

ORDINANCE NO. 4-2021

AN ORDINANCE AMENDING CHAPTER 70 OF THE MUNICIPAL CODE OF THE TOWN OF BREMEN, INDIANA, REGARDING TRASH, RUBBISH, AND OTHER SOLID WASTE

WHEREAS, in the Town of Bremen, Indiana there are occasionally properties which have an accumulation of garbage, rubbish, or other solid waste, which leads to health and sanitation issues and a decline in property value for nearby property owners; and

WHEREAS, the Town Council of the Town of Bremen, Indiana, believes it is necessary to take action against such properties in order to protect the health and welfare of the residents of the Town of Bremen; and

WHEREAS, the Town Council of the Town of Bremen, Indiana believes that accumulations of garbage are a public nuisance that detract from the appearance of properties and neighborhoods and negatively affect neighboring properties; and

WHEREAS, the Town Council of the Town of Bremen, Indiana deems it necessary to amend the Town Code of the Town of Bremen, Indiana to more specifically address any offensive accumulation of garbage, rubbish, or other solid waste within the town limits.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BREMEN, INDIANA, AS FOLLOWS:**

Chapter 70 of the Town Code of the Town of Bremen, Indiana, is hereby amended as follows:

CHAPTER 70 - GARBAGE, RUBBISH AND OTHER SOLID WASTE

70.01. Definitions. For purposes of this Chapter, certain words and phrases shall have the following meanings:

- a. Garbage. Any and all refuse accumulation of animal, fish, fowl, fruit, or vegetable matter that results from the preparation, use, cooking of meats, fish, fowl, fruit or other substances, ~~including lawn cuttings, green shrubbery and leaves.~~
- b. Trash and Rubbish. Material other than garbage resulting from ordinary household and commercial operations including such items as tin cans, glass, bottles, ashes, papers, magazines and newsprint, boxes, rags and small cartons.
- c. Solid Waste. Any garbage, rubbish, refuse, household waste, household hazardous waste, or other discarded material including solids liquids, semi-solids, or contained gaseous material.

- d. Commercial Incinerator. An incinerator designed or used for public, private or commercial use, meeting the standards of the Incinerator Institute of America with reference to the particular use for which said incinerator is employed, or meeting the standards set by the Indiana Department of Environmental Management (IDEM) from time to time hereafter.
- e. Public Nuisance. It shall be a public nuisance to burn any garbage or trash or any other materials at or on the exterior of buildings in the Town of Bremen, Indiana, except as hereinafter provided. All violations of this Ordinance shall constitute a public nuisance. [AW1]
- f. Lawn and Garden Waste. Includes vegetative matter from landscape maintenance as set forth in I.C. ~~13-7-29~~13-20-9.
- g. Public Nuisance. The presence and/or accumulation of the following shall be considered a public nuisance, including but not limited to:
1. Litter;
  2. Fallen tree stumps, dead trees, cut brush, fallen or cut limbs;
  3. Boxes, appliances, household items and tires;
  4. Demolition remains;
  5. Accumulated garbage and trash;
  6. Automobile parts, disassembled automobiles, automobiles without engines, plumbing and piping materials and parts, scrap metal, unseaworthy or dilapidated boats, dilapidated, deteriorated or nonoperable jet skis, snowmobile, motorcycles, bicycles, trailers or mopeds;
  7. Any waste-water, filth, offal, garbage, rubbish, animal waste, human excrement, which is deposited, allowed or caused to be upon public or private property;
  8. Any water or any other substance which is caused or permitted to flow onto or be deposited upon any public property or public way except natural surface water drainage;
  9. Any dead animal or animal parts;
  10. Any personal property which is infected with contagious disease or is likely to cause an immediate health hazard;
  11. Any matter which attracts or may attract rodents, insects, domestic or wild animals in such a manner as to create a health hazard or unsanitary or dangerous condition;
  12. The storage of any explosive, combustible or other material which creates a public safety or health hazard;
  13. Trees, shrubbery, weeds, snow or other matter obstructing public ways or causing visual barriers which create vehicular traffic or pedestrian safety hazards;

14. Trash or garbage containers left upon the sidewalk, the area between a street and sidewalk or the front or side yard, except as permitted by this Code for trash and garbage collection purposes;
15. Weeds or other rank vegetation growing upon real estate within the city, including without limitation those varieties listed at § 98.01 of this Code that have been left to grow in an uncut and unsightly condition;
16. Any furniture, not originally designed or manufactured solely for outdoor use; or any furniture which was originally designed or manufactured for outdoor use, which is now dilapidated or deteriorated.

