

## ORDINANCE NO. 2010-003

### A SOLID WASTE ORDINANCE TO GOVERN THE DISPOSAL OF TRASH, COLLECTION AND REMOVAL OF SOLID WASTE AND RECYCLABLES AND CHARGES ASSOCIATED THEREWITH

WHEREAS, pursuant to Indiana Code 36-9-30-5, the Town of Culver, Indiana is authorized to contract for the collection or disposal of solid waste; and

WHEREAS, the Town desires to provide for the public health and welfare of its residents by the collection and disposal of solid waste; and

WHEREAS, in order to meet its obligations and responsibilities to its citizens, the Town of Culver has contracted for the collection and disposal of solid waste; and

WHEREAS, the trash collection service has provided to residents an approved container for use by an automated collection vehicle, and

WHEREAS, on occasion, a resident may accumulate more trash than can be properly contained within the provided container, so that resident may purchase tags to be applied to any excess trash that may occasionally accumulate, and

WHEREAS, pursuant to Indiana Code 36-9-30-21 and 36-1-3-8(6), the Town may impose service charges or administration fees for the collection and disposal of solid waste to off-set the contract cost for residential refuse collection and disposal services so long as such charges or fees are reasonable and just for such services.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF CULVER, INDIANA, as follows:

#### **Terms:**

Solid Waste - A waste type that includes predominantly common household trash (*domestic trash*) collected by a municipality within a given area. They are in either solid or semisolid form and exclude any industrial and/or hazardous wastes. The term residual waste relates to waste left from household sources containing materials that have not been separated out or sent for reprocessing.

Uninhabitable - Property unfit or unsuitable for human habitation.

#### **Section 1: Billing Charges and Fees**

Collection Fee. The town shall assess a monthly solid waste fee for the service of collection and disposal of residential municipal waste, collection and disposal of residential yard waste and collection of recyclable material rendered by the town. *See addendum A for established charges and fees.*

Such services and charges shall be rendered only to residential units within the boundaries of the corporate limits of the Town of Culver. The monthly fee shall be billed to each residential unit and collected in conjunction with other utility services provided by the town.

Regardless of how payments may be designated, payments to the trash collection and disposal service shall be applied first to the bill payment. All other fees and charges associated with other town ordinances and utility billing shall be enforced accordingly.

Monthly bills paid shall not be reimbursed or pro-rated any amount regardless if resident moves to another location inside or outside of town during said month.

Residential Administrative Fee/Charges. The town shall charge an administrative fee/charge to assist with the trash collection and disposal services associated with billing and contract collection. *See addendum A for established charges and fees.*

Commercial/Residential Exemption. Any property owner with a combination of commercial/residential buildings shall provide the town with adequate written documentation to combine the trash collection and disposal service and exempt the residential charge for service. This exemption also applies to residential condos and apartment complexes.

1. The exemption to residential trash collection and disposal service shall include, in writing, the owners name and address along with the property to be exempt, as well as a request to be exempt from residential charges and the owner's signature and date.

2. Any exemption granted will provide the owner with the sole responsibility to provide trash collection and disposal service for his/her commercial/residential units or condos/apartment complexes. It shall be the owner's full responsibility to comply with town ordinances addressing property maintenance, safety and health requirements by law.

Special Circumstance Residential Exemption. Any property owner requesting a special circumstance exemption from shall provide written documentation and/or photographic evidence that the property is uninhabitable. It shall be the responsibility of the property owner to have the water service capped at the property. In addition, the property owner shall grant property access to Street Department Supervisor to inspect the capped service. The Street Department Supervisor shall be responsible for turning the water service off at the street. If all three criteria are satisfied with the Clerk's Office then an exemption will be granted for the property.

## **Section 2: Collection and Disposal**

Residential Solid Waste Collection and Disposal. All residents shall be required to participate in the collection and removal of solid waste and recyclables. The town, or its authorized representative, shall provide residential solid waste collection and disposal services from eligible residential buildings. The town, or its authorized representative, is not required to collect any residential solid waste that does not comply with the requirements of this ordinance.

1. The town shall provide for the collection and disposal of garbage and trash from all residential dwelling units within the town no less than one time each week. The town shall provide for collection and disposal of recyclable materials no less than every other week. The town shall provide for collection of heavy trash items no less than one time per month.

2. The occupant shall place all residential solid waste and recyclables at the curb side or right-of-way edge of the street for collection and disposal by the town, or its authorized representative, no later than 6:30 a.m. on the day of collection.

