

## CHAPTER 52: REFUSE AND RECYCLING

### Section

#### *General Provisions*

- 52.001 Definitions
- 52.002 Rules and Regulations
- 52.003 Administration
- 52.004 Enforcement
- 52.005 Refuse/Garbage Collection Fees

#### *Scope of Work*

- 52.010 General description
- 52.011 Hours of operation
- 52.012 Recyclable materials
- 52.013 Recycling containers
- 52.014 Yard waste
- 52.015 Automated collection system
- 52.016 Refuse originating outside of the city
- 52.017 Units collected
- 52.018 Depositing on public streets or sidewalks
- 52.019 Accumulation on private premises; disposal unit
- 52.020 Construction debris
- 52.021 Bulk items
- 52.022 Abandoned or unattended appliances
- 52.023 Dumpsters
- 52.024 Contractors

#### *Solid Waste Management*

- 52.035 Fees and revenues
- 52.036 Extra services
- 52.099 Penalty

## **GENERAL PROVISIONS**

### **§ 52.001 DEFINITIONS.**

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

*APARTMENT COMPLEX.* A single residential structure with more than four (4) separate living units or multiple adjacent structures that are part of a larger residential complex or grouping with a combined total of more than four (4) separate living units. Although not solely determinative, common ownership of multiple adjacent residential structures that contain more than four (4) separate living units shall be indicative of an Apartment Complex.

*BULK ITEMS.* All appliances, furniture, mattresses, children's play equipment and/or solid waste material with a weight or volume greater than that allowed by a disposal unit.

*CITY.* The City of Nappanee, Elkhart and Kosciusko Counties, Indiana.

*CONTRACTORS.* Any paid business or individual, or any business or individual that as part of their craft or employment performs work on any property located within the City.

*CONSTRUCTION WASTE.* At a minimum, construction waste is lumber, windows, glass, doors, concrete, pavers, tile, drywall, landscape refuse, rubber mulch, grout, tarps, pallets, compounds, drywall mud, shingles, gutters, asphalt, cement blocks, duct work, water heaters, wiring, furnaces, plastic piping, copper piping, sewer piping, flooring, particle board, ceramic tile, vinyl flooring, hardwood flooring, joists, trusses, radiators, steel piping, cabinetry, laminate and Formica counter tops, rubber boots (sleeves for piping), bricks, clay tiles, rubber roofing material, tar and asphalt, gravel, paneling, plumbing fixtures, treated lumber, deck material, fencing, swimming pools, cellulose ceiling tiles, insulation, chain link fence, tin ceiling, rebar, wire mesh, light fixtures, all siding, sheeting, window treatments and carpets.

*CURBSIDE.* Within three (3) feet immediately adjacent to street pavement or alley pavement and gutter.

*CUSTOMER.*

(1) A *RESIDENTIAL CUSTOMER* is any person residing in the City's corporate limits provided that the resident is not residing in any structure with more than four (4) separate living units or within an Apartment Complex. A *RESIDENTIAL CUSTOMER* shall receive full garbage and recycling services from the City's Public Works Division as defined in this Chapter.

(2) A *BUSINESS CUSTOMER* is an owner of a: i) commercial or industrial structure; ii) Apartment Complex, or iii) structure that contains an institutional or non-profit organization, which produces any type of garbage and/or recycling as defined in this Chapter and has entered into a contract for garbage and/or recycling services with the City as defined in this Chapter.

*DISPOSAL UNIT.* The wheeled container(s) selected and approved by the Board of Public Works and Safety for the purpose of disposing of refuse.

*DUMPSTERS.* Any container larger than 96 gallons used for the collection of any and all types of refuse.

*EXECUTIVE DIRECTOR.* The Street Superintendent of the City of Nappanee, Indiana or his or her authorized deputy, agent or representative.

*HAZARDOUS WASTES.* Wastes defined and designated as hazardous by the USEPA, IDEM and/or the Elkhart County Health Department.

*HOUSEHOLD CONSTRUCTION AND DEMOLITION DEBRIS.* Waste materials from do it yourselfers and/or a contractor, interior and exterior household construction, remodeling and repair projects, including, but not limited to, concrete, drywall, plywood and paneling pieces, lumber and other building materials; windows and doors; cabinets; carpeting; tile; disassembled bathroom and kitchen fixtures.

*IDEM.* The Indiana Department of Environmental Management.

*MAY.* The action referred to is permissive.

*MEDICAL WASTES.* Isolation wastes, infectious agents, blood products, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and/or unused medications.

