

AN ORDINANCE AMENDING CHAPTER 53 OF THE MUNICIPAL CODE OF THE CITY OF VALPARAISO REGARDING REQUIREMENTS FOR REFUSE AND RECYCLING

WHEREAS, the City of Valparaiso has adopted a Refuse Ordinance concerning requirements for refuse and recycling collection within the jurisdiction of the City, such Ordinance addresses the requirements and limitations placed on all property owners concerning the scope of work, collection, and disposal requirements; and

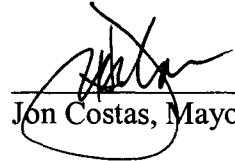
WHEREAS, it has come to the attention of the Valparaiso Public Works division that amendments to the existing code are required in order to assure compliance with the policy and procedures of the requirements of the City of Valparaiso refuse and recycling programs; and

WHEREAS, the attached Appendix A to this ordinance serves as the complete revisions and upon its adoption will replace in its entirety Chapter 53 of the Municipal Code.

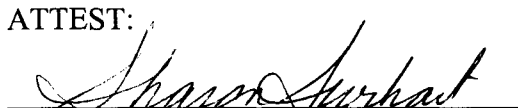
NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso that Chapter 53 of the Municipal Code of the City of Valparaiso should be and the same is hereby amended to read as outlined in the aforementioned:

APPENDIX A – Refuse & Recycling Ordinance

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 6-0 vote of all members present and voting this 25th day of April, 2005.



Jon Costas, Mayor

ATTEST:



Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 25th day of April, 2005 at 8:30 o'clock p.m.



Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 25th day of April, 2005 at 8:30 o'clock p.m.



Jon Costas, Mayor

APPENDIX A - REFUSE AND RECYCLING

Chapter 53

A. Definitions

- 1. Refuse**
- 2. Recyclables or Recyclable Materials**
- 3. Collection Points**
- 4. Household Construction and Demolition Debris**
- 5. Curbside**
- 6. Disposal Unit**
- 7. Patron**
- 8. City**
- 9. Yard Waste**
- 10. Multifamily Dwellings**
- 11. Bulk Items**
- 12. Low Income Senior Citizens**
- 13. Dumpsters**
- 14. Contractors**

B. Scope of Work

- 1. Hours of Operation**
- 2. Recyclable Materials**
- 3. Recycling Containers**
- 4. Yard Waste**
- 5. Automated Collection System**
- 6. Refuse Originating Outside of the City**
- 7. Units Collected**
- 8. Depositing on Public Street, Sidewalk, etc.**
- 9. Accumulation on Private Premises – Disposal Unit**
- 10. Construction Debris**
- 11. Bulk Items**
- 12. Abandoned or Unattended Appliances**
- 13. Dumpsters**
- 14. Contractors**

C. Solid Waste Management Fees/Revenues

A. DEFINITIONS

1. Refuse

For the purpose of this ordinance, the terms garbage, refuse, rubbish, solid waste, trash and waste shall be synonymous, unless more specifically defined.

Refuse shall mean 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 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 and catalogs; boxes and cartons; cold ashes; furnishings and fixtures; textiles and leather; toys and recreational equipment; and similar items.

Refuse, within the meaning of this chapter, shall mean all non-putrescible solid and semisolid items of waste, including bulky refuse except for the following:

- a) liquids
- b) liquid or water carried wastes which are normally disposed of in sanitary sewer systems; hazardous waste
- c) human waste, except for disposable diapers
- d) large animal and farm animal waste
- e) grass clippings

2. Recyclables Or Recyclable Material (s)

Recyclables or Recyclable Material(s) shall mean at a minimum, newsprint (ONP); aluminum cans; steel cans (tin and bi-metal), empty aerosol cans, paint cans, oversized cans; glass bottles and jars (clear, flint, amber and green) all PET (polyethylene terephthalate) plastic containers; all HDPE (high density polyethylene) plastic containers (thoroughly cleaned oil containers); LDPE (plastic beverage rings and carriers); all chipboard (boxboard); all corrugated cardboard (OCC and craft paper); coated paper (magazines and catalogs); mixed paper (white ledger, color ledger, computer paper, phone books and junk mail).

