

## ORDINANCE 23-2006

### AN ORDINANCE FOR TRASH COLLECTION PROCEDURES AND ENVIRONMENTAL FEES IN THE CITY OF RENSSELAER, INDIANA

BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF RENSSELAER, INDIANA:

Ordinance 11-2006 as it exists on the effective date of this ordinance is hereby repealed along with any amendments to the same. This Ordinance 23-2006 supersedes Ordinance 11-2006.

#### ARTICLE 1. TRASH COLLECTION PROCEDURES AND ENVIRONMENTAL FEES

- A. Definition of Trash. As used in this Ordinance, "trash" means all non-putrescible solid and semi-solid items of waste except for:
- a. liquids;
  - b. liquid or water carried wastes which are normally disposed of in sanitary sewer systems;
  - c. hazardous wastes;
  - d. building materials;
  - e. appliances, furniture, household fixtures and other similar bulky items;
  - f. yard waste.
- B. Definition of Commercial Property (or entity). As used in this Ordinance, "commercial property" shall mean all income producing property excluding single family residential rental property or residential apartment complexes. Commercial property includes industrial property (e.g. office buildings, warehouses, factories, etc.) as opposed to residential property. As used in this Ordinance, "commercial property" shall include:
- a. any entity utilizing a commercial dumpster,
  - b. any entity so designated by the Board of Public Works and Safety to be so classified or
  - c. when the property owner of any entity elects to be so classified and has provided written notification to the Office of the Mayor of the City of Rensselaer of the said election.
- C. Definition of Residential Property (or units). As used in this Ordinance, "residential property" is any property not classified as Commercial Property.
- D. Definition of Environmental Fee. As used in this Ordinance "Environmental Fee" shall mean a fee assessed to support the totality of physical, economic, cultural, aesthetic, and social circumstances and factors which surround and affect the desirability and value of property and which also affect the quality of peoples' lives which includes services provided by the City of Rensselaer such as but not limited to yard waste collection, street sweeping, snow removal, roadside mowing, brush removal and recycling services. For the purpose of the Environmental Fee as referenced in Article 5 of this ordinance "each Commercial Property (or entity) and each Residential Property (or unit)" is determined as any account number (account billing invoice or statement) that is a matter of record in the City of Rensselaer's Utility Office and maintained therein.
- E. Due Process for Waiver of Fees. Any fee assessed under this ordinance may be waived by the Board of Public Works and Safety after a hearing before the Board of Public Works and Safety at which time the requesting party shall have an opportunity to present his/her case. The "Request for

Waiver" form may be obtained from the City of Rensselaer Utility Office. The "Request for Waiver" form shall be filed with the City of Rensselaer Utility Office. The "Request for Waiver" shall be heard at the next regular scheduled Board of Public Works and Safety meeting. The Board of Public Works and Safety shall have the final determination if the request for waiver shall be granted. The Clerk (or secretary) of the Board of Public Works shall notify the City of Rensselaer Utility Office the outcome of the hearing.

F. Trash Collection Services.

- a. The City of Rensselaer, acting through its Street and Sanitation Department, shall provide a curbside or roadside trash collection service to commercial and residential entities located within the city limits of Rensselaer.
  - i. All residential entities (or units) shall be required to use the sticker system which is further described in this ordinance.
  - ii. The City shall provide trash collection for commercial entities:
    - A. From a properly pre-approved commercial dumpster. Said dumpster shall be set on a pre-approved pad that must be maintained by the commercial entity or property owner. If the dumpster is not mobile, accessible, and in good repair, then the trash will not be collected by the City. The City has no responsibility to provide the dumpster and/or the pad. The minimum charge for each commercial entity shall be \$8.00 per month.
    - B. If the commercial entity has no dumpster as referenced in the immediately preceding Section A, the commercial entity shall place their trash for collection in a manner consistent with Article 3 and Article 4 (A), (B) and (C) of this Ordinance and shall be required to use the sticker system which is further described in this ordinance.
  - iii. The basic charge for a commercial entity assumes that five (5) minutes per pick-up or less (per week) may reasonably be allocated towards the monthly garbage and trash pick-up for the commercial entity.
  - iv. There shall be an additional charge for a commercial entity at the rate of \$2.00 per minute for each minute required over and above five (5) minutes for the normal and customary garbage and trash collection for the commercial entity. Time shall be calculated from the time the collection crew arrives at the premises and run continuously until the collection crew departs.
  - v. To the extent any commercial entity/residence has special collection needs that the City is able to provide, over and above normal garbage and trash collection services, the commercial entity/residence may request such additional services and the charges therefore shall be negotiated by and between the City of Rensselaer Sanitation Department and the particular commercial entity/residence. Fees will be based on a \$5.00 per minute charge with a \$15.00 minimum charge.
  - vi. The trash collections services for both residential and commercial entities shall be provided on a weekly basis by the City, with times and locations to be determined by the City of Rensselaer Board of Public Works and Safety.

- vii. The schedule shall be subject to change necessitated by special circumstances, including but not limited to; holidays, special events, weather or equipment breakdown.

## ARTICLE 2. AUTHORIZED BAGS AND FEES

- A. Recyclables to be eligible for collection by the City are those items designated by the Board of Public Works and Safety and shall be separated and placed in separate containers by the residents and shall not require a trash collection sticker. Recyclables shall be collected at times and locations to be determined by the City of Rensselaer Board of Public Works and Safety.
- B. The authorized bags for the collection and disposal of trash, pursuant to this City's trash collection service shall place thereon a sticker to be purchased from the City or its authorized Sellers, at a price per sticker that the city from time to time deems necessary to cover the cost of the disposal. The price that is established by this ordinance is \$1.25 per bag. The funds received from the sale of stickers shall be for the cost of administration, collection and disposal costs (including equipment and labor costs) associated with such collection and disposal relating to said trash collection. The sticker charge for subsequent years may be adjusted by the Common Council of the City of Rensselaer on an annual basis.

