

**ORDINANCE 30 2009**

**AN ORDINANCE AMENDING TITLE 8 OF THE MUNICIPAL  
CODE OF THE CITY OF COLUMBUS, INDIANA**

**WHEREAS**, Indiana Code § 36-1-3 *et seq.* confers upon units of local government within the State of Indiana such powers as are necessary or desirable to conduct the affairs of local government;

**WHEREAS**, the Common Council of the City of Columbus, Indiana, deems it desirable and proper to amend certain sections of the Columbus Municipal Code in order to clarify its meaning;

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Common Council of the City of Columbus, Indiana, that the Columbus Municipal Code be amended as follows:

**Section I**

**Chapter 8.24 Garbage and Refuse**

Section 8.24.010 Definitions.

**8.24.010 Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Apartment complex" means any single property lot with more than one multifamily residential building.

"Ashes" means the residue of combustion of such fuels as wood, coal, coke, charcoal and similar materials.

"City-approved container" means those solid waste containers which are purchased from the City by owners or occupants of residential premises for the placement of solid waste for collection by the City."

"City-owned or city-approved container" means those city-owned or city-approved containers which the city purchases and provides to the owners or occupants of residential premises for the placement of solid waste for collection by the city.

"Combustible waste" means all waste substances capable of burning, including garbage, paper, rags, excelsior, wood, grass, leaves and similar materials.

"Garbage" means all putrescible animal solid, vegetable solid and semisolid wastes resulting from processing, handling, preparation, cooking, serving or consumption of food or food materials.

"Hazardous waste" means a solid waste or a combination of solid wastes, that because of its quantity, concentration or physical, chemical or infectious characteristics, may:

1. Cause or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

"Industrial process waste" includes, but is not limited to, oils, lubricants, resins, chemical catalysts, distillation bottoms, ink, paint, sludges, grinding sludges, incinerator ash, core stand, metallic dust sweepings, material which may create asbestos dust, contaminated or recalled wholesale or retail products.

"Infectious waste" means waste that epidemiological evidence indicated is capable of transmitting a dangerous communicable disease (as defined by rule adopted under Indiana Code, 16-1-9.5-1). Infectious waste includes the following:

1. Pathological wastes, including tissue, organs, body parts and blood or body fluids in liquid or semi-liquid form that are removed during surgery, biopsy or autopsy;
2. Biological cultures and associated biologicals;
3. Contaminated sharps;
4. Infectious agent stock and associated biologicals;
5. Blood and blood products in liquid or semi-liquid form;
6. Laboratory animal carcasses, body parts and bedding;
7. Wastes.

"Noncombustible waste" means all waste substances incapable of burning, including tin cans, tinware and other metallic substances, bottles, glassware, earthenware, ashes and similar materials and, also, discarded articles, the greater part of which is incapable of burning, such as roofing material, electric batteries, etc.

"Owner" means and includes, the record titleholder, or any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations imposed in this chapter shall be joint and several.

"Putrescible waste" means waste that is subject to organic decomposition.

"Refuse" means all nonputrescible wastes.

"Residential premises" means and includes single-family dwellings and any multiple-family dwelling up to and including four (4) separate living units or family quarters per parcel.

"Responsible party" means person or persons held accountable for the illegal placement of waste in recycling or city-owned or city-approved containers.

"Solid waste land disposal facility" means a solid waste facility in or upon the land into which solid waste is disposed. Permitted solid waste land disposal facilities shall be classified into one of the following types:

1. Sanitary landfill;
2. Construction/demolition sites;
3. Restricted waste sites.

"Solid waste" means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from a pollution control facility or other discarded material including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining or agricultural operations or from community activities.

