

PASSED ORDINANCE
G-2016-25

PERMANENT RECORD

ORDINANCE G-2016-25 Amended

INTRODUCING: Missy Mosby
COMMITTEE: Public Works

AN ORDINANCE AMENDING SECTION 8.05.050 (CONTAINER REGULATIONS) OF THE CODE OF ORDINANCES

WHEREAS, the City of Evansville, Indiana ("City"), has received numerous complaints from residents of the City concerning the placement of refuse containers and carts outside homes more than twenty-four (24) hours prior to their scheduled collection and the subsequent failure of property owners or occupants to remove such refuse containers and carts following the scheduled collection of the refuse;

WHEREAS, the City desires to address resident complaints and require the removal and regulate the time for placement and removal of refuse containers or carts in order to protect community health and neighborhood aesthetics;

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Evansville as follows:

Section 1. Amendment of Section 8.05.050 of the Code. Section 8.05.050 of the Evansville Municipal Code is hereby amended in its entirety to read as follows:

“(A) The occupying owner or occupying tenant of any dwelling unit, apartment house, building, or structure, for which provisions are made for the collection of household refuse at public expense, shall provide the dwelling unit, apartment house, or building with (i) a standard 96-gallon or 48-gallon cart for trash and yard waste to be supplied by the City; and (ii) a standard 96- gallon or 48-gallon recycling cart (collectively, the “Carts”).

(B) Carts shall not be placed on the curb or street earlier than 5:00 a.m. on the day before the scheduled date of collection. All Carts shall be removed from the curb or street no later than 5:00 p.m. on the day after the regular collection date. Provided, however, that such time shall be extended by twenty-four (24) hours in weeks featuring a federal holiday or significant weather event. All Carts shall be situated so as to be readily accessible to collection on the date of collection.

(C) For special solid waste trash pick-up events provided by the City, including, but not limited to, special spring pick up, heavy waste (bulky waste) and fall leaf service, bags, bundles or items of heavy trash (bulky waste) shall not be placed at the curb or alley before the weekend preceding the scheduled collection date.

(D) Between days of regular collection for solid waste, yard waste and recyclable materials (“Refuse”), the owner, occupant or agent for any commercial or residential property shall cause all Refuse to be bundled, bagged or contained and stored on such property at a location which is

not visible from the street. Compost piles, if any, on such properties shall be sheltered from street view. No Refuse shall be stored at any location which impedes pedestrian or vehicular traffic on, over, through or along sidewalks, alleys, streets or other public rights-of-way. Carts which are located in alleys to facilitate alley collection may be stored in the alley provided such storage does not impede pedestrian or vehicular traffic in or along such alley and/or public right-of-way.

(E) The owner, tenant, lessee occupant, or agent of any property shall promptly clean up and remove any scattered Refuse from the property before 5:00 p.m. on the day after the scheduled date of regular collection. Missed collections that are a result of the contractors' negligence will be an exception to having Refuse removed from the refuse collection site no later than 5:00 p.m. the day after the regular collection day.

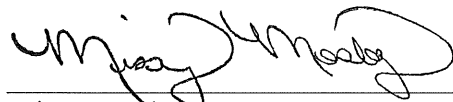
(F) Any person who violates the provisions of subsection (A), (B), (C) or (D) of this section shall be subject to a fine of \$25.00 for the first occurrence within a calendar year, \$50.00 for the second occurrence within a calendar year and \$100.00 for all subsequent occurrences within a calendar year in addition to any and all other remedies provided by EMC 1.05.180 and State law. This section shall be enforced pursuant to the provisions of EMC 1.05.170."

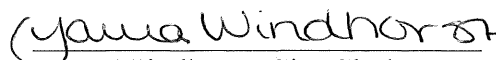
Section 2. Severability. If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination. These other provisions of this Ordinance shall remain in full force and effect without the invalid provision.

Section 3. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Common Council.

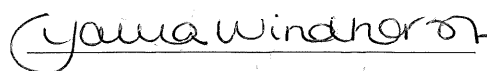
PASSED BY the Common Council of the City of Evansville, Indiana, on the 12 day of ~~August~~ ^{September}, 2016, and on said day signed by the President of the Common Council and attested by the City Clerk.

ATTEST:


Missy Mosby
President of the Common Council

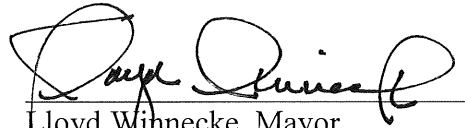

Laura Windhorst, City Clerk
City of Evansville, Indiana

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, and to the Mayor of said City, the 13 day of ~~August~~ ^{Sept}, 2016, at 4 o'clock ~~p~~.m. for his consideration and action thereon.



Laura Windhorst, City Clerk
City of Evansville, Indiana

Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this 15th day of ~~August~~ Sept 2016, at 9:30 o'clock A.m.