## ARTICLE 3. REQUIREMENTS FOR COLLECTION OF BAGS

Items which are to be picked up by the City pursuant to this trash collection service, shall be placed adjacent to the curb immediately adjacent to the individual's residence or within five (5) feet of the curb or traveled portion of the street prior to 7:00 o'clock a.m. on the date scheduled for said collection but not earlier than 7:00 o'clock p.m. on the date preceding the scheduled collection.

## ARTICLE 4. LIMITATIONS ON TRASH ELIGIBLE FOR COLLECTION

- A. To be eligible for collection by the City, all trash excluding yard waste, must be placed within an enclosed authorized bag which shall be no larger than thirty-three (33) gallons and/or a forty (40) pound container and said container must have lids on the container to keep the weather out. Bags must be closed and tied tightly, provided, however, that no bag larger than thirty-three (33) gallons and no container containing weight more than forty (40) pounds will be collected.
- B. No red or pink bags can be used because they have been determined to be hazardous.
- C. A residential unit may request special collection services. Appliances will be collected at the rate of \$10.00 per appliance. Passenger vehicle tires will be collected at the rate of \$5.00 per tire. Other collection services, such as furniture, mattresses, and other oversized trash shall be collected if for each item a trash collection sticker is placed on such item.

## ARTICLE 5. ENVIRONMENTAL FEE

The Common Council of the City of Rensselaer further finds that an Environmental Fee shall be assessed to "each Commercial Property (or entity) and each Residential Property (or unit)" in the minimum amount of \$2.00 per month.

## ARTICLE 6. REVENUES

The revenues generated from the collection of fees and service charges from trash collection as provided for above, shall be deposited in the General Fund.

#### ARTICLE 7. CENTRAL RECYCLABLE DISPOSAL AREAS

- A. The City may, from time to time, provide one or more "community recyclable disposal areas", where residents and property owners of the community may dispose of their recyclable trash as defined above, in receptacles provided at such locations. If all receptacles are full, no further disposal or deposit of trash by persons shall be permitted.
- B. Disposal of recyclable items at such locations shall be limited to those days and times as shall be posted at such sites, which may be changed from time to time by the City as deemed necessary. The Common Council of the City of Rensselaer is hereby authorized to temporarily prohibit trash disposal at such site or sites, if in its opinion such temporary prohibition is necessary to protect such sites or to insure the proper use thereof.
- C. Trash receptacles in the City parks, on public sidewalks, or on City property are not community trash disposal areas. Persons shall not use such facilities for the disposal of trash accumulated at their residence or place of business.

#### ARTICLE 8. UNLAWFUL USE OF CONTAINERS FOR TRASH DISPOSAL

It shall be unlawful for any person to use the container of another person, business, or facility for the disposal of trash not generated at the household, or facility owning or possessing the container. Any person so violating this section or permitting such violation shall be subject to the penalties set forth in Article 11.

#### ARTICLE 9. CONTROL OF RECYCLABLES

When recyclables are placed at curbside for recyclables collection, within the corporation boundaries of the City of Rensselaer, said recyclables then become subject to the control of the City of Rensselaer, Indiana.

#### ARTICLE 10. SCAVENGING PROHIBITED

After recyclables are placed at curbside for recyclables collection only the property owner or occupant or the contractor authorized by the City of Rensselaer to collect the recyclables shall be permitted to take possession of the recyclables from curbside. All other persons are prohibited from scavenging and taking recyclables from the curbside collection location.

#### ARTICLE 11. PENALTIES

- A. A person violating provisions of this Article may be served by an authorized enforcement person with a notice of violation. The person upon whom a notice of violation is served may admit liability to the violation as provided in the above sections and pay a civil penalty of Fifty Dollars (\$50.00) directly to the City of Rensselaer per calendar year. If the person violates this section a second time per calendar year the penalty shall be One Hundred Dollars (\$100.00) and the third time per calendar year One Hundred Fifty Dollars (\$150.00)

- B. If, in the opinion of the authorized enforcement person, the violation is so substantial as to warrant a more severe penalty, the authorized enforcement person may issue a notice of violation and citation to appear in the City of Rensselaer Ordinance Violation Bureau, Jasper Superior or Circuit Court for determination of the alleged violation of this ordinance.
- C. Except as otherwise provided herein, any person found in violation of the provisions of this Article shall be fined an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) for each violation. Each day in violation shall be considered a separate violation. The City may also seek an injunction to prevent further violation of this Ordinance.

ARTICLE 12. SPECIAL COLLECTION OF YARD WASTE

The Common Council of the City of Rensselaer further finds that State Law prohibits that grass clippings and trees or shrubbery trimmings from being collected with the normal and customary weekly trash collection. Therefore, no residential unit or apartment unit shall place any such grass clippings or trees/shrubbery trimmings for the normal and customary weekly trash collection. Said materials shall be collected separately.

ARTICLE 13. EFFECTIVE DATE OF ORDINANCE

This ordinance shall be in full force and effect upon adoption and publication within thirty (30) days of passage on December 11, 2006.

Passed by the Common Council of the City of Rensselaer this 11<sup>th</sup> day of December, 2006.

Aye		Nay
	Carole Beaver	
	William Hollerman	
	Rick Williams	
	George Cover	
	Richard F. Comingore	

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Herbert H. Arihood, Mayor

Attest:

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Frieda Bretzinger, Clerk-Treasurer