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ORDINANCE NO. 97-1406

AN ORDINANCE AMENDING

ORDINANCE NO. TITLE 6, HEALTH AND SAFETY, MMC

The Martinsville Common Council does hereby amend Ordinance No. Title 6, Health and Safety, MMC in the following particulars as listed as follows, and this present Ordinance does hereby supersede any provisions of Ordinance No. Title 6, Health and Safety, MMC in which there is conflict between this Ordinance and Ordinance No. 97-1406.

WHEREAS, Ordinance No. Title 6, Health and Safety, MMC is hereby amended in particular by the provisions set out as follows:

ARTICLE 3 - WASTE MATERIALS

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 - 6-3-1-2 INSTALLATION OF GARBAGE DISPOSAL
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CHAP. 1 TRASH - ACCUMULATION AND DISPOSAL

6-3-1-1 DEFINITIONS

The following terms shall be defined as follows, unless the context clearly requires a different meaning:

A. Trash: For the purposes of this Ordinance, trash shall mean paper and paper products, empty tin cans, empty bottles, empty glass containers, any off falls from kitchen and cooking, and plastic products.

Exceptions are as follows:

- 1. Liquids.

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2. Liquid or water carried wastes, which are normally disposed of in sanitary sewer systems.
 3. Hazardous and biohazardous wastes.
 4. Bulk building material, including lumber, drywall, roofing, carpet, blocks, concrete, brick, etc., but not limited to the above.
 5. Appliances, i.e., refrigerators, freezers, water heaters, air conditioners, dehumidifiers, washers, dryers, stoves, dishwashers, and any other refrigerated appliances.
 6. Automobile parts and accessories, tires, and batteries.
 7. Fence or fencing material.
 8. Bulky household items; furniture, household fixtures, box springs, mattresses, and/or any similar items.
 9. Yard waste (not to be mixed with trash), i.e., grass clippings, brush, tree limbs, stumps, shrubs, leaves, or any other vegetation.
- B. Depositor: For the purposes of this Ordinance, a depositor shall mean a person who places or directs trash to be placed in a receptacle in which he is entitled to place trash, as herein required.
- C. Single-Family Unit: For the purposes of this Ordinance, a single-family unit shall mean a house, apartment, or mobile home designed and intended for one (1) family occupancy.

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- D. Multiple-Family Unit: For the purposes of this Ordinance, a multiple-family unit shall mean a building or part of a building designed or used as an apartment house, apartment complex, tenement house, or other residential use, which structure is used or intended to be used for occupancy by more than one (1) family.

- E. Commercial Unit: For the purposes of this Ordinance, a commercial unit shall mean, but not be limited to a store, retail or wholesale business, warehouse, industrial plant, professional office, bank, restaurant, hotel, or motel.

6-3-1-2 INSTALLATION OF GARBAGE DISPOSAL

The owner of every new dwelling unit containing a kitchen, including mobile homes, and each dwelling unit for which a building permit to remodel or add a kitchen is issued, shall cause a garbage grinder connected with the sanitary sewer to be installed therein prior to use and occupancy for living or residential purposes.

6-3-1-3 COLLECTION OF TRASH

- A. Single-Family Unit: The City shall systematically collect, remove, and dispose of trash from all single-family units, including mobile homes, which units are located within the corporate boundaries of the City.

- B. Multiple-Family Unit: The City shall systematically collect, remove, and dispose of any and all trash from multiple-family units located within the corporate boundaries of the City provided that the trash is bagged and brought to the City street curbside.

Multiple-family units located within the Business District, i.e., one (1) block in each direction of the Court House Square are exempt from trash collection.

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- C. Commercial Unit: The City shall not collect, remove, or dispose of any trash from a commercial unit located within the corporate boundaries of the City.

6-3-1-4 TRASH TO BE DEPOSITED AND CONTAINED -
ACCUMULATION OF TRASH PROHIBITED

Each and every person generating trash shall, unless another satisfactory means of disposal is utilized, cause said trash to be deposited and contained in bags for that purpose. No trash shall be allowed to remain exposed in any building or on any premises longer than shall be reasonably necessary to remove and deposit the same in proper containers. In addition, any kitchen scraps shall be double-wrapped for disposal.

No person shall keep or permit to accumulate on his premises or on any property, public or private, or shall throw or cast upon any property, public or private, ditch, lake, stream, creek, or waterway, any garbage, trash, refuse, or other offensive or unwholesome matter.

6-3-1-5 AUTHORIZED TRASH CONTAINER SPECIFICATIONS

To be eligible for collection by the City, trash must be contained within trash bags not to exceed 33 gallon capacity and at sufficient strength to handle the weight limit. Bags shall contain no more than thirty-five (35) pounds of trash. Bags shall be placed in 32 gallon (or less) covered containers at curbside only if an animal problem exists in the immediate area. Absolutely no loose trash will be picked up. All trash must be in plastic bags, and all bags must be securely tied.