3. The occupant shall place all residential solid waste and recyclables for collection by the town, or its authorized representative, within five feet (5') of the edge of the traveled portion of the alley if an alley is available, or if there is no alley, within five feet (5') of the edge of the street, or curb side. All trash and recycling containers shall not be placed in the street

4. Every owner, occupant and tenant of any residential building, house or structure shall provide for the collection and disposal of trash and recyclables.

**Residential Containers Required.** The town, or its authorized representative, shall provide residential solid waste and recyclable containers for collection and disposal services to eligible residential buildings.

1. No person shall place within the town any garbage or trash in any street or alley or other public place or upon private property, whether owned by such person or not, except in proper containers for collection or under approval granted by the town in the form of stickered loose bags.

2. All trash shall be bagged and be place in provided containers with the lid closed unless excess additional loose trash bags are present and clearly marked with a sticker. Recyclables can be placed in the recycling container not bagged.

3. All containers shall be maintained by the property owner and be in a clean and sanitary condition, and in good repair.

4. Additional trash stickers will be provided at a charge of \$1.50 per sticker at Town Hall and several other locations in town for a minimal charge, and shall be placed along side of the trash container if additional garbage collection is needed by the residential customer.

### **Section 3: Non-Compliance and Enforcement**

**Unlawful Disposal of Solid Waste.** No person shall leave, place, or deposit any solid waste, trash or refuse in or upon any street, alley, sidewalk, public place or public property within the town limits or any kind of solid waste for the purpose of collection and disposal by the town where solid waste is generated at a location outside the town limits from a location where the town limits does not collect solid waste.

1. No owner shall allow an accumulation of solid waste on their property which creates a fire, health or safety hazard, or harborage for rodents or insects.

2. No person shall deposit in a solid waste container, loose stickered bag, or otherwise set out for solid waste collection and disposal by the town, or its authorized representative, any yard waste consisting of leaves, tires, or hazardous waste.

3. The owner of any property within the town shall not store any solid waste, including bulky waste, outside for more than seven (7) days.

4. Any violations under section 3 (1-3) shall be subject to a fine of \$25.00 for non-compliance. The Clerk-Treasurer shall send a bill to the owner/person violating this ordinance and payment shall be due ten (10) days after the billing date.

5. If the bill is not paid within twenty (20) days of the due date, the fine shall be an additional \$25.00 a day. In addition, the town may file a civil action in a court against the violator to collect the costs of the violation, including reasonable attorney's fees.

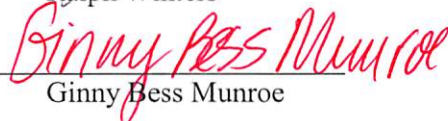
This ordinance shall be in full force and effect from and after its passage and any publication as required by law.

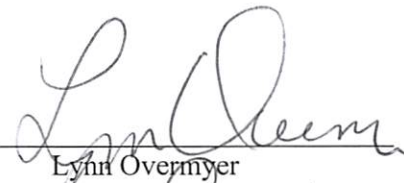
**PASSED and ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CULVER,  
MARSHALL COUNTY, INDIANA, 27 day of April, 2010**

**TOWN COUNCIL  
TOWN OF CULVER, INDIANA**

By   
Sally Ricciardi, President

By   
Ralph Winters

By   
Ginny Bess Munroe

By   
Lynn Overmyer

By   
Edward Pinder

ATTEST:

  
Casey Howard, Clerk-Treasurer

## **ADDENDUM A**

### **CHARGES AND FEES GOVERNING THE DISPOSAL OF TRASH, COLLECTION AND REMOVAL OF SOLID WASTE AND RECYCLABLES**

The town shall assess a monthly solid waste fee for the service of collection and disposal of residential municipal waste, collection and disposal of residential yard waste and collection of recyclable material rendered by the town. Such services and charges shall be rendered only to residential units within the boundaries of the corporate limits of the Town of Culver. The monthly fee shall be \$14.09 billed to each residential unit and collected in conjunction with other utility services provided by the town.

The town shall charge an administrative fee/charge to assist with the trash collection and disposal services associated with billing and contract collection. The monthly administrative fee/charge shall be \$1.00 billed in addition to the monthly solid waste fee for service of collection and disposal of residential municipal solid waste, collection and disposal of yard waste and collection of recyclable material rendered by the town.