3. Household Construction And Demolition Debris

Household Construction and Demolition Debris shall mean waste materials from “do it yourselfers”, 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; disassembled bathroom and kitchen fixtures.

4. Curbside

Curbside shall mean adjacent to the street pavement, alley pavement and gutter, within three feet thereof. The Public Works Director, as required to provide quality service, shall define curbside.

5. Disposal Unit

Disposal Unit shall mean the wheeled ninety-six gallon and forty-eight gallon containers selected by The Board of Public Works and Safety for the purpose of disposing of refuse.

6. Patron

A residential patron is any person residing in the City Corporate limits. A Residential Patron shall receive full services as defined in this ordinance. A Non-residential Patron is any firm or corporation, producing any type of waste material covered by the regulations of this ordinance. In the case of a firm or corporation, the word “patron” is construed to mean the principal agent, office, or employee responsible for said firm or corporation. Non-residential patrons are required to enter into a contract for services. The term Patron shall mean both residential and non-residential.

7. City

City shall mean the City of Valparaiso.

8. Yard Waste

Yard waste shall mean leaves, limbs, sticks, and other vegetative matter, plants or trees with the exception of grass clippings.

9. Multifamily Dwellings

Multifamily Dwellings means any and all structures or complexes with more than four apartments, condos, town homes, etc.

10. Bulk Items

Bulk Items mean all appliances, furniture, mattresses, and Children’s Play equipment that will not fit into the disposal unit and requires a special pick-up.

11. Dumpsters

Dumpsters shall mean any container larger than 96-gallons used for the collection of any all

types of refuse.

12. Contractors

Contractors shall mean 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.

B. SCOPE OF WORK

Valparaiso Public Works provides a weekly curbside collection and disposal-processing services of all residential refuse, recyclables and yard waste as defined herein, within the corporate limits of the City.

Any changes to the boundaries or service area as the result of events including, but not limited to, annexation; zoning actions; site plan approvals; or construction, shall be communicated to and approved by the Board of Public Works and Safety and/or the Common Council.

All collection points receiving the aforementioned services shall be required to prepare all materials for collection and/or disposal into proper "disposal units". The City will collect only properly prepared disposal units. Customers will be provided one ninety-six gallon unit. Forty-eight gallon disposal units may be provided on a limited basis.

1. Hours Of Operation

The workday for Valparaiso Public Works commences at 7:00 a.m.

On official holidays no services will be provided. Official Holidays are established the Board of Public Works and Safety. Services will be provided either on the working day previous or immediately following the holiday, as determined by the Director of Public Works.

Official Holidays are:

New Year's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

2. Recyclable Materials

Recyclable materials set out for collection shall be collected, processed and marketed by the City. Patrons may place unlimited amounts of accepted recyclable materials in the blue 18-gallon plastic bin containers provided free of charge by the City. Only one container will be provide per collection point. Additional recyclables properly prepared must be placed in clear bags next to the plastic containers.

When recyclable materials (including but not limited to; appliances, scrap metal, aluminum/tin cans, etc.) are placed at curbside, they become the property of the City and no person/persons other than City employees/authorized City representatives or the residential user may remove such materials, except as otherwise provided by the Board of Public Works and Safety. Unauthorized removal of such materials shall subject the violator to a civil penalty, as established by the Board of Works & Public Safety, of \$50.00 per incident. Recyclable Materials and Containers may not be left at curbside collection point, or any point on the street for more than a twenty-four (24) hour period

3. Recycling Containers

The City shall provide to each collection point one container to be used for the collection of recyclables.

The Public Works Director shall have the authority to identify additional recyclable articles under the Solid Waste Management Program.

Recycling containers, as provided by the City, shall remain the property of the City.