"Yard waste" means all vegetative matter including grass, weeds, leaves, brush, tree trimmings, hedge clippings and garden waste. (Ord. 93-9 § 1, 1993)

## Section 8.24.020 Promulgation of rules and regulations.

### **8.24.020 Promulgation of rules and regulations.**

(A) The Board of Public Works and Safety ("Board") is authorized and empowered to provide for collection and disposal of all solid waste which accumulates from time to time on or about the premises of all residences in the city, and to provide for the collection of solid waste of the various units of government operating in the city. The Board may acquire equipment, vehicles and city-owned or city-approved containers, and employ the personnel necessary and required to accomplish the collection and disposal of solid waste. The Board may also, pursuant to the powers vested in it by the laws of the state, contract for the collection and disposal of solid waste.

(B) The Board is authorized to fix the hours or days of the week for the collections, and from

time to time to adopt any regulations, not inconsistent with the provisions of this chapter, required for the collection and disposal of household solid waste.

(C) The Board is hereby authorized to enter into agreements and shall have any other authority as is necessary to effectuate the purposes of this chapter, including but not limited to Section 8.24.050.

(D) To facilitate the collection of the fee imposed by this chapter, the Board, in its discretion, may show the amount of the residential solid waste collection fee upon statements rendered by the Columbus City Utilities Department. The Board may, in its discretion, place any additional information of each statement which it deems useful in charging and collecting the fees imposed by this chapter. The failure or omission to render any statement or bill shall not in any manner relieve the owner of the residential unit, building or structure of the obligation to pay any fee under this chapter.

(E) The city services manager, with the approval of the Board, shall be authorized to prepare and publish rules for the effective administration and enforcement of the provisions of this chapter. Any such rules so published shall have the force of law, and a violation of such rules shall be punishable in the same way as a violation of this chapter. (Amended during 1994 codification; Ord. 93-9 § 2, 1993)

#### Section 8.24.030 Collection.

##### **8.24.030 Collection.**

The city services manager, through the adoption and promulgation of rules by the Board, shall be authorized to fix and arrange the dates and schedules for the public collection of solid waste in the various sections of the city. Apartment complexes, commercial and industrial establishments, and residents residing on private streets in for profit residential establishments shall be responsible for arranging “special trash pickups” or additional collections through a private hauler of their choice effective January 1, 1994. Solid waste will be collected by the city from residential dwellings and mobilehome parks one time per week and must be put out for collection by seven (7:00) a.m. on the designated day. Each month, and as set forth by rules adopted and promulgated by the Board, the city shall conduct one free “special trash pickup”, or additional collection which will be outside of the regularly scheduled collections. For all other “special trash pickup” or additional collections requested by the owner of a residential premises, there shall be fee as determined by the Board. Any excess accumulation of solid waste or yard waste by residents residing on private streets in for profit residential establishments shall be disposed of by and at the expense of the establishment creating the excess solid waste or yard waste. Any solid waste or yard waste generated by contractors at a private dwelling shall be removed and disposed of or recycled by the contractor and/or person or persons residing there. (Amended during 1994 codification; Ord. 93-9 § 3, 1993)

#### Section 8.24.040 Burning of refuse.

##### **8.24.040 Burning of refuse.**

No burning of refuse shall be allowed in the city except in incinerators approved by the Indiana Department of Environmental Management. (Ord. 93-9 § 4, 1993)

Section 8.24.050 Bartholomew Consolidated School Corporation and Columbus Housing Authority.

**8.24.050 Bartholomew Consolidated School Corporation and Columbus Housing Authority.**

By separate agreement, the city is permitted to provide solid waste collection to the Bartholomew Consolidated School Corporation and the Columbus Housing Authority. Any agreement between the city and the Bartholomew Consolidated School Corporation and/or the Columbus Housing Authority shall attempt to recover all costs and expenses associated with the collection for those entities. Unless otherwise specified in the agreement, the Bartholomew Consolidated School Corporation and Columbus Housing Authority shall abide by all other aspects of this Chapter. All corrugated and office paper must be separated from solid waste and recycled as per Section 8.24.240.

