

Part IV
Article XXXIII

RECYCLING/SOLID WASTE DISPOSAL

Section 3300 Purpose

The City of Valparaiso desires to make redemption and recycling of reusable materials convenient to the consumer to increase the recycling of reusable materials, to encourage the provision of recycling services by adopting a comprehensive and easily understood program of permitting and regulating such uses; to define the location for the interior and exterior storage of recyclable materials; to provide a long-term dedication to reaching the state's mandated waste reduction goals; and to provide a process and regulations for the disposal of solid waste materials that best protects the community's health, safety and welfare.

Section 3301 Definitions

CARDBOARD: a post consumer waste paper consisting of old corrugated or solid fiber cardboard boxes that have served their packaging purpose and are discarded for later collection, recovery and recycling.

COLLECTION FACILITY: a center for the acceptance by donation, redemption or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment except as indicated in Section 3303. This does not include a temporary collection facility used by a nonprofit agency.

COMPOSTING: the biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost.

CORRUGATED CARDBOARD: cardboard paper with thin, stiff outside walls with inside folds of parallel and alternating ridges and grooves.

CURBSIDE COLLECTION: a method of collecting source-separated recyclable materials from the curb or alleyway of residential waste generation.

EFFECTIVE DATE: on July 1, 1993 this ordinance dealing with recycling and waste disposal became effective.

EXTERIOR COLLECTION AREA: final building collection area for all recyclable materials.

FACILITY PLAN: a detail plan of the waste/recyclables to be collected and/or processed at a specific facility. The plan should include all materials to be processed/collected, estimated amount of each per year, square feet of storage space for each material, method of transporting materials, collection frequency, consumer information policies, and a facility contact name, address and phone number.

HAZARDOUS WASTE: any solid, liquid or other material so designated and identified as a hazardous waste by either the federal government or the State of Indiana (as defined in 40 CFR 261.3 and 40 CFR subpart C).

HIGH GRADE PAPER: the waste paper grades or sorted white ledger and computer paper generated in offices.

INCINERATOR: an engineered apparatus designed for the burning of waste under the effect of controls on temperature, retention time, air, and other combustion factors.

INTERNAL RECOVERY SYSTEM: the procedures and containers utilized to isolate and remove recyclables from a building.

LANDSCAPE/YARD WASTE: all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

LANDSCAPE WASTE COMPOSTING FACILITY: an establishment for the composting and wholesale sale of waste materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

MOBILE RECYCLING UNIT: an automobile, truck, trailer or van, licensed with the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers, and use for the collection of recyclable materials.

PROCESSING FACILITY: a building or enclosed space used for the collection and processing of recyclable materials including the preparation of material for efficient shipment, or to the end-user's specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.

PUBLIC DISPOSAL: a written document issued by the Indiana Dept. of Environmental Management, and/or the City Building Commissioner authorizing a person to install, construct, maintain, or operate a vehicle or vehicles used for transport of solid waste, a solid waste disposal facility, or a transfer site or transfer station within the City of Valparaiso.

RECYCLABLE MATERIAL: discards or waste materials that are collected, separated, or processed, and eventually used as raw materials for products.

RECYCLING: the series of activities by which materials that would otherwise remain wastes are collected, separated, or processed and used in the form of raw materials.

RECYCLING FACILITY: a center for the collection and/or processing of recyclable materials; but does not include storage containers or processing activity located on the premises of a non-residential use and used solely for the recycling of material generated by that non-residential use.

RECYCLING PROGRAM: any program focused on the recovery of materials for use as raw material in the process of recycling. Includes materials captured prior to entering the wastestream or recovered from the wastestream.

REGULATED POLLUTANT: a pollutant which is regulated by the Health Department, the State of Indiana or the United States Environmental Protection Agency.

REVERSE VENDING MACHINE: an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine.

SALVAGING: the controlled removal or storage of reusable materials from either a solid waste disposal facility, or a transfer site or transfer station.

SCAVENGING: the uncontrolled pickings or reclaiming of materials from either a solid waste disposal facility or a transfer site or transfer station.

SOLID WASTE: all putrescible and nonputrescible solid and semi-solid wastes, except human excreta, but including garbage rubbish, ashes, street cleanings, dead animals, offal, and solid commercial, industrial and institutional wastes and as further defined in 40 CFR 261.2 as well as the exclusions as found in CFR 261.4.

SOLID WASTE DISPOSAL FACILITY: a sanitary landfill, an incinerator (as defined in 40 CFR), a composting facility, a garbage grinding facility, or any other facility that is suitable for solid waste disposal and is constructed and approved in accordance the requirements of the State of Indiana and the Health Department.

SYSTEM PLANNING: considers "how" the recyclable materials will be transported from the point of separation to the collection area.

TRANSFER SITE: a location where public facilities have been provided for the temporary storage of a solid waste that has been generated by private residences or businesses in the City of Valparaiso until it is removed to an approved disposal facility.

