

General Ordinance No. 8-2016

**AN ORDINANCE AMENDING THE RULES AND REGULATIONS
CONCERNING REFUSE/GARBAGE/RECYCLING COLLECTION
IN THE CITY OF MARION, INDIANA**

WHEREAS, the City of Marion ("Marion") protects the public health, welfare and safety of the citizens of the City of Marion by collecting refuse/garbage/recycling; and

WHEREAS, the Marion Utility Service Board ("Board") supervises and controls the collection of refuse/garbage/recycling; and

WHEREAS, the Common Council of the City of Marion ("Council") has previously established rules and regulations concerning the collection of refuse/garbage/recycling in Marion; and

WHEREAS, said rules and regulations are currently codified in Chapter 50 of the Marion Code of Ordinances (*Reference Ord. 22-1994, passed 10-4-1994*); and

WHEREAS, the Board has reviewed Chapter 50 of the Marion Code of Ordinances and recommends modifications to the code in order to more efficiently and effectively administer the collection of refuse/garbage/recycling in Marion; and

WHEREAS, the Council agrees with the recommendation of the Board and now desires to amend Chapter 50 of the Marion Code of Ordinances consistent with the Board's recommendations.

IT IS THEREFORE CONSIDERED, ORDAINED, AND ADOPTED as follows:

Section 1. Recitals. The foregoing recitals are incorporated herein by reference.

Section 2. Chapter 50 of the Marion Code Repealed and Replaced. Chapter 50 of the Marion, Indiana Code of Ordinances is hereby repealed and replaced with the language in Exhibit A attached hereto and incorporated herein by reference.

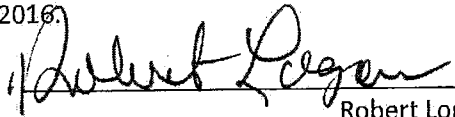
Section 3. Inconsistent Ordinances Superseded. Any ordinance, rule, resolution, or regulation or provision, chapter, section, subsection, or subparagraph thereof that is/are inconsistent with the Ordinance is/are hereby superseded. However, any ordinance, rule resolution, or regulation or provision, chapter, section, subsection, or sub paragraph thereof that is/are not inconsistent with this Ordinance remain(s) in full force and effect.

Section 4. Utility Service Board Recommendation. The Board reviewed this Ordinance and has recommended that the Council adopt this Ordinance.


Section 5. Severability. The provisions of this Ordinance are separable, and if a court of competent jurisdiction declares any portion of this Ordinance unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of this Ordinance.

Section 6. Effective Date. This Ordinance is effective immediately upon passage.

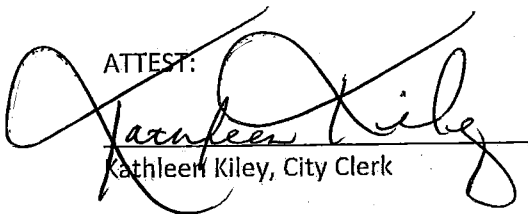
RECOMMENDED FOR APPROVAL BY THE Utility Service Board of the City of Marion, Indiana this 12th day of May, 2016.


Robert Logan
Chairman, Marion Utility Service Board

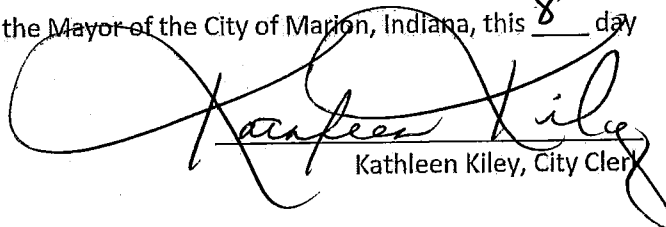
PASSED AND APPROVED BY THE Common Council of the City of Marion, Indiana this 7 day of June 2016.


James Brunner
President, Marion Common Council

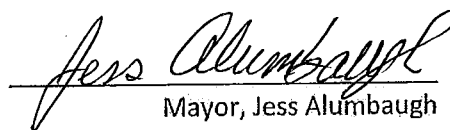
ATTEST:


Kathleen Kiley, City Clerk

PRESENTED by me to the Mayor of the City of Marion, Indiana, this 8 day of June, 2016.


Kathleen Kiley, City Clerk

APPROVED by me as Mayor of the City of Marion, Indiana, this 9th day of June, 2016.