Lloyd Winnecke, Mayor
City of Evansville, Indiana

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COMMITTEE REPORT
PUBLIC WORKS
CHAIRMAN JONATHAN WEAVER

Date: September 12, 2016

Time: 5:25 p.m.

ORDINANCE G-2016-25

PUBLIC WORKS

MOSBY

An Ordinance Amending Section 8.05.050 (Container Regulations) of the Code of Ordinances

MADAM PRESIDENT, YOUR COMMITTEE ON **PUBLIC WORKS** TO WHOM THIS
ORDINANCE/RESOLUTION REFERRED WISHES TO RECOMMEND THE FOLLOWING ACTION BY
COUNCIL.

MOVED TO ACCEPT:

SECONDED BY:

CIRCLE:

DO PASS

DO NOT PASS

AMENDMENTS AS FOLLOWS:

Chairman Weaver

James J. Weaver
Kristine G.
Michelle Mosby
Christine

W. J. Mosby

COMMITTEE REPORT
PUBLIC WORKS
CHAIRMAN JONATHAN WEAVER

Date: September 12, 2016

Time: 5:25 p.m.

ORDINANCE G-2016-25

PUBLIC WORKS

MOSBY

An Ordinance Amending Section 8.05.050 (Container Regulations) of the Code of Ordinances

Accept Redlined
Amendment w/ improving
Motion: Adams ^{one sentence}
Second: Mercer
VOICE VOTE

MOVED TO ACCEPT: Mosby

SECONDED BY: Adams

CIRCLE:

DO PASS

DO NOT PASS

COMMENTS:

Nick Cirigano
Mitch Luman 1644 E. Blackford
Stan Wheeler 3800 Keck Ave.
Ed Tiemeier EWSU
Challene Bwaker 1700 E. Blackford

VOTING:

WEAVER	Yes	_____	No	_____
ADAMS	Yes	_____	No	_____
BRINKMEYER	Yes	_____	No	_____
ELPERS	Yes	_____	No	_____
HARGIS	Yes	_____	No	_____
MCGINN	Yes	_____	No	_____
MERCER	Yes	_____	No	_____
MOSBY	Yes	_____	No	_____
ROBINSON	Yes	_____	No	_____

PERMANENT RECORD

ORDINANCE G-2016-25

INTRODUCING: Missy Mosby
COMMITTEE: Public Works

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WHEREAS, the City desires to address resident complaints and require the removal and regulate the time for placement and removal of refuse containers or carts in order to protect community health and neighborhood aesthetics;

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(C) For special solid waste trash pick-up events provided by the City, including, but not limited to, special spring pick up, heavy waste (bulky waste) and fall leaf service, bags, bundles or items of heavy trash (bulky waste) shall not be placed at the curb or alley before 5:00 p.m. on the day before the scheduled collection date.

(D) Between days of regular collection for solid waste, yard waste and recyclable materials ("Refuse"), the owner, occupant or agent for any commercial or residential property shall cause all Refuse to be bundled, bagged or contained and stored on such property at a location which is not visible from the street. Compost piles, if any, on such properties shall be sheltered from street view. No Refuse shall be stored at any location which impedes pedestrian or vehicular

FILED

AUG 09 2016

Jana Windner
CITY CLERK

traffic on, over, through or along sidewalks, alleys, streets or other public rights-of-way. Carts which are located in alleys to facilitate alley collection may be stored in the alley provided such storage does not impede pedestrian or vehicular traffic in or along such alley and/or public right-of-way.

(E) The owner, tenant, lessee occupant, or agent of any property shall promptly clean up and remove any scattered Refuse from the property before 5:00 p.m. on the day after the scheduled date of regular collection. Missed collections that are a result of the contractors' negligence will be an exception to having Refuse removed from the refuse collection site no later than 5:00 p.m. the day after the regular collection day.

(F) Any person who violates the provisions of subsection (A), (B), (C) or (D) of this section shall be subject to a fine of \$25.00 for the first occurrence within a calendar year, \$50.00 for the second occurrence within a calendar year and \$100.00 for all subsequent occurrences within a calendar year in addition to any and all other remedies provided by EMC 1.05.180 and State law. This section shall be enforced pursuant to the provisions of EMC 1.05.170."

Section 2. Severability. If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination. These other provisions of this Ordinance shall remain in full force and effect without the invalid provision.

Section 3. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Common Council.

PASSED BY the Common Council of the City of Evansville, Indiana, on the ____ day of August, 2016, and on said day signed by the President of the Common Council and attested by the City Clerk.

ATTEST:

Missy Mosby
President of the Common Council

Laura Windhorst, City Clerk
City of Evansville, Indiana

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, and to the Mayor of said City, the ____ day of August, 2016, at ____ o'clock __.m. for his consideration and action thereon.

Laura Windhorst, City Clerk
City of Evansville, Indiana

Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this _____ day of August, 2016, at _____ o'clock __.m.

Lloyd Winnecke, Mayor
City of Evansville, Indiana

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