Section 8.24.060 City-Owned or City-Approved Containers for households; Exchanging City-Owned or City-Approved Containers; Replacing Lost or Stolen City-Owned or City-Approved Containers.

**8.24.060 Containers for households; Exchanging Containers; Replacing Lost or Stolen Containers**

A. Only city-owned containers or city-approved containers provided by the city shall be used for the placement of solid waste for collection. City-owned or city-approved containers shall be assigned to a particular residential premises and shall remain at that residential premises in the event the owner or occupant moves. If a city-owned or city-approved container is lost or stolen from a residential premises, the owner or occupant of the residential premises shall report such event to the public works department's. In the event of loss or theft, a replacement city-owned or city-approved container or containers shall be provided by the City to the owner or occupant at the owner's or occupant's cost. Any owner or occupant desiring more than one (1) city-owned or city-approved container shall purchase a city-approved or city-owned container, with each additional city-approved or city-owned container being purchased directly from the City in accordance with the rules and regulations adopted and promulgated by the Board, pursuant to 8.24.020(B).

B. The number of city-owned or city-approved containers to be collected per residential premises per week shall not exceed the number of city-owned or city-approved containers or city-owned or city-approved containers billed to the residence.

C. Within thirty (30) days after passage of this Ordinance, each owner of a residential premises shall be entitled to one (1) free exchange of the city-owned 96-gallon container, which has been previously provided to the owner, for that of a city-owned 64gallon container or 48 gallon container. All exchanges will take place at the City of Columbus Sanitation Department and the exchange will be reflected on the monthly billing statement for the month following the exchange.

D. For owners of residential premises that have not been provided a city-owned 96 gallon container as of the passage of this Ordinance, each owner will have thirty (30) days to select a 96 gallon container, a 64 gallon container, or a 48 gallon container for use at the residential premises. All selections will take place at the City of Columbus Sanitation Department and the selection will be reflected on the monthly billing. In the event, the owner fails to timely select his or her city-owned container for use at the residential premises, the owner shall be provided a 96 gallon container.

E. Beginning January 1, 2011, and upon availability, every owner of a residential premises

shall be entitled to exchange his or her city-owned container for a different sized container. For each exchange, there will be a Thirty Dollar (\$30.00) fee. All exchanges will take place at the City of Columbus Sanitation Department and the exchange will be reflected on the monthly billing statement for the month following the exchange.

F. In the event that a specific container is not available upon request by the owners of residential premises, the owners shall be placed on a waiting list to be maintained by the City. As the requested containers become available, the City shall distribute the containers in an order and manner as established through the rules adopted and promulgated by the Board, pursuant to 8.24.020(B).

Section 8.24.070 City-Owned or City-Approved Container specifications.

**8.24.070 City-Owned or City-Approved Container specifications.**

No owner, or occupant, of any public or private premises shall permit to accumulate upon his premises any solid waste except in containers owned by the City and/or approved by the city services manager, as established through the rules and regulations adopted and promulgated by the Board, pursuant to 8.24.020(B).

Section 8.24.080 City-Owned or City-Approved Container placement.

**8.24.080 City-Owned or City-Approved Container placement.**

The manner of placing the city-owned or city-approved containers shall be established through the rules adopted and promulgated by the Board, pursuant to 8.24.020(B). (Ord. 93-9 § 8, 1993)

Section 8.24.090 Curbside collection.

**8.24.090 Curbside collection.**

City-owned containers and city-approved containers shall be placed at curbside no earlier than twenty-four (24) hours prior to the scheduled collection time and shall be removed within twenty-four (24) hours after pickup. (Ord. 93-9 § 9, 1993)

Section 8.24.100 Accumulations prohibited--Coverings on City-Owned or City-Approved containers.

**8.24.100 Accumulations prohibited—Coverings on City-Owned or City-Approved containers.**

No solid waste shall be allowed to remain exposed in any building or on any premises for a longer time than shall be reasonably necessary to remove and deposit the waste in proper city-owned or city-approved containers. Lids shall be kept on city-owned or city-approved containers holding solid waste at all times. (Ord. 93-9 § 10, 1993)

Section 8.24.110 Cleaning and disinfecting city-owned or city-approved containers.

