

ORDINANCE 2022-20

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LOGANSPORT, INDIANA, REPEALING PARTS OF SAID ORDINANCE 2008-09, AND INCORPORATING OTHER PROVISIONS AND ESTABLISHING PROCEDURES FOR HANDLING AND DISPOSAL OF GARBAGE, TRASH, YARD WASTE AND RECYCLABLES IN THE CITY OF LOGANSPORT, INDIANA

WHEREAS, Ordinance 2013-19 has been followed since its passage; and

WHEREAS, Ordinance 2013-19 needs to be updated; and

WHEREAS, for ease of usage, Ordinance 2013-19 is substantially incorporated herein and provisions in conflict herein shall control all future actions.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Logansport, 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 vegetative matter resulting from landscape maintenance and clearing 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 or 96-gallon toter for the purpose of collection of garbage and trash and one (1) 54-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 approved sticker which must be placed on all pre-approved plastic trash/garbage bags that are securely closed which will not fit completely into either the 54-gallon or 96-gallon toter with its 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 or anti-freeze, tires, appliances containing Freon or other similarly regulated chemicals, 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 furnitures 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 AND RECYCLABLES PROHIBITED

The owner including contract purchasers, occupants, or lessee or 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 to 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 disposals 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 the City's municipal sewage system or a private sewage disposal system.

- B. BURNING RESTRICTED.** The burning of trash, garbage, refuse or waste materials including building 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 agenda for consideration and approved by said Board.
- 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 and 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, brick or like materials.
 - b. Plastic "compost bins" or chicken wire mesh may be used.
 - c. Only vegetative matter should be used. No animal feces nor animal flesh or by-products such as grease or lard should be placed in the pile.

SECTION 4: NOTICE OF VIOLATION(S)

A. NOTICE.

When a violation is discovered the violator will be notified by placing a door hanging 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 notification 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, fees, and related expenses being charged to the Owner of Record and/or contract owner.

D. The Board of Words 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 costs as well as a fine and/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 and sealed before it is deposited into 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 magazines, shoe boxes, cereal boxes, uncontaminated corrugated cardboard and junk mail. Paper products must be placed in a brown grocery bag or bundled and tied to the equivalent size of a paper bag.

C. LOCATION OF CONTAINERS. The city's authorized collection agent 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 Board of Works 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 and away from the street. It shall be

unlawful to store or leave any totes or bins next to the street after 8 A.M. the day following scheduled trash pickup days. No residential or rental property owner will have trash container(s) larger than a 96-gallon toter located on their property.

The first violation of this provision will receive a notice of first offense through a door hangar on the front door. A second or continuing offense will be notified by a door hangar and a letter of violation and the assessment of a \$25 fine. All fines must be remitted to the Clerk-Treasurer's office within 30 days and the funds will be deposited into the City's General Fund.

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 for return to the owner.

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 securely tied by rope or twine, and not to exceed a dimension of three (3) feet and not to exceed fifty (50) pounds in weight. Two large household items such as discarded furniture, beds, tables, etc. will be accepted for collection only on bulk pickup days for the property's address.
- D. 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 which must not contain more than 50 pounds of material and contain no non-organic trash. Yard waste will be picked up the same day as the resident's trash and must be placed adjacent to the trash pick-up site. The Logansport Street Department will continue to pick up large amounts of loose brush, every other week during the months of April through October. Brush should be in sections not to exceed 10 feet in length and stacked facing the same direction.
- 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 not otherwise specified herein shall be given a written notice of offense for the first time, in the form of a door hanger and a letter to the property owner on record. After a warning has been issued and the violation has not been resolved in seven (7) days, a notice to appear before the Board of Works will be sent to the property owner on record, with a maximum fine of fifty (\$50) dollars will be imposed. In addition, a fifty (\$50) dollar administration fee will be added. A minimum of two hundred fifty (\$250) dollars per hour cleanup cost and fee for the Street Department plus landfill charges, if a cleanup has been ordered by the Board of Works. All fines shall be remitted within thirty (30) days to the Clerk-Treasurer's Office. However, the fine and administrative 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 or collection of a lien for expenses. All Fines and Penalties shall be remitted to the Logansport Clerk-Treasurer's office within thirty (30) days of the imposition of each fine or cost. The cost of clean-up shall be deposited into the MVH (Street Department) Fund and the remainder of the funds shall be 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 thirty (30) 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 notice attached to the front door of the property and one letter sent by First Class U.S. Postal Service. Owners of all types, tenants and other occupiers may designate an additional address for notifications to be sent to.

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 determined 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 or contract owner or both.
- C. If it is determined the property owner could have prevented the situation from occurring or they were negligent or acted in a negligent manner that 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.

Citizens have thirty (30) days from the date of receipt of a notice of a violation or notice of a fine, or it will be filed with the Clerk-Treasurer's office. To do an appeal you must call the Building Commissioner's office to schedule your appearance before the Board of Works & Safety which will be scheduled within thirty (30) days of the request.

- 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 thirty (30) 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 incorporates Ordinance 2008-09 and 2013-19 in their entirety and any provisions herein shall control enforcement.

SECTION 13: This ordinance shall be effective upon passage.

INTRODUCED FILED AND APPROVED on the first reading by a vote of 7 in favor 0 opposed, and 0 abstained on the 1st day of August, 2022.

DULY PASSED, ORDAINED AND ADOPTED this day 1 of September, 2022 by the Common Council of the City of Logansport, Cass County, Indiana, by a vote of 5 in favor, 0 opposed, and 0 abstained.

Common Council of the City of Logansport, IN

By: 

Jake LeDonne, President

ATTEST:



DUANE ULLOM
CLERK-TREASURER

Submitted to, approved by, and signed by me, the Mayor of the City of Logansport, Indiana
this 1st day of September, 2022.



Chris Martin, Mayor

Ord. 2022-20

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