

ORDINANCE NO 08-05
ORDINANCE OF THE TOWN OF ST JOE

**An Ordinance concerning PUBLIC HEALTH and PUBLIC SAFETY as it relates to
SOLID WASTE**

WHEREAS, the Town Board of the Town of St Joe has the authority to establish regulations to promote the public health, safety and welfare.

WHEREAS, this ordinance is intended to promote the public health, safety and welfare and to protect the interests of town residents by regulating and accumulation, storage, collection, removal and disposal of solid waste so that conditions that create fire, health or safety hazards, harbor undesirable pest, or impair the aesthetic appearance of neighborhoods are prevented and eradicated.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of St. Joe, Indiana, that:

Section 1. DEFINITIONS

For the purpose of this ordinance, the following words, terms, and phrases shall have the meanings set forth:

- A. **Bulky Waste** - All large, heavy or otherwise difficult to handle wastes with weights and/or volumes greater than that allowed for an acceptable container, including, but not limited to, appliances, white goods and furniture.
- B. **Commercial Building** - Any building, or part of a building, used for any business enterprise, including commercial waste, industrial waste, institutional waste, or waste from the cleanup or maintenance of property rental operations. For the purpose of this ordinance, commercial solid waste shall also include solid waste generated from a building containing five (5) or more rental dwelling units.
- C. **Commercial Solid Waste** - All solid waste which results from the operation of any business enterprise, including commercial waste, industrial waste, institutional waste, or waste from the cleanup or maintenance of property rental operations. For the purpose of this ordinance, commercial solid waste shall also include solid waste generated from a building containing five (5) or more rental dwelling units.
- D. **Container** - A receptacle designed and intended for the storage of solid waste, and where permitted, may include bags.
- E. **Dwelling** - Unit-Any room or group of rooms located within a building and forming a single habitable residence with facilities which are used or intended to be used for living, sleeping, cooking, and eating.
- F. **Hazardous Waste** - Any material, solid waste, chemical or substance determined to be hazardous by state or federal regulations or may be potentially hazardous to any person, to property, or to the environment.

- G. **Occupant** - The person in actual possession of the property, premises, building or dwelling unit, whether or not the owner.
- H. **Owner** - The legal or equitable owner of record who has a right to participate in controlling the property, premises, building or dwelling unit, whether or not the occupant.
- I. **Person** - Any individual, firm, association, partnership, or corporation.
- J. **Residential Building** - Any building, or part of a building, that contains one (1) or more dwelling units, but excluding a building containing five (5) or more rental dwelling units.
- K. **Residential Solid Waste** - All household solid waste originating from a dwelling unit within the town generated by the occupant. For the purpose of this ordinance, residential solid waste shall exclude solid waste generated from a building containing five (5) or more rental dwelling units.
- L. **Solid Waste** - All solid and semisolid wastes, including garbage, litter, trash, refuse and rubbish.
- M. **Yard Waste** - Vegetative matter resulting from landscaping and garden maintenance, including, but not limited to, leaves, grass clippings, branches, bush, shrubbery, trees and flowers.

Section 2. ADMINISTRATION AND ENFORCEMENT

Enforcement of the provisions of this ordinance shall be under the jurisdiction of the St. Joe Town Board and the Town Manager. A representative of the Town Board, including the Town Manager, or DeKalb County Health Department, Shall have the authority to make inspections, determine violations, and take action to enforce the provisions of this ordinance.

Section 3. UNLAWFUL DISPOSAL OF SOLID WASTE

- A. It shall be unlawful for any person to leave, place, throw, or deposit, or cause or permit any other person to leave, place, throw, or deposit, in or upon any street, alley, sidewalk, public place, public property, or private property within the town limits, solid waste of any kind.
- B. It shall be unlawful for any person to leave, place, throw or deposit within the town limits or cause or permit any other person to leave, place, throw or deposit within the town limits, solid waste of any kind for the purpose of collection and disposal by the town when the solid waste is generated at a location outside the town limits or from a location where the town does not collect solid waste.
- C. It shall be unlawful for any person to leave, place, throw, or deposit any yard waste at the St. Joe Environmental Compose Area unless such yard waste is generated at a location within the town limits. It shall be unlawful to dump or dispose of material at the St. Joe Environmental Compose Area if materials are generated outside of