Mayor, Jess Alumbaugh

CHAPTER 50: WASTE DISPOSAL

EXHIBIT A

Marion, IN Code of Ordinances CHAPTER 50: WASTE DISPOSAL

Section

- 50.01 Definitions
- 50.02 Utility Service Board
- 50.03 Residential waste procedures
- 50.04 Yard waste procedures
- 50.05 Recyclables procedures
- 50.06 Bulky waste procedures
- 50.07 Miscellaneous and seasonal waste procedures
- 50.08 Collection procedures
- 50.09 Costs of collection
- 50.10 Exclusions
- 50.98 Violations

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BULKY WASTE. Large furniture or waste material (excluding burn barrels, construction and demolition debris, hazardous and Freon materials, and electronics, including, but not limited to, televisions) which is generated by or emanates from a dwelling unit and which has a weight or volume greater than that allowed for in the residential waste receptacles. The weight limit for bulky waste items is 1,000 pounds.

COLLECTION. The pickup, removal, and transporting by the utility of recyclables, residential, or bulky waste to a site or sites designated by the utility.

CURBSIDE LOCATION. A site that is within the boundaries of a dwelling unit and is adjacent to the front yard property line that abuts a public street, road, or thoroughfare.

DWELLING UNIT. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation for not more than one (1) family, or congregate residence for sixteen (16) or fewer persons. For buildings containing four or fewer separate or contiguous single family residences, each separate residence shall be considered a Dwelling Unit.

GARBAGE. Putrescible animal and vegetable waste (excluding human or animal body waste and excreta) resulting from the handling, preparation, cooking, and consumption of food.

PUTRESCIBLE SUBSTANCES. Matter and material which are subject to organic decomposition.

RECYCLABLES.

Examples: Non-inclusive and may be further defined and determined by the Utility Service Board

1. **Paper:** newspapers, magazines, envelopes, junk mail, phone books, and brochures;
2. **Cardboard:** Ream wrappers, file folders, poster board, corrugated cardboard boxes, and milk cartons (excluding soiled materials such as pizza boxes)
3. **Plastic:** Water bottles, milk jugs, soda bottles, detergent and bleach bottles, and bagged film plastics;
4. **Metal:** Aluminum beverage cans, tin food cans, light scrap metal;
5. **Glass:** Green, brown, or clear glass bottles and jars (excluding window glass, Pyrex, or light bulbs);

Examples of excluded Items: Aerosol cans, aluminum foil, batteries, food waste, glass, mirrors or ceramics, stickers and address labels, Styrofoam, tissue, paper towels or napkins, plastic coated paper, wrapping paper, waxed paper, window glass, light bulbs, cookware, hardcover books, polystyrene foam plastic, and plastic bags.

RECYCLING. A voluntary process by which materials that would otherwise become solid waste are collected, separated, or processed and converted into materials or products for reuse or sale.

RECYCLING RECEPTACLE. An approved container of any description issued or authorized by the utility.

REFUSE. Discarded waste in a solid or semi-solid state consisting of combustible and noncombustible materials but excluding yard, bulky, hazardous or infectious waste, TVs, and tires.

RESIDENTIAL WASTE. Garbage and refuse which is generated by, or emanates from, a dwelling unit and shall be interpreted to be consistent with that definition as set out in I.C. § 13-11-2-133 with the restriction that yard waste, bulky waste, construction materials, and wastes from all industrial, office, commercial, and institutional establishments are specifically excluded hereunder.

RESIDENTIAL WASTE RECEPTACLE. The receptacle that is provided and owned by the utility. The Board may also approve, in its sole discretion, use of an alternative container upon the request of a customer. Upon approval, the customer will be provided with an authorization label that must be affixed to the alternative container. If the customer uses an alternative container (i.e. not the receptacle provided by the utility), the utility will not be responsible for any damages to the container. A single receptacle, when filled, shall not weigh more than 180 pounds.

UTILITY. The Solid Waste Utility established by the Common Council of the City of Marion that is governed by the Marion Utility Service Board.

UTILITY SERVICE BOARD. The Utility Service Board ("Board") representing the City of Marion ("City"), supervises, controls, and is responsible for the day to day operations of the utility.

UTILITY SANITATION LABEL. A decal, tag, or adhesive sticker distributed solely by the utility which bears an identification mark established by the utility.

