

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	April 8, 2016	Meeting Date:	April 18, 2016
Contact Information:			
Requested by:	Joanna Myers, Senior Planner		
On Behalf of Organization or Individual:			
		City of Franklin	
Telephone:	317-736-3631		
Email address:	jmyers@franklin.in.gov		
Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
Public Hearing of Ordinance 2016-07: Ordinance Amending Ordinance 2010-03 Regulating the Placement, Collection, and Disposal of Garbage, Trash, Refuse, Yard Waste, White Goods, and Heavy Trash			
List Supporting Documentation Provided:			
1. Ordinance 2016-07			
2. Copy of Ordinance 2010-03			
Who will present the request?			
Name:	Joanna Myers	Telephone:	317-736-3631

The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:00 p.m. in the Council Chambers of City Hall located at 70 E. Monroe Street. In order for an individual and/or agency to be considered for new business on the agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 12:00 p.m. on the Wednesday before the meeting.

**ORDINANCE NUMBER 2016-07
OF THE CITY OF FRANKLIN, INDIANA**

**An Ordinance Amending Ordinance 2010-03
Regulating the Placement, Collection, and Disposal of Garbage, Trash, Refuse, Yard
Waste, White Goods, and Heavy Trash within the City of Franklin**

WHEREAS, the Common Council of the City of Franklin, Indiana, finds that the municipal regulations relative to the placement, disposal, and collection of garbage, trash, refuse, yard waste, white goods, and heavy trash require revisions for the efficient operation and contracting of collection.

WHEREAS, the Common Council finds that Ordinance No. 2010-03 requires certain amendments and revisions;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:

1) AMENDMENTS:

Section 1: Definitions shall be amended to include the following:

- a. Dwelling, Accessory: A separate and complete dwelling unit established within a commercial, institutional, or industrial structure located within the Mixed Use: Downtown Center zoning district (MXD) as designated by the official City of Franklin Zoning Map.
- b. Dwelling, Single-Family: A structure designed for occupancy by 1 family or other single units of housekeeping and therefore including no more than 1 dwelling unit.

Delete Subsection 7(b) Residential Limitations in its entirety and replace as follows:

- a. Residential Limitation: Solid waste collection service shall only be available to residential dwelling units within the City of Franklin. The provision of service shall include single-family dwellings and two-family dwellings only. In no instance shall waste collection be afforded to accessory dwellings, multi-family dwellings, commercial, institutional, or industrial uses. The owners of said exceptions will be required to obtain private service for solid waste collection.

- 2) REPEAL OF ORDINANCES:** The provisions of all other ordinances in conflict with the provisions of this ordinance, specifically Ordinance 2010-03 are of no further in force or effect, and are repealed upon passage and adoption of this ordinance in the manner prescribed by law.

No ordinance or part thereof, previously repealed shall be considered, re-ordained or re-enacted by virtue of this ordinance unless specifically re-enacted. The repeal of any curative or validating ordinance does not impair or affect any cure or validation already effected thereby. Nothing in this ordinance is intended to repeal ordinances not otherwise in conflict with the provisions of this ordinance.

3) **DURATION and EFFECTIVE DATE:** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) upon the passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code §36-4-6-15,16.

Introduced and Filed on the _____ day of _____, 2016.

DULY PASSED on this _____ day of _____, 2016, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of _____ in Favor and _____ Opposed.

City of Franklin, Indiana, By its Common Council:

Voting Affirmative:

Voting Opposed:

Stephen Barnett, Council President

Stephen Barnett, Council President

Kenneth W. Austin, Vice President

Kenneth W. Austin, Vice President

Joseph P. Abban

Joseph P. Abban

Joseph R. Ault

Joseph R. Ault

Andrew Eggers

Andrew Eggers

Keith Fox

Keith Fox

Richard L. Wertz

Richard L. Wertz

Attest:

Jayne Rhoades
City Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to
Indiana Code § 36-4-6-15, 16, this _____ day of _____, 2016
at _____ o'clock a.m./p.m.

Jayne Rhoades,
City Clerk-Treasurer

This ordinance having been passed by the legislative body and presented to me
[Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)]
[Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2)], this _____ day of
_____, 2016 at _____ o'clock a.m./p.m.

