

**ORDINANCE NO. 24 - 2008****AN ORDINANCE GOVERNING THE  
COLLECTION AND DISPOSAL OF TRASH, GARBAGE,  
AND REFUSE WITHIN THE CITY OF BEDFORD, INDIANA**

WHEREAS, the City of Bedford, Indiana (the "City"), currently provides for the pickup and collection of trash, garbage and refuse within the city (the "Trash Collection Service") as part of its regular government services to protect the health safety and welfare of its citizens and pursuant to its authority under Indiana Code 36-9-30, as amended, and other applicable provisions of the laws of Indiana (collectively, the "Act"); and

WHEREAS, the cost of providing the Trash Collection Service has been increasing steadily over the last number of years; and

WHEREAS, the city has not previously charged property owners for the Trash Collection Service; and

WHEREAS, the city has determined that in order to offset the costs to the city for providing for the Trash Collection Service, it is necessary to enact a fee for said service; and

WHEREAS, the Common Council of the city finds that the fee set forth herein is based upon the cost of providing the Trash Collection Service within the City and will enable the city to meet its expenses for the provision of said service; and

WHEREAS, the City has caused notice of a public hearing on the matter of a fee for the provision of Trash Collection Service to be published in accordance with the act and Indiana code 5-3-1, and has considered the evidence presented at said public hearing prior to consideration of this ordinance;

NOW THEREFORE BE IT ORDAINED by the Common Council of the city of Bedford, Indiana, that:

**DEFINITIONS.**

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

**BOARD.** The City Board of Public Works and Safety.

**COMMERCIAL BUSINESS STRUCTURES.** Any structure in which there is located any non-residential activity, including but not limited to commercial business, retail business, and not-for-profit activity.

**CURBSIDE COLLECTION.** Collection in a standard container, as defined herein, at or near the street or alley adjacent to the premises served or at any other location as the city may direct.

**CUSTODIAN.** An owner of record of real estate, or his or her agent or assignee, who uses a standard container.

**GARBAGE.** Includes every rejected food waste, 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 vegetable at any residence, club, restaurant, hotel, nursing home or other public or private place, also includes human or animal bodily waste and includes dead animals or fish or portions thereof.

**REFUSE.** By way of example but not limitation, except as herein expressly provided, **REFUSE** shall include items such as discarded containers, paper, ashes, cans, glass, wood, small solid objects and other litter capable of being placed in a standard container, but specifically excluding wastes such as rejected food wastes, including every waste

accumulation of animal, fruit and vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit or vegetable, and items such as discarded appliances, mattresses, box springs, tree limbs, leaves and grass clippings. *REFUSE* shall also include all items that might be defined as the same under the terms and conditions of a contract for refuse collection services, which may be entered into by the Board as authorized herein, which contract shall be on file in the Clerk-Treasurer's Office.

**RESIDENTIAL UNIT.** An occupied or unoccupied single-family residential dwelling unit specifically including, but not limited to, a mobile home, and each individual housekeeping, living or dwelling unit of a multiple-family building. (May be referred to as "Unit".)

## **AUTHORITY OF THE BOARD OF PUBLIC WORKS AND SAFETY.**

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

(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 subchapter, required for the collection and disposal of household refuse.

(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 subchapter.

(D) The Board is hereby authorized to make any reasonable rules and regulations, and to revise and amend them from time to time as the Board may deem advisable, to effectuate the purposes of this subchapter.

(E) To facilitate the collection of the fee imposed by this subchapter, the Board, in its discretion, may show the amount of the residential refuse collection fee upon statements rendered by the 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 subchapter. 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 subchapter.

## **RESPONSIBILITY FOR REMOVAL OF REFUSE.**

Every person owning or controlling, either as principal or agent, or occupying any residential unit or commercial business structure shall keep all garbage and refuse generated by the occupants of such unit or structure, or accumulated on the property occupied by the unit or structure and shall be responsible for the disposal of such garbage and refuse at least weekly, either through curbside collection services offered by the city, or through the services of a private trash collector.

## **HAULING WASTE MATERIALS; PRIVATE DUMPS.**

(A) No person shall haul, transport, convey or cause to be hauled, transported or conveyed any trash, ashes, rubbish, refuse, junk or other discarded or waste materials, and deposit, place or dump the materials on any public property, street or thoroughfare or on any privately owned property.

(B) Nothing in this subchapter shall be construed to prohibit the dumping or depositing of dirt, sand, gravel, the compound commonly known as fly ash, concrete rubble or similar materials. These substances shall be free of all trash, rubbish, or refuse materials of all kinds, and can be dumped or deposited on any lot either publicly or

privately owned, at the request of the owner, for the purpose of elevating the grade of the lot or the unimproved part of the lot.

### **CURBSIDE COLLECTION; EXCEPTION.**

The Common Council now finds as follows:

(A) In the interests of the health, safety and general welfare of the citizens of the city, it is necessary to make available curbside collection of refuse from structures consisting of residential units;

(B) Nothing contained in this subchapter shall be construed or interpreted as authorizing or requiring, at public expense, the collection and disposal of waste material that shall result from the operation of any manufacturing, processing or commercial concern or business, except as provided by this subchapter.