6-3-1-6 NUMBER AND SIZE OF CONTAINERS

All trash containers shall have a capacity of not less than five (5) gallons, nor more than thirty-three (33) gallons for each separate family resident upon the premises. The containers for each premises shall be of sufficient number and capacity to contain all trash, which may accumulate on said premises during the usual intervals between collections.

6-3-1-7 TRASH CONTAINERS TO BE COVERED

All trash containers shall be kept covered at all times, except when being filled or emptied.

6-3-1-8 PLACEMENT OF TRASH CONTAINERS

During periods of collection, all trash containers shall be placed at curbside, or in the tree plot, or in some other place located in the public right-of-way, provided that no such container shall be placed in the street, sidewalk, or public thoroughfare, or in such a manner as to obstruct pedestrian or vehicular traffic.

On the day of trash collection, trash shall be placed curbside prior to 7:00 a.m., but not earlier than 6:00 p.m. on the date preceding the scheduled collection.

6-3-1-9 UNLAWFUL USE OF CONTAINER - DEPOSITS OF TRASH BY NONRESIDENTS PROHIBITED

It shall be unlawful for any person to deposit trash into or adjacent to the trash container of another person. Furthermore, it shall be unlawful for any person who is a nonresident of the City to deposit trash generated outside the City into or adjacent to any trash container located within the corporate limits of the City.

6-3-1-10 TRASH PICKING

It shall be unlawful for any person other than the depositor thereof or any City employee acting in the capacity thereof, or any authorized private scavenger to pick, sort, take, disturb, or carry away any substance found in a trash container. Exception shall be made for the three (3) times a year when the City picks up bulk household items.

Residents of the City may dispose of their own trash at the area trash collection site. A charge will be assessed for this service at the site, which shall be forwarded to the operator of the site.

6-3-1-11 BOARD OF PUBLIC WORKS AND SAFETY - SUPERVISION AND CONTROL

In accordance with the provisions of IC 36-9-30-7, the administration and operation of all facilities for the collection of trash, including the scheduling of the hours and days of the week for collection of trash, shall be under the supervision and control of the Board of Public Works and Safety of the City, and such Board shall, from time to time, adopt rules for the use and operation of the City's facilities for collection of trash. pursuant to their authority under IC 36-9-30-12.

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6-3-1-12 OPEN BURNING

It shall be unlawful for any person to burn or cause to be burned, leaves, grass, or brush between the hours of 4:00 p.m. and 9:00 a.m. All burning shall be contained in a barrel or other appropriate container having a grate, wire mesh, or other similar cover. Further, it shall be unlawful for any person to burn or cause to be burned, at any time, asphalt, building materials, tires, rubber or plastic materials, garbage, rubbish, or any like or similar materials.

6-3-1-13 UNSANITARY DEPOSITS

It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon any property any human or animal excrement, garbage, or other objectionable waste. Animal waste consisting of dog feces and cat litter must be doubled-bagged.

No person shall dispose of, for collection, any needles, syringes, lancets, or sharp objects, unless the same are placed in a hard plastic or metal container with a screw-on or tightly secured lid. Broken glass shall be disposed of in a marked container with no sharp edges exposed. Medications are not to be placed in trash, but shall be flushed down the sanitary sewer.

No person shall dispose of, for collection, any soiled bandages, diapers, disposable sheets, or medical gloves, unless the same are placed in a secured fastened double plastic bag.

6-3-1-14 BULK HOUSEHOLD ITEMS

Bulk items are as defined in Section 6-3-1-1, Subtitle A, No. 8. These items shall be picked up three (3) times a year, i.e., spring, mid-summer, and fall.

6-3-1-15 YARD WASTES

The City shall pick up grass clippings, brush, tree limbs, stumps, shrubs, leaves, or any other vegetation. Grass clippings must be bagged and cannot be mixed with trash. Leaves shall be raked to the curbside and not bagged, or as directed by the mayor or the City superintendent.

6-3-1-16 VIOLATIONS

It will be considered a violation of this Ordinance for any person, firm, or corporation to discard trash in unapproved bags or containers, or to leave trash on any public or private property, unless specifically authorized to do so. It shall also be a violation of this Ordinance for any person, firm, or corporation to tamper with any approved containers.

In addition to the fine imposed by Section 6-3-1-17 for the violation of any provision of this Ordinance, the violator shall also be liable to the City for all damages and expenses incurred by the City by reason of such violation in a civil action brought for such purpose.

6-3-1-17 PENALTIES

Any person in violation of any of the provisions of this Ordinance, for each such offense, may be subject to impositions of a fine of \$50.00 minimum, and up to a maximum of \$500.00. First offenders may be given a warning. Any person, firm, or corporation who violates any provisions of this Ordinance, for which no other penalty is provided, shall upon conviction be subject to a fine not exceeding statutory limits. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

6-3-1-18 APPEALS PROCEDURE

- A. A person who receives a penalty under Article 3 of this Ordinance may appeal the order imposing the penalty to a court of record in Morgan County.
- B. An appeal under Subsection A from an order imposing a penalty must be filed not more than sixty (60) days after the day on which the order is entered.