70.02 Garbage, Rubbish, and Solid Waste Generally.

- a. The purpose of this section is to regulate and control the disposition of garbage, rubbish, and solid waste in the town and to prohibit the dumping, storing, and accumulation of the waste in a place other than a permitted facility, particularly along public roadsides and private property within the Town of Bremen.
- b. No person or entity shall:
  1. Discharge, deposit, throw, or cause to allow any solid waste to be discharged, deposited or thrown or stored on any land within the city limits for final disposal that does not have the proper permits and which is also the land not owned by the generator or owner of the solid waste;
  2. Transport their garbage or rubbish to collection sites other than the site which is designated for their property;
  3. Transport garbage or rubbish from out of the town limits into the Town of Bremen and dispose of the garbage or rubbish at a town collection site;
  4. Transport garbage or rubbish from apartment buildings, schools, churches or other similar places to residential collection sites within the town;
  5. Dump garbage, rubbish or other waste materials, or similar matter into any street, alley, vacant lot, public place or land or into or near any portion of natural or artificial water course in the city; and/or
  6. Allow garbage or rubbish to remain upon any alley, street, or public way or allow the rubbish or garbage to remain in a visible and unsightly condition.
- c. It is the purpose of this section, among other things, to prohibit a person who lives outside the city limits from bringing trash generated outside the city limits into the city for collection. The prohibitions of this section shall apply

to all persons and entities regardless of whether they own real estate in the town limits.

- d. In all cases where there is found to be non-compliance with the provision of this section, the owner or occupant of the property found to be in non-compliance shall be notified by the Director of Operations either in person or by written notice sent by certified mail. This notice shall describe the nature of the non-compliance and suggest corrective action. The property owner or occupants so notified shall have 5 days from the receipt of the notice to take the corrective action at the expense of the property owner or occupant. The charge assessed against the property owner or occupant will be based upon the actual cost to the Town including, but not limited to, labor and equipment cost to the Town and cost charged against the Town to perform the corrective action and shall constitute a lien on real estate. In no case shall the charge be less than \$100.00.<sup>[AW2]</sup> In addition to the assessment of charges pursuant to, the Town may bring an action against the owner or occupant pursuant to 70.99 of the Town Code of the Town of Bremen, Indiana.

70.03. Burning or Incineration of Trash in Approved Incinerators

- a. Containers for the accumulation of trash, rubbish or garbage shall be of solid metal or plastic type, with a secure fitting lid.
- b. That from and after the effective date of this Code, no rubbish or trash shall be burned in containers or otherwise in the Town of Bremen, Indiana, on or at the exterior of buildings or premises.
- c. Accumulations of garbage, trash or rubbish in containers larger than ninety-six (96) gallons in size and sixty (60) pounds in weight shall constitute a violation of the Code.
- d. From and after the enactment of this Code, any violation of any of the foregoing provisions hereof shall be punishable by a fine of \$10.00<sup>[AW3]</sup> per each and every such violation. The Town Clerk shall be empowered and authorized to receive the fines so imposed under this Code for and on behalf of the Town of Bremen.
- e. That the Town Council be, and hereby is, authorized and empowered to remove and dispose of any and all barrels, drums, containers, or receptacles accumulating garbage, trash or rubbish, which said barrels, drums, containers or receptacles fail to meet the qualifications and specifications as to size heretofore set forth, providing said barrels, drums, containers or receptacles are situated at the exterior of buildings within the corporate limits of the Town of Bremen Indiana, if they contain rubbish, trash or garbage generated by residentially occupied buildings.

