CITY OF RENSSELAER, JASPER COUNTY, INDIANA
ORDINANCE 21-2021

AN ORDINANCE REPEALING AND REPLACING ORDINANCE 16-2020
IMPOSING A FEE TO PAY THE COST OF TRASH COLLECTION AND RECYCLE
FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS WITHIN THE CITY

WHEREAS, the City, by providing trash collection service for the residents of the City, provides a high level of service and savings to its citizens compared to each resident contracting with private trash haulers; and,

WHEREAS, the Common Council believes it is fair and equitable to impose a monthly fee to pay the Trash Collection Costs; and,

WHEREAS. Indiana Code 36-9-30-21 authorizes the Common Council to establish a fee to pay the cost of the City to collect and dispose of garbage and other trash in a sanitary manner.

IT IS HEREBY ORDAINED by the Common Council of the City of Rensselaer as follows:

ARTICLE 1. TRASH COLLECTION PRODECURES AND ENVIRONMENTAL FEES

A. Definitions:
   a. APPLIANCES/WHITE GOODS: Washers, dryers, refrigerators, freezers, dishwashers, air conditioners, microwave ovens, stoves, cooking units, washing units, or any apparatus that is designed to be used in the home.
   b. APPROVED MEDICAL CONTAINER: A container approved by the city, the County Board of Health, or other agency authorized to give approval.
   c. BULK ITEMS: All appliances, furniture, mattresses, and children's play equipment that will not fit into the disposal unit and requires special pick-up
   d. CITY: The City of Rensselaer, Indiana
   e. CONSTRUCTION MATERIAL: Any article, item, material, or supply consumed or used in a construction project, and incorporated in the constructed building structure.
   f. 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.
   g. CURBSIDE: Adjacent to the street pavement, alley pavement, and gutter within three (3) feet thereof. The Street Superintendent, as required to provide quality service, shall define CURBSIDE
   h. CUSTOMER: The property owner or occupant of real estate that is entitled to receive solid waste collection by the Sanitation Department as defined herein.
   i. DISPOSAL UNIT: A container with wheels, hinged lid, and lift bar; 96-gallon or 35-gallon container provided by the city for the purpose of disposing refuse.
   j. DUMPSTERS: Any container larger than 96-gallons used for the collection of any and all types of refuse. The dumpster cannot exceed 4 Cubic Yards.

k. GARBAGE: Includes all refuse; accumulations of animal, fruit, or vegetable matter that attend the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruits or vegetables, and containers originally used for foodstuffs.
l. HOUSEHOLD CONSTRUCTION AND DEMOLITION DEBRIS: Waste materials from any 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, doors, cabinets, carpeting disassembles, bathroom and kitchen fixtures.
m. HUMAN DISCHARGE: Includes, but is not limited to, bodily waste, urine, blood, saliva, partially digested food, or skin.
n. MEDICAL WASTE: Any medical instrumentality or substance used in the treatment or care of human or animal illness or injury. This includes, but is not limited to, syringes and needles, gauze and bandages, fluid bags, catheters, swabs, or cotton used in the care of treatment of human injuries or illnesses.
o. MULTI-FAMILY DWELLINGS: Any and all structures or complexes with more than two (2) apartments, condos, town homes, or any similar structure.
p. PATRON: Refers to both residential PATRON and non-residential PATRON
q. RESIDENTIAL PATRON: Any person residing in the city corporate limits
r. NON-RESIDENTIAL PATRON: Any firm or corporation producing any type of waste material covered by the regulation of this chapter. In the case of a firm or corporations, PATRON, is constructed to mean the principal agent, officer, or employee responsible for the firm or corporation.
s. RECYCLABLES: Paper, cartons, boxes, tin cans, aluminum, glass bottles, #1 and #2 plastics, and electronics.
t. REFUSE: Garbage, trash, debris, rubbish, litter, ashes, solid waste, or other items having little or no value, which are intended to be disposed of by transportation to a solid waste sanitary landfill.
u. SEALED: Properly and securely closed to prevent contents from easily spilling or removal without intentional opening.
v. SOLID WASTE: Appliances, ashes, garbage, refuse, trash, rubbish, and/or debris.
w. TRASH, RUBBISH, AND DEBRIS: Combustible refuse, including, but not limited to, barrels, wood, tree branches, yard trimmings, furniture, and other wood or combustible articles including bedding, plastic and non-combustible refuse.
x. UNIT: Each and every lot, parcel of real estate, or building that is entitled to receive solid waste disposal services within the city, pursuant to this chapter.
y. YARD WASTE: Leaves, limbs, sticks, and other vegetative matter, plants, trees, or grass clippings.

