

STATE OF INDIANA
BEFORE THE JEFFERSONVILLE COMMON COUNCIL

Ordinance 2009- OR- 31

**An Ordinance Amending Ordinance 2008- 51 An Ordinance Regarding
Refuse/Garbage Collection**

WHEREAS, the Common Council of the City of Jeffersonville is the city legislative body and is by Indiana law authorized to adopt ordinances and resolutions concerning the general public welfare of the residents of the City of Jeffersonville.

WHEREAS, the common council of the City of Jeffersonville believes it is important to create regulations and procedures for the collection of refuse and garbage within the city:

NOW, THEREFORE, BE IT ORDAINED as follows:

Section 1. Definitions.

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

BULK ITEMS. All appliances, furniture, mattresses and children's play equipment that will not fit into the disposal unit and requires special pick-up.

CITY. The city of Jeffersonville.

CONTRACTORS. Any paid business or individual, or any business or individual that as part of their craft or employment performs work on any property within the city.

CURBSIDE. Adjacent to the street pavement, alley pavement and gutter, within three feet thereof. The Street Commissioner, as required to provide quality service shall define **CURBSIDE**.

DISPOSAL UNIT. A container for the purpose of disposing of refuse, that has wheels, is 96-gallons or less, with a hinged lid and lift bar.

DUMPSTERS. Any container larger than 96-gallons used for the collection of any and all types of refuse.

HOUSEHOLD CONSTRUCTION AND DEMOLITION DEBRIS. Waste

materials from do it yourselves, interior and exterior household construction, remodeling and repair projects, including but not limited to, drywall, plywood and paneling pieces, lumber and other building materials, windows and doors, cabinets; carpeting; disassembles bathroom and kitchen fixtures.

MULTI-FAMILY DWELLINGS. Any and all structures or complexes with more than four apartments, condos, town homes, and the like.

PATRON.

(1) A **RESIDENTIAL PATRON** is any person residing in the city corporate limits. A **RESIDENTIAL PATRON** shall receive full services as defined in this chapter.

(2) A **NON-RESIDENTIAL PATRON** is any firm or corporation producing any type of waste material covered by the regulation of this chapter. **NON-RESIDENTIAL PATRON** is required to enter into a contract for services with a private contractor.

(3) In the case of a firm or corporation, **PATRON** is constructed to mean the principal agent, office, or employee responsible for the firm or corporation.

(4) **PATRON** shall mean both residential and nonresidential.

REFUSE

(1) The terms **GARBAGE, REFUSE, RUBBISH, SOLID WASTE, TRASH and WASTE** shall be synonymous, unless more specifically defined.

(2) All discarded and unwanted household and kitchen wastes, including, but not limited to, food, food residues, and materials necessarily used for packaging, storing, preparing and consuming the same, usually defined as garbage, and all waste materials resulting from the usual routine or domestic housekeeping, including, but not limited to, aluminum and steel cans, glass containers, plastic containers, crockery and other containers; metal; paper of all types, including newspapers, books, magazines, catalogs; boxes and cartons; cold ashes; furnishings and fixtures; textiles and leather, toys and recreational equipment and similar items.

(3) All non-putrescible solid and semi-solid items of waste, including bulky refuse except for the following:

- a) Liquids;
- b) Liquid water carried wastes which are normally disposed of in sanitary sewer systems; hazardous waste;
- c) Human waste, except for disposable diapers; and
- d) Large animal and farm animal waste;

YARD WASTE. Leaves, limbs, sticks, and other vegetive matter, plants, trees or

grass clipping.

Section 2. Yard Waste

Yard Waste shall be collected throughout the city in a timely fashion and on the schedule as established by the Street Commissioner.

Section 3. General Garbage/Refuse Collection Policy

- (A) Patrons must use a disposal unit provided for a fee by the city or other vendors, for disposing of residential, retail, commercial, and/or office refuse as defined herein.
- (B) Patrons are responsible for cleaning of the disposal unit(s).
- (C) All refuse must be placed in the disposal unit.
- (D) Disposal units must be placed within five feet of the curbside collection point before 6 a.m. on the scheduled refuse collection day and returned to storage by 9 p.m. on that day.
- (E) Disposal units may not remain at the curbside for any period longer than 24 hours.
- (F) Disposal units must be at least three (3) feet from any obstruction (such as telephone poles, mail boxes, cars, and the like...)
- (G) Disposal unit lids must be closed.
- (H) If the street commissioner determines the need of a second container, one will be provided at a regular charge.
- (I) For pick-up of large bulk items and household and demolition debris that will not fit into the disposal unit, the Street Department must be notified 24 hours prior to the regular refuse collection to schedule an additional pick-up.

