

ORDINANCE 2013-19

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LOGANSPOUT, INDIANA, AMENDING ORDINANCE 2008-09, ESTABLISHING PROCEDURES FOR HANDLING AND DISPOSAL OF GARBAGE, TRASH, YARD WASTE AND RECYCLABLES IN THE CITY OF LOGANSPOUT, INDIANA

SECTION 1: DEFINITIONS

- A. **GARBAGE** shall be construed to mean rejected food waste and to include every accumulation of animal fruit or vegetable matter used or intended for food, or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetables and to include further, any putrescible animal matter and vegetable wastes resulting from the handling, preparation, cooking, and consumption of foods, including animal carcasses or parts thereof.
- B. **TRASH** shall be construed to mean such matter as ashes, metal ware, broken glass, crockery, sweepings, contaminated corrugated boxes and litter of any kind.
- C. **YARD WASTE** shall be construed to mean vegetable matter resulting from landscape maintenance and landscaping projects.
- D. **RECYCLABLES**, shall be construed to mean newspaper and contents, glass jars and bottles, aluminum and bi-metal cans; plastic bottles; cardboard boxes such as cereal and shoe boxes, and like material, uncontaminated cardboard boxes (uncontaminated means free of food and/or human waste), magazines, telephone books and junk mail.
- E. **CONTAINERS** shall be construed to mean one (1) 54-gallon tote for the purpose of collection of garbage and trash and one (1) 18-gallon recycling bin for the purpose of the collection of recyclable items.
- F. **COMMERCIAL BUSINESS** shall be construed to mean any business or enterprise other than a residential household. Any household containing three (3) or more apartments at one location shall be considered as a commercial business. However, if the property owner is the only occupant of the property, the property shall be considered a residential household and shall not be considered a commercial business.
- G. **PREPAID REFUSE STICKER** shall be construed to mean a self-adhesive sticker which must be placed on all trash, garbage, or large items which will not fit into the 54-gallon tote with the lid closed.

- (H) **HAZARDOUS MATERIAL** (Unlawful Products) shall be construed to mean those items which cannot be deposited at the landfill such as: automotive batteries, paint products, insecticides, oil, anti-freeze, tires, appliances containing Freon, etc., etc.
- (I) **Electronics** shall refer to, but not be limited to any type of a household television, stereo, DVD, CD, or VCR player or recorder, computer, or any Electronic items that operate from a circuit board.
- (J) **UPHOLSTERED FURNITURE** shall be construed to mean any furniture, not originally designed or manufactured solely for outdoor use.
- (K) **HEALTH HAZARD**, a source of danger to humans or the environment. Any type of fenced in or enclosed area that creates a health hazard shall be in violation of this ordinance.

SECTION 2: ACCUMULATION OF GARBAGE, TRASH, YARD WASTE & RECYCLABLES PROHIBITED

The owner, occupant or lessee of any premises in the City of Logansport shall cause to be removed from said premises all garbage, trash, yard waste and recyclables, upholstered furniture and household appliances used or stored outdoors or any furniture used outdoors which was originally designed or manufactured for outdoor use, which is now dilapidated or deteriorated.

SECTION 3: DISPOSAL OF GARBAGE, TRASH, YARD WASTE & RECYCLABLES

- (A) **SUITABLE METHODS**. It shall be unlawful to deposit any garbage, trash, yard waste or recyclables in any public place within the City of Logansport. It shall also be unlawful for any person to deposit or place any garbage, trash, yard waste or recyclables upon private property whether the land is owned by such person or not. The only acceptable method for disposal is disposal in accordance with this ordinance. The disposal of garbage through a home garbage disposal into city sewers will be considered satisfactory only when the sewage received treatment is in a municipal or private sewage disposal system.
- (B) **BURNING RESTRICTED**. The burning of trash, garbage, refuse or waste materials within the City of Logansport is declared to be a nuisance and is prohibited.
- (C) **OUTDOOR GRILLS AND FIREPLACES**. Provided there are not open flames, the use of charcoal grills and outdoor fireplaces constructed in compliance with applicable safety codes shall be allowed for the non-commercial preparation of food if done to minimize smoke and fumes from becoming a nuisance for adjacent neighbors. Portable grills when in use, are to be placed on non-flammable bases.
- (D) **BURNING EXCEPTIONS**. The Logansport Board of Public Works and Safety may grant limited exceptions for special needs provided that an application is

filed with the Mayor's Office and Fire Chief and such request is placed on the Board of Public Works and Safety's agenda for consideration.

- (E) **FIREWOOD**. As a fire safety measure, no firewood will be stacked or stored against or adjacent of any inhabitable building or parking garage. Storage will be a minimum of twenty feet (20') from such buildings. The maximum amount of wood to be stored at any time shall be five (5) cords. It must be stacked in a neat and orderly fashion.