Recycling containers shall remain with the dwelling unit even upon changes of patrons or transfer of ownership.

Recycling containers must be placed within five (5) feet of the collection point before 7:Am on the scheduled refuse collection day and returned to storage by 7PM on that day.

Recycling containers may not be at the curbside collection point, or any point, on the street for more than a twenty-four (24) hour period.

4. Yard Waste

Yard waste shall be collected throughout the City in timely fashion and on the schedule as established by the Director of Public Works.

5. Automated Collection System

Patrons must use the ninety-six or forty-eight gallon wheeled containers (disposal units), provided by the City for disposing of residential, retail, commercial and/or office refuse.

Patrons are responsible for cleaning the disposal unit.

All refuse must be placed in the disposal unit.

Disposal units must be placed within five feet of the curbside collection point before 7:00 a.m. on the scheduled refuse collection day and returned to storage by 7:00 p.m. on that day.

Disposal units may not remain at the curbside for any period longer than twenty-four (24) hours.

Disposal units must be at least three feet from any obstruction (telephone poles, mail boxes, cars, etc.).

Disposal Unit lids must be closed.

If the Director of Public Works determines the need of a second container, one will be provided at the regular monthly charge. If a patron has two containers they must be placed at least three feet apart.

For pick-up of large bulk items and "household construction and demolition debris" that will not fit into the disposal unit, the Public Works Office must be notified 24 hours prior to regular refuse collection to schedule an additional pick-up

Disposal Units are the property of the City. If for some reason they are broken or damaged through normal use they will be replaced and/or repaired at no cost. If the Disposal container is damaged by fire, chemicals, vehicles or other abnormal reasons the full replacement cost of the disposal unit will be charged to the patrons.

6. Refuse Originating Outside Of The City

No person/persons shall dump refuse, yard waste or other unwholesome items within the City unless authorized by the Board of Public Works & Safety and/or the Director of Public Works.

7. Units Collected

Collection shall be one ninety-six gallon or forty-eight gallon disposal unit as requested by the patron. No other containers will be picked up, including refuse outside or on top of the unit. Additional units are available upon request and at the monthly rate as established by the Board of Public Works & Safety and the Common Council.

8. Depositing On Public Street, Sidewalk, Etc.

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

9. Accumulation On Private Premises – Disposal Units

All persons having, making, or accumulating trash, yard waste, or other unwholesome and waste materials, shall keep the same in Disposal Units provided by the City and shall place the Disposal Units at the designated location for weekly collection.

It shall be unlawful to set any container larger than a ninety six-gallon disposal unit curbside, excepting that 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 or as otherwise approved by the Director of Public Works.

Dumpsters are permitted for construction debris and large volume waste as previously stated. Dumpsters may not be placed on City streets, sidewalks or right-of-ways without written permission from the Director of Public Works.

10. Construction Debris

Small amounts of "household construction and demolition debris" may be placed in suitable containers that are in good condition, have secure handles for lifting, are water tight sufficient to keep out rain water, do not exceed thirty-gallons and/or thirty-pounds or in bundles not exceeding two feet in diameter, four feet in length. A fee, as established annually by the Board of Public Works and Safety, is charged for the collection of construction debris and may be paid at Public Works.

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

11. Bulk Items

Bulk Items will be picked-up on the designated collection day and at the designated location. Bulk items pick-up must be requested either by telephone or e-mail at least 24 hours prior to the collection day.

12. Abandoned Or Unattended Appliances

Abandoning or leaving freezers, refrigerators, iceboxes, ice chests, and other major appliances is subject to the regulations as set forth in this chapter. The provisions of this chapter shall apply to any freezers, refrigerators, iceboxes, ice chest, dryer, washer, or any other major appliances having a capacity of one and one-half cubic feet or more. No person, firm, corporation, or organization shall abandon any such refrigerator, freezer, icebox, ice chest, or other appliance any place within the City. No person shall leave any such refrigerator, freezer, icebox, ice chest, or other appliance any place out-of-doors. The purpose of this chapter 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, freezer or other major appliance.