TRANSFER STATION: a location where public facilities have been provided for the purpose of composting, grinding, separating, compacting, or otherwise preparing solid waste for either disposal in an approved facility or reuse.

VEHICLE: any devise for transportation by land, water or air, including mobile equipment with provision for transport of an operator, or solid and/or hazardous waste conforming with the requirements as listed in 49 CFR and 40 CFR including manifesting, marking, and placarding, etc.

WASTE AUDIT: an on-site study of the building or facility to determine the relative percentages and nature of the discards in the trash.

Section 3302 Criteria and Standards

For any facility defined under this Article, the City of Valparaiso will require: copies of all County Health Department, state and/or federal permit applications, copies of all environment impact assessment reports required by state and/or federal agencies, and a local site review as

detailed in Section 880. In addition, a Facility Plan will have to be filed with the City Planning office(r), All drainage plans have to prevent ponding that could promote waste decay and carry unstable organic materials into nearby water supplies.

No local permits will be issued until all County Health Department, state and/or federal permits are issued. All local building permits will require a two-year bond. If any regulated pollutants are found in excess of state and/or federal standards, the bond funds will be used towards corrective measures as determined by the state and/or federal agency (s) with legal jurisdiction.

Any facility defined under this Article must have M-2 zoning and meet the M-2 development standards; be a minimum of three (3) acres; cannot be located within 150 feet of residentially-zoned land or within 100 feet of commercially-zoned land (exception in Section 3303 (D)); and comply with Article XXXI, Tree/Landscaping Ordinance. Any facility can petition for a Special Exception in an M-1 zoning classification.

Any facility defined under this Article shall be maintained free of litter, rodents, and other undesirable material and/or pests; and will be inspected for cleanliness at least once a year by the Porter County Environmental Officer. A copy of all inspection reports will be sent to the Valparaiso Building Commissioner.

All Collection facilities and Processing facilities must also have a 15-foot buffer around all facilities (see buffer definition in Section 475). All containers shall be clearly marked to identify type of material that may be deposited and in accordance with EPA, DOT and OSHA requirements.

Section 3303 Permitting Process

For any facility defined by this Article, all local permits will be issued after:

- All required County Health Department, County environmental permits, state and/or federal permits are issued
- Submission of all pertinent Federal Right to Know documents under Title III
- A site review has been held and all issues identified have been solved bond has been posted for two operating years

A. Reverse Vending Machines

1. Can be located in C-3 or M-1 with a Special Exception
2. Do not require additional parking spaces
3. Shall not be located within 30 feet of an entrance to a commercial/industrial structure and shall not obstruct pedestrian or vehicular traffic.
4. Shall not occupy parking spaces required by primary use
5. Shall be no more than 50 sq. feet or more than eight feet high
6. Shall be constructed and maintained with durable waterproof and rustproof material
7. Shall be clearly marked to identify type of material to be deposited, operating instructions, and identify and phone number of operator
8. Shall be maintained in a clean litter-free condition on a daily basis
9. Operating hours shall be consistent with primary use and can be set by the City Plan Commission

10. Shall be illuminated if operating hours are between dusk and dawn.

B. Collection Facilities

1. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from scavenging, and shall be of a capacity sufficient to accommodate materials collected and a collection schedule.
2. If allowed by Special Exception in an M-1 zone, all materials shall be stored in containers or in a mobile unit vehicle when attendant is not present.
3. If located within 1000 feet of residentially-zoned land, any power-driven collection facility shall not operate between 7 PM and 7 AM.

C. Processing Facility

1. All power-driven processing must meet all performance standards in Section 2405, M-1 Zoning Classification.
2. All exterior storage of materials shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized.
3. No storage, excluding trucks, shall be visible above the height of the buffer area if located within 1000 feet of residentially zoned land, the power-driven processing facility shall not operate between 7 PM and 7 AM.

D. Composting Facility

1. Shall be located on a minimum of five (5) acres
2. Cannot be located within 500 feet of residentially-zoned land
3. Must meet Section 2405
4. Setbacks must be a minimum of 200 feet from all property lines

Section 3305 Prohibited Practices

- A notice shall be displayed on all facilities prohibiting dropping off of materials outside recycling enclosures or containers.
- No hazardous waste or materials shall be accepted or deposited at any disposal facility, transfer site, or transfer station, except as permitted by local, county, state and federal law.
- It shall be unlawful for any person to set fire or allow fire to be set to any solid waste at a transfer site or transfer station.
- No person shall cause or allow open burning of solid waste at a solid waste disposal facility.
- No person shall discard or deposit solid waste onto the ground at or on property adjacent to a transfer site or transfer station.

Section 3307 Enforcement

The enforcement of this Article shall be by the City Building permit process.

Section 3309 Violations and Penalties

A violation of this Article shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or cooperation who violates or refuses to comply with any of the provisions for this Article shall be fined not more than one thousand (\$1,000) dollars for each offense. Each day a violation is permitted to exist shall constitute a separate offense.