B. <u>Definition of Commercial Property/or entity:</u> As used in this Ordinance, "commercial property" shall mean all income producing property excluding single family residential apartment complexes. Commercial property includes industrial property (e.g. office building, 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 designed 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 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 circumstance and factors which surround and effect the desirability and the 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 units) 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 and Safety 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 Streets 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 weekly curbside collection which is further described in this ordinance.

ii. The City shall provide trash collection for commercial entities:

iii. 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 of 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 pad.

iv. The collection charges based on the size of the receptacle and frequency of collection as outline below:

Monthly Pick-Up Rates Effective January 01, 2021

Standard Residential 2x33 Gal Containers	$17.85

Two (2) Yard Dumpster	$65.00
Three (3) Yard Dumpster	$70.00
Four (4) Yard Dumpster	$80.00

Monthly Pick-Up Rate Effective January 01, 2022

City Issued 96 Gal. Container (Per Container)	$18.40
City Issued (65 years +) One 35 Gal. Container	$9.20
Two (2) Yard Dumpster	$67.00
Three (3) Yard Dumpster	$73.00
Four (4) Yard Dumpster	$84.00

Monthly Pick-Up Rate Effective January 01, 2023

City Issued 96 Gal. Container (Per Container)	$19.00
City Issued (65 years+) One 35 Gal. Container	$9.50
Two (2) Yard Dumpster	$70.00
Three (3) Yard Dumpster	$75.00
Four (4) Yard Dumpster	$86.00

A. In the event the commercial entity does not elect collection services in accordance with paragraph A or B above, the commercial entity shall pay a flat fee of $17.85 per month. No more than One (1) 96-gallon container per week, as described under Article 4-A shall be permitted under this Section. The fee shall rise each year as shown above.
B. All unpaid fees imposed by this Ordinance are subject to the same delinquency fees, penalties, and interest authorized for delinquent sewer bills and may be collected by any lawful means including the filing of liens as authorized by Indiana Code 36-9-23.
C. The City Clerk-Treasurer shall cause the monthly charges collected pursuant to this Ordinance, and any penalties and collections costs collected resulting from delinquent payments, to be paid into a segregated fund (The Sanitation Fund). The Sanitation Fund shall be separated from the balance of the revenues of the General Fund and City Utility Funds, and to be used solely for the purpose of paying the City's Trash Collection Cost.
D. The rates approve by this Ordinance shall be in full force and effective for all bills due after January 01, 2021, and thereafter as detailed above.
E. Special collection needs shall be addressed as follows:
    a. Additional weekly collections for dumpsters may be purchased at a multiple of the above listed rates for each additional receptacle or pick-up.
    b. To the extent any commercial entity/residence has special collections 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 $9.00 per minute charge with a $36.00 minimum charge.

c. Special pickup of trash from a pickup truck or trailer, not to exceed two (2) cubic yards, shall be charged at a rate of $55.00 per load.
d. The weekly curbside collection 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.
e. 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 RECYCLABLES

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 a separate container by the residents.

ARTICLE 3. REQUIREMENTS FOR COLLECTION OF TRASH CONTAINERS

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 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 a City of Rensselaer issued 96-gallon or city issued 35-gallon container and said container must have the lid on the container to keep the weather out. All trash must be bagged and closed and tied tightly. No loose bag of garbage or any loose trash sitting outside of the issued container will be picked up.
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 $10.00 per tire. Other collection services, such as furniture, mattresses, and other oversized trash shall be collected at a rate of $9.00 per minute.
D. No person shall dump refuse, yard waste, or other unwholesome items within the city.
E. It shall be unlawful for any person or firm to throw, put, or place any trash, rubbish, debris, yard waste, or solid waste, and other unwholesome and/or waste material into and upon any of the streets, alleys, gutter, storm sewers, ditches, or sidewalks in the city.

ARTICLE 5. ENVIRONMENTAL FEE

The Common Council by the City of Rensselaer further finds that an Environmental Fee shall be assessed to all utility customers serviced by the City of Rensselaer in the sum of $3.00 per month

ARTICLE 6. CENTRAL RECYCABLE 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.

ARTICE 7. UNLAWFUL USE OF CONTAINER 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 having possession of the container. Any person so violating this section or permitting such violation shall be subject to the penalties set forth in Article 11.

ARTICLE 8. 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 9. 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 the curbside. All other persons are prohibited from scavenging and taking recyclables from the curbside collection location.

ARTICLE 10. 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 violations is served may admit liability to the violations 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 my 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 this 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 11. SPECIAL COLLECTION OF YARD WASTE

The Common Council of the City of Rensselaer further finds that State law prohibits that grass clippings, yard waste 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. If a contractor is hired for grass clippings, yard waste and tree or shrubbery trimming it shall be the responsibility of the property owner or contractor to remove all items. The City shall not pick up contactor work.

ARTICLE 12. REFUSE ORIGINATING FROM OUTSIDE THE CITY

No person shall dump refuse, yard waste or other unwholesome items within the City unless authorized by the Board of Public Works.

ARTICLE 13. EFFECTIVE DATE OF ORDINANCE

This Ordinance shall be in full force and effect upon adoption and publication within 30 days of passage and approval of January 01, 2022.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF RENSSELAER, INDIANA, ON THE 13TH DAY OF DECEMBER, 2021 BY A VOTE OF 5 AYES, 0 NAYS, AND 0 ABSENT.

AYE	NAY
Bill Hollerman, Council Member Ward 1	Bill Hollerman, Council Member Ward 1
Noelle Weishaar, Council Member Ward 2	Noelle Weishaar, Council Member Ward 2
George Cover, Council Member Ward 3	George Cover, Council Member Ward 3
Ernest Watson Jr, Council Member Ward 4	Ernest Watson, Jr, Council Member Ward 4
Russell Overton, Council Member At Large	Russell Overton, Council Member At Large

ATTEST:

Frieda Bretzinger, IAMC
Clerk-Treasurer

Presented by me to the Mayor of the City of Rensselaer, Indiana, on the 13th day of December, 2021 at 6:00 o'clock p.m.

Frieda Bretzinger, IAMC
Clerk-Treasurer

Approved by me this 13th day of December, 2021

Stephen A. Wood, Mayor
City of Rensselaer