- (F) **BACK YARD COMPOSTING**. Back yard composting is allowed within the city limits of Logansport if the following recommendations are followed:

- a. The compost pile must be contained in a three-sided, semi-enclosed structure; i.e. cinder block or like materials.
- b. Plastic "compost bins" or chicken wire mesh may be used.
- c. Only vegetative matter should be used. No animal feces (dog or cat) or animal flesh or by-products such as grease or lard should be placed in the pile.

SECTION 4: NOTICE OF A VIOLATION

(A) **NOTICE.**

When a violation is discovered the violator must be notified by placing a notice on the front door of the residence and by 1st Class US Postal Service to the Owner of Record of the property explaining the violation and possible action that can be taken by the City of Logansport.

(B) **SEVEN DAYS TO COMPLY.**

In addition, the letter must state that the owner of record has seven (7) days from the date of the letter to comply. If compliance is not met within seven days, the violator will receive a second letter by certified US mail requesting their appearance at the next Board of Works meeting.

(C) **FAILURE TO APPEAR.**

Failure to appear, or failure to appear without good reason for non-compliance at the Board of Works meeting could result in an order by the Board of Works for the City of Logansport to bring the property into compliance with any appropriate fine and fees being charge to the Owner of Record.

- (D) The Board of Works may take action in one or more of the following ways:
- (1) Order a complete cleanup of the violation.
 - (2) Grant an extension to the property owner.
 - (3) Any cleanup performed by the City will result in a fine &/or penalty spelled out in Section 9 of this ordinance.

SECTION 5: PROPER PRE-COLLECTION PRACTICES

- (A) **PREPARATION OF GARBAGE AND TRASH** Garbage shall be carefully

drained and securely wrapped before it is deposited in a toter. Contaminated corrugated boxes are not recyclable.

- (B) **RECYCLABLES.** Acceptable bottles, plastic or glass; bi-metal and aluminum cans; may be co-mingled into a recycling bin. All bottles and cans must be rinsed and caps removed before discarding. Paper products include newsprint including inserts, shoe boxes, cereal boxes, uncontaminated corrugated cardboard and junk mail. Paper products must be placed in a brown grocery bag or bundled to the equivalent size of a paper bag.
- (C) **LOCATION OF CONTAINERS.** The city's authorized collection agency shall collect all garbage, trash, and recyclables on scheduled collection days, provided such garbage, trash and recyclables are placed at the proper pickup location as prescribed by the Logansport Street Department and prepared in accordance with this ordinance. Except on scheduled collection days, all toters and bins must be stored in an inconspicuous location on the property. It shall be unlawful to store any toters or bins next to the street. No residential or rental property owner will have trash container(s) larger than a 96 gallon toter located on their property.
- (D) **COMMERCIAL.** All dumpsters must be placed in an inconspicuous location on the property. If this is not feasible then 96 gallon toters must be used and placed in an inconspicuous location on the property except for days of pickup.

SECTION 6: EMPLOYEES HANDLING GARBAGE, TRASH, AND RECYCLING RECEPTACLES

In order to avoid unnecessary damage to garbage, trash and recycling containers, the authorized collection agency or agencies shall caution their employees to exercise care in the handling thereof, and all containers shall be returned to their proper locations.

SECTION 7: COLLECTION PRACTICES

- (A) **COLLECTION FROM RESIDENCES.** The City of Logansport or its duly authorized agency, shall hereafter collect all garbage, trash, yard waste and recyclables from city residences provided that such garbage, trash, yard waste and recyclables are deposited in proper containers and placed in such designated areas as above specified.
- (B) **COMMERCIAL BUSINESS.** Commercial business as described in this ordinance must make private arrangements for the collection of garbage, trash, yard waste and recyclables.
- (C) **BULKY OBJECTS.** Contaminated boxes and other articles of large or unusual shape, which cannot be deposited in the toter above specified, will only be acceptable for collection if they are broken or cut down and properly and securely wrapped and bundled in a compact package, tied by rope or twine, and not to exceed a dimension of three (3) feet and not to exceed fifty

(50) pounds in weight. Each item must also have a prepaid refuse sticker attached for collection. Large household items such as discarded furniture, beds, tables, etc., will be accepted for collection if a prepaid refuse sticker is attached.

APPLIANCES. Any appliance containing CFC gas requires special disposal procedures. Such appliances include refrigerators, freezers, air conditioners, and dehumidifiers. Any certified technician can remove the CFC gas; however, they also must remove the appliance. The Logansport Street Department has the certified technician and equipment to remove the CFC gas and to dispose of the appliance as long as the appliance has not been altered. The Logansport Street Department will charge a small fee for this service.

(E) **YARD WASTE.** The Logansport Street Department yard waste truck will pick up yard waste material and take it to the composting facility during the months of April through November. This yard waste must be placed in a 2-ply biodegradable 30-gallon paper bag. Yard waste will be picked up on regular trash pick-up days and must be placed adjacent to the trash pick-up site. The Logansport Street Department dump trucks will continue to pick up large amounts of loose brush on the first two working days of each week.

(F) **SCAVENGERS.** It shall be unlawful to scatter upon the ground any of the contents from the containers.

