

ORDINANCE NO. 2016- 3

**ORDINANCE AMENDING Title V: Public Works,
Sections 50.01 - 50.10: Garbage and Refuse,
in the Code of Ordinances of the City of Delphi, Indiana**

WHEREAS, there presently exists in the Code of Ordinance of the City of Delphi Title V, Section 50 titled "Garbage and Refuse"; and

WHEREAS, upon a review of the various portions contained within Section 50, it has been determined that the definitions and pricing is outdate and the time and restrictions placed on when and how long containers can be set out and brought in for collection should be amended to provide more clear guidelines; and

WHEREAS, after investigation and discussion, the Common Council has determined that the above-referenced change is in the interest of the health, safety and welfare of the citizens of the City of Delphi.

WHEREFORE, the changes to Section 50, Garbage and Refuse, are in the best interest of the health, safety and welfare of the citizens of the City of Delphi and will hereby be amended and read as follows:

CHAPTER 50: GARBAGE AND REFUSE

General Provisions

- 50.01 Definitions
- 50.02 Business service
- 50.03 Residential service
- 50.04 Authorized containers and fees
- 50.05 Improper disposal
- 50.06 Recyclable materials
- 50.07 Yard waste
- 50.08 Revenues
- 50.09 Special exception for certain multi-unit developments and other special circumstances

Sanitary Landfills

- 50.15 Definitions
- 50.16 Dumps and dumping prohibited
- 50.17 Solid Waste Management Fund
- 50.98 Violations
- 50.99 Penalty

GENERAL PROVISIONS

50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BULK ITEMS. Including, but not limited to, furniture, mattresses, carpeting, and non-Freon appliances.

BUSINESS. A business shall be defined as a commercial entity that is subject to Indiana's Personal Property Tax. Apartment buildings containing four or more units shall be considered "business" properties.

CITY-OWNED RECEPTACLES. Any trash/garbage container or dumpster located on city property, city parks or on public sidewalks.

RESIDENCE. A single family or multi-family dwelling within the city including apartments with less than four units.

RUBBISH. Unacceptable waste including, but not limited to, crates, barrels, building materials, lumber, concrete, metals, shavings, Freon-containing appliances, liquids, liquid and water-carried wastes which are normally disposed of in a sanitary sewer, hazardous waste, rocks or animal carcasses.

TRASH or GARBAGE. All non-decaying solid and semi-solid items except for rubbish, bulk items and yard waste; waste resulting from handling, preparation, cooking and consumption of food; waste from the handling, storage and sale of produce.

YARD WASTE. Grass cuttings and trimmings; leaves; hedge, shrub, bush or tree trimmings; limbs or sticks from trees, bushes, shrubs or hedges, whether alive or dead; and other organic matter normally associated with yard and garden maintenance.

(Ord. 98-5, passed 7-2-98; Am. Ord. 2010-2, passed 6-20-10, Am. Ord 2016-2, passed _____)

' 50.02 BUSINESS SERVICE.

It shall be a business owner's responsibility to ensure his/her property is free of trash/garbage, rubbish and/or yard waste, and to assure regularly scheduled trash/garbage removal.

The Superintendent of the Street Department may classify a small business as a residential unit if the Superintendent finds and determines that the business entity requires the same or less services and/or time as a residential unit.

(Ord. 98-5, passed 7-2-98) Penalty, see ' 50.99

' 50.03 RESIDENTIAL SERVICE.

The city will provide for pickup on a weekly schedule of trash/garbage and bulk items pursuant to the authorized containers and fees section of this subchapter. This service will be provided by a private contractor pursuant to the terms of an agreement between the city and said contractor. It shall be a residence owner's responsibility to ensure his/her property is free of trash/garbage and/or rubbish and to keep the sidewalks on such property free of trash/garbage, rubbish and/or yard waste.

(Ord. 98-5, passed 7-2-98; Am. Ord. 2008-16, passed 12-22-08) Penalty, see ' 50.99

' 50.04 AUTHORIZED CONTAINERS AND FEES.

(A) *Container.* The container is a contractor supplied closed receptacle for waste. Each residence shall be allowed one container per week for basic service which shall be provided at a fixed rate billed monthly to each residential user of trash/garbage service. The Common Council of the City shall determine the rate to be charged for residential trash/garbage service at least annually at a public meeting.

(B) *Additional or Bulk Containers.* Each additional container or bag must display a sticker, to be purchased from the city, or its authorized agents, at a price to be determined by the Common Council of the City. A fee of \$0.75 per bag or container in excess of the one bag or container per week allotment shall apply.

a. A "bulk" sticker can be purchased from the City, or its authorized agents, for a fee to be determined by the Common Council of the City. NEED PRICING.

(C) *Setting Out Containers for Pick Up.* Containers must be placed at the curb and shall be so located that they cannot be easily upset. These containers must be put out no earlier than 5:00 P.M. on the preceding night and no later than 6:00 A.M. on the morning of scheduled collection.

