to the recorder of the county. In such case, the delinquent service charges, together with the mandatory penalty of ten percent, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.

(b) Collection Through Court Actions. In addition to the foregoing remedies, the city shall have the right to bring a civil action to recover any delinquent charges together with a penalty of ten percent and a reasonable attorney's fee. It shall also have the right, as provided by the statutes of the state, to foreclose any lien established under the provisions of subsection (a) of this section with recovery of the charge, a penalty of ten percent and a reasonable attorney's fee. (Ord. No. 31-82, § 5.)

Sec. 67.25. Review by common council.

The fee shall be subject to annual review by the common council with financial and statistical information being supplied to the common council by July 1 of each year thereafter. (Ord. No. 31-82, § 7.)

Sec. 67.26. Water service turned off-partial fee.

Service charges for refuse and garbage collection shall not be billed when the water service has been turned off by the Indiana American Water Company. A partial monthly sanitation service fee shall be computed as follows:

<u>Time of Water Usage</u>	<u>Trash Fee</u>
1-15 days	1/2 the monthly rate
16-31 days	total monthly rate

(Ord. No. 31-82, § 8; Ord. No. 14-11, Appendix A, item 27.)