(passed 7-2 Banach Sabbagh)

ORDINANCE 04-23

TO AMEND TITLE 6 OF THE BLOOMINGTON MUNICIPAL CODE REGARDING "HEALTH AND SANITATION"
(Changing User Fees, Establishing Uniform Fines for Certain Violations, Affording Non-Resident Owners an Opportunity to Cure Violations, and Making Other Minor Amendments)

WHEREAS, the City of Bloomington wishes to encourage recycling of those items which are recyclable; and

WHEREAS, the City of Bloomington wishes to more equitably place the costs of trash collection on the users of the service; and

WHEREAS, the City of Bloomington wishes to afford non-possessory property owners a reasonable opportunity to remedy - or to encourage others with a possessory interest to remedy - violations of ordinances concerning weeds and refuse, prior to having fines attach to non-possessory owners; and

WHEREAS, the Common Council wishes to encourage timely remediation of ordinance violations;

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

Note: The Following Sections Amend Chapter 6.04 of the Bloomington Municipal Code, Entitled "Refuse and Yard Waste Collection by the City"

SECTION I. Section 6.04.010 regarding "Definitions" shall be amended by adding the following definitions in alphabetical order:

"Appliances" includes refrigerators, stoves, washers and dryers and similar items. Construction materials, tires, automobile parts, and electronics such as televisions, home entertainment equipment and computer equipment are not included and will not be collected.

"Large items" includes sofas, chairs, tables, and similar items. Construction materials, tires, automobile parts, and electronics such as televisions and computer equipment are not included and will not be collected.

SECTION II. Section 6.04.030 regarding "Precollection Practices" shall be amended by deleting Subsection (d) of that provision and replacing it with the following:

(d) Recycling. Recyclable items must be sorted into the following two categories and each category must be placed into a separate paper sack or bin.

(1) Paper Products. All staples, wood and styrofoam must be removed from cardboard and paper products. All paper products must be dry.

(2) Metal Cans, Glass Containers and Plastic Bottles. All containers, bottles and cans must be clean, rinsed out and with the lids removed.

SECTION III. Section 6.04.040 regarding "Refuse Containers" shall be amended by deleting Subsection (b) of that provision and replacing it with the following:

(b) All garbage and rubbish shall be put in watertight metal, plastic, or other approved container with a tight-fitting cover, or in a securely sealed bag. Refuse containers shall be of a size not to exceed thirty-five (35) gallons in capacity. A single container or bag, when filled, shall not weigh more than forty (40) pounds. Approval of containers and bags shall be by the Director of the Sanitation Department.

SECTION IV. Section 6.04.040 regarding "Refuse Containers" shall be further amended by deleting Subsection (e) of that provision and replacing it with the following:

(e) A city sanitation trash pick up tag must be placed on every refuse container or suitable article every week before collection. The city shall provide trash pick up tags, for a charge of two dollars ($2.00) each, through retailers in Bloomington. No items of refuse shall be collected by the sanitation department without the approved sanitation trash pick up tag affixed thereto.

SECTION V. Section 6.04.045 regarding "Yard Waste Receptacles" shall be amended by deleting Subsections (b)(1) and (b)(2) of that section and replacing them with the following:

(1) A watertight metal, hard plastic or other approved container with a tight-fitting cover, which shall be of a size not to exceed thirty-five (35) gallons in capacity. A single container, when filled, shall not weigh more than forty (40) pounds. Approval of containers shall be by the Director of the Sanitation Department.
(2) A two-ply wet strength paper bag to be securely sealed with a yard waste pick up tag described in subsection (c) below. Bags shall be of a size not to exceed thirty-five (35) gallons in capacity. A single bag, when filled, shall not weigh more than forty (40) pounds. Approval of containers shall be by the Director of the Sanitation Department.

SECTION VI. Section 6.04.045 regarding "Yard Waste Receptacles" shall be further amended by deleting Subsection (c) of that provision and replacing it with the following:

(c) The city shall provide yard waste pick up tags for a charge of one dollar ($1.00) each through retailers in Bloomington, one of which must be placed on every container, bag or bundle containing yard waste. During the free leaf collection period in the fall of each year, residents may obtain two-ply wet strength paper bags from the city at no charge. Those bags may be filled with leaves and placed out for collection without the required yard waste pick up tag. The bags may not contain trash or other refuse.

SECTION VII. Section 6.04.046 regarding "Recycling" shall be added to read as follows:

6.04.046 Recycling
(a) Recycling collection is provided free of charge to recipients of city trash and refuse collection. Collection occurs every other week on the customer's regular trash day. Recyclable items must be sorted into the following two categories and each category must be placed into a separate container.
(1) Paper products.
(2) Metal Cans, Glass Containers and Plastic Bottles.
(b) Sorted recyclables shall be placed in a plastic bin, cardboard box, paper bag or other approved container. Recyclables may not be placed in plastic bags. Recyclable containers shall be of a size not to exceed thirty-five (35) gallons in capacity. A single container, when filled, shall not weigh more than forty (40) pounds.
(c) The Department of Public Works shall prepare and promulgate annually a list of what types of paper products, metal cans, glass containers and plastic bottles are recyclable. The list may change from time to time as the recycling market adjusts to shifting demands and technologies.

