ORDINANCE 93-13

TO AMEND TITLE 6 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "HEALTH AND SANITATION" (Sanitation Fee)

WHEREAS, the City of Bloomington has chosen to provide the service of residential refuse collection and disposal, through its Board of Public Works in accordance with I.C. 36-9-6-19; and

WHEREAS, the Common Council of the City of Bloomington, in accordance with I.C. 36-9-30-6 has annually made appropriations from the General Fund to cover the necessary and incidental costs of providing for such refuse collection and disposal without assessing a charge against the residential user of this service; and

WHEREAS, I.C. 36-9-30-7 grants to the Board of Public Works the power to collect revenues for the service of collecting and disposing of solid waste; and

WHEREAS, the Common Council now finds such a user fee should be implemented to pay some of the rapidly increasing costs of providing residential refuse collection and disposal services; and

WHEREAS, the Common Council further finds that this solid waste user fee provides incentives that will help the City meet state and local waste reduction and recycling goals; and

WHEREAS, additional revenues are needed to pay for expanded recycling services;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 6.04.010 Definitions is amended by adding the following three definitions in alphabetical order with the other definitions and striking the designating letter before each definition:

"Bulk Trash" shall mean all rubbish, excluding yard waste, of a size or weight that exceeds an appropriate container for storage and collection.

"City Sanitation Decal" shall mean any decal or adhesive sticker distributed solely by the City of Bloomington or its agents which shall bear an identification mark established by the City.

"Recycling" shall mean a process by which materials that would otherwise become solid waste are collected, separated, or processed, and converted into materials or products for reuse or resale.

SECTION II. Section 6.04.030 Precollection practices, Subsection (c)(1) is amended by inserting the word "appropriate" before the word "receptacles" where such appears in that subsection.

SECTION III. Section 6.04.040 Refuse containers, Subsection (b) is amended by replacing "shall not weigh more than one hundred pounds" with "shall not weigh more than forty pounds" where such appears in that subsection.

SECTION IV. Section 6.04.040 Refuse containers, Subsection (d) is amended by deleting "due to an inadequate number or condition of containers" where such appears in that subsection.

SECTION V. Section 6.04.040 Refuse containers, is amended by adding Subsection (e) which shall read as follows:

(e) A City sanitation decal must be placed on every refuse container or suitable article every week before collection. The City shall provide decals, for a charge of $1.00 each, through retailers in Bloomington. No items of refuse shall be collected by the Sanitation department without the approved sanitation decal affixed thereto, except during those weeks of the year designated by the Board of Public Works as Spring and Fall Cleanup weeks, during which items of Bulk Trash may be collected without the approved sanitation decal.

SECTION VI. Section 6.04.050 Collection practices, is amended by adding Subsection (f) which shall read as follows:

(f) It shall be a violation of this ordinance for any unauthorized commercial enterprise to collect, obtain, possess, pick up or cause to be collected, obtained, possessed or picked up any refuse, rubbish, garbage or yard waste from places of residence on routes within the city limits that are served by the City sanitation department. Occassional removal of bulk trash associated with construction, moving, or seasonal cleaning does not require authorization. Such authorization shall be determined by the Board of Public Works. Any and each such violation hereof from one or more locations shall constitute a separate and distinct violation of this ordinance.

SECTION VII. Section 6.04.060 Violations and complaints, Subsection (b) is amended to read as follows:

(b) The Sanitation Department shall not collect any garbage, yard waste, refuse or rubbish in a container, bag or bundle that does not conform to the provisions of this chapter or that does not have a proper decal affixed thereto.

SECTION VIII. Section 6.04.080 Enterprise fund, is added and shall read as follows:

Section 6.04.080 Enterprise fund The revenues collected by the City from the distribution of City sanitation decals shall be deposited in a non-reverting enterprise fund. This fund shall be established for the purpose of accounting and paying for the costs of collecting, disposing, and recycling of refuse. When necessary, the Common Council may approve additional operating transfers into this fund.

SECTION IX. Effective date. The services and charges herein established shall be effective September 1, 1993.

SECTION X. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provision, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION XI. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval by the Mayor and promulgation by law.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21st day of April, 1993.

JACK W. HOPKINS, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 22nd day of April, 1993.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 23rd day of April, 1993.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance establishes a service charge for the curbside collection and disposal of municipal solid waste. Each refuse container collected by City sanitation crews must have a one-dollar ($1.00) City sanitation decal affixed thereto. The revenues collected from the distribution of these decals shall be deposited in a newly established non-reverting enterprise fund.

Signed copies to:
- Public Works
- Legal Dept (4)
- Sanitation
- Code Enforcement
- H-T (legal ad)
- BMC Update
- Clerk / CACA
- Tom Klein

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