Joseph E. McGuinness
Mayor

Attest:

Jayne Rhoades,
City Clerk-Treasurer

Prepared by:
Department of Planning & Engineering
70 E. Monroe Street
Franklin, IN 46131

**ORDINANCE NO. 10-03
OF THE CITY OF FRANKLIN, INDIANA**

**AN ORDINANCE REGULATING THE PLACEMENT, COLLECTION, AND
DISPOSAL OF GARBAGE, TRASH, REFUSE, YARD WASTE, WHITE GOODS, AND
HEAVY TRASH WITHIN THE CITY OF FRANKLIN, PROVIDING FOR
MANDATORY CURBSIDE RECYCLING, AND PROVIDING PENALTIES FOR
VIOLATION OF THIS ORDINANCE**

Whereas, the procedures for placement, disposal, and collection of garbage, trash, refuse, yard waste, white goods, and heavy trash require revisions for the efficient operation and contracting of collection.

Whereas, several ordinances appear to be in conflict with one another, and it is necessary to clarify and condense the violation procedures regarding the collection and disposal of garbage, trash, refuse, yard waste, white goods, heavy trash, construction debris, and curbside recycling.

Whereas, it has been established by the State of Indiana, and the City of Franklin, Indiana Common Council that the provisions of this ordinance relating to the placement, collection, and disposal of garbage, trash, refuse, yard waste, white goods, heavy trash, and construction debris, and the provisions for curbside recycling should apply to dwelling units as defined within this ordinance.

**NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF
FRANKLIN, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:**

1. **Ordinances Repealed and Replaced.** The following provisions shall supersede and replace any provisions set forth prior to the adoption of this ordinance including Ordinances Nos. 1978-11, 1989-13, 1993-24, 1994-04, 1995-12, and 2007-06.
2. **Provisions:**

Section 1: Definitions: The following words, when used in this ordinance, shall for the purposes herein described, have the following meanings and definitions:

- a. **Commercial Use:** Used for commerce and the operation of a business or businesses.
- b. **Dwelling Unit:** A structure or portion thereof designed for or used for residential purposes as a self sufficient, individual unit by one (1) family or other similar social association of persons as a single housekeeping unit, and having permanently installed sleeping, cooking, and sanitary facilities.
- c. **Dwelling, Multi-Family:** A structure designed for and occupied by three (3) or more families or other single units of housekeeping, with the number of families and housekeeping units in residence not exceeding the number of dwelling units provided.

- d. Dwelling, Two-Family: A structure designed for occupancy by two (2) families or other single units of housekeeping and therefore including no more than two (2) dwelling units.
- e. Garbage: All organic household waste, offal, animal and vegetable matter prepared or intended for use as food, condemned foodstuffs and materials, and substances, materials and things ordinarily disposed of in containers and incinerators by hotels, restaurants, stores, hospitals, apartment houses, and private dwellings. *See Also: Solid Waste*
- f. Front Yard: The horizontal space between the nearest foundation of a building to the front lot line (adjoining a public right-of-way), extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line. All corner lots, lots with property frontage to two (2) public rights-of-way shall have any space between the foundation line to the right-of-way line be considered a front yard.
- g. Heavy Trash: Any solid waste, garbage, trash, or refuse that exceeds eighty-five pounds in weight and that will not fit within the maximum size container specified in this ordinance. Heavy trash includes, but is not limited to, furniture, mattresses, scrap wood, and overall amounts above the maximum limits specified in this ordinance.
- h. Recyclables: Any of the following materials are considered recyclables, and are required to be segregated by the resident for mandatory curbside recycling. In no case shall motor oil, anti-freeze or other hazardous materials be considered recyclable by curbside pickup.
 - i. Paper (including telephone books, magazines, junk mail circulars, catalogs, or cardboard);
 - ii. Green, brown, or clear glass bottles and jars;
 - iii. Plastics (excluding plastic wrap, plastic bags, plastic lids, but including polystyrene)
 - iv. Aluminum, bi-metal, and tin cans
- i. Refuse: *See Solid Waste.*
- j. Solid Waste: Unwanted or discarded material, including waste material with insufficient liquid content to be free flowing. Solid waste may be categorized as follows:
 - i. Agricultural: Solid waste that results from the raising and slaughtering of animals and the processing of animal products and from orchard and field crops.
 - ii. Commercial: Waste generated by stores, offices, and other activities that do not actually turn out a product.
 - iii. Construction: Waste produced by the construction, remodeling, demolition, or other alteration to a structure or facility.
 - iv. Industrial: Waste resulting from industrial processes and manufacturing.
 - v. Institutional: Waste originating from educational, health care, and research facilities.
 - vi. Municipal: Residential and commercial solid waste generated within a community.
 - vii. Residential: Waste that normally originates in a residential environment, also called “domestic solid waste”.

