

To Amend Title 6 of the Bloomington
Municipal Code, Entitled "Health and Sanitation"

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

SECTION I. Section 12.04.040, "Throwing dirt, rubbish on streets"; and Section 12.04.060, "Precautions governing hauling of certain materials through streets", of the Bloomington Municipal Code are hereby repealed.

SECTION II. Chapter 6.04 of the Bloomington Municipal Code is repealed and re-enacted as follows:

CHAPTER 6.04

REFUSE COLLECTION BY THE CITY OF BLOOMINGTON

- 6.04.010 Definitions
- 6.04.020 Collection Supervised by the Board of Public Works and the Department of Public Works
- 6.04.030 Precollection Practices
- 6.04.040 Refuse Containers
- 6.04.050 Collection Practices
- 6.04.060 Violations
- 6.04.070 Removal of Refuse Containers - Violation

6.04.010 Definitions. As used in this title, the following terms mean, unless otherwise designated:

- (a) "Garbage" is putrescible animal and vegetable wastes resulting from handling, preparation, cooking, and consumption of food.
- (b) "Putrescible substances" are substances which are subject to organic decomposition.
- (c) "Refuse" is all putrescible and nonputrescible solid wastes (except body waste), including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles, and solid market and industrial wastes.
- (d) "Rubbish" is nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.

6.04.020 Collection Supervised by the Board of Public Works and Department of Public Works. All refuse accumulated in the city that meets the requirements of this chapter shall be collected, conveyed, and disposed of by the city under the supervision of the Board of Public Works and the Department of Public Works. The Board shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance, and disposal as it shall find necessary, and to change and modify the same provided that such regulations are not contrary to the provisions hereof.

6.04.030 Precollection Practices.

- (a) Garbage. All garbage before being placed in garbage cans for collection shall have drained from it all free liquids and shall be wrapped.
- (b) Rubbish. All rubbish shall be drained of liquid before being deposited for collection.
 - (1) All cans and bottles which have contained food shall be thoroughly rinsed and drained before being deposited for collection. All broken glass shall be wrapped.
 - (2) Tree trimmings, hedge clippings, and similar material shall be cut to a length not to exceed (4) feet and securely tied in bundles not more than two (2) feet thick before being deposited for collection.

- (3) Other articles less than (4) feet by two (2) feet by two (2) feet shall be taken if the article can be loaded by one person.
- (4) All newspapers, newsprint, and magazines will be recycled, provided that they are separated from the regular garbage and rubbish. Paper is to be bundled or bagged securely and tied in piles not to exceed two (2) feet in height, and shall be separated as follows: (i) newsprint, (ii) magazines and mixed paper.

6.04.040 Refuse Containers.

- (a) Refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Refuse containers shall be maintained in good and sanitary condition, with no ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof.
- (b) All garbage and rubbish shall be put in a water-tight metal, plastic, or other approved container with a tight-fitting cover, or in approved heavy-duty plastic or paper bags. Refuse containers shall be of a size not to exceed thirty-two (32) gallons in capacity. A single container or bag when filled shall not weigh more than one hundred (100) pounds. Approval of containers and bags shall be by the Director of the Sanitation Department.
- (c) Any container that does not conform to the provisions of this chapter shall be promptly replaced upon notice. The Director of the Sanitation Department shall serve such notice by tagging the container.

6.04.050 Collection Practices.

- (a) Collection shall be made twice each week from May 1 through October 31 each year and once each week during the period from November 1 through April 30 each year. Collection schedules shall be established and published by the Board of Public Works.
- (b) Collection shall be made from all places of residence within the city limits.
- (c) Collections shall be made from curbs, or where there are no curbs, the property line immediately adjacent to the public thoroughfare. All containers must be placed adjacent to the curbs, and suitable for the packers. All containers shall be put back in an upright position and the covers replaced.
- (d) Collection shall be made from alleyways where road conditions permit and alley service is more convenient than street service. The Director of Sanitation shall have the authority to determine which alleys will have collection service and when weather conditions permit such service.
- (e) Collection shall be made only during the hours of 5:00 a.m. and 10:00 p.m.

6.04.060 Violations. The Director of the Sanitation Department shall have the authority to refuse collection service for failure to comply with the provisions of Section 6.04.030 through 6.04.050.

6.04.070 Removal of Refuse Containers - Violation. 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 (24) 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. Persons who violate any of the provisions of this section shall be subject to a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each violation. Each day that a violation continues that constitute a separate violation.

SECTION III. Chapter 6.05 of the Bloomington Municipal Code is created to read as follows:

CHAPTER 6.05

COMMERCIAL REFUSE HAULING AND COLLECTION

- 6.05.010 Refuse Containers.
- 6.05.020 Collection Practices.
- 6.05.030 Violations

6.05.010 Refuse Containers. All establishments and institutions which are served by commercial refuse collection services shall keep their containers covered and sanitary at all times.

6.05.020 Collection Practices. Collection shall be made only during the hours of 5:00 a.m. and 10:00 p.m.

6.05.030 Violations. Any person, firm, or corporation who violates any of the provisions of this chapter shall be subject to a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each violation. Each day that a violation continues shall constitute a separate violation.