- DeKalb County. However, no tree service contractor, landscaping contractor, nursery or similar business enterprise shall leave, place, throw or deposit any yard waste at the St. Joe Environmental Compose Area. It shall be unlawful for any person to leave, place, throw, or deposit grass clippings at the St. Joe Environmental Compose Area.
- D. It shall be unlawful for any person to bury solid waste within the town limits.
 - E. It shall be unlawful for any person to allow an accumulation of solid waste which creates a fire, health or safety hazard, or harborage for rodents or insects.
 - F. No person shall deposit in a solid waste container, or otherwise set out for solid waste collection and disposal by the town, or its authorized representative, any yard waste consisting of leaves, tires, or hazardous waste.

Section 4. DUTY OF OCCUPANT

- A. The occupant of any premises within the town, whether business, commercial, industrial, institutional or residential premises, shall maintain the premises in a clean, orderly, safe and sanitary condition, free from any accumulation of solid waste which creates a fire, health or safety hazard, or harborage for rodents or insects.
- B. The occupant of any premises within the town shall ensure that all solid waste are stored on the premises in containers complying with the requirements of this ordinance. All waste stored outside a building shall be stored in such containers, except that waste may be stored in a plastic bag complying with the requirements of Section 7, provided that such plastic bag is placed outside no earlier than the day prior to collection.
- C. The occupant of any premises within the town shall cover and/or secure all solid waste containers, keeping the storage area and area surrounding any containers in a clean, orderly and sanitary manner and preventing the waste stored in a plastic bag or other container becomes torn, spilled or otherwise scattered, the occupant shall be responsible for clean-up of the area.
- D. The occupant of any premises within the town shall not store any solid waste, including bulky waste, outside for more than seven (7) days.

Section 5. DUTY OF OWNER

- A. The owner of any multi-family dwelling unit shall provide the premises with a sufficient number of covered solid waste containers complying with the requirements of Section 7 to allow the occupants to adequately store the solid waste generated by the occupants of the premises between collection days. The owner shall provide a minimum of one (1) 45-gallon container for every two (2) persons residing on the premises. For a single occupant, a minimum of one (1) 32-gallon container must be provided.

- B. The owner of any premises shall not allow the accumulation of solid waste on the premises to such an extent that the solid waste creates a fire, health or safety hazard, or harborage for rodents or insects.

Section 6. COLLECTION AND DISPOSAL OF SOLID WASTE

A. Commercial Solid Waste Collection and Disposal. The occupant of any commercial building shall be responsible for the lawful collection and disposal of all commercial solid waste generated from the location, except that the owner of a building containing five (5) or more rental dwelling units shall also be responsible for the lawful collection and disposal of all solid waste generated from the location.

B. Residential Solid Waste Collection and Disposal. The town, or its authorized representative, shall provide residential solid waste collection and disposal services from eligible residential buildings. The town, or its authorized representative, is not required to collect any residential solid waste that does not comply with the requirements of this ordinance.

- 1. The occupant shall place all residential solid waste at the designated collection site for collection and disposal by the town, or its authorized representative, no later than 6:00am on the day of collection, nor earlier than the day prior to collection if the collection site is adjacent to a town street. The occupant shall retrieve all solid waste containers to the storage area by 10:00pm on the day of collection.
- 2. The occupant shall place all residential solid waste for collection by the town, or its authorized representative, within five feet (5') of the edge of the street, or at such other place as approved or designated by the town.

Section 7. CONTAINERS REQUIRED

- A. Commercial Buildings/Commercial Solid Waste.
 - 1. The occupant responsible for the condition of property used as any business enterprise and generating commercial solid waste shall have and use solid waste containers of a number and size sufficient to contain all solid waste generated from the location. The owner of the building containing five (5) or more rental dwelling units shall supply the building with containers of sufficient number and size to contain all waste generated from the location.
 - 2. All containers in which solid waste is placed shall be made of metal or plastic, insect-proof, rodent-proof, and have a tight-fitting, watertight cover.
 - 3. All containers shall be maintained in a clean and sanitary condition, and in good repair.
 - 4. Any container that does not conform to the provision of the section must be promptly removed and replaced by a proper container upon receipt of notice to that effect from the town.