- k. Trash: All rubbish and refuse including, but not limited to, glass bottles and containers, broken glass, beer and soft drink cans, rubber products, metals, and rags. *See Solid Waste*
- l. White Goods: Large household appliances, including, but not limited to stoves, washing machines, driers, and water heaters. (See Section 5 for restrictions on refrigerators.)
- m. Yard Waste: Weeds, brush, grass clippings, and leaves.

Section 2: Authority

- a. The City of Franklin Board of Public Works and Safety, or its designee, is hereby authorized to affix and arrange the dates, schedules, and places for the public collection of garbage, trash, refuse, white goods, heavy trash, solid waste, and yard waste throughout the corporate limits of the City of Franklin, Indiana.
- b. The Board of Public Works and Safety is granted the responsibility and authority to adopt rules and regulations governing the implementation of mandatory trash collection and curbside recycling. Said authority shall include, but not be limited to, the authority to adopt rules and regulations governing mandatory trash collection and curbside recycling, the authority to contract pursuant to the laws of the State of Indiana with any person, firm, corporation, or partnership for the rendering of trash and recyclable collection and removal, to prosecute violations of the ordinance in the name of the City of Franklin, and to do such other things as said Board may deem as reasonably appropriate and necessary to carry into the effect the terms of this ordinance.
- c. It shall be the responsibility of the owner of any dwelling unit to properly instruct any tenants of said dwelling units as to the provisions of this ordinance, and the owner shall be liable for any violation of this ordinance by the tenants thereof.

Section 3: Placement

- a. Timing: All garbage, trash, refuse, solid waste, and yard waste shall be placed in the proper containers and position for collection no later than 7:00 AM on the day designated for said collection. Said waste shall not be set out for collection in advance of the regularly scheduled collection day except after 4:00 PM on the evening immediately preceding the day scheduled for such collection. All containers shall be returned within twenty-four (24) hours after collection to their proper position as described in this ordinance.
- b. Placement: All owners, tenants, or lessees of any dwelling unit shall place all garbage, refuse, trash white goods, solid waste, heavy trash, or yard waste on their premises near the street or sidewalk, or at any other place designated as a pick up point.
- c. Public Ways: No person shall permit their solid waste containers, white goods, yard waste, or heavy trash to block or impede the flow of vehicular or pedestrian traffic on any street, sidewalk or alley.

- d. **Yard Waste:** Grass clippings and leaves shall be bagged, preferably in biodegradable bags, and placed for trash removal; however, leaves shall be removed from the curb by the City leaf vacuum machine from the second full week of October through the first full week of December. Brush shall be tied in small bundles consisting of limbs that are smaller than three inches in diameter and less than four feet in length or placed in containers and placed for trash removal; however, brush shall be removed from the curb by the City from the first full week of March through the first full week of October.
- e. **Storage:** No owner, tenant, or lessee of any public or private premises shall permit to accumulate upon said premises any solid waste except in acceptable containers as defined by this ordinance. In no instance shall any containers for solid waste be stored in any front yard of any structure.
- f. **Disruption:**
 - i. No person shall throw, place, or deposit solid waste, or allow said solid waste to escape into any street or public right-of-way or onto any public or private property, except in proper containers.
 - ii. No person shall turn over or upset the contents of any container on any street, sidewalk, or other public place; when said solid waste has been set out in containers near a public street or sidewalk for collection. No person shall remove any of such solid waste from the containers.
 - iii. No person shall throw or scatter any trash or solid waste, or cause the same to be thrown or scattered in any street or other public place. It shall also be unlawful for any person to bring upon or permit to be brought upon any premises within the City of Franklin any solid waste from outside the corporate limits.