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

1. request a pick-up from Public Works at least 24 hours prior to collection day;
2. remove the door(s); and
3. place the refrigerator, freezer, icebox, ice chest, freezer or other major appliance within three feet of the curbside.

Appliances will only be picked-up on regular trash collection day.

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

13. Dumpsters

Any person that desires to place a dumpster on public property must obtain a permit from City Public Works. The permit will be issued based on the following criteria.

- 1) Prior to the locating of any dumpster on or in a public street or alley in the City of Valparaiso, all refuse companies must obtain a permit from the Director of Public Works. Permits shall be issued for a maximum period of ten (10) days and are renewable for additional periods of ten (10) days at the discretion of the Director of Public Works. Dumpsters may not be placed within fifty (50) feet of an intersection or in such a manner and fashion so as to cause traffic safety problems by unreasonably blocking the normal flow

and pattern of traffic. No dumpster may be placed so as to block a public sidewalk.

2) The refuse company shall provide barricades and/or traffic control devices meeting the minimum criteria contained in the Manual On 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 control devices.

3) 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 to the Director of Public Works proof of liability insurance which shall name the City of Valparaiso as a co-insured with liability limits determined by the Director of Public Works.

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

5) A refuse company may appeal any decision of the Director of Public Works and Safety concerning these regulations to the Valparaiso Board of Public Works and Safety.

14. Contractors

The City will not cleanup or pickup any form of yard waste, construction and demolition debris, or refuse left by a contractor or their agent.

C. SOLID WASTE MANAGEMENT FEES/REVENUES

The Board of Public Works & Safety shall charge a fee in support of the City's solid waste management program. The fees shall be reviewed and approved annually. The fees shall be reasonable and just and reasonably related to support the following activities and services of the town.

Fees will be charged for the following items:

- a) Refuse in excess of the provided Disposal Unit
- b) Monthly refuse collection
- c) Disposal Units – replacement for abnormal use

The solid waste management fee shall be payable monthly and shall be billed, whenever practical to do so, with the City Utility bill associated with charges for water, wastewater, and other services.

The solid waste management fee imposed under this chapter may be temporarily waived for such period of time, as is concurrent with the period of the temporary cessation of water service. The temporary waiver for fees imposed under this chapter will cease upon resumption of water services.

The solid waste management fees imposed under this chapter may only be refunded for such period of time that is concurrent with the period of the temporary cessation of service, owing to extended absence for the residential patrons.

In order to determine the length of time for which a refund may be made, the following apply:

1. No refund will be given for any month in which there is evidence of more than minimum water consumption; and
2. No refund will be given without reasonable documentation of actual absence,

which may include but not be limited to out-of-state utility bills, active bank accounts and the like.

The solid waste management fee and other fees shall be approved by the Board of Public Works & Safety, and charged according to the published schedule and shall remain in effect as indicated until such time as they may be modified or rescinded by passage and adoption of an ordinance, pursuant to the terms of Indiana Code.....

2005 Fees

- | | |
|--------------------------------------|-----------------------------------|
| 1. Disposal Units Replacement | Based on actual cost of container |
| 2. Refuse in excess of Disposal Unit | \$15.00 per cubic yard |
| 3. Fines | \$50.00 per occurrence |

The Board of Public Works & Safety sets the price for mulch and concrete disposal.

Residential patrons choosing to not use the solid waste management service are still required to pay the monthly fee.

Apartments (more than 4 units), offices, retail, restaurants, commercial, etc. non-residential patrons are not required to use the solid waste management service, but may do so through a contract with the City.

Revenues from fees and charges shall be deposited into a General Budget and shall be used exclusively for the purchase of equipment, supplies, transfer station fees and other expenses as directly related to the cost of collecting, handling, transporting and disposing of refuse and recyclables.

Violations and Fines

Ordinance violations are subject to a \$50.00 fine per occurrence and are enforced by the City of Valparaiso Enforcement Bureau.