

GENERAL ORDINANCE NO. 15, 2012

General Ordinance No. 15, 2012 is an ordinance that establishes a program for the delivery, cost, and replacement costs pertaining to the trash container (tote) program that is currently implemented by the Department of Public Works within the City of Beech Grove. Such ordinance shall establish Chapter 96, Section 96.10 of the "Code of Ordinances", and also be included in the "Code of Ordinances" Chapter 96, Section 96 *Sub Section 96.50 under fees.*

WHEREAS, the City of Beech Grove has an established trash container (tote) program for single and double family resident users; and,

WHEREAS, the Department of Public Works Director oversees the ordering, delivering, replacement, maintenance and emptying of the trash containers (tote); and,

WHEREAS, the containment of trash is a high priority of the City and such trash container (tote) program has helped in reducing loose trash laying around causing a public health hazard; and,

WHEREAS, there is no inventory of current trash container (tote) usage and at times, the trash containers (tote) are removed and used outside of Beech Grove; and,

WHEREAS, the City of Beech Grove desires to continue the trash container (tote) program by distributing either large trash containers (96 gallon), medium trash containers (64 gallon) and small trash containers (48 gallon) to residents in single and double family dwellings throughout the City of Beech Grove.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Beech Grove, Indiana that the following Sections be added to the "Code of Ordinances" hereafter read as follows:

Chapter 96.10 Section 1:

- 1) Each single and double family dwelling **was** issued one (1) trash container (tote). Should a request for a trash container (tote) be asked for after this ordinance goes into effect, the City of Beech Grove shall pass on the cost of the trash container (tote) to the person (s) residing on the property. Such fee shall not exceed Seventy

Five Dollars (\$75.00), which is based on the cost of a 96 gallon trash container (tote).

- (A) The City shall only charge the cost (to the city) of the respective trash container (tote).
- (B) The city shall not charge a delivery fee or a set up fee when delivering new trash containers (tote) to a single or double family dwelling.
- (C) The trash container (tote) becomes part of the residential property and should not be taken when moving from the listed property. Should a resident move and take the trash container (tote) with them, and upon discovery by the Department of Public Works, the City has the right to bill the respective property owner listed for the address for the cost of the removed trash container (tote). Such costs shall not exceed Seventy Five dollars (\$75.00).
- (D) In the event a trash container is damaged, the Director of Public Works shall inspect the trash container (tote) and make a determination on the replacement process. Should the damage be a result of actions not caused by the respective resident or the property owner, than all costs associated with the replacement of the trash container (tote) shall be waived. Included in this is if the trash container (tote) becomes damaged by employees of the City of Beech Grove while disposing of trash.
- (E) There shall be no charge to replace misplaced or broken lids pursuant to the 96 gallon, 64 gallon, and 48 gallon trash container (tote).
- (F) The Director of Public Works shall be responsible to maintain an adequate inventory of trash containers (tote) and replacement lids for residential usage.
- (G) Any and all billing pursuant to the trash container (tote) program shall be through the monthly sewage works bill.
- (H) Should a trash container (tote) that clearly states "The City of Beech Grove" be seen outside of the City of Beech Grove, such notification shall be made to the Director of the Department of Public Works for retrieval of the trash container (tote).
- (I) The Director of the Department of Public Works shall conduct a suitable inventory of the trash container (tote) program throughout the City of Beech Grove as part of the assets inventory program. Such identification numbers shall be forwarded to the sanitation clerk for proper computer filing.

- (1) A representative of the City of Beech Grove who participates in conducting an inventory of the trash container (tote) program shall not access private property for the purpose of conducting an inventory. Such inventory must take place when the respective trash container (tote) is in a public place and is ready to be serviced.

BE IT FURTHER ORDAINED that the Common Council finds that the costs associated with each individual trash container (tote) are reasonable to pass on to residential users and that a delivery fee is not justified to offset costs associated with the delivery, set up, and or removal of such trash containers (tote).

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall become effective sixty days (60) after passage by the Common Council, attested by the Clerk Treasurer and signed by the Mayor.