SECTION VIII. Section 6.04.047 regarding "Large items and appliances" shall be amended by deleting the entire section and replacing it with the following:

6.04.047 Large Items and Appliances.
(a) Large items. Two (2) city sanitation trash pick up tags must be placed on every large item placed out for collection. Large items may be placed at the curb on the customer's regular refuse/trash day. Items such as clothesline poles and swing sets must be broken down before being placed at the curb. The city shall provide trash pick up tags, for a charge of two dollars ($2.00) each, through retailers in Bloomington. These trash pick up tags are the same as those that are used for refuse containers. No large items shall be collected by the sanitation department without the approved sanitation trash pick up tags affixed thereto.
(b) Large Appliances. Two (2) city sanitation trash pick up tags must be placed on every appliance placed out for collection. Appliances may be placed at the curb no more than 24 hours before the day of pickup. Appliance pickup shall occur on the last Friday of each month of the year, or as may be approved otherwise by the Director of Public Works. Customers must call the sanitation department by 5:00 p.m. on Thursday and inform them that they are setting the

appliances out for collection. The city shall provide trash pick up tags, for a charge of two dollars ($2.00) each, through retailers in Bloomington. These trash pick up tags are the same as those that are used for refuse containers. No appliances shall be collected by the sanitation department without the approved sanitation trash pick up tags affixed thereto.

SECTION IX. Section 6.04.060 regarding "Enforcement procedures" shall be amended by adding the following at the end of Section 6.04.060(a):

Liability for fines shall not attach to non-possessory property owner(s) for a period of seven (7) days following issuance of the NOV, provided that the violation is remedied, or that the non-possessory property owner(s) presents to HAND, within seven days after issuance of the NOV, a true and exact copy of any and all leases in effect during the time period covered by the NOV.

SECTION X. Section 6.04.060 regarding "Enforcement procedures" shall be amended by deleting the phrase "during the correction period" from 6.04.060(b)(4) and by deleting 6.04.060(b)(5) and renumbering:

6.04.060(b)(6) as 6.04.060(b)(5)

6.04.060(b)(7) as 6.04.060(b)(6)

6.04.060(b)(8) as 6.04.060(b)(7)

SECTION XI. Section 6.04.060 regarding "Schedule of Fines" shall be amended by deleting the entire Part (c) and replacing it with the following:

(c) Schedule of Fines. The fine for any violation of Chapter 6.04.070 shall be fifteen ($15.00) dollars. The fine for all other violations of Chapter 6.04 shall be fifty ($50.00) dollars. Non-possessory property owners shall not be subject to fines for the seven day period after issuance of the NOV, provided that the provisions outlined in 6.04.060 (a) are met. Each day that a violation continues shall constitute a separate violation.

SECTION XII. Part (d) of Section 6.04.060 shall be amended by deleting the phrase "during the correction period" following the acronym "NOV" in the first sentence of that provision.

<u>Note: The Next Four Sections Amend Chapter 6.06 of the Bloomington Municipal Code Entitled "Refuse and Weeds"</u>

SECTION XIII. Section 6.06.050 shall be amended by adding the following at the end of Part (a):

Liability for fines shall not attach to non-possessory property owner(s) for a period of seven (7) days following issuance of the NOV, provided that the violation is remedied, or that the non-possessory property owner(s) presents to HAND, within seven days after issuance of the NOV, a true and exact copy of any and all leases in effect during the time period covered by the NOV.

SECTION XIV. Section 6.06.050 shall be amended by deleting the phrase "during the correction period" from Part (b)(4).

SECTION XV. Section 6.06.050 shall be amended by deleting 6.06.050(b)(5) and renumbering:

6.06.050(b)(6) as 6.06.050(b)(5)

6.06.050(b)(7) as 6.06.050(b)(6)

6.06.050(b)(8) as 6.06.050(b)(7)

SECTION XVI. Section 6.06.050 regarding Schedule of Fines shall be amended by deleting the entire Part (c) and replacing it with the following:

(c) Schedule of Fines. The fine for any violation of Chapter 6.06 shall be fifty ($50.00) dollars. Non-possessory property owners shall not be subject to fines for the seven day period after issuance of the NOV, provided that the provisions outlined in 6.06.05(a) are met. Each day that a violation continues shall constitute a separate violation.

SECTION XVII. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, 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 XVIII. This ordinance shall be in full force and effect upon adoption and publication in accordance with the provisions of I.C. 36-4-6-14, except the fees mentioned in Sections IV, VI, and VIII which, assuming adoption and publication have occurred, shall go into effect as of January 1, 2005.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 8th day of September, 2004.

MICHAEL DIEKHOFF, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 8th day of September, 2004.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 8th day of SEPTEMBER, 2004.

Mark Kruzan, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapter 6.04 (Refuse and Yard Waste Collection By the City) and Chapter 6.06 (Refuse and Weeds) of the Bloomington Municipal Code. It increases the price of trash stickers from $1.00 to $2.00 each and the price of yard waste stickers from $0.25 to $1.00 each. It also increases the maximum container size from 32 to 35 gallons. The ordinance also makes several changes to these chapters to improve the enforcement and remedy of certain ordinance violations. In that regard, it eliminates the correction period and, thereby, flattens fines for violations of Chapter 6.04 and Chapter 6.06. The ordinance also exempts non-possessory property owners from attachment of fines provided certain conditions are met. Lastly, the ordinance makes several housekeeping changes including moving the definitions of large item and appliance to the definition section and adding a section specifically about recycling.

Signed copies to:

legal(5)	HAND	Clerk	BMC file
Controller	Sanitation	file	
Public works	E.S.	CA/CA(2)	