SECTION IV. Chapter 6.06 of the Bloomington Municipal Code is created to read as follows:

CHAPTER 6.06

REFUSE AND WEEDS

- 6.06.010 Deposit of Refuse
- 6.06.020 Use of City Refuse Containers
- 6.06.030 Excessive Growth
- 6.06.040 Inspections
- 6.06.050 Removal Order - Record
- 6.06.060 Notice to Remove - Generally
- 6.06.070 Removal by City - Generally
- 6.06.080 Removal by City - Cost
- 6.06.090 Vehicles Hauling Refuse
- 6.06.100 Violations

6.06.010 Deposit of Refuse. It is unlawful for any person to throw, place, or scatter any garbage, rubbish, trash, or other refuse, over or upon any premises, street, alley, either public or private, or to suffer or permit any garbage, rubbish, trash or other refuse to be placed or deposited on the premises owned, occupied, or controlled by such person either with or without the intent to later remove, cover, or burn it. This provision shall not restrict the filling of low lands within the city with brick, stone, sand, gravel, cold ashes, or dirt after the appropriate permit has been obtained from the city Engineering Department.

6.06.020 Use of City Refuse Containers. It shall be unlawful for any person to deposit household or commercial refuse in any receptacle maintained on a sidewalk or at any other public location by the City of Bloomington for disposal of refuse by pedestrians.

6.06.030 Excessive Growth. It is unlawful for the owner of any lot or tract of ground within the city to allow it to become overgrown with weeds, grass, or noxious plants beyond the height of one foot or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

6.06.040 Inspections. It shall be the duty of the chief of police to make a careful examination upon request of any lots, grounds and tracts of land situated within the corporate limits of the city for the purpose of determining whether there is a violation of this chapter.

6.06.050 Removal Order--Record. Whenever the chief of police discovers any lot, grounds, or tract of land within the city upon which weeds, grass, or noxious plants have been permitted to grow, or upon which garbage, refuse, or rubbish has been deposited of a character or to such an extent as to be or about to become injurious to the public health or comfort of the residents of the city, the chief of police shall order such weeds, grass, noxious plants, garbage, refuse, or rubbish removed. The decision of the chief of police shall in all cases be reduced to writing and kept on record and the record shall show the name of the owner and the location of such lot, grounds, or tract of land.

6.06.060 Notice to Remove--Generally. The chief of police shall serve by registered mail or cause to be served through the police department of the city, upon the owner or agent of any lot or tract of ground concerning which an order has been made under section 6.06.050, a written notice, directing that the weeds and noxious plants growing upon such lot or tract of ground be cut and removed therefrom, or garbage, trash or refuse removed.

6.06.070 Removal by City--Generally. If the owner, owner's agent, or occupant of any lot, grounds, or tract of land upon whom the notice required by section 6.06.060 has been served fails to remove the weeds, grass, noxious plants, garbage, refuse, or rubbish as required in such notice within seven (7) days from the time of its service, the chief of police shall order that the same be done by the city or its agent, which shall at once proceed to remove such weeds, grass, noxious plants, garbage, refuse or rubbish.

6.06.080 Removal by City--Cost. When the city or its agent removes weeds, grass, noxious plants, refuse, rubbish, or garbage as provided under section 6.06.070, it shall report the cost thereof to the city attorney. In all cases where the owner or occupant of the lot or tract of land fails or refuses to pay the cost of removal, the city shall pay for the same out of the appropriation made for such use. If the owner or occupant fails or refuses to pay the costs of removal when the same have been paid by the city, the city attorney shall certify to the city controller all such costs as remain unpaid, and the controller shall certify the same to the county auditor, who shall place the same upon the tax duplicate of the city for the year in which such costs have been incurred, as a charge against the owner of such lot or tract of ground. The costs of removal shall be a lien upon such lot or tract of ground and shall be collected by the county treasurer with the state, county and municipal taxes assessed against such lot or tract of ground at the regular time for paying such taxes in the May following the removal of such weeds, grass, noxious plants, garbage, refuse or rubbish.

6.06.090 Vehicles Hauling Refuse. (a) It shall be unlawful to transport refuse, stone or other materials that are likely to fall from a vehicle unless such materials are covered and secured so as to prevent their deposit on public and private property.

(b) Any materials falling from a vehicle shall be promptly removed by the person responsible for their deposit. If such person neglects or refuses to remove the materials, the city shall cause such materials to be removed at the expense of the person responsible, who shall be liable to pay the city the cost of removal.

6.06.100 Violations. Violations of the provisions of this chapter are declared a public nuisance. Any person who violates any provision of this chapter shall be subject to a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each violation. Each day that a violation continues shall constitute a separate violation.

SECTION V. If any provision of this ordinance or the application thereof to any person or circumstance is declared invalid, such invalidity shall not affect any of the other parts 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 VI. The enactment of this ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun before the effective date of this ordinance. The rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under prior ordinance as if this ordinance had not been enacted. All offenses committed before the effective date of this ordinance shall be prosecuted and remain punishable under prior ordinances as if this ordinance had not been enacted.

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

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 7th day of February, 1979.

Tomilea Allison

Tomilea Allison, President
Bloomington Common Council

ATTEST:

Nora M. Connors

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 8th day of February, 1979.

Nora M. Connors
Nora M. Connors, Deputy City Clerk

SIGNED and APPROVED by me upon this 13th day of February, 1979.

Francis X. McCloskey
Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS

This ordinance is basically a reorganization of current code provisions on refuse collection by the city and on garbage, rubbish and weeds. In the area of refuse collection, there will be a chapter on collection by the city which will bring the Code in line with present practices of the Board of Public Works and the Sanitation Department, and a new chapter dealing with private refuse collection. In the area of refuse and weeds, there will be a separate chapter which includes a restriction on the use of city refuse containers, a relocation of the prohibition against hauling certain materials, and a new penalty for violations. Councilmember Allison sponsored this ordinance.

I HEREBY MOVE THAT ORDINANCE # 79- 1 ,
ENTITLED Amend BJC, "Trash Ordinance" ,
BE INTRODUCED AND READ FOR FIRST READING BY TITLE
ONLY AT THE COUNCIL MEETING HELD on 1/17/79

John F. Richardson
(Signature)