(G) **HAZARDOUS MATERIALS.** It shall be unlawful for any person to dispose of any hazardous materials into any containers specified above. For disposal of hazardous materials, the Cass County Solid Waste District must be consulted.

SECTION 8: DEAD ANIMALS AND DECAYING SUBSTANCES

(A) **DEAD ANIMALS.** It shall be unlawful and a violation of this ordinance for any person to deposit within the City of Logansport the carcass of any dead animals or offal of any animal, or vegetable matter, which is offensive to the public or detrimental to health. It shall be unlawful and a violation of this ordinance for any person to cut up, skin, or otherwise mutilate or interfere with any animal that may die or be found dead within the corporate limits of the city, but it shall be the duty of the owner or other persons knowing the death of any animal or finding any animal dead within the city to at once notify the police department or the animal warden for the removal of dead animals.

(B) **NUISANCES.** Whoever being the owner or occupant of any lot, parcel, building, or premises within the City of Logansport, after notice has been served in writing upon such person by the Logansport Board of Public Works and Safety, permits a situation or environment to exist that causes offensive or unwholesome odors or smells and/or is in continuous violation of Section 2 of this ordinance, shall be deemed as to be maintaining a nuisance. Any person who neglects or refuses to abate such a nuisance within twenty-four (24) hours of the time of receiving such notice shall pay the cost of abating the nuisance.

(C) **STORAGE.** Any type of vehicle or trailer cannot be used as a storage type container for any type of material, trash, garbage or debris.

SECTION 9: FINES AND PENALTIES

Whoever violates the terms of this ordinance shall be given a written warning. For the first offense a maximum fine of fifty (\$50) dollars will be imposed. In addition a fifty (\$50) dollar administration fee will be added for the Code Enforcement Officer. A minimum of two hundred fifty (\$250) dollars per hour cost of cleanup fee for the Street Department. All fines shall be remitted within ten (10) days to the Clerk-Treasurer's Office. However, the fine and administration fee will be doubled for each violation in which the City cleans up the property within a twelve (12) month period of the previous violation. 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. All Fines and Penalties shall be remitted to The Logansport Clerk Treasurer's office with ten (10) days. The cost of clean-up shall be deposited into the MVH Fund and the remainder of the funds deposited into the General Fund.

SECTION 10: REPEAT OFFENDERS

(A) ADDITIONAL OFFENSES

Whoever violates the terms of this ordinance within a 12 month period of their last violation will be considered a REPEAT OFFENDER.

Any property owner who becomes a REPEAT OFFENDER of this ordinance could be fined an administrative cost of \$100, a minimum fine of \$200 up to \$5000, plus a minimum fee of \$500 per hour, any disposal cost incurred by the City, and a minimum charge of \$200 for use of any City equipment (owned or leased) by the Board of Works. 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. All Fines and penalties shall be remitted to the Logansport Clerk Treasurer's Office within ten (10) days. The cost of clean-up shall be deposited into the MVH (Motor Vehicle Highway) Fund and the remainder of the funds deposited into the General Fund.

In addition, notification for each additional offense within a twelve (12) month period will only be made by leaving noticed attached to the front door of the property and one letter sent by First Class U.S. Postal Service.

SECTION 11: EMERGENCY ABATEMENT

- (A) In the case of any event that may be considered a serious threat of imminent danger to public health, public safety, and or the wellbeing of the public as determine by the Community Development Director, he/she may order an **EMERGENCY ABATEMENT** of the situation. The abatement will only occur to the point that any threat of imminent danger to public health, public safety, and or the wellbeing of the public is eliminated.
- (B) Any cost of labor, equipment use, and fees incurred by the City will be assessed to the property owner.
- (C) If it is determined the property owner could have prevented the situation from occurring or they were negligent or in a negligent manor caused the emergency to occur they can be assessed a fine of no less than \$100 and not to exceed \$5000, plus an administrative fee of \$100.

(D) 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. All Fines and penalties shall be remitted to the Logansport Clerk Treasurer's Office within ten (10) days. The cost of clean-up shall be deposited into the MVH Fund and the remainder of the funds deposited into the General Fund.

SECTION 12: This ordinance repeals Ordinance 2008-09 in its entirety

INTRODUCED FILED AND APPROVED on the first reading by a vote of 7 in favor and 0 opposed on the day of 3rd day of June, 2013.

DULY PASSED, ORDAINED AND ADOPTED this day of 1st of July 2013 by the Common Council of the City of Logansport, Cass County, Indiana by a vote of 7 in favor and 0 opposed.

Common Council of the City of
Logansport, IN

By: Joseph E Buck
Joe Buck, President

ATTEST:

Carol Sue Hayworth
Carol Sue Hayworth, Clerk-Treasurer

Submitted to approved by, and signed by me, the Mayor of the City of Logansport, Indiana this 1st day of July, 2013.

Ted D. Franklin
Ted D. Franklin, Mayor

This document prepared by City Attorney, Randy Head, 212 S. Fifth Street, Logansport, IN 46947
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