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TITLE V: PUBLIC UTILITIES

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CHAPTER 50: GARBAGE AND REFUSE

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§ 50.01 DEFINITIONS.

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

APPROVED CONTAINERS. A 90-gallon cart/container to be provided by the contractor to accomplish the weekly pick-up of 90 gallons per residence, one container to be provided for each dwelling unit.

DWELLING UNIT. A single-family dwelling or a multi-family dwelling of no more than four families. A structure with five or more dwelling units shall be deemed commercial facility, and therefore, not covered by the rules, regulations and specifications promulgated by the Board of Public Works.

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GARBAGE. Rejected food wastes, and to include every waste accumulation of animal, fruit and vegetable matter, used or intended for food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetation and all other putrescible wastes except sewage and body wastes.

RUBBISH. Such matter as ashes, cans, metal ware, broken glass, crockery, dirt, sweepings, and boxes, provided that the boxes are used to contain rubbish. Excluded from the definition of rubbish are empty boxes, grass, leaves, weeds, trees and large limbs. Also excluded from the definition of rubbish are debris from demolition or construction of buildings, lumber and wood. (Ord. 121890-1, passed 12-18-90; Am. Ord. 98-7, passed 4-7-98; Am. Ord. 2001-8, passed 7-10-01)

§ 50.02 DUTIES OF BOARD OF PUBLIC WORKS AND SAFETY IN RELATION TO WASTE COLLECTION.

a.

1. The Board of Public Works and Safety, hereinafter referred to as the Board, of the city is authorized and empowered to collect and dispose of or provide for the collection and disposal of all rubbish and garbage within the city and the fringe area surrounding the city.
2. The Board is hereby authorized, subject to the approval of the Common Council, to promulgate and prescribe rules and regulations providing for methods to be used in the storage, collection and disposal of all garbage and rubbish, and to advertise and publish the same, and the rules, when duly advertised and published, shall have the same force and effect as ordinances and resolutions of the city.
3. The Board is further authorized and directed to appoint a Superintendent of Garbage and Rubbish Collection and Disposal to supervise the collection and disposal, either under the name of Superintendent or such other name or office as the Board shall direct. The Board is further authorized, empowered and directed to provide by contract or to provide by the city for the necessary labor, equipment, power, vehicle and all necessary personnel to properly administer the provisions of this chapter for the disposal, collection and handling of the garbage and rubbish.
4. The Board is authorized and empowered to determine and fix a fair and reasonable charge to be made against every owner of or occupant or lessee of property, subject to the approval of the Common Council of the

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City, and by rules and regulations of the Board to establish a method of collection and assessment of the charges under such method and regulation as the Board shall select.

(Ord. 121890-1, passed 12-18-90)

§ 50.03 GARBAGE CONTAINERS.

- a. Every person having any garbage on his premises shall cause the same to be placed and kept in metallic or sturdy plastic garbage cans, and shall keep the same securely covered so that flies shall not have access thereto. Garbage shall be emptied and removed so frequently that it shall not become putrid and give off offensive odors, and it shall be kept in a sanitary condition. All garbage cans shall be so placed on the premises as to be easy of access by the person or persons who remove them from the premises. All garbage so deposited in cans or receptacles shall be reasonably free from water and slop and no tin cans, broken glass, crockery ware or ashes shall be placed therein. In the event of any dispute between the owner or occupant of the premises and the person who removes the garbage as to the location of the cans or the character of garbage permitted therein, the matter shall be referred to the Board, whose decision shall be final and conclusive.
- b. Tin cans, bottles, glassware, crockery ware and other rubbish shall be placed in receptacles and securely covered so that flies cannot enter. Receptacles shall be emptied and removed sufficiently frequent to keep them in a sanitary condition, and no rubbish shall be permitted to be or remain upon any premises except as herein provided.
- c. Any person residing or having his place of business within the fire limits of the city, shall not deposit, keep, or cause to be deposited or kept, any ashes, in any building or on any lot or ground except in metallic receptacles. Receptacles shall be of such a kind and character that there shall be no danger of fire by reason of depositing ashes therein.
- d. Every person must place his garbage or rubbish for pick-up upon the premises owned or occupied by such person. It shall be unlawful for any person to place such garbage or rubbish for pick-up upon property not belonging to or not occupied by such person.
- e. Notwithstanding any provision in this section to the contrary, in the event that the contract between the City and its contractor for the collection of garbage and rubbish requires that approved containers be furnished by the

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contractor and used by the owners of occupants of dwelling units, then the owners or occupants of dwelling units shall be required to use such approved containers as furnished by the contractor.

(Ord. 121890-1, passed 12-18-90; Am. Ord. 2001-11, passed 7-24-01)
Penalty, see § 10.99

§ 50.04 ATHREE-BAG@ OR 90-GALLON LIMIT FOR RESIDENTIAL SERVICE.

Effective January 1, 1991, every residential dwelling shall be subject to a Athree-bag@ or 90-gallon limit per dwelling per pick-up. Garbage and rubbish to be disposed of that exceeds the limit contained herein, must be disposed of in a special plastic bag with a special logo, which bags must be purchased by the person exceeding the limit. These bags will be specifically designated and will be made available by the City for purchase, the price may vary from time to time.

(Ord. 121890-1, passed 12-18-90) Penalty, see § 10.99

§ 50.05 COVERING GARBAGE.

No person shall carry on any vehicle, or any carrier of any kind upon any street or alley within the city, any trash, loose papers, garbage or other refuse, without first having covered such trash, loose papers, garbage or other refuse with a tarpaulin or other covering to prevent the materials so hauled from blowing off the vehicle or other carrier along the city streets.

(Ord. 121890-1, passed 12-18-90) Penalty, see § 10.99

§ 50.06 BURNING OF PAPER AND THE LIKE; HOURS PERMITTED FOR BURNING.

- a. All burning of paper, paper boxes or miscellaneous dry material shall be burned in regulation burners of wire mesh or perforated burners fitted with covers or top enclosures to prevent blowing of burning parts. The ashes from such burners are to be emptied by the owner and/or occupant of such property after they are cold, into small containers not to exceed 20-gallon capacity and gross weight when filled not in excess of 50 pounds.
- b. The burning of paper, paper boxes or miscellaneous dry material described in division (A) and the burning of any leaves, twigs, grass and similar materials shall be done in complete compliance with division (A) and only between the hours of 4:00 p.m. and 10:00 p.m, seven days a week.
- c. Any person violating any provision of this section shall be fined not less than \$50 nor more than \$100 for each offense, and a separate offense shall be deemed committed on each day during, on or which an offense occurs or

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continues. Violations of this section shall be enforced through the Ordinance Violations Bureau.

- d. Any violation of this section is declared to be a nuisance. In addition to any other relief provided by this section, the City Legal Department may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

(Ord. 121890-1, passed 12-18-90; Am. Ord. 2000-28, passed 10-19-00)

Cross-reference:

For fine see Schedule of Civil Penalties in § 35.03

§ 50.07 DUMPSTER REGULATIONS.

- a. ***Definitions.*** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

DUMPSTER. A dump box, roll-off box, or any other box commonly referred to as a dumpster, used for the collection, storage and removal of building materials and other debris generated in connection with the construction, repair, remodeling, rehabilitation, or renovation of a building or structure of any kind.

STREET, ALLEY AND SIDEWALK. Includes the entire width of the platted or recorded street right-of-way, the entire width of the platted alley right-of-way, and the width of the platted sidewalk (if located outside of the street right-of-way).

- b. ***Placement of dumpsters prohibited.*** All dumpsters shall be located entirely upon private property outside of streets, alleys, or sidewalks. The placement of dumpsters within or upon a street, alley, or sidewalk is prohibited, except as provided for in § 50.07(C).
- c. ***Permit process.*** If the owner or occupant of property desires to locate a dumpster in an area prohibited by this section, the owner or occupant shall first apply to the city, on approved application forms, for a dumpster location permit. The owner or occupant making application shall provide all the information required by the permit application. The city shall be entitled to make an inspection of the property to determine if it is necessary (not just convenient) to locate a dumpster upon or within a street, alley or sidewalk. The decision of the city shall be final. If the application is granted, a permit shall be issued for a period of time no longer than 30 days from the date of the permit.

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- d. **Permit fee.** In the event a permit is granted pursuant to division (C) above, the city shall charge and collect a fee of \$25 payable prior to the issuance of the permit. Permits may be renewed one time only for the payment of an additional fee of \$25.
- e. **Safety requirements.** A permittee shall comply with all safety and warning requirements as imposed by the city in connection with a permit issued under this section. The permittee shall affix a permit sticker, issued by the city, to the side of the dumpster facing oncoming traffic. This sticker shall be affixed to the dumpster for the duration of the permit.
- f. **Violations.** A violation of this section shall be punishable by a fine. Each day a violation occurs shall be considered a separate violation.
(Ord. 2002-16, passed 8-20-02; Am. Ord. 2006-7, passed 3-21-06)
Penalty, see § 10.99

Cross-reference:

For fine see Schedule of Civil Penalties in § 35.03

§ 50.08 RULES, REGULATIONS, AND SPECIFICATION FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND RUBBISH.

- a. The residences within the city subject to street side collection, shall place the carts/containers at the refuse collection site at street side no sooner than noon on the day before collection and shall remove the carts/containers from the refuse collection site at the street side no later than noon on the day after the collection. The owner, tenant, lessee, occupant, or agent of any residential property shall, in addition to promptly removing the cart/container, clean up and remove any scattered solid waste or rejected items from the property no later than noon on the day after the collection. For purposes of this section, and other related documents, the day of the collection is the scheduled collection day or a rescheduled collection day in the event of a missed or postponed collection.
- b. The carts/containers, when not at the refuse collection site at the street side as provided herein, shall be stored at a location on the property; which location shall be behind a line extending entirely across the property; which line shall be even with the front of the residence located on the property.
- c. All fines and penalties imposed pursuant to this section shall be governed by and collected pursuant to the provisions of the Ordinance Violations Bureau and, in addition, any fines or penalties may be added to and included in the monthly bill sent to the owner, occupants, or lessees of the property.
(Ord. 2008-13, passed 10-7-08) Penalty, see § 50.99

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§ 50.99 PENALTY.

- a. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.
- b. Any person, firm, or corporation violating the provisions of § 50.08 shall be subject to a fine of \$25 for the first violation and \$50 for each subsequent violation within the next 12 months. The fine herein imposed shall be paid to the city General Fund.
(Ord. 2008-13, passed 10-7-08)