Section 4. Refuse Originating Outside of the City

No person(s) shall dump refuse, yard waste, or other unwholesome items within the city unless authorized by the Board of Public Works and Safety.

Section 5. Units Collected

Collection shall be one disposal unit per household. Additional units are available upon request and at the regular cost established by the Board of Public Works and Safety.

Section 6. Depositing on Public Streets or Sidewalks.

It shall be unlawful for any person(s) or firm to throw, put, or place any trash, yard waste, garbage, and other unwholesome and/or waste material into and upon any of the streets, alleys, gutters, storm sewers, ditches, or sidewalks in the city.

Section 7. Accumulation on Private Premises, Disposal Units.

- (A) All persons having, making or accumulating trash, yard waste, garbage, and

other unwholesome and waste materials, shall keep the same disposal unit(s) in compliance with those provisions set forth in Section 5 and shall place the disposal unit(s) at the designated location for weekly collection.

(B) It shall be unlawful to set any container larger than a 96 gallon disposal unit curbside, excepting dumpsters shall be allowed for apartment complexes, commercial, retail and office complexes when the city disposal unit(s) is/are not acceptable in size and/or cost as otherwise approved by the Street Commissioner.

(C) Dumpsters are permitted for construction debris and large volume consistent with the provisions herein except dumpsters may not be placed on the streets, sidewalks, or right-of-ways without permission from the Board of Public Works and Safety.

Section 8. Construction Debris.

(A) Small amounts of household construction and demolition debris may be placed in suitable containers that are in good condition, have secure handles for lifting, and water tight sufficient to keep out rain water, or in bundles not exceeding two feet in diameter, four feet in length.

(B) Construction debris may not be at the curbside collection point or any point on the street for more than a 24 hour period.

Section 9. Bulk Items

Bulk items are to be picked-up on the designated collection day and at the designated location as the Street Department work schedule permits. Bulk items must be requested either by telephone, email or in person to the street Department at least 24 hours prior to the collection day.

Section 10. Abandoned or Unattended Appliances.

(A) Abandoning or leaving freezers, refrigerators, iceboxes, ice chests, and or other appliances is subject to the regulations as set forth herein. These provisions shall apply to any freezers, refrigerators, iceboxes, ice chests, dryer, washer, or any other appliances having a capacity of one and one-half cubic feet or more.

(B) No person, firm, corporation or organization shall abandon any refrigerator, freezer, ice box, ice chest, or other appliance any place within the city.

(C) No person shall leave any refrigerator, freezer, icebox, ice chest, or other appliance any place out doors.

(D) The purpose of these provisions is to prevent children from dying for the lack of air as a result of being locked in such a refrigerator, freezer, icebox, ice chest or other major appliance.

(E) Any person, firm, corporation or organization that shall desire to have a refrigerator, freezer, icebox, ice chest or other appliance removed must:

(1) Request a pick-up from the Street Department at least 24 hours prior to collection day.

- (2) Remove the door(s); and
- (3) Place the refrigerator, freezer, icebox, ice chest or other major appliance within three feet of curbside.

(F) Appliances will only be picked-up on a day scheduled by the Street Commissioner as the work schedule permits.

(G) Appliances may not be left at the curbside collection point, or any point on the street for more than a 24 hour period.

Section 11. Dumpsters

Any person who desires to place a dumpster on public property must obtain a permit from the Board of Public Works and Safety. The permit will be issued based on the following criteria:

(A) Prior to the locating of any dumpster on or in a public street or alley in the city, all refuse companies must obtain a permit from the Board of Public Works and Safety. Permits shall be issued for a maximum period of ten (10) days and renewable for additional ten days at the discretion of the Street Commissioner.

(B) The refuse company shall provide barricades and/or traffic control devices meeting the minimum criteria in the Manual of Uniform Traffic Control Devices for Streets and Highways in the State of Indiana. Refuse companies shall be responsible for installing and maintaining the required barricades and/or traffic devices.