*REFUSE.*

- (1) The terms *GARBAGE, REFUSE, RUBBISH, SOLID WASTE, TRASH* and *WASTE* shall be identical in meaning, unless more specifically defined in this Chapter.
- (2) All discarded and unwanted household and kitchen wastes, including, but not limited to, food, food residues, and materials necessarily used for packaging, storing, preparing, and consuming food items that are normally defined as garbage, and all waste materials resulting from the usual routine or domestic housekeeping, including, but not limited to, aluminum and steel cans; glass containers; plastic containers; crockery and other containers; metal; paper of all types, including newspapers, books, magazines and catalogs; boxes and cartons; cold ashes; furnishings and fixtures; textiles and leather; toys and recreational equipment; and similar items.
- (3) All non-spoilable solid and semisolid wastes, including bulky refuse, except for the following items:
  - a. Liquids;
  - b. Liquid or water carried wastes which are normally disposed of in sanitary sewer systems;
  - c. Human waste, except for disposable diapers;

- d. Hazardous wastes;
- e. Medical wastes; and
- f. Large animal and farm animal waste.

*RECYCLABLES* or *RECYCLABLE MATERIAL(S)*.

(1) The following materials are *ACCEPTABLE* for recycling:

- a) Empty and clean plastic containers, bottles, tubs or jugs with the recycle triangle number of 1-5,7;
- b) Paper products such as newsprint, corrugated cardboard, chip board, magazines, catalogues and mixed paper;
- c) Empty and clean aluminum, tin, bimetal and steel cans; and
- d) Clean glass.

(2) The following materials are *NOT ACCEPTABLE* for recycling and include, but are not limited to, aerosol cans; latex or oil based paint cans; oil containers; Styrofoam; trash; plastic beverage rings and containers; hazardous waste and medical waste containers; construction wastes and demolition debris; and yard wastes.

*SHALL* The action referred to is mandatory.

*USEPA*. The United States Environmental Protection Agency.

*YARD WASTE*. Leaves, limbs, sticks, and other vegetative matter, plants or trees and grass clippings.

## **§ 52.002 RULES AND REGULATIONS.**

The City's Board of Public Works and Safety shall promulgate such rules, regulations as may be necessary to effectuate the operation and intent of this Chapter.

## **§ 52.003 ADMINISTRATION.**

The Street Department Superintendent of the City shall be responsible for the administration and carrying into effect the provisions of this Chapter.

## **§ 52.004 ENFORCEMENT.**

The authority for enforcing any and all provisions of this Chapter shall be the City's Board of Public Works and Safety, the Street Superintendent and/or his or her designee and the City's Code Enforcement Department.

## **§ 52.005 REFUSE/GARBAGE COLLECTION FEE.**

- (A) A refuse/garbage collection fee shall be assessed against each Residential Customer and Business Customer.
- (B) Refuse/garbage will not be picked up from and no fee will be charged to the following property unless the owner elects to enter into a contract for refuse/garbage collection service with the Board of Public Works and Safety:
- (1) Apartment Complex
  - (2) Business properties
- (C) A refuse/garbage collection fee is hereby established as follows:
- (1) For residential refuse/garbage collection, a flat rate amount will be charged as listed below:

Beginning January 1, 2026; \$5.00 per month per disposal unit served.
  - (2) Residential refuse/garbage collection customers qualifying as low-income residents shall be assessed a reduced flat rate fee of one half (1/2) of the standard rate. To qualify as a low-income resident, a resident must have an income level no greater than 150% of the federally established poverty guidelines. Residents may qualify for the reduced monthly fee by applying for the reduction through the Clerk-Treasurer's office.
  - (3) Additional disposal units are available for an additional fee under a separate agreement directly between the resident and the Refuse and Recycling Contractor.
- (D) The refuse/garbage collection fee shall be billed and collected by the City of Nappanee in conjunction with sanitary sewer and water billing. All refuse/garbage collection fees shall be due upon billing by the City of Nappanee and if not paid within 30 days, shall be subject to a penalty of 10%. Should nonpayment exceed 30 days, the City of Nappanee may assess a \$25 penalty and initiate collection activities, per internal policies and procedures of the Clerk-Treasurer's office. All collection costs incurred by City of Nappanee, including reasonable court costs, collection expenses and legal fees, shall be reimbursed by the customer.
- (E) The fees collected pursuant to this section shall be deposited by the City Clerk-Treasurer into the General Fund of the City. An amount within the City's General Fund equivalent to the revenue(s) generated by the net fees collected pursuant to this section shall be allocated solely and exclusively used and appropriated for "Refuse and Recycling Collection Services".