6-3-1-19 RECYCLABLES

Newsprint, aluminum beverage cans, bi-metal and ferrous cans, plastic containers, and glass are recyclable materials. A site is available if residents wish to transport their own recyclable materials.

ARTICLE 4 - WEED AND SHRUB CONTROL

CHAP. 1 WEED REMOVAL AND ENFORCEMENT

- 6-4-1-1 ADOPTION OF STATUTORY PROVISIONS**
- 6-4-1-2 OWNERS OF REAL PROPERTY SHALL REMOVE WEEDS**
- 6-4-1-3 NOTICE TO REMOVE VEGETATION - ENFORCEMENT**

CHAP. 2 SHRUBS

- 6-4-2-1 OBSTRUCTION OF VEHICULAR TRAFFIC - PROHIBITED**
- 6-4-2-2 ENFORCEMENT**
- 6-4-2-3 APPEAL PROCEDURE**

CHAP. 1 WEED REMOVAL AND ENFORCEMENT

6-4-1-1 ADOPTION OF STATUTORY PROVISIONS

- A. All terms and provisions of IC 36-7-10.1-3 shall be and hereby are adopted in connection with the removal of weeds and other rank vegetation, and such provisions in their entirety are incorporated into this Chapter and made a part thereof, as fully as though set out in their entirety herein.**
- B. Two (2) copies of IC 36-7-10.1-3, as amended, shall be on file in the office of the Clerk-Treasurer for public inspection in accordance with the provisions of IC 36-1-5-4.**

6-4-1-2 OWNERS OF REAL PROPERTY SHALL REMOVE WEEDS

Owners of real property within the City shall cut and remove weeds or other rank vegetation growing upon their property, and it shall be unlawful for such owners to allow weeds and rank vegetation to grow to a height of more than twelve (12) inches.

6-4-1-3 NOTICE TO REMOVE VEGETATION - ENFORCEMENT

- A. Any owner who violates or fails to comply with the provisions of this Chapter shall be given a five (5) day written notice to remove the vegetation, which notice shall be issued by the**

ARTICLE 4 - WEED AND SHRUB CONTROL

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Clerk-Treasurer and served upon the landowner by any police officer of the City, or by registered mail addressed to the landowner's last known address, if such landowner is a nonresident of the City.

- B. In the event the landowner fails to remove the vegetation within a period of five (5) days after being served with written notice to remove such vegetation, then the City may remove such vegetation. After the City removes such vegetation, then the City Clerk-Treasurer shall render a certified statement of the actual cost incorporated by the City in the removal and said certified statement of actual cost shall be delivered to the landowner by any police officer of the City or by registered mail, and the landowner shall pay the amount reflected in the certified statement to the City Clerk-Treasurer within ten (10) days. In the event the landowner fails to pay the amount reflected within the time specified under Article 4 of this Ordinance, the City Clerk-Treasurer shall certify to the 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 are collected and shall be disbursed to the general fund of the City of Martinsville.

CHAP. 2 SHRUBS

6-4-2-1 OBSTRUCTION OF VEHICULAR TRAFFIC - PROHIBITED

It shall be unlawful for any landowner to permit any tree, shrub, bush, or similar vegetation to grow upon their property in such a manner as to obstruct or hinder the view of any motorist or operator of any vehicle when such vehicle is either approaching, traversing, or departing an alley, crosswalk, or intersection, as those terms are defined in MMC 5-1-1.

ARTICLE 4 - WEED AND SHRUB CONTROL

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6-4-2-2 ENFORCEMENT

In accordance with the provisions of IC 36-1-6-2 and MMC 1-2-1-2(d), in the event any landowner fails to comply with the provisions of this Chapter after having been given a reasonable opportunity to do so, then the City may enter upon such property and take appropriate action to bring the property into compliance. Furthermore, any expenses incurred may be made a lien against such property.

6-4-2-3 APPEAL PROCEDURE

- A. A person who receives a penalty under Article 4 of this Ordinance may appeal the order imposing the penalty to a court of record in Morgan County.
- B. An appeal under Subsection A from an order imposing a penalty must be filed not more than sixty (60) days after the day on which the order is entered.

CITY OF MARTINSVILLE, INDIANA

Shannon L. Buskirk
Shannon L. Buskirk, Mayor

ATTEST:

Mary Lou Peden
Mary Lou Peden, Clerk-Treasurer

COMMON COUNCIL

Sheldon Buskirk, President

Roger J. Burleigh
Roger Burleigh, Member

J
Jon D. Elkins, Member

Gary Lester, Member

Harold Stanger
Harold Stanger, Member

Richard A. Cassens
Richard Cassens, Member

Erma Scott
Erma Scott, Member

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June 22 1998
at 11:12 A.M.
Dickie Kivett
MORGAN COUNTY RECORDER

PREPARED BY:
CITY OF MARTINSVILLE
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MARTINSVILLE, INDIANA 46151