(C) The refuse company shall sign a liability statement assuming all risks associated with the placement of the dumpster in any public street or alley and shall provide the Board of Public Works and Safety Proof of liability insurance which shall name the City of Jeffersonville as a coinsured with liability limits determined by the Board of Public Works and Safety.

(D) Failure to follow any of these policies shall be reason for denial and the revocation of a permit and a pattern or practice of violating these regulations shall be grounds for denial of future permits to the refuse company.

(E) A refuse company may appeal any decision of the Street Commissioner concerning these regulations to the Board of Public Works and Safety.

Section 12. Contracts.

The city will not clean up or pick up any form of yard waste, construction and demolition debris, or refuse left by a contractor or their agent.

Section 13. Refuse/Garbage Collection Fees.

(A) The city shall collect refuse from each single family residential unit, each

duplex, and four-plex, and eight-plex multi-family residential units located within the city provided that the total collection does not exceed 480 gallons. However, refuse/garbage may be picked up from the following for a fee determined by the Board of Public Works and Safety:

- (1) Multi-family residential units larger than an eight-plex.
- (2) A multi-family residential unit that is part of an apartment complex.
- (3) Industrial Properties

(B) Limited weekly refuse/garbage collection may be offered to commercial properties. The commercial properties must request such service and must generate no more than two 96 gallon collection containers per collection day. The Street Commissioner may implement reasonable rules and regulations concerning the collection of refuse/garbage from commercial properties.

(C) Refuse/garbage collection may be provided to properties located on private roads. Prior thereto, the Board of Public Works and Safety, shall secure legal waivers of liability from the owners of such private roads holding the city harmless from any liability for road or property damage caused by the refuse/garbage collection services. The Board of Public Works and Safety may develop and implement reasonable rules and regulations concerning such collections.

(D) A refuse/garbage collection fee is hereby established as follows:

- a.) Residential refuse/garbage collection: there shall be no fee assessed for up to two 96 gallon disposal units per collection day. The Board of Public Works shall establish a fee for the 3rd and each disposal unit thereafter.
- b.) Commercial refuse/garbage collection: there may be a fee assessed for up to two 96 gallon disposal units per collection day.

Fees for renting dumpster will be as follows:

<u>Cubic Yards</u>	<u>Price per load(including disposal fee)</u>
4	\$75.00
10	\$150.00
20	\$175.00
30	\$200.00
40	\$225.00

Section 14. Collection Days/Holidays.

There shall be no collection on Saturday or Sunday. In the event a holiday is on the scheduled collection day, then collection will take place on the next business day.

Section 15. Penalty

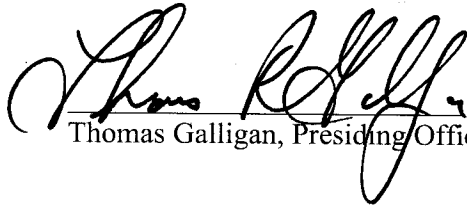
Violations of any provisions herein may be cited by Code Enforcement of the Jeffersonville building Commissioner's Office and/or the Jeffersonville Police Department

Violations of any provisions herein are subject to a fine (set by the Board of Public Works and Safety) for each occurrence and are enforced by the Jeffersonville City Court.

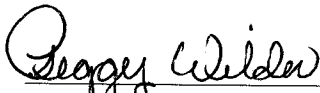
This Ordinance shall be in full force and effect upon its adoption
SO ORDAINED on this 14th day of Sept., 2009.

This Ordinance shall be in full force and effect from and after its passage and approval.

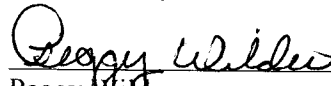
Passed this 14th day of September, 2009.


Thomas Galligan, Presiding Officer

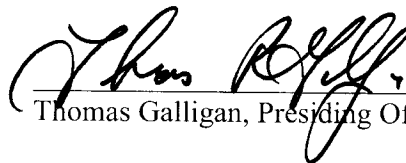
ATTEST:


Peggy Wilder
Clerk and Treasurer

Presented by me as Clerk and Treasurer to the Mayor of said City of Jeffersonville this day of _____, 2009.


Peggy Wilder
Clerk and Treasurer

This ordinance approved and signed by me this _____ day of _____, 2009.


Thomas Galligan, Presiding Officer