(D) *Retrieving Containers After Pick Up.* Containers must be brought inside or up to the residence no more than 24 hours after the scheduled pick up time. Failure to bring the trash containers inside or up to the residence within 24 hours of the scheduled pick up time will result in a \$20.00 fine per offense.

(Ord. 98-5, passed 7-2-98; Am. Ord. 98-6, passed 7-2-98; Am. Ord. 2008-16, passed 12-22-08, Am. Ord. 2016-2, passed _____) (Penalty, see ' 50.99)

' 50.05 IMPROPER DISPOSAL.

(A) It shall be unlawful to dispose of trash/garbage, rubbish or yard waste by burial or cremation.

(B) Rubbish will not be collected by the Street Department and remains the resident's responsibility.

(C) Items requiring special handling:

a. Ashes: must be cooled and bagged.

b. Broken glass, needles or other sharp or otherwise dangerous objects: must be placed in a non-permeable receptacle prior to placement in an authorized container.

c. Carpet: must be cut into four foot strips, rolled and tied, and protected from the weather.

(Ord. 98-5, passed 7-2-98) (Penalty, see ' 50.99)

' 50.06 RECYCLABLE MATERIALS.

The city may provide one or more community recycling options where residents or business owners of the community may dispose of their recyclable materials. These recyclables, once collected, become subject to the control of the city. The city will pick up recycling by-weekly for citizens of Delphi. Pick-up for recycling is residential curbside pickup only.

(Ord. 98-5, passed 7-2-98, Am. Ord. 2016-2, passed _____)

' 50.07 YARD WASTE.

(A) Yard waste will be collected once per week in season. All yard waste must be bagged or in a container. Yard waste shall not contain any trash/garbage or rubbish.

a. Grass clippings shall be bagged or in a container and protected from the weather.

b. During fall leaf collection, leaves shall be raked along the curb in the street. Leaves shall not exceed four feet into the roadway and shall be raked clear of utility poles and mailboxes. During the remainder of the year, all leaves shall be bagged or in a closed container.

(B) The city will collect tree limbs of a maximum 5" in diameter. Limbs over 1" in diameter must be trimmed to single branches. Limbs must be bundled, in a container or neatly stacked with the ends facing the same direction, parallel to the street, within five feet of the curb.

(C) If a private tree service is used, it shall be the tree service's responsibility to remove all yard waste.

(D) No fee shall be assessed by the city for the collection of yard waste.

(Ord. 98-5, passed 7-2-98; Am. Ord. 98-6, passed 7-2-98)

' 50.08 REVENUES.

Any revenue generated by the sale of stickers and/or the payment of fines shall be appropriated to the solid waste management fund to offset the costs associated with its solid waste management programs and operations.

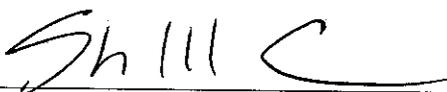
(Ord. 98-5, passed 7-2-98, Am. Ord. 2016-2, passed _____)

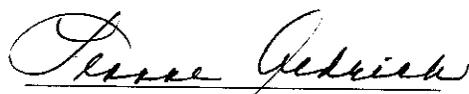
' 50.09 SPECIAL EXCEPTION FOR CERTAIN MULTI-UNIT DEVELOPMENTS AND OTHER SPECIAL CIRCUMSTANCES.

The Board of Public Works and Safety may declare that the weekly trash/garbage from a group of individuals or multi-family dwelling units located on one parcel of real estate, or on multiple contiguous and adjacent parcels of real estate with a common owner, classified as Aresidential@ under the provisions of this chapter should be collected by the city in a dumpster or dumpsters, rather than in the authorized containers defined under ' 50.04(A), if the Board finds that this alternate collection method is in the interest of the health, safety, and welfare of the citizens of the city. This determination may be made upon petition to the Board by the owner of property or upon the Board=s own motion. Should the Board of Public Works and Safety determine to collect trash/garbage in this manner, the property owner shall not be required to pay the standard monthly per residence fee for residential trash/garbage collection, but rather shall be required to pay a monthly fee based upon the city=s cost of the dumpster or dumpsters. Should the character or use of the real estate change, or should the collection of trash/garbage in a dumpster or dumpsters no longer be in the interest of the health safety and welfare of the citizens of the city the action of the Board made under this section may be reversed after proper notice to the owner of the real estate and a hearing.

(Ord. 2010-3, passed 6-7-10)

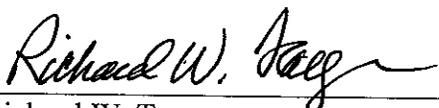
Passed and adopted by the Common Council of the City of Delphi, Indiana this 4th
day of APRIL, 2016 at 7:00 o'clock, p.m.


Shane Evans, Mayor


Leanne Aldrich, Clerk Treasurer

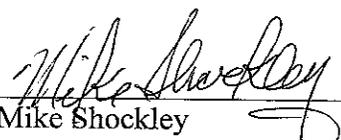
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