

ORDINANCE 2024-01

Amending Ordinance 2007-12

AN ORDINANCE AMENDING CHAPTER 53 OF THE CITY OF WEST POINT CODE OF ORDINANCES REGARDING GARBAGE/TRASH.

CHAPTER 53: GARBAGE

Section

- 53.01 Definitions
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Cross-reference:

Certain conditions declared a nuisance, see § 96.02

Littering, see Chapter 94

§ 53.01 DEFINITIONS.

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

GARBAGE. Wastes resulting from the handling, preparation, cooking and consumption of foods, wastes from the handling, storage and sale of produce.

REFUSE.

(1) Combustible trash, including, but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding;

(2) Noncombustible trash, including, but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery and other mineral waste;

(3) Street rubbish, including, but not limited to street sweepings, dirt, leaves, catch-basin dirt and contents of litter receptacles; and

(4) Refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations, such as boiler-house cinders, lumber, scraps and shavings.

(Prior Code, § 51.01) Penalty, see § 53.99

§ 53.02 UNCOVERED GARBAGE.

(A) It shall be unlawful for any person to place or permit to remain anywhere in the city any garbage or other material, subject to decay, other than grass or leaves, except in a tightly covered metal or plastic container.

(B) It shall be unlawful for any person to cause or permit to accumulate any refuse that can be blown away by the wind anywhere in the city, except in a covered container.

(Prior Code, § 51.02) Penalty, see § 53.99

§ 53.03 DEPOSIT ON THE STREETS

It shall be unlawful for any person to deposit or permit to fall from any vehicle any garbage or refuse on any public streets or highways in the city. This section shall not be construed to apply where garbage and refuse has been placed for pickup and disposal in accordance with the provisions of this chapter.

(Prior Code, § 51.03) Penalty, see § 53.99

§ 53.04 DISPOSAL OF TRASH.

(A) Garbage and refuse shall be disposed of by any of the following methods:

- (1) Pickup and collection by sanitation companies authorized by the city;
- (2) Dumping in an approved county sanitation landfill; or
- (3) Burning in accordance with the provisions of this chapter.

(B) It shall be unlawful to dispose of garbage or refuse by dumping same on any premises in the city with or without the consent of the owner of the premises. Garbage and refuse collected by authorized sanitation companies shall not be disposed of within the city.

(C) Garbage or refuse shall be disposed of from all premises within the city once per week.

(Prior Code, § 51.04) Penalty, see § 53.99

§ 53.05 BURNING OF TRASH.

(A) It shall be unlawful to burn garbage anywhere in the city. It shall be unlawful to burn refuse anywhere in the city, except in an approved incinerator. An approved incinerator is defined as follows.

(1) Any incinerator with a capacity of more than two bushels shall be constructed to comply with the requirements of the state's Air Pollution Commission.

(2) Any incinerator with a capacity of two bushels or less shall meet the requirements of the state's standards of safety and be approved by the Fire Chief.

(B) Leaves, **(tree limbs and vegetative storm debris)** may be burned outside an approved incinerator if properly piled at least 50 feet from any structure and if the fire is attended at all times by an adult.

(Prior Code, § 51.05) Penalty, see § 53.99

§ 53.06 CONTAINERS: SPECIFICATIONS; PLACEMENT.

(A) All garbage, refuse and ashes awaiting disposal shall be placed in **containers furnished by the trash contractor** which must be closed at the top and secured to prevent animal pilferage of garbage. Clean up is the responsibility of the property owner and persons occupying premises. While storing garbage or refuse, the container shall be kept completely closed at all times.

(B) No person shall permit his or her containers to sit upon any public right-of-way unless placed there for pickup and disposal, and then shall be placed there only on the day of collection and prior to such collection. All containers shall be placed near a public road, street or at a place convenient to be picked up for disposal purposes **and shall be placed three (3) feet apart or clear from any other object and with wheels away from the street.** All containers must be removed from the street site within 12 hours after collection.

(C) All dumpsters for waste disposal (other than those for temporary uses) shall be adequately screened from street view and living unit view and be fully accessible for garbage collection. Such screen shall be pleasing in design and of a substantial material, easily maintainable and sufficient to block the view from the street and living units.

(Prior Code, § 51.06) (Ord. 2018-16, passed 11-12-2018) Penalty, see § 53.99

§ 53.07 RESPONSIBILITY FOR CONTAINERS.

All containers for weekly pickup will be provided by the trash contractor It shall be the responsibility of each person who rents any premises to comply with the provisions of this chapter and the owner of any premises shall not be responsible for the acts of any renter as far as the accumulation, transmission and disposal of, garbage and refuse. It shall be the responsibility of the owner of the premises to mark all garbage containers in a manner so as to identify which garbage containers are to be used for each unit of the premises.

(Prior Code, § 51.07) Penalty, see § 53.99

§ 53.08 GARBAGE COLLECTION FEES.

(A) Garbage collection fees are on file at the city hall.

(B) The fees charged for garbage collection shall be included on the monthly water and sewer bills (see § 50.21 of this code) and collected in the same manner as the water and sewer bills.

(C) Failure to pay garbage collection fees will result in the removal of the contractor supplied containers from the premises until fees are paid. A return container fee of Thirty-Five dollar (\$35.00) will be applied to any can removed upon return.

(Prior Code, § 51.08) Penalty, see § 53.99

§ 53.09 ADOPT THE COUNTY'S SOLID WASTE MANAGEMENT PLAN.

The city hereby adopts the Hardin County Solid Waste Management Plan (2023-2027) Update and supports its action plan, implementation plan and associated activities.

Res 2024-01,

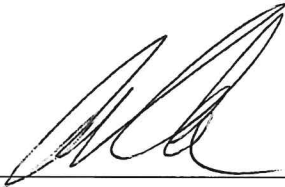
§ 53.99 PENALTY.

Each and every day that the violation or noncompliance continues shall constitute a separate and distinct offense. Any person violating this chapter may also be found guilty of a civil offense. The civil fine shall be no less than \$10, no more than \$1,800. The civil fine shall be paid directly to the city. If the fine is not paid within 30 days from the date of notification, then the city may recover the fine in a civil action in a court of proper jurisdiction. The city may also obtain injunctions or abatement orders to ensure compliance with these chapters or pursue administrative remedies when appropriate, including injunctions and abatement proceedings.

(Prior Code, § 50.99) (Ord. 2007-12, passed 11-15-2007)

First Read at a Regular Council Meeting on 02-12-2024.

Second reading on April 8, 2024



Richard A. Ciresi, Mayor

ATTEST: 
Ashley Gates, City Clerk