### **SCOPE OF SERVICES; FEES AND BILLING.**

(A) Curbside collection of refuse shall be available to residential units under the terms and conditions of this subchapter, and under any reasonable rules and regulations as the Board may adopt. Collection of refuse by the City shall not be available for commercial structures. The funds received from collection of the fees herein shall be for the cost of administration, collection and disposal costs, including equipment and labor costs, associated with the collection and disposal relating to the trash collection service.

(B) There is hereby imposed a fee of \$12.98 per month upon each residential unit contained in a structure consisting of one through four residential units. Owners of real estate containing five or more residential units shall be charged a fee equal to 80% of the total number of units owned multiplied by \$12.98

(1) The fees established herein shall be imposed on and be the obligation of the owner of record of the residential unit or units as shown in the office of the County Recorder. For residential units of four units or less, the monthly fee shall be charged to each residential tenant subject to curbside collection regardless of whether the occupant thereof uses the city refuse curbside collection service or a private trash collection service.

(2) For billing purposes of the \$12.98 monthly fee (except for apartment buildings, trailer parks, or other similar residential structures containing five units or more) it shall be presumed that each water meter of the Utilities Department serves a structure for which the \$12.98 monthly fee is due.

### **DELINQUENCY CHARGE; LIEN; APPLICATION OF PAYMENTS.**

If the net fee imposed pursuant to this subchapter is not paid within 30 days of its due date as indicated conspicuously on the billing, there shall be assessed a delinquency charge in the amount of 10%, which delinquency charge and net fee shall be immediately due and payable. If the fee and delinquency charges are not paid as required by this section, these amounts, together with a reasonable attorney fee, may be recovered by the city in a civil action in the name of the city. If any customer does not pay their utility bill in full on any month's payment, the Utility Department is directed to apply the partial payment as follows:

- (1) First, to the outstanding water bill;
- (2) Second, to the outstanding sewer bill; and
- (3) Third, to the outstanding garbage collection bill.

### **COLLECTION AND APPROPRIATION OF PAYMENTS.**

The fees as provided for in this subchapter shall be paid as they become due at the Office of the City Utilities Department. For customers of the City's water and/or sewer utilities, the City shall place the \$12.98 monthly fees on water and sewer bills generated by the City Utilities Department. For residential units subject to the trash collection fee that are not customers of the City utilities, the City shall bill said customers the \$12.98 monthly fees separately. All collected payments shall be and constitute a separate and distinct fund from other funds of the city, and shall not be merged or co-mingled with other funds of the city.

**ANNUAL REPORT.**

The Board shall, on the first anniversary date after the passage of this subchapter, and each year thereafter until the termination of this subchapter, file with the Clerk-Treasurer, the Common Council and the Office of the Mayor a report examining the rates and charges as required by applicable state and federal statutes and containing, if necessary, recommendations for adjustments and modifications. A copy of the schedule of rates and charges shall, at all times, be kept on file in the Office of the Clerk-Treasurer, and shall be open for public inspection. The fees shall be extended to cover any additional residential units thereafter subject to the fee as established herein, without the necessity of any hearing or notice.

**INCREASE IN UNITS.**

(A) Owners of property subject to the fees provided for herein shall report any increase in the number of residential units on the property to the Board prior to the completion of construction or occupancy, whichever first shall occur.

(B) No person shall utilize the services provided for herein except in the manner prescribed by this subchapter and the rules and regulations of the Board.

**CIVIL PENALTY.**

(A) A violation of this subchapter may be enforced pursuant to any action authorized by law, including but not limited to, the procedures stated in this code.

(B) A person who violates the provisions of this subchapter shall be subject to a civil penalty not less than \$50 nor more than \$500 for each day during which a violation exists. If the violation is of a continuing nature, each day the violation exists shall constitute a separate offense.

Section 3. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which shall be given effect without such invalid part or parts.

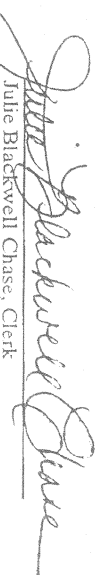
Section 4. The Trash Collection Fee as herein set forth shall become effective on the first full billing period occurring after the adoption of this ordinance.

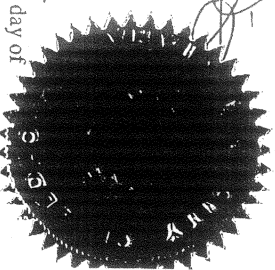
Section 5. This ordinance shall be in full force and effect from and after its passage and execution by the Mayor of the City and proper publication.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF BEDFORD, INDIANA ON THE 13<sup>th</sup> DAY OF September, 2008.**

  
Shawna Girgis, Mayor

ATTEST:

  
Julie Blackwell Chase, Clerk



Presented to the Mayor of the City of Bedford, Indiana on the 13<sup>th</sup> day of September, 2008.