

TITLE 5

HEALTH AND SANITATION

Title 5

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Chapter 5.08

FEES AND PROCEDURES FOR TRASH COLLECTION, AND THE DISPOSAL OF GARBAGE, TRASH, AND WASTE MATERIALS

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5.08.010 Definitions.

- (1) Garbage. Garbage, within the meaning of this chapter, shall include every waste, including but not limited to, rejected food wastes, accumulation of animal, fruit, or vegetable matter used or intended for food, or that relates to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable matter, and shall include and refer to the accumulation thereof at any residence, club, restaurant, hotel, or any other place, including both public and privately owned places.
- (2) Trash. Trash, within the meaning of this chapter, shall mean all non-putrescible solid and semisolid items of waste, including bulky refuse, except for the following:
 - (a) liquids;
 - (b) liquid or water carried wastes which are normally disposed of in sanitary sewer systems;
 - (c) hazardous wastes;

- (d) appliances that contain or contained refrigerant gases;
 - (e) yard waste;
 - (f) garbage; and
 - (g) electronics.
- (3) Yard Waste. Yard Waste, within the meaning of this chapter, shall mean grass, weeds, tree limbs and other natural growth generated from gardens and yards.
- (4) Dumpster. Dumpster, within the meaning of this chapter, shall mean a mechanically emptied storage container larger than a ninety gallon tote to be used for the collection of trash by an independent hauler.
- (5) Wastewater. Wastewater, within the meaning of this chapter, shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with such ground, surface, and storm waters as may be present, whether treated or untreated.
- (6) Tote. Tote, within the meaning of this chapter, shall mean a ninety gallon or less storage container to be used for the collection of trash by an independent hauler.
- (7) Trash bag. Trash bag, within the meaning of this chapter, shall mean a plastic bag not to exceed forty gallons or thirty pounds.
- (8) Bulky Refuse. Bulky Refuse, within the meaning of this chapter, shall mean building materials, appliances, furniture, household fixtures, and any other similarly bulky items that do not fit in a trash bag, excluding appliances that contain or contained refrigerant gases. (Ord. 2013-16, S1, June 19, 2013) (Ord. 2003-56, S5.08.010, Oct. 22, 2003) (Ord. 1998-32, S5.08.010, 1998) (Ord. 1993-40, S5.09.010, 1993) (Ord. 356, S2, February 14, 1950)

5.08.020 Depositing in public street, sidewalk, etc. It shall be unlawful for any person or firm to throw, put, or place any trash, yard waste, garbage and other unwholesome and waste materials into and upon any of the streets, alleys, gutters, storm sewers, ditches, or sidewalks in the City of Jasper. (Ord. 2003-56, S5.08.020, Oct. 22, 2003) (Ord. 1998-32, S5.08.020, 1998) (Ord. 72, Mar. 5, 1928)

5.08.030 Accumulation on private premises – Receptacles and trash bags. All persons having, making, or accumulating trash, yard waste, or other unwholesome and waste materials, shall keep the same in trash bags, containers, bundles or totes and they shall empty or dispose of said containers or bags at least one time each week.

No item of bulky refuse may be placed at curbside or at an abutting alley unless the owner thereof has made prior arrangements for the collection thereof by the Jasper Street Department and has placed the appropriate number of authorized trash collection sticker(s) on each item of bulky refuse. The Jasper Street Department reserves the right to not pick up bulky refuse, i.e. items too large to be handled by two Jasper Street Department personnel, upon their inspection.

Yard waste must be placed in bags or container and not weigh more than Forty (40) pounds. Tree limbs shall be cut into lengths not greater than four feet and must be tied together into bundles weighing not more than Forty (40) pounds. The Jasper Street Department reserves the right to not pick up large pieces and/or quantities of yard waste, i.e. tree trunks, branches, etc., upon their inspection.

It shall be unlawful to set any container larger than a ninety gallon tote in any residential neighborhood, except that dumpsters shall be allowed in a residential area with more than four dwellings per building. A dumpster shall be permitted for temporary use for construction or remodeling on residential property with less than five dwellings per building, not to exceed thirty days. If a dumpster is necessary for more than thirty days, permission must be obtained from the Board of Public Works and Safety before said thirty days has passed. Prior to the placement of a dumpster on a city street or public right-of-way, permission must be obtained from the Board of Public Works and Safety. (Ord. 2013-16, S2, June 19, 2013) (Ord. 2003-56, S5.08.030, Oct. 22, 2003) (Ord. 1998-32, S5.08.030, 1998) (Ord. 72, Mar. 5, 1928)

5.08.040 Disposal of wastewater. It shall be unlawful for any person or firm to allow or permit wastewater to enter into and upon any street, alley, sidewalk, storm sewer, ditch or gutter in territory which is served by a sanitary sewer. The same shall be drained and emptied into the sanitary sewer. In territory which is not served by a sanitary sewer, such water shall be properly taken care of on the owner's premises.

This section shall be enforced by the Jasper Wastewater Department. (Ord. 2003-56, S5.08.040, Oct. 22, 2003) (Ord. 1998-32, S5.08.040, 1998) (Ord. 72, Mar. 5, 1928)

5.08.050 Authority of Board of Public Works and Safety to collect. The Board of Public Works and Safety of the City of Jasper is hereby authorized and empowered to regulate the collection of trash, bulky refuse, yard waste, recyclables, other waste materials and the disposal of garbage and food wastes through its City Departments. (Ord. 2003-56, S5.08.050, Oct. 22, 2003) (Ord. 1998-32, S5.08.040, 1998) (Ord. 356, S1, Feb. 14, 1950)

5.08.060 Deposit in public places. It is the intention of this chapter to encourage the disposal of garbage and food waste through garbage grinders and into sanitary sewers. Therefore, it shall be unlawful for the owner, occupant, or lessee of any premises in the City of Jasper to deposit or place any garbage or food waste in any trash bag, alley, street, storm sewer, ditch, gutter, river or other public place within the City of Jasper, or upon or along any public way within the city limits of the City of Jasper. No person shall deposit

or place any garbage upon private property outside a residence, restaurant or other place of business, whether owned by such person or not, within the city limits of the City of Jasper. No person may destroy such garbage, food waste, or trash upon his own premises by incineration or otherwise, without first obtaining any applicable required permit allowing that person or firm to do so. (Ord. 2003-56, S5.08.060, Oct. 22, 2003) (Ord. 1998-32, S5.08.060, 1998) (Ord. 356, S3, 1950)

5.08.070 Garbage disposal units. Effective August 19, 1964, the owner of a new dwelling unit containing a kitchen and of each dwelling unit for which a building permit to remodel or add a kitchen is issued, shall cause a garbage disposal unit to be installed therein, prior to final building inspection. (Ord. 2003-56, S5.08.070, Oct. 22, 2003) (Ord. 1998-32, S5.08.070, 1998) (Ord. 563 S6, 1964)

5.08.080 Trash and Yard Waste Collection Services.

- (1) The City of Jasper, acting through the Jasper Street Department, shall provide a curbside or roadside trash and yard waