

Sponsored by
Councilor Ann Hunt
Mayor John Dennis

ORDINANCE NO. 07-13 (First Amended)

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 67 (REFUSE,
GARBAGE AND WEEDS) OF THE WEST LAFAYETTE CITY CODE**

Comment [naf1]: City Attorney Burns mentioned scrivener's errors that will still need corrected after this version.

WHEREAS, the City of West Lafayette has the authority to establish regulations to promote and protect the public health, safety and welfare, and this ordinance is declared to be an exercise of the city's public health and safety responsibilities and powers; and

WHEREAS, the City of West Lafayette, in order to protect and promote the public health, water quality, safety, and welfare of the inhabitants of the City of West Lafayette by regulating the collection of residential waste and recyclables in a manner that will promote waste reduction, has chosen to replace the outdated Refuse, Garbage and Weeds Code with an updated code.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE that:

CHAPTER 67 of the West Lafayette City Code shall be REPEALED in its entirety, and REPLACED with the following:

Sec 67.01. Purpose and required collection.

- a. The purpose of this ordinance is to protect and promote the public health, water quality, safety, and welfare of the inhabitants of the City of West Lafayette by regulating the collection of residential waste and recyclables in a manner that will promote waste reduction.
- b. This ordinance will provide partial economic relief for qualifying heads of households who will annually provide proof of eligibility.
- c. The waste and recyclables collection service is required for all City residential customers. Customers will be charged for the service even if not utilized. However, residents living outside the city for extended periods of time may request temporary suspension of fees as described below.
- d. Upon request, a, non-residential, not-for-profit institution, identified as such by the Indiana Secretary of State, which is located in the City may be granted waste and recyclable collection service on mutually agreeable terms. To be eligible to receive such service the organization and the City Street and Sanitation Commissioner shall enter into a written agreement, not inconsistent with this Chapter 67, for approval by the Board.

Sec 67.02. Definitions.

The following words, when used in this chapter, shall, for the purposes herein described, have the following meanings and definitions:

Garbage: All organic household and residential waste; animal and vegetable matter prepared or intended for use as food; foodstuffs and materials; and substances, materials and things ordinarily disposed of in containers and incinerators by hotels, restaurants, stores, apartment houses, and private dwellings.

Heavy Waste: Any single item of solid waste, garbage, or rubbish that exceeds forty-five (45) pounds in weight and that will not fit within the maximum size approved container specified in this chapter. Heavy waste includes, but is not limited to, furniture, mattresses, scrap wood, and other similar items above the maximum limits specified in this chapter.

Recyclables: Any of the following materials are considered recyclables, and should be segregated from waste for curbside recycling.

1. Paper (including telephone books, magazines, junk mail circulars, mixed paper, catalogs, or cardboard);
2. Glass bottles and jars;
3. Plastic jars, bottles and bags;
4. Aluminum, bi-metal, and tin cans;

The list of recyclables may be modified from time to time, and any such modification shall appear on the City of West Lafayette website, and shall be effective upon such appearance on the website. In no case shall motor oil, anti-freeze or other hazardous materials be considered recyclable by curbside pickup

Rubbish: Nonperishable solid wastes consisting of non-recyclable materials such as cigarettes, wood, ashes, cans, metal ware, broken glass, crockery, dirt, sweepings, or litter of any kind.

Waste: Any non-recyclable garbage, rubbish, or other solid material that is appropriate for waste collection under this Chapter.

Yard waste: Weeds, brush, leaves, and plant bedding.

Sec 67.03. Authority

The West Lafayette Board of Public Works and Safety (“Board”), or its designee, is hereby authorized to affix and arrange the dates, schedules, and places for the public collection of all wastes and recyclables throughout the corporate limits of the city.

The Board is granted the responsibility and authority to adopt rules and regulations governing the implementation of mandatory waste collection and curbside recycling. Said authority shall include, but not be limited to, the authority to adopt rules and regulations governing mandatory waste collection and curbside recycling, the authority to contract pursuant to the laws of the state with any person, firm, corporation, or partnership for the rendering of waste and recyclable collection and removal, to prosecute violations of the chapter in the name of the City, and to do such other things as said board may deem as reasonably appropriate and necessary to carry into the effect the terms of this chapter.

Sec 67.04. Liability of owner for violations of tenants

It shall be the responsibility of the owner of any dwelling unit to properly instruct any tenants of said dwelling units as to the provisions of this chapter, and the owner shall be liable for any violation of this Chapter by the tenants thereof.