Section 4: Containers

- a. **Containerization:** All garbage placed outdoors for purposes of collection shall be drained, securely wrapped in paper or plastic, and then placed in a covered, water tight metal or plastic container or bag, as defined in by this ordinance.
- b. **Acceptable Containers:** All containers shall be constructed in such a manner as to be strong, not easily corrodible, rodent proof, and shall have a capacity of not more than ninety-eight (98) gallons. If containers are used, they shall have tight covers which shall be in place at all times except when garbage is being deposited therein or removed there from. However, fifty-five (55) gallon steel drums will not be used for containerization.
- c. **Recycling Containers:** Each dwelling unit, within a single family dwelling or a two family dwelling, shall be furnished appropriate recycling containers which shall remain at all times the property of either the City of Franklin of any entity contracted by the City of Franklin to perform trash pick-up and recycling services.
- d. **Containers Provided by Contractor:** Containers, of up to ninety-eight (98) gallons, may be provided by the contractor. All said containers shall remain at all times the property of either the City of Franklin or any entity contracted by the City of Franklin to perform trash pick-up and recycling services. If the contractor or City provides trash containers, the occupant, tenant, or lessee of a dwelling unit is required to utilize said container for

curbside trash service. Any trash not contained within the provided container, including trash contained in bags, will not be picked-up except for specified “heavy trash days” as defined in this ordinance.

Section 5: Maximum Limits

- a. **Bags:** If containers are not provided by the Contractors (see Section 4(d)), bags not exceeding thirty-three (33) gallons shall be picked-up weekly via curb side pickup except for those days specified as “heavy trash days” as defined in this ordinance. Except for the pick-up immediately following the Christmas holiday, which will have no total maximum volume restriction, all other weekly pick-ups will be limited to a total maximum volume of one hundred ninety-eight (198) gallons; for example, no more than six (6) thirty-three (33) gallons bags may be placed for pick-up.
- b. **Containers:** A maximum total volume of one hundred ninety six (196) gallons (such as two (2) containers with a capacity of ninety-eight (98) gallons) shall be picked-up weekly via curb side pickup except for those days specified as “heavy trash days” as defined in this ordinance.
- c. **White Goods & Heavy Trash:** White goods and heavy trash shall be collected twelve (12) times per year, once each month, on the first Monday of each month. Collections will be made according to the established schedule. This date may be modified as needed by the City of Franklin Board of Public Works. The City of Franklin will NOT collect appliances unless the Freon is removed and the item is properly tagged.

Section 6: Recyclables

- a. **Responsibilities:** The occupants of any dwelling unit shall segregate all recyclables and place said recyclables in the appropriate container designated for said recyclables. All containers shall be set out for collection along with other solid waste upon the days and at the times specified herein, or by the Franklin Board of Public Works and Safety for trash collection. Once recyclables are placed at the curbside, they become the property of the City of Franklin and/or its contractors. Any unauthorized collection of same will be a violation of this ordinance.
- b. **Containers:** The containers provided for recyclables shall be used for no other purpose than the storage, collection and disposal of recyclables as required herein.

Section 7: Service Areas

- a. **Areas of Service:** All areas within the City of Franklin Corporate Limits shall be included in the curb side collection of solid waste, and shall be subject to the provisions of this ordinance.
- b. **Residential Limitations:** Solid waste collection service shall only be available to residential dwelling units within the City of Franklin. The provision of service shall include single family dwellings as well as two family dwellings. The owner of a multi-

family dwelling will be required to obtain private service for solid waste collection. In no instance shall waste collection be afforded to commercial or industrial uses.

- c. Commercial Waste: All industrial waste, which is the result of manufacturing a product, and commercial and / or retail business waste shall not be subject to removal. Further, waste generated from the construction, remodeling, or renovation of dwelling units shall not be subject to removal.

Section 8: Inspection & Notice

- a. First Offense: A notice of violation will be issued by the City of Franklin with an order to remove said violation within ten (10) days of the notice.
- b. Further Offenses: In the case of repeat violations to this ordinance, the City of Franklin shall not be required to provide subsequent notice to the owners of properties in violation if that property, under the same ownership, has been the subject of notice previously in the calendar year. All subsequent occurrences of violations of this ordinance shall be considered a failure to abate and shall be remedied as described in this ordinance.