**8.24.110 Cleaning and disinfecting city-owned or city-approved containers.**

All city-owned or city-approved containers used for solid waste shall be kept clean and disinfected. (Ord. 93-9 § 11, 1993)

Section 8.24.120 Home composting.

**8.24.120 Home composting.**

Where home composting is practiced, food scraps cannot be applied unless the area being used is surrounded on all sides by a fence or walls to keep out animals. Meat scraps will not be permitted in home composting. (Ord. 93-9 § 12, 1993)

Section 8.24.130 Disposal requirements--Boxes, papers and tree cuttings.

**8.24.130 Disposal requirements—Boxes, papers and tree cuttings.**

Section 8.24.140 Disposal requirements--Ashes and sawdust.

**8.24.140 Disposal requirements—Ashes and sawdust.**

Ashes, sawdust and similar dusty materials must be placed in City-owned or city-approved containers. Hot ashes are prohibited. (Ord. 93-9 § 14, 1993)

Section 8.24.150 Disposal requirements--Tires.

**8.24.150 Disposal requirements—Tires.**

Tires shall not be placed in city-owned or city-approved containers with other solid waste and will not be collected by city services. They should be taken by the resident or business establishment to a tire recycling center.

Section 8.24.160 Disposal requirements--Hazardous waste.

**8.24.160 Disposal requirements—Hazardous waste.**

Hazardous wastes shall not be placed in a city-owned or a city-approved container with any other solid waste and will not be disposed of by city services. (Amended during 1994 codification; Ord. 93-9 § 16, 1993)

Section 8.24.170 Disposal requirements--Infectious waste.

**8.24.170 Disposal requirements—Infectious waste.**

Infectious waste will not be collected by city services. Sharps must be placed in a leak proof, labeled, rigid city-owned or city-approved container in order to be disposed of by sanitation crews. (Amended during 1994 codification; Ord. 93-9 § 17, 1993)

Section 8.24.180 Disposal requirements--Lead acid batteries.

**8.24.180 Disposal requirements—Lead acid batteries.**

Lead acid batteries shall not be placed in city-owned or city-approved containers with other solid waste and will not be collected by city services. They should be taken by the resident or business establishment to a battery recycling center. (Amended during 1994 codification; Ord. 93-9 § 18, 1993)

Section 8.24.190 Disposal requirements--Motor oil.

**8.24.190 Disposal requirements—Motor oil.**

Motor oil shall not be placed in a city-owned or a city-approved container with any other solid waste and will not be disposed of by city services. It is the responsibility of the generator to dispose of motor oil at a reclamation center. (Amended during 1994 codification; Ord. 93-9 § 19, 1993)

Section 8.24.200 Disposal requirements--Paint.

**8.24.200 Disposal requirements—Paint.**

Paint shall not be placed in a city-owned or a city-approved container with any other solid waste unless it is in a dry state. Once the paint has dried to a solid state, and the lids have been removed it can be placed in a city owned or a city-approved container and disposed of by sanitation crews. (Ord. 93-9 § 20, 1993)

Section 8.24.210 Disposal requirements--Grass and leaves.

**8.24.210 Disposal requirements—Grass and leaves.**

All grass and leaves shall be placed in a city-owned or a city-approved container (Section 8.24.070) and collected curbside only by composting crews. Composting routes will run one day after the regular sanitation routes with the exception of Friday which will be collected on Monday. Grass and leaves shall be free of any trash, twigs, garden waste or other debris. This will be supplemented by a fall loose leaf composting program. (Ord. 93-9 § 21, 1993)

Section 8.24.220 Areas for disposal of solid waste or refuse restricted.