Sec 67.05. Container placement for pickup.

- a. Timing. All waste, recyclables and yard waste shall be placed in the proper containers and position for collection no later than 7:00 a.m. on the day designated for said collection. Said containers or items waste may be set out for collection after, *but not before*, 7:00 p.m. on the evening immediately before the day designated for collection. All containers shall be returned to their proper position no later than 11:00 p.m. on the day of collection.
- b. Placement. All owners, tenants, or lessees of any dwelling unit shall place all waste and recyclables inside an approved container, with the lid closed and sealed to prevent water and debris from infiltrating into gutters and storm water systems and on their premises near the street or sidewalk, or at any other place designated as a pick up point.
- c. Public Ways. When placing container(s) for pickup, no person shall permit their container(s) to block or impede the flow of vehicular or pedestrian traffic on any street, sidewalk or alley.

Sec 67.06. Accumulation of waste and recyclables prohibited.

The owner, occupant or lessee of any premises in the City shall remove from his or her premises all waste and recyclables in a timely manner, and shall keep the premises free and clear of any accumulation of waste or recyclables.

Sec 67.07. Depositing, littering, etc., on property is prohibited.

- a. No person shall throw, place, cause to be placed or permit to remain on any property, any waste or recyclables, unless such waste or recyclables is placed and caused to remain in suitable containers intended for the storage and collection of such waste. Owners are responsible for restraining their pets from disturbing waste and recyclables.
- b. No person shall turn over or upset the contents of any container on any street, sidewalk, or other public place when said containers have been set out for collection. No person shall remove any waste or recyclables from the containers.
- c. No person shall throw or scatter any waste or recyclables, or cause the same to be thrown or scattered in any street or other public place. It shall also be unlawful for any person to bring upon or permit to be brought upon any premises within the City any waste or recyclables from outside Tippecanoe County without the consent of the Street Commissioner. ~~the corporate limits.~~

Sec 67.08. Recycling.

a. Responsibilities. The occupants of any dwelling unit should segregate all recyclables from waste and place said recyclables in an approved container, with attached lid, designated for said recyclables. All containers shall be set out for collection along with other waste upon the days and at the times specified. Once recyclables are placed at the curbside, they become the property of the City and/or its contractors. Any unauthorized collection of the same recyclables by a person other than the occupants of the dwelling unit will be a violation of this chapter.

b. Separate Containers. The containers provided for recyclables shall be used for no other purpose than the storage, collection and disposal of recyclables as required herein. Containers will be provided by the City of West Lafayette. These containers shall remain the property of the City of West Lafayette, Indiana.

~~e. The City is considering a credit program to reduce stormwater fees for residences with four (4) or more units who create and maintain recycling centers. Reference is made to Section 116.909 of the West Lafayette City Code.~~

Sec 67.09. City-approved containers.

a. Waste Containers. Suitable containers for waste pickup shall be of a galvanized metal, rigid plastic or other suitable material that is leak-proof, has two handles, **includes a bale and** attached lid, is watertight, has a capacity of no more than ninety-six (96) gallons and shall be kept in a sanitary condition. All containers under this chapter must be equipped with permanent, tight fitting lids that cover the container. Bags may be approved if they are of significant strength to prevent leakage and to prevent scavenging by animals.

b. Recycling Containers. Suitable containers for recyclables shall be as provided by the City or otherwise approved by the City. The City shall provide one (1) recycling container per property address. However, the City may provide additional recycling containers upon request if sufficient space exists at the requesting property address and the additional container(s) would not block or impede the flow of vehicular or pedestrian traffic on any street, sidewalk or alley.

Sec 67.10. Preparation for pickup.

a. Waste and Recyclables. ~~Waste and r~~Recyclables shall be carefully drained and ~~securely wrapped/rinsed~~ before depositing into approved containers. Curbside placement should not occur before occur before 7:00 p.m. of the day before scheduled collection. Boxes and other articles of unwieldy size or shape will only be acceptable for collection if they are broken or cut down into a size suitable for handling and transportation, and are deposited into approved containers.

b. Yard Waste. Leaves shall be placed in a rigid container with a tight fitting lid and handles except during certain times in the fall season when the city is providing curbside leaf vacuuming and residents are allowed to sweep leaves to an area near the curb. Brush shall be tied

in small bundles consisting of limbs that are smaller than three inches in diameter and less than four feet in length or placed in containers and placed for waste removal. Trees and other unwieldy yard waste will only be acceptable for collection if broken or cut down to a size suitable for handling and transportation, and deposited into approved containers weighing less than forty-five (45) pounds. No brush, tree trimmings or any other construction materials from a private or commercial contractor shall be acceptable for collection.