B. Residential Buildings/Residential Solid Waste

1. The occupant of a property shall have and use either or a combination of
 - a) Bags of sufficient strength and tightly secured to contain all solid waste generated from the location without tearing or breaking when lifted. Bags, however, may not be stored outside a building unless placed in a solid waste containers meeting the limitations set forth in Sub-section 2. Bags, however, may be placed at the designated collection site without a container no earlier than the day before collection.
 - b) Solid waste containers of a number and size sufficient to contain all solid waste generated from the location, and meeting the limitations set forth in Sub-section 2.
 2. All containers in which solid waste is placed shall be made of metal or plastic, insect proof, rodent proof, and have a tight fitting, watertight cover. A container shall be of such size and shape as to be easily handled by one person, and shall have a maximum capacity of 45 gallons and not exceed 50 pounds when full. A container with a greater capacity and weight limit may be utilized only if authorized by or provided by the town, or its authorized representative.
 3. All containers shall be maintained in a clean and sanitary condition and in good repair.
 4. Any container that does not conform to the provisions of this section, or that may have ragged or sharp edges or any other defect that will hamper or injure the person collection the contents thereof, or is likely to cause bags to tear, must be promptly removed and replaced by a proper container upon receipt of notice to that effect from the town.
- C. Use of unapproved containers, such as wooden containers, scree/wire containers or 55 gallon drums for the storage and collection of solid waste are prohibited. The owner or occupant shall remove and replace such unapproved containers. Replacement containers shall meet the limitations set forth in Sub-section A if considered to contain commercial solid waste or Sub-section B if considered to contain residential solid waste.

Section 8. NOTICE

- A. Upon discovery of a violation of this ordinance, the person or persons in violation shall be given written notice describing the violations, and if the town is seeking abatement of the violation, the town shall give the violator three (3) days from the service of the notice to abate the violation.
- B. The notice shall contain the following information:
 1. Date;

2. Name of person(s) to whom the notice is given, however, if the name of the occupant cannot reasonably be determined, it will be deemed sufficient for the notice to be given to “occupant”;
 3. Address and/or parcel number of the real property that is subject to the notice;
 4. Nature of violation and the action required, including the period of time in which the action is required to be accomplished measured from the time notice is given;
 5. Statement indicating the opportunity for a hearing or the date of any court appearance required;
 6. If the town is seeking abatement of the violation, a statement indicating that the notice becomes final three (3) days after notice is given if a hearing is not requested in writing and delivered to the town before the end of the three (3) day period;
 7. Statement briefly indicating what action can be taken by the town if the notice is not complied with; and
 8. Name, address and telephone number of the enforcement authority.
- C. Service of this notice is deemed sufficient if given by:
1. Sending a copy by registered or certified mail, return receipt requested, to the person(s) to notified; or
 2. Delivering a copy personally to the person(s) to be notified; or
 3. Leaving a copy at the residence of the person(s) to be notified.
- D. It shall be the responsibility of the occupant to abate the existing violation after receipt of a notice. If the notice is not complied with, the town may take appropriate action to abate the violation, and cost thereof shall be assessed pursuant to Section 10, or the town may elect to notify the owner of the premises of the violation and order the owner to abate the violation. The owner shall be entitled to the same notice and period of time to abate the violation that was originally given to the occupant. If the owner does not the abate the violation, the town may take appropriate action to abate the violation and assess the costs of the abatement to either the occupant or the owner.
- E. Enforcement of this ordinance against any owner of record shall not in any manner diminish the ability of the town to enforce the ordinance against an occupant of the real property, and enforcement of this ordinance against any occupant shall not in any manner diminish the ability of the town to enforce the ordinance against an owner of record of the real property.
- F. This ordinance shall not prohibit a landlord from including a provision in a lease agreement to collect any enforcement costs imposed by the town against the landlord due to actions or inactions of a tenant.