### ***SCOPE OF WORK***

#### **§ 52.010 GENERAL DESCRIPTION.**

- (A) The Board of Public Works and Safety contracts with a third-party contractor for weekly curbside collection and disposal-processing services of all residential and business customer refuse and yard waste as defined herein.
- (B) The Board of Public Works and Safety contracts with a third-party contractor for bi-weekly curbside collection and disposal-processing services of all residential customer recyclables as defined herein and approved.
- (C) The Board of Public Works and Safety does not provide collection and disposal-processing services for Business Customer recyclables as defined herein.
- (D) Any changes to the boundaries or service area as the result of events including, but not limited to, annexation; zoning actions; site plan approvals; or construction, shall be communicated to the Refuse and Recycling Contractor and approved by the Board of Public Works and Safety and/or the City's Common Council.
- (E) All collection points receiving the aforementioned services shall be required to prepare all materials for collection and/or disposal into proper disposal units. The refuse and recycling contractor will collect only properly prepared disposal units. Customers will be provided one (1) disposal unit. Additional disposal units may be provided for an additional fee as described in this Chapter.

**§ 52.011 HOURS OF OPERATION.**

- (A) The workday for the Refuse and Recycling Contractor commences at 6:00 a.m.
- (B) On official holidays no services will be provided. Official holidays are established by the Refuse and Recycling Contractor. Services will be provided on the working day immediately following the holiday, as determined by the Refuse and Recycling Contractor.
- (C) Official holidays are:
  - (1) New Year's Day;
  - (2) Memorial Day;
  - (3) Independence Day;
  - (4) Labor Day;
  - (5) Thanksgiving Day; and
  - (6) Christmas Day.

**§ 52.012 RECYCLABLE MATERIALS.**

- (A) Recyclable materials, as defined herein, that are set out for collection shall be collected and marketed by the Recycling Contractor. Residential customers may place amounts of

accepted recyclable materials in a large pink or gray with blue-lid wheeled disposal unit with a weight or volume no greater than that allowed for by the disposal unit. One (1) disposal unit will be provided per recyclable collection point. Disposal units are the property of the Recycling Contractor.

- (B) When recyclable materials (including but not limited to; scrap metal, aluminum/tin cans, and the like) are placed at curbside, they become the property of the Recycling Contractor and no person/persons other than Recycling Contractor employees/authorized City representatives or the residential user may remove such materials, except as otherwise provided by the Board of Public Works and Safety. Penalty, see § 52.099

### **§ 52.013 RECYCLING DISPOSAL UNITS.**

- (A) The Recycling Contractor shall provide to each residential customer collection point a disposal unit to be used for the collection of recyclables.
- (B) The Board of Public Works and Safety shall have the authority to identify additional recyclable articles under the solid waste management program.
- (C) Recycling disposal units, as provided by the Recycling Contractor, shall remain the property of the Recycling Contractor.
- (D) Recycling disposal units shall remain with the dwelling unit even upon changes of customers or transfer of ownership.
- (E) Recycling disposal units must be placed within five (5) feet of the collection point by 6:00 a.m. on the scheduled refuse collection day and returned to storage by 7:00 p.m. on that day.
- (F) Recycling disposal units may not be at the curbside collection point, or any point, on the street for more than a 24-hour period.

Penalty, see § 52.099

### **§ 52.014 YARD WASTE.**

- (A) Yard waste shall be collected by the Nappanee Street Department throughout the City on Mondays between April 1<sup>st</sup> and September 30<sup>th</sup>, or as needed, in the event of storm damage. Collections will be delayed one day, if a holiday falls on a Monday.
- (B) Brush, tree limbs and/or branches must be cut to no more than four (4) feet in length and no more than three (3) inches in diameter. The cut brush, tree branches and/or limbs must be stacked or placed neatly behind the curblin/sidewalk.
- (C) Yard waste is allowed to be placed in the refuse disposal unit.

### **§ 52.015 AUTOMATED COLLECTION SYSTEM.**

- (A) Disposal units are the property of the Refuse and Recycling Contractor. If a disposal unit is damaged through normal use it will be replaced and/or repaired at no cost. If the disposal unit is damaged by fire, chemicals, vehicles or other abnormal reasons, lost or stolen the full replacement cost of the disposal unit may be charged to the customer requesting service.
- (B) As property of the Refuse and Recycling Contractor, the disposal units are to remain at the customer's property and must not be removed.
- (C) Customers must use the disposal unit as provided by the Refuse Contractor for disposing of residential, retail, commercial and/or office refuse.
- (D) Customers are responsible for cleaning the disposal unit.
- (E) All refuse must be placed in the disposal unit.
- (F) Disposal units must be placed within five (5) feet of the curbside collection point by 6:00 a.m. on the scheduled refuse collection day.
- (G) Disposal units may not remain at the collection point, in front of a building or residence for any period longer than 24-hours after the scheduled refuse collection day.
- (H) Disposal units must be at least three (3) feet from any obstruction (telephone poles, mail boxes, cars, and the like).
- (I) Disposal unit lids must be closed.
- (J) Residents are allowed two large bulk items per month.. The Resident shall contact the Refuse Contractor directly to schedule a large item pick-up.