Sec 67.11. Responsibility for collection.

a. Weekly collection of waste, recyclables, and yard 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 (4) units.

b. It shall be the responsibility of the occupants or owners of shopping centers, stores, industrial and commercial businesses, not-for-profit institutions, and town houses and apartments in excess of four (4) units to provide for the removal of all waste, recyclables and yard waste so as to comply with this chapter.

Sec 67.12. Violation of this Chapter.

Any violation of this Chapter shall be punishable by a fine of \$50. The fine for any second or subsequent violation of this Chapter shall be \$100.

Sec. 67.13. Collection-restrictions.

Payment of service charges as specified in this Chapter shall entitle the recipient of said service to one (1) collection per week, except upon declared holidays. Such weekly service shall be restricted in the following manner:

- a. Containers shall be in accordance with § 67.09.
- b. Containers, individual articles, or bundles of brush shall weigh no more than forty-five (45) pounds.
- c. The following items are *not acceptable* for pickup:
 - (1) Any liquids;
 - (2) Hot ashes;
 - (3) Any broken concrete, asphalt, bricks, blocks, gravel, sod, earth;
 - (4) Brush, tree trimmings and construction materials from a private contractor;
 - (5) Most electrical appliances including computers, televisions, monitors, or cell phones, unless approved by the city;
 - (6) Large household appliances, including, but not limited to, stoves, washing machines, driers, water heaters, refrigerators, freezers, and dehumidifiers;
 - (7) Hazardous or special waste including, but not limited to, drugs and medications;
 - (8) Industrial waste;

(9) Sharps such as lancets and needles shall only be disposed of in a heavy, screw-top plastic container. The screw-top should be secured with duct tape and placed within the trash container;

(10) Grass clippings.

Article II. Service Charges.

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Sec. 67.20. Service charge.

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 (4) units, a service charge for the collection and removal of waste and recyclables according to the following fee schedule, which may be amended from time to time:

a. For a single-family dwelling, the monthly fee will be sixteen dollars (\$16.00) and shall include one (1) recycling container to be provided by the City. An additional sixteen dollar (\$16.00) fee shall be charged for each subsequent recycling container provided by the City;

b. For a townhouse or multiple housing dwelling not exceeding four units, the monthly fee will be sixteen dollars (\$16.00) and shall include one (1) recycling container to be provided by the City. An additional sixteen dollar (\$16.00) fee shall be charged for each subsequent recycling container provided by the City;

c. If standard waste containers are not practical for use, as determined by the City, the owner of any multiple housing dwelling not exceeding four (4) units or a not-for-profit institution, may be allowed to purchase additional 96 gallon waste carts for use at a monthly fee of sixteen dollars (\$16.00) per cart;

ed. If standard waste containers are not practical for use, as determined by the City, the owner of any multiple housing dwelling not exceeding four units or a not-for-profit institution, may be allowed to use a city-approved dumpster in lieu of individual waste containers for a fee of \$64 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 city-approved concrete pad. 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.

Sec. 67.21. Owner liability for service charges.

The charges for waste and recyclables collection shall be billed to the person being billed for sewage treatment, or the owner of the property. 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.

Sec. 67.22. Collection of delinquent charges.

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Charges for waste and recyclables 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.

Sec. 67.23. Review by Common Council.

The fee is 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.

Sec. 67.24. Reduced fees for certain residents

a. **Unoccupied premises.** A resident may request the suspension of service charges under this Chapter upon a showing that no person will be living in the dwelling unit for a period of no less than three (3) consecutive calendar months, and that no waste will be disposed of at such residence. In addition, the premises must receive minimal water service during the absence period.

b. **Residents qualifying for low income relief.** Residents ~~Owners~~ of residential property in West Lafayette may receive a fifty percent (50%) reduction in their monthly trash fee. Requests shall be made to the Clerk-Treasurer who shall have the authority to determine procedures to verify the eligibility of the requestor who shows that he or she:

- (1) is the head of the household; and
- (2) ~~is either (i) over the age of 65 years or (ii)~~ permanently and totally disabled as determined by the Social Security Administration; ~~and/or~~
- (3) has a total annual household income which is at or below 150% of the Federal Poverty Guidelines as determined by the United States Health and Human Services Guidelines.