YARD WASTE. Grass, weeds, leaves, brush, tree trimmings, hedge and shrubbery clippings, tree limbs, and other organic materials arising from the care of residential lawns, yards, and gardens.

§ 50.02 UTILITY SERVICE BOARD.

(A) The Utility Service Board shall promulgate such rules and regulations as may be necessary to effectuate the operation and intent of this chapter.

(B) The Utility Service Board shall promulgate such rules and regulations as may be necessary to effectuate the operation and intent of the powers and duties mandated by the State of Indiana.

(C) The Utility Service Board shall have the power and authority to purchase such equipment and employ such personnel as may be necessary to carry out the provisions and intent of this chapter.

(D) The Utility Service Board shall have the power and authority to lease, rent, build, or contract for the necessary land and facilities to effectuate the operation and intent of this chapter.

§ 50.03 RESIDENTIAL WASTE PROCEDURES.

(A) *Garbage.* All garbage shall be wrapped and drained of all liquids as may be reasonable before being placed in a residential waste receptacle for collection.

(B) *Refuse.* All refuse shall be drained of liquid before being deposited in a residential waste receptacle. All broken glass shall be wrapped.

(C) *Residential waste receptacle.*

(1) A residential waste receptacle shall be provided (and owned) by the utility. The owner, tenant, or occupant of a dwelling unit may purchase additional receptacles as required to contain solid waste volumes generated at their location. The receptacle must be

approved by the Utility. The utility will not be responsible for damages to the customer's receptacle and all receptacles shall be maintained in good, safe, and sanitary condition.

(2) Any container or receptacle that does not conform to the provisions of this chapter shall be promptly replaced by the owner or occupant upon notice from utility. The utility shall serve notice by tagging the container.

(3) Residential waste shall be properly bagged prior to placement in the receptacle. Residential waste scattered by animals or weather shall be removed promptly by the owner or occupant of the dwelling unit. The owner or occupant of the dwelling unit shall promptly remove scattered or strewn waste resulting from broken, damaged, or overturned receptacles.

§ 50.04 YARD WASTE.

(A) All yard waste shall be separated from residential waste and shall not be placed in a residential waste receptacle.

(B) The utility will not accept or dispose of yard waste. For information regarding the collection or disposal of yard waste, the owner, tenant, or occupant of a residential dwelling unit may contact the Street Department for the City of Marion.

§ 50.05 RECYCLABLES PROCEDURES.

(A) The utility shall provide recycling receptacles (bags or containers) to residents of dwelling units who desire to engage in voluntary recycling. The utility may, in its discretion, charge an additional fee for the recycling receptacle.

(B) All recyclables shall be rinsed, drained, and segregated before being placed in recycling receptacles.

(C) Upon the placement of recyclables at a designated curbside or recyclable collection location, the recyclables shall become the property of the utility.

§ 50.06 BULKY WASTE PROCEDURES.

The resident of a dwelling unit may contact the utility to arrange a time for collection and disposal of bulky waste that does not exceed 1,000 pounds. The cost of collecting one item of bulky waste per month shall be included within the regular monthly waste disposal fee. An additional fee, as determined by the Board, will be imposed for all bulky waste that exceeds one per month.

§ 50.07 MISCELLANEOUS WASTE PROCEDURES.

(A) Unless the Board later determines otherwise, the utility shall not be responsible for collection of hazardous waste, Freon materials (including appliances containing Freon), electronics, televisions, construction or demolition debris, or infectious, commercial, industrial, or retail waste.

(B) Subject to the applicable rates and charges, as determined by the Board, any resident of the City may transport and deposit at utility designated drop off sites; recyclables, garbage, refuse, and bulky waste that are generated by or emanated from the resident's dwelling unit.

§ 50.08 COLLECTION PROCEDURES.

(A) All residential waste and recyclables, accumulated in the City, will either be collected, conveyed, and disposed of by the utility or, alternatively, the Board will designate a disposal drop-off location. Collection will be made once each week. Collection schedules will be established and published by the Board.

(B) Collection shall be made from all dwelling units within the boundaries of the city and, in some instances, to areas outside the city as may be determined appropriate by the Board.

(C) Collection of recyclables will be made from the curbside location (unless the Board decides to designate a drop-off location for disposal).

(D) Collection of all residential waste receptacles and bulky waste shall be made from the designated curbside locations. The Board may, in its discretion, make an exception and allow for alley pickup in certain limited circumstances where the Board deems it most appropriate.