**8.24.220 Areas for disposal of solid waste or refuse restricted.**

The disposal of solid waste including, including but not limited to roofing, construction, concrete debris, and clean fill, by a person in any place, public or private, within the city other than the sites

authorized by the Indiana Department of Environmental Management, is prohibited. (Ord. 93-9 § 22, 1993)

Section 8.24.230 Disposal requirements--Industrial process waste.

**8.24.230 Disposal requirements—Industrial process waste.**

All combustible and noncombustible industrial process waste, which is the result of manufacturing a product, shall be disposed of or recycled by the person or persons generating such waste at his expense. (Ord. 93-9 § 23, 1993)

Section 8.24.240 Disposal requirements--Commercial corrugated and office paper.

**8.24.240 Disposal requirements – Commercial corrugated and office paper.**

Corrugated cardboard and office paper will be collected from apartment complexes and commercial establishments as needed. These recyclable items shall be placed in a minimum one and one-half cubic yard, maximum three cubic yard city-owned or city-approved container that is in accordance with the regulations of Sections 8.24.070 (D) and 8.24.080. Cardboard must be flattened and free of any debris. Office paper, pre-approved by the Columbus-Bartholomew recycling center, must be separated according to its grade and placed in durable, clear, plastic bags. Any other waste is prohibited in these bags and city-owned or city-approved containers. Failure to comply with these rules and regulations will result in disposal by a private hauler at the expense of the responsible party. (Ord. 93-9 § 24, 1993)

Section 8.24.250 Private collection--Permit application.

**8.24.250 Private collection—Permit application.**

Every person desiring to engage in the business of solid waste collection and disposal shall make application for permit to the board of public works and safety by setting forth the name of such person, the address, together with the description of the vehicle to be used in the collection of such solid waste and the place and the method of disposal to be practiced. (Ord. 93-9 § 25, 1993)

Section 8.24.260 Private collection--Permit fee.

**8.24.260 Private collection—Permit fee.**

A permit fee will be assessed before issuing a solid waste collection and disposal permit by the board of public works and safety. The written approval of the city services manager is required, which shall state that the vehicle to be used for such purpose has satisfactorily met the requirements of the city services manager. (Amended during 1994 codification; Ord. 93-9 § 26, 1993)

Section 8.24.270 Nuisances.

#### **8.24.270 Nuisances.**

A. No owner or tenant of any private or commercial premises shall create, or permit to exist, any of the following conditions, which shall be declared and considered public nuisances.

1. Placing city-owned containers or city-approved containers near an alley or curbside more than twenty-four (24) hours before scheduled collection;
2. Keeping open city-owned or city-approved containers. (Lids must be kept on at all times);
3. Placing trash for collection in cardboard boxes or paper sacks;
4. No solid waste shall be permitted to ferment, putrefy or become odoriferous in city-owned or city-approved containers on private premises.

B. Owners or tenants who violate any of the provisions of this chapter shall receive a written warning from the city services manager notifying said person(s) of the nature of the violation, the action necessary to correct said violation and the time within which said violation must be corrected. The notification shall also contain a statement that failure to correct said condition within the prescribed time, or the occurrence of a second violation of this chapter at said location shall result in a fine of fifty dollars (\$50.00). Said fine shall be in accordance with the schedule for fines & fees, as adopted and promulgated by the Board, pursuant to 8.24.020(B). Once the occupant has been fined for a violation of this chapter, subsequent violations by the occupant shall result in fines which shall increase in increments of Fifty Dollars (\$50.00), but shall not exceed One Thousand dollars within a 12 month period. (Amended during 1994 codification; Ord. 93-9 § 27, 1993).

#### **Section 8.24.280 Improper disposal and transportation of waste prohibited.**

##### **8.24.280 Improper disposal and transportation of waste prohibited.**

A. No person shall throw, place or deposit solid waste in any street or other place or on any public or private property except in proper city-owned or city-approved containers, and no person shall remove the lid from any city-owned or city-approved container without replacing it.

