Ordinance 84-33

To Amend the Bloomington Municipal Code Chapters 14.28, 6.04 and 6.06 Regarding Trash Pick-Up and Litter Control

WHEREAS, The Ordinance Review Subcommittee, Municipal Operations Committee of Bloomington Clean Community System, Inc., has reviewed litter related ordinances, and recommends the following changes in order to strengthen Municipal Code provisions related to trash pick-up and litter control;

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

SECTION I. Chapter 14.28 "Advertising" shall be amended as follows:

(a) 14.28.030 Leaving old advertising matter on streets or sidewalks shall be amended to read as follows:

14.28.030 Removal of advertising material from public property. Any advertising matter properly posted on public property shall be removed no later than seventy-two (72) hours after the event being advertised.
It is unlawful for any person when removing any old poster, card or other advertising device to leave or deposit the same upon any public or private sidewalk, street, alley, lot or ground within the corporate limits of the city.

(b) Chapter 14.28 Advertising shall be amended to add a new Section 14.28.120 as follows:

14.28.120 Penalty. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall be subject to a fine of not more than one hundred dollars ($100.00). Each day that a violation of this chapter continues shall constitute a separate violation.

SECTION II. Chapter 6.04 Refuse Collection by the City shall be amended as follows:

(a) Section 6.04.050 Collection Practices (a) shall be amended to read as follows:

Section 6.04.050 Collection Practices. (a) Collection shall be made at least once each week or more often as may be ordered by the Board of Public Works. Collection schedules shall be established and published by the Board.

(b) Section 6.04.070 Removal of refuse containers--Violation shall be amended to read as follows:

Section 6.04.070 Removal of refuse containers. Containers and articles to be picked up shall not be placed upon the street or sidewalk so as to be visible from the street more than twenty-four hours prior to the time when such refuse is to be collected. All refuse containers shall be removed from the street or sidewalk on the same day as the collection is made. If a containment area is provided for trash containers permanently located in an alleyway, such area shall be located so as not to hinder trash pick-up or traffic by pedestrians or vehicles.

(c) Section 6.04.040 Refuse Containers (b) shall be amended to read as follows:

(b) All garbage and rubbish shall be put in a watertight metal, plastic, or other approved container with a tight-fitting cover, or securely sealed. Refuse containers shall be of a size not to exceed thirty-two gallons in capacity. A single container or bag, when filled, shall not weigh more than one hundred pounds. Approval of containers and bags shall be by the director of the sanitation department.

(d) Section 6.04.040 Refuse Containers shall further be amended to add the following subsection (d):

(c) Trash scattered by animals or weather due to an inadequate number or condition of containers shall be removed promptly by the owner or occupant of the premises.

(e) Section 6.04.060 Violations shall be amended to read as follows:

Section 6.04.060 Violations and Complaints (a) Persons who violate any of the provisions of this Chapter shall be subject to a fine of not less than ten dollars and not more than one hundred dollars for each violation. Each day that a violation continues shall constitute a separate violation. In addition, the Board of Public Works shall have the authority to refuse collection service for failure to comply with the provisions of this chapter.

(b) In addition to any other penalty provided for herein, the city may take such civil action as provided by law, including, but not limited to, injunctive relief, abatement of a nuisance, or imposition of a lien for expenses.

(c) Any person may file a written complaint regarding a violation of ths this chapter or regulations issued pursuant thereto. The complaint shall state the name and address of the complainant and the alleged violator, the location and nature of the alleged violation, and shall be filed with the city ordinance enforcement officer. The enforcement officer shall cause the complaint to be investigated and shall, if a violation appears to have occurred, refer the complaint to the legal department who shall take appropriate action to enforce this chapter.

SECTION III. 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 parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this chapter are declared to be severable.

SECTION IV. Effective date. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and promulgation as required by law.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 5th day of July, 1984.

Patricia A. Gross
Patricia Gross, President
Bloomington Common Council

ATTEST:

Patricia Williams
Patricia Williams, City Clerk

PRESENTED by me to the Mayor upon this 6th day of July, 1984.

Patricia Williams
Patricia Williams, City Clerk

SIGNED and APPROVED by me upon this 7th day of July, 1984.

Tomilea Allison
Tomilea Allison, Mayor
City of Bloomington

SYNOPSIS

This Ordinance, recommended by the Municipal Operations Committee of the Bloomington Clean Community System, Inc., and co-sponsored by Councilmembers Mayer and Regester, makes the following changes in the Municipal Code: it provides that advertisement material on public property must be removed no later than 72 hours after the event being advertised, and provides a maximum penalty of $100 per day for violation of Chapters 6.04 and 14.28; amends the Code to provide for trash pick-up at least once each week rather than twice per week; adds a requirement that containment areas for trash receptacles permanently located in an alley must not obstruct trash pick-up or traffic; removes the provision currently in the Code that allows trash to be placed in paper bags for pickup; and adds a provision stating the owner or occupant's responsibility for removal of litter caused by inadequate containers.

7/16 Signed copies to:

1. Donna Robinson
2. Legal
3. BPD - Roger Watkins
4. Sanitation
5. Public Works
6. ~~Tom Hoye~~