Section 9. HEARING

- A. In the event that a person receiving a notice seeking abatement of a violation does not believe that he or she is in violation of this ordinance, the person may request a hearing before the St. Joe Town Board.
- B. The request for a hearing before the St. Joe Town Board must be in writing and delivered to the clerk-Treasurer's Office within three (3) days after the date the notice is given.
- C. A hearing will be scheduled to be held within ten (10) days of receipt of the written request.
- D. At the hearing, the person will be given the opportunity to appear, with or without counsel, to present such evidence to the St Joe Town Board that reasonably relates to whether the presence of the solid waste on the rental property is in violation of this ordinance. Each person appearing will also be given the opportunity to cross-examine any opposing witnesses and present evidence and arguments.

Section 10. ABATEMENT OF VIOLATION; COLLECTION OF COSTS

- A. The town may take action to abate the violation from the real property if any person who has been provided written notice fails, neglects, or refuses to comply with the notice; and has not requested a hearing, or if a hearing was requested, the St. Joe Town Board affirmed the notice; and the notice is not being reviewed by the county circuit or superior court. The town may abate the violation by contract with a contractor or with town personnel and equipment.
- B. The owner and occupant of the real property shall be jointly and severally responsible for the town's cost for the abatement of the violation under this ordinance. The cost for abatement shall be Fifty Dollars (\$50.00) or the actual cost of the work performed by town personnel or contractor, whichever is greater.
- C. The Clerk-Treasurer shall send a bill to the person violating this ordinance for the town's cost for the abatement of the violation. Payment shall be due fifteen (15) days after the billing date.
- D. If the bill is not paid within fortyfive (45) days of the due date, the town may collect the bill in any manner available by law. The Clerk Treasurer may certify to the DeKalb County Auditor the amount of the bill plus any additional administrative costs incurred in the certification. The Auditor shall place the total amount certified on the tax duplicate for the property affected, and the total amount including any accrued interest, shall be collected as delinquent taxes and shall be disbursed to the general fund of the Town of St. Joe as provided by IC 36-7-10.1-4.

Section 11. PENALTIES

Any person who violates a provision of this ordinance may be subject to a civil penalty in an amount not more than Five Hundred Dollars (\$500.00) for each offense. If the violation is of a continuing nature, each day of failure to comply with the provisions of

this ordinance shall constitute a separate offense. A complaint for violation seeking the imposition of a fine may be filed with any court of competent jurisdiction in DeKalb County.

Section 12. OTHER ORDINANCES

All other ordinances and parts of ordinances inconsistent or in conflict with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 13. SEVERABILITY

If any provision, clause, sentence, or portion of this ordinance is held invalid by a court of law, such invalidity shall not affect other provisions of the ordinance which can be given effect without the invalid provisions.

Section 14. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and adoption, approval and publication according to the laws of the State of Indiana.

This Ordinance is duly passed by the St. Joe Town Board of St. Joe, Indiana on March 10, 2008.

Washler Garbage & Recycling Service

Trash Guidelines

1. Washler Inc. will pick up household waste and recyclable materials placed in the containers and placed at the curb each week.
2. Containers may be provided by Washler Inc. and remain the property of Washler Incorporated.
3. Service is for residential trash from one household, sharing of service with another residence is unacceptable
4. Please bag as much trash as possible before placing in bins. This helps to keep trash from blowing away as we dump containers.
5. If New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day fall on a weekday, pick up will be delayed by 1 day.
6. Concrete, stones, rocks bricks, tires, car batteries, liquid waste, ELECTRONICS and hazardous materials will not be accepted.
7. SMALL amounts of yard waste is accepted
8. NO FIREPLACE ASHES.

Recycling Guidelines

PLEASE RINSE AWAY FOOD DEBRIS!

Aluminum: Soft drink & beer cans, aluminum foil, pie & dinner trays

Corrugated Cardboard: Flatten and place in recycling container

Chipboard: Food cartons, shoe boxes, tissue boxes, etc. Flatten and place in recycling container

Newsprint/newspapers: Place in recycling container

Plastics: Milk, water, juice, soft drink, cottage cheese, meat trays and colored detergent containers are some examples. Look for symbols with numbers 1, 2, or 5 on the bottom of the containers

Tin/Steel Cans: Fruit, vegetable and other cans that attract a magnet.

Magazines: Glossy magazines and catalogs

Glass: Brown, Green, and Clear glass are accepted. Please don't include broken glass for the safety of our workers.