(E) Collection shall be made only between the hours of 6:00 a.m. and 6:00 p.m.

(F) The utility shall be responsible for the collection of two residential waste receptacles per week per dwelling unit.

(G) Residential waste receptacles in excess of two per week may be collected by the utility when affixed with a utility sanitation label or labels designating payment of the appropriate fee, as determined by the Board.

(H) All receptacles shall be placed on the collection site no earlier than 6:00 p.m. on the day preceding the scheduled collection. Collection of recyclables shall be on the same collection schedule and at the curbside location (unless the Board decides to designate a drop-off location for disposal).

(I) The utility shall have no obligation to collect recyclables, residential, or bulky waste that do not conform to the provisions of this chapter.

(J) All residential waste and recyclable items shall be contained within an appropriate receptacle. Receptacles and bulky waste to be picked up shall not be placed upon a street, alley, or sidewalk so as to be visible from the street more than 12 hours prior to the time when such receptacles and bulky waste are to be collected. Receptacles shall be placed within three feet of the curb or edge of pavement and, at minimum, three feet from any obstacle such as car, tree, mailbox, utility pole, etc. All receptacles shall be removed from their collection site on the same day as the collection is made. Receptacles shall not be located so as to hinder or impede traffic by pedestrians or vehicles.

§ 50.09 COSTS OF COLLECTION.

(A) Collection of recyclables is included within the regular monthly waste disposal fee as defined by the current rate ordinance.

(B) Collection of the two residential waste receptacles per week is included in the monthly waste disposal fee as defined by the current rate ordinance.

(C) Collection of residential waste receptacles in excess of two per week must have a city sanitation label or labels affixed to the receptacle designating payment of the appropriate fee, as determined by the Board.

(D) Collection of bulky waste will be completed upon request and appointment made with the utility. One bulky waste item per month is included within the monthly waste disposal fee. Additional items may be scheduled for pickup at an additional fee to be determined by the Board.

(E) Utility sanitation labels may be purchased from the utility or its duly authorized and designated retail agents at a cost to be determined by the Board.

§ 50.10 EXCLUSIONS.

This chapter does not apply (unless prior approval has been granted by the Board) to commercial, business and industrial properties or to mobile home courts and apartment complexes that contain more than four dwelling units.

§ 50.98 VIOLATIONS.

(A) (1) It shall be a violation of this chapter for any unauthorized commercial waste removal enterprise or provider to collect, obtain, possess, pick up or cause to be collected, obtained, possessed, or picked up any recyclables or residential or bulky waste from dwelling units served by the utility. Authorization means approval by the Utility Service Board. Occasional removal of bulk waste or yard waste or debris associated with construction, demolition, moving, or seasonal cleaning does not require authorization. Any and each such violation hereof from one or more locations shall constitute a separate and distinct violation of this chapter. Nothing contained in this section shall prohibit collection by privately contracted providers of waste removal services that have been authorized by the Board. Each dwelling unit will be responsible for the applicable monthly waste disposal fee regardless of whether the resident, tenant, or occupant uses the service.

(2) It shall be unlawful and a violation of this chapter for any person, firm or organization to:

(a) Throw, place, deposit or scatter any residential, or bulky waste onto or into any street, alley, or public way or into or on public or private property except as contained in appropriate receptacles and placed in the proper location for the dwelling unit all in accordance with the provisions of this chapter;

(b) Overturn, upset, damage, or remove any residential waste receptacle that has been placed for collection or tamper with or remove the contents thereof;

(c) Permit the accumulation, upon or in the dwelling unit or adjacent property, of recyclables or residential or bulky waste in an unsightly or unhealthy manner, or to in any way block or impede the flow of traffic on a street, alley, or public way;

(d) Haul, transport, or convey recyclables, residential waste, or bulky waste within the City unless such recyclables or waste is covered by a screen, wire mesh, tarpaulin, or the like sufficient to contain the contents during such hauling, conveying, or transporting.

(B) (1) Upon the violation of any provision of this chapter, the utility may institute civil proceedings to enforce the provisions of this chapter and to recover expenses, costs, and attorney fees incurred as a result of such violations. Any person, firm or organization who, upon conviction, is found to be in violation of any of the provisions of this chapter shall be fined as determined by City of Marion, IN Code of Ordinances § 10.99.

(2) Each day a violation occurs or continues constitutes a separate offense.

(3) In addition to any other penalty provided for herein, the utility 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.