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TOWN OF BURNS HARBOR, INDIANA

TOWN CODE

CHAPTER 5 – GARBAGE AND REFUSE

(Ordinance 314-2022, Adopted Nov. 9, 2022)

Sec. 5-1. PURPOSE.

The purpose of this chapter is to eliminate unhealthy, unsanitary, and unsightly conditions in the Town caused by the deposit and accumulation of refuse, garbage and rubbish, and at the same time, in so far as practicable, to limit the volume or bulk of the refuse, garbage and rubbish which the Town or its collector will be required to pick up and remove, thereby keeping at a minimum the equipment and labor which the Town or its collector will require for these purposes. It shall be the duty of every person who is the owner or occupant of any single-family residence, mobile home unit or premises consisting of four (4) or less separate residential units within the corporate limits of the Town of Burns Harbor, Indiana to use the size and style of garbage container and recycling container provided or authorized by the Town of Burns Harbor for collection by or on behalf of the Town.

Sec. 5-2. DEFINITIONS.

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

CONTAINER. A container for the storage of garbage, refuse or rubbish; or separately for the storage of recycling material, which is:

1. Provided with a handle and tight-fitting cover;
2. Water-tight;
3. Substantially made of plastic or other light-weight material; and
4. Of a size that may be conveniently handled by the collector.

GARBAGE. Animal, fruit, vegetable, and other waste resulting from the preparation of food and drink.

RECYCLING MATERIAL. Includes, but is not limited to, newspapers, cardboard, aluminum, tin, metal cans, glass and plastic containers as described by the third-party service provider.

REFUSE. Includes all garbage, rubbish, ashes or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community, except dead animals.

RUBBISH. All other refuse not falling within the term “garbage,” except those objects too large to be placed in cans.

Sec. 5-3. CONTAINERS TO BE PROVIDED TO OWNERS OR OCCUPANTS OF SINGLE-FAMILY RESIDENCE, MOBILE HOME UNIT OR PREMISES CONSISTING OF FOUR (4) OR LESS SEPARATE RESIDENTIAL UNITS.

- A. Each single-family residence, mobile home unit or premises consisting of four (4) or less separate residential units where garbage, refuse or rubbish accumulates shall be provided with a container for the storage of such refuse, garbage and rubbish; and a separate container for the storage of recycling material. Such containers shall be kept covered and reasonably clean at all times. They shall be placed alongside of, but not in, the alley or street along which the refuse truck will travel to collect the same and in position readily accessible to the collector, or at such other locations as the Street Superintendent shall designate.
- B. Containers shall not be placed outside of the residence for pickup earlier than one day prior to the scheduled pickup day. Containers shall not be left out more than one day after the scheduled pickup day.
- C. Any owner, occupant or person violating any provision of this Ordinance shall be subject to a fine of not more than Ten Dollars (\$10) and each day any provision of this ordinance is violated shall constitute a separate and distinct violation.

Sec. 5-4. GARBAGE AND THE LIKE TO BE STORED IN CONTAINERS.

No person shall permit garbage, refuse, rubbish or recycling material, to accumulate upon property owned or occupied by him or her unless it is stored and kept in containers.

Sec. 5-5. REMOVAL OF REFUSE TOO LARGE TO FIT IN CONTAINERS.

All out of the ordinary accumulations of refuse, such as those resulting from the operation of a business or from construction repair or remodeling work shall be removed or disposed of by the owner or occupant of the property at his or her own expense and shall not be handled by the Town.

Sec. 5-6. OWNERS, OCCUPANTS TO KEEP PROPERTY FREE FROM UNREASONABLE ACCUMULATIONS.

It shall be the duty of all owners and occupants of property in the Town to keep the same free at all times from unreasonable accumulations of refuse, garbage, rubbish and recycling material.

Sec. 5-7. RECYCLING CONTAINERS AND CONTENTS.

- A. As used in this section, the term RECYCLING CONTAINERS shall mean plastic containers of approximately 96 gallons stamped with the word "RECYCLING" and issued by the Town's waste haul vendor to town residents for the purpose of holding recyclable items.

- B. Recycling containers are to be used for the sole purpose of housing recyclable items. The contents within said containers become the property of the Town's waste haul vendor at the time the same are placed at the curbside for collection.
- C. It shall be unlawful for any person, firm, corporation, or business, other than the successful bidder under contract with the Town for removal of recyclable items, to remove any items in or adjacent to the town recycling containers, including, but not limited to, newspapers, aluminum cans, plastic jugs and glass bottles or containers.

Sec. 5-8. PICKUP, DISPOSAL AND RECYCLING CHARGES; ADDITION TO SEWER RATES AND CHARGES.

- A. Charges levied. There shall be added to the sewage coupon book for the service of providing garbage pickup and disposal, including recycling pickup and disposal to all single-family residences, mobile home units or premises consisting of four (4) or less separate residential units in the Town.
- B. Contract for service by Town. The garbage pickup and disposal service, including recycling, to be provided shall be done by contract on an annual basis or upon any other time interval deemed appropriate by the Town Council to an outside entity that as a regular part of its business performs the task of garbage pickup and disposal including recycling pickup and disposal.
- C. Service costs and charges. The charge for garbage pickup and disposal, including recycling pickup and disposal, shall be \$19.48 per month in 2023, \$20.26 per month in 2024 and \$21.42 per month in 2025 per unit served. This contract price to the Town which was let in accordance to public bidding laws for garbage pickup and disposal, including recycling, incidental costs associated with the providing of the aforementioned services and other factors the Town Council deems necessary. The per month charge per unit served is mandatory for single-family residences, mobile home units or premises consisting of four (4) or less separate residential units in the Town. All charges assessed in accordance with this section are the ultimate responsibility of the owner of the property served.
- D. Billing and payment. The payment shall be invoiced and included with the monthly sewer and utility bill. Any payment received shall first be applied to garbage and recycling pickup and disposal fees. As provided for by I.C. 36-9-23-31, all rates and charges that are not paid within 15 days from and after the billing date are declared delinquent and a penalty of 10% of the amount of the rates and charges shall attach thereto. The amount of the rates and charges, the penalty and a reasonable attorney's fee may be recovered by the Town in a civil action in its name. Additionally, payments and/or penalties that have been due and unpaid for at least 90 days may be filed as a lien against the real property in accordance with I.C. 36-9-23-33.

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- E. Deposit of fees into town fund. All garbage and recycling pickup and disposal fees collected pursuant to this section shall be deposited in the Town's Trash & Garbage Pickup Fund (6604) and shall be used exclusively to defray the expense of providing the services set forth in this section, including administrative costs in accordance with I.C. 36-9-23-25.

This Ordinance shall be in full force and effect from January 1, 2023, in addition to after this Ordinance's passage, approval, recording and publication as provided by law.