- f. That the Chief of Police and all of the officers of the Police Department, shall be the enforcement agency for the enforcement of this Code, and for the abatement and prevention of violations of this Code. [AW4]
- g. That upon the application of any person for the approval of plans and specifications for a commercial incinerator for the burning of garbage, trash or rubbish, the Town Council of the Town of Bremen, Indiana, shall, before approval of such plans and specifications, be satisfied that the proposed incinerator's use and location will not endanger the public health, will not pollute the air, will not create a public nuisance and meets the standards of the Indiana Department of Environmental Management (IDEM). Upon such findings by the Town Council, the Council shall submit written approval to the Town Clerk, and the Town Clerk shall thereupon issue a permit for the construction and use of such incinerator. Any and all permits issued hereunder shall be valid for a one-year term from the date of issuance and shall be subject to the annual review and to an annual approval or disapproval by the Town Council of the Town of Bremen, Indiana.

70.04. Receptacles. All garbage, trash or rubbish stored on or at the exterior of buildings or premises for more than twelve (12) hours prior to collection must be stored animal-proof watertight containers of metal, plastic or similar rigid materials not exceeding ninety-six (96) gallons in capacity and sixty (60) pounds in weight. All receptacles shall be placed conveniently for collection within ten (10) feet of the designated collection route. [AW5]

70.05. Right to Removal. Any resident, property owner or tenant within the Town shall be entitled to garbage and refuse removal services, subject to rules and regulations which shall be established by the Town Council, provided however that owners or tenants of commercial and industrial properties shall arrange for their own collection services at their own expense. The Town shall not be required to give service to any user who has not paid for the service.

70.06. Rates and Charges. The Town Council is hereby authorized to establish by resolution a schedule of rates and charges to be assessed for residential garbage removal services. The charges shall be placed on every residential [AW6] sewer customer's utility statement and will be payable in advance and billed at least as often as quarterly.

70.07. Supervision. The Town Council shall at all times exercise supervision over the collection of garbage and refuse through the street superintendent or such other person [AW7] as it may appoint. The Council is empowered to enter into contracts and agreements with a private garbage collector and make any necessary rules having due regard for the public health, appearance and sanitary conditions of the Town. Owners of commercial and industrial properties are permitted to employ any garbage and refuse collector of their choosing, however, all residential garbage and refuse removal shall be under the supervision of the Town Council and all residential property owners or tenants shall be assessed charges for their services. Each user will be deemed to be residential based

upon the rate classification adopted by the water and electric utilities and the charges shall be included on the water and/or electric utility bill sent the user.

70.08 Multi-family Dwellings. The owner of all residential buildings containing four (4) or more residential units shall provide metal containers or dumpsters of at least two (2) cubic yards capacity meeting the specifications of the municipality's contract trash collection service for the benefit of tenants of the building at the owner's expense. The municipal collection service shall not be obligated to pick up trash or refuse from any such location not in compliance with this provision.

70.09 Recycling Bins. Bins located by the Town of Bremen or its contractors for collection of recyclable materials shall, together with their contents, be deemed to be property of the Town of Bremen.<sup>[AW8]</sup>

Anyone, other than a Town employee or employer of a firm contracting with the Town to provide service, attempting to gain entry to the bins, removing material there from or in any way damaging the bins shall have committed an infraction punishable by a fine of up to Three Hundred Dollars (\$300.00) for each such violation. The Town Clerk shall be empowered and authorized to receive the fines so imposed.

70.10 Lawn and Garden Waste. Effective September 1, 1992, no resident, property owner or tenant shall place any lawn or garden waste in receptacles for regular pickup of garbage, trash or rubbish. Such materials shall be composted or delivered to a place designated by the Town Council for disposal of such items. A violation of this provision shall be a Class "A" infraction.<sup>[AW9]</sup>

70.99 Penalties. Whoever violates any provision of this chapter, where no specific penalty is otherwise provided, shall be punished with a fine not exceeding \$500.00 per offense. For violations of this ordinance that are continuing in nature, said fine shall be assessed per day.

**PASSED and ADOPTED** by the Town Council of the Town of Bremen, Indiana, this 24th day of May, 2021.

TOWN COUNCIL OF THE TOWN OF  
BREMEN, INDIANA

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James Leeper, President

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William Daily, Vice-President

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Rick Graverson, Member

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Michael Leman, Member

Attest:

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Janet M. Anglemyer, Clerk-Treasurer