B. No person shall deposit solid waste in any city-owned or city-approved container or on any public or private property without the consent of the property owner. In the event any solid waste is disposed of improperly the responsible party causing such a condition to exist shall receive notice of a clean-up fee in accordance with subsection F of this section.

C. No person shall turn over or upset the contents of any city-owned or city-approved container on any street, sidewalk or public place.

D. When waste or recyclables have been set out in city-owned or city-approved containers near a public street, sidewalk or alley for collection, no person shall remove any part of this material from such city-owned or city-approved container. When waste or recyclables have been set out in city-owned or city-approved containers on private premises, no person shall remove any materials from there except with the consent of the owner or lessee of the premises.

E. Solid waste shall be covered and secured during hauling such that there is no leakage or loss of waste.

F. In the event any solid waste is disposed of improperly, as above set forth, the property owner or if responsible party can be determined as in subsections A, C, D and E of this section, permitting or causing such a condition to exist shall first receive a twenty-four (24) hour written notice from the city services manager to resolve the situation. All notices for such violations will be sent to both the property owner and the responsible party. If at the end of the twenty-four (24) hour period the condition continues to exist, the sanitation department shall have the right to rectify such condition and the property owner and responsible party shall receive notice of clean-up fee. The clean-up fee shall consist of a reimbursement of costs of manpower and equipment used as certified by the city services manager, but shall in no case be less than fifty dollars (\$50.00) and shall be no more than two hundred fifty (\$250.00). The schedule of clean-up fees shall be set forth in the rules and regulations as adopted and promulgated by the Board,

pursuant to 8.24.020(B). Failure to pay this fee within ten (10) days to the office of the City Clerk-Treasurer will result in the filing of an ordinance violation by the city attorney in a court of competent jurisdiction. The fine levied for such a violation shall be fifty dollars (\$50.00) plus the cost of clean-up. For each subsequent violation of this section by the property owner or responsible party within a twelve-month period, the fine shall increase in increments of fifty dollars (\$50.00), plus costs of clean-up, court costs associated with enforcing the violation, and reasonable attorney fees. (Amended during 1994 codification; Ord. 93-9 § 28, 1993)

## Section 8.24.280 Annexations; New Subdivisions

### **8.24.280 Annexations; New Subdivisions**

(A) After January 1, 2010, any owners of a residential premises that is annexed into the corporate limits of the city shall be responsible to select and purchase a city-owned or city-approved container within ten (10) days of the effective date of the annexation. The city-owned or city-approved containers shall be immediately available for pick up at the City of Columbus Sanitation Department upon showing of a receipt for purchase.

(B) After December 1, 2009, each owner of a new residential premises shall be responsible to select and purchase a city-owned container or city-approved container within ten (10) days of purchasing the residential premises. The city-owned or city-approved containers shall be immediately available for pick up at the City of Columbus Sanitation Department upon showing of a receipt for purchase.

### Section 8.24.290 Scope of Services; Billing and Fees

#### **8.24.290 Scope of Services;**

(A) Curbside collection of solid waste shall be available to residential units under the terms and conditions of this chapter, and under any reasonable rules and regulations as the Board may adopt.

(B) Collection of solid waste by the city shall not be available for commercial structures or non – qualifying residential dwellings.

## **Section II**

This ordinance shall have full force and effect from and after its passage.

\* \* \* \* \*

DULY PASSED on this 1<sup>st</sup> day of December, 2009, by the Common Council of the City of Columbus, Indiana.

COMMON COUNCIL  
CITY OF COLUMBUS, INDIANA

---

Presiding Officer

ATTEST:

---

Clerk-Treasurer

Presented by me to the Mayor of the City of Columbus for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this 1<sup>st</sup> day of December, 2009, at 8:00 p.m.

---

Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16 (a)(1), this 1<sup>st</sup> day of December, 2009 at 6:45 p.m.

---

Mayor of the City of Columbus, Indiana

Attest:

---

Clerk-Treasurer