Section 9: Failure to Abate

- a. If any owner of any lot shall fail to remove or abate any violation of this ordinance within ten (10) days after first receiving notice, or at any time subsequent to receiving one (1) notice in the same calendar year, it shall be the duty of the Board of Public Works and Safety to cause the same to be removed or otherwise abated by referring such action to the Street Department which shall either remove the violation or contract with a private entity to accomplish such removal. At the time of removal, the Street Commissioner shall be prepared to provide the property owner with evidence of the provision of notice consistent with the requirements of this ordinance.
- b. When the Board of Public Works and Safety has effected the removal of the violation, the Board shall prepare a sworn statement showing the cost of the work performed and shall bill the owner of record. Such bill shall be due and payable at the time of its receipt by the property owner and shall be calculated by (1) multiplying the hourly rate of each employee involved in the administration of the notice and removal of the nuisance by 2.5 (to accommodate administrative costs) and then by the number of hours each applied to the violation (in increments of no less than 0.5 hours) and (2) adding to that figure any costs for rented equipment or contracted labor required to complete the work. The bill shall not be less than two-hundred dollars (\$200.00).
- c. When the full amount due the City is not paid by the owner within sixty (60) days after the work has been performed, as provided in section 9(B) above, then, and in that case, the Board of Public Works and Safety shall cause to be recorded in the office of the Johnson County Recorder a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which the work was done.

The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in force and effect for the amount due on principal and interest, plus costs of collection, if any, for collection, until final payment has been made. The costs and expenses shall be collected in the manner fixed by law for the collection of real estate taxes and further shall be subject to delinquent penalties the same as real estate taxes in the event same is not paid in full on or before the date of the tax bill on which said charges appeared delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the property designated or described in the statement and that the same is due and collectible as provide by law.

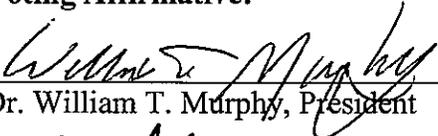
3. **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.
4. **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect upon the remaining provisions of this ordinance.
5. **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance.
6. **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on the day of passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-16-4.

Introduced and Filed on this 19 Day of April, 2010.

DULY PASSED on this 3 day of May, 2010, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of 7 in Favor and 0 Opposed.

City of Franklin, Indiana, By its Common Council:

Voting Affirmative:



Dr. William T. Murphy, President



Joseph P. Abban



Joseph R. Ault

Voting Opposed:

Dr. William T. Murphy, President

Joseph P. Abban

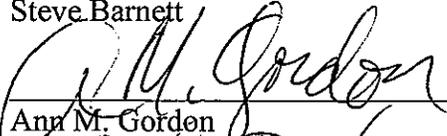
Joseph R. Ault


Kenneth W. Austin

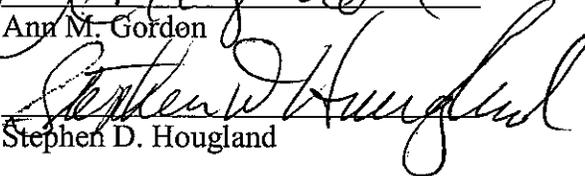
Kenneth W. Austin


Steve Barnett

Steve Barnett

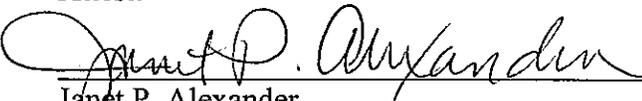

Ann M. Gordon

Ann M. Gordon


Stephen D. Hougland

Stephen D. Hougland

Attest:


Janet P. Alexander
Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for her approval or veto pursuant to Indiana Code § 36-4-6-15, 16, this 3 day of May, 2010 at 8⁰⁰ o'clock p.m.


Janet P. Alexander
Clerk-Treasurer

This ordinance having been passed by the legislative body and presented to me this [Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2)], this 3 day of May, 2010 at 8:00 o'clock p.m.


Fred L. Paris
Mayor

Attest:


Janet P. Alexander
Clerk-Treasurer

Prepared by:
Rhoni Oliver
Department of Planning & Economic Development