Penalty, see § 52.099

#### **§ 52.016 REFUSE ORIGINATING OUTSIDE OF THE CITY.**

No person(s) shall dump refuse, yard wastes or other unwholesome items generated outside of the City's corporate limits either anywhere within the City or for collection and disposal-processing services by the Refuse and Recycling Contractor unless authorized by the Board of Public Works and Safety and/or the Street Department Superintendent. At the discretion of the Board of Works and Public Safety, a minimum of \$500.00 fine per occurrence per day or not more than the maximum fine allowed under state law per violation shall be assessed onto any person(s) who willfully or negligently violates any provision of this Section.

Penalty, see § 52.099

#### **§ 52.017 DISPOSAL UNITS COLLECTED.**

Collection shall be the disposal units provided by the Refuse and Recycling Contractor and assigned to the customer only. Additional bags with an authorized tag (available for purchase at Martin's Supermarket) will be picked up.

**§ 52.018 DEPOSITING ON PUBLIC STREETS OR SIDEWALKS.**

It shall be unlawful for any person or firm to throw, put, or place any trash, yard waste, garbage, and other unwholesome and/or waste materials into and upon any of the streets, alleys, gutters, storm sewers, ditches or sidewalks in the City.

Penalty, see § 52.099

**§ 52.019 ACCUMULATION ON PRIVATE PREMISES; DISPOSAL UNITS.**

(A) All persons having, making, or accumulating trash, yard waste, or other unwholesome and waste materials, shall keep the same in disposal units provided by the City and shall place the disposal units at the designated location for weekly collection.

(B) It shall be unlawful to set any container larger than a City disposal unit curbside, excepting that a dumpster shall be allowed for apartment complexes, commercial, retail and office complexes when the City disposal unit(s) is/are not acceptable in size and/or cost or as otherwise approved by the Board of Public Works and Safety.

(C) Dumpsters are permitted for construction debris and large volume waste. Dumpsters may not be placed on City streets, sidewalks or rights-of-way without written permission from the Street Department Superintendent.

Penalty, see § 52.099

**§ 52.020 CONSTRUCTION DEBRIS.**

(A) Household construction and demolition debris not to exceed three (3) cubic yards may be placed in suitable containers that are in good condition, have secure handles for lifting, are water tight sufficient to keep out rain water, do not exceed 30 gallons and/or 30 pounds or in bundles not exceeding two (2) feet in diameter by four (4) feet in length. The Executive Director or designee may determine that the amount of construction and/or demolition debris is too much for the City to pick up and may require a private hauler be used to remove the debris. A fee, as established by the Board of Public Works and Safety, is charged for the collection of construction debris and may be paid at the Public Works Division.

(B) Construction and demolition debris may not be at the curbside collection point or any point on the street for more than a 24-hour period.

Penalty, see § 52.099

**§ 52.021 BULK ITEM.**

Two bulk items are allowed per month, per resident. Bulk items will be picked up by Refuse Contractor by calling the Contractor to schedule the pick-up. Items shall not be set out more than 24 hours prior to scheduled pickup.

**§ 52.022 ABANDONED OR UNATTENDED APPLIANCES.**

- (A) Abandoning or leaving freezers, refrigerators, iceboxes, ice chests, and other major appliances is subject to the regulations as set forth in this Chapter. The provisions of this Chapter shall apply to any freezers, refrigerators, iceboxes, ice chest, dryer, washer, or any other major appliances having a capacity of one and one-half (1½) cubic feet or more.
- (B) No person, firm, corporation, or organization shall abandon any refrigerator, freezer, icebox, ice chest, or other appliance anyplace within the City.
- (C) At the discretion of the Board of Works and Public Safety, any person(s) who willfully or negligently violates any provision of this Section shall be assessed a \$500.00 minimum fine per occurrence per day or not more than the maximum fine allowed under state law per violation.

Penalty, see § 52.099

**§ 52.023 DUMPSTERS.**

Any person who desires to place a dumpster on public property must obtain permission from the Board of Public Works and Safety. The request will be reviewed based on the following criteria:

- (A) Prior to the locating of any dumpster on or in a public street or alley in the City, all individuals and/or refuse companies must obtain permission from the Street Department Superintendent. Permission shall allow for a maximum period of ten (10) days and are renewable for additional periods of ten (10) days at the discretion of the Street Department Superintendent and approval by the Board of Public Works and Safety. Dumpsters may not be placed within 50 feet of an intersection or in such a manner and fashion so as to cause traffic safety problems by unreasonably blocking the normal flow and pattern of traffic. No dumpster may be placed so as to block a public sidewalk.
- (B) The refuse company shall provide barricades and/or traffic control devices meeting the minimum criteria contained in the Manual on Uniform Traffic Control Devices for Streets and Highways in the State of Indiana. Refuse companies shall be responsible for installing and maintaining the required barricades and/or traffic control devices.
- (C) The refuse company shall sign a liability statement assuming all risks associated with the placement of the dumpster in any public street or alley and shall provide to the Street Department Superintendent proof of liability insurance which shall name the City as a co-insured with liability limits determined by the Board of Public Works and Safety.

(D) Failure to follow any of these policies shall be reason for denial or revocation of permission and a pattern or practice of violating these regulations shall be grounds for denial of future permission for a refuse company.

(E) A refuse company may appeal any decision of the Street Department Superintendent concerning these regulations to the Board of Public Works and Safety.

Penalty, see § 52.099

#### **§ 52.024 CONTRACTORS.**

The City will not clean up or pick up any form of yard waste, construction and demolition debris or refuse left on a property by a contractor or their agent.

Penalty, see § 52.099

### ***SOLID WASTE MANAGEMENT***

#### **§ 52.035 FEES AND REVENUES.**

(A) The Board of Public Works and Safety shall charge a fee in support of the City's Solid Waste Management & Recycling Program. The fees shall be reasonable and periodically reviewed in order to sustain the solid waste collection and disposal activities and services provided by the Refuse and Recycling Contractor.

(B) Fees will be charged for the following items:

(1) Refuse in excess of the provided disposal unit;

(2) Monthly refuse collection; and

(3) Disposal units - replacement for abnormal use.

(C) Fees will be charged for the bi-weekly curbside collection and disposal-processing services for residential customer recyclables.

(D) The solid waste management fee shall be payable monthly and shall be billed, whenever practical to do so, with the City of Nappanee Utility Bill associated with charges for water, wastewater, stormwater and other services.

(E) The solid waste management fee imposed under this Chapter may be temporarily waived for the period of time, as is concurrent with the period of the temporary cessation of water service. The temporary waiver for fees imposed under this chapter will cease upon resumption of water services.

(F) The solid waste management fees imposed under this Chapter may only be refunded for the period of time that is concurrent with the period of the temporary cessation of service,

owing to extended absence for the residential customers. In order to determine the length of time for which a refund may be made, the following apply:

(1) No refund will be given for any month in which there is evidence of water consumption; and

(2) No refund will be given without reasonable documentation of actual absence, which may include but not be limited to out-of state utility bills, active bank accounts and the like.

(G) The solid waste management fee and other fees shall be approved by the Board of Public Works and Safety, and charged according to the published schedule and shall remain in effect as indicated until the time as they may be modified or rescinded by passage and adoption of an ordinance, pursuant to the terms of Indiana law.

(H) Refer to § 52.005 REFUSE/GARBAGE COLLECTION FEE, for Fees.

(I) Residential customers choosing to not use the City's solid waste management and/or recycling service are still required to pay the monthly fee.

(J) Apartment Complex, offices, retail, restaurants, commercial, and similar types of businesses are not required to use the solid waste management service, but may do so through a contract with the City.

(K) Revenues from fees and charges collected under this Chapter shall be deposited into the City's General Fund and shall be used exclusively for the collecting, handling, transporting and disposing of refuse and recyclables by the Refuse and Recyclable Contractor

Penalty, see § 52.099

#### **§ 52.036 EXTRA SERVICES.**

The Board of Public Works and Safety may designate "clean up days" in which extra trash, bulk item pick-up and/or recycling services are provided by the City or the Refuse and Recycling Contractor. Dates, times, rules, and guidelines may be established and promoted by the Board of Public Works and Safety. Extra services may be provided for neighborhood cleanup, roadside cleanup, community festivals and events.

#### **§ 52.099 PENALTY.**

Violations of any provisions of this Chapter are subject to a \$500.00 fine per occurrence per day and are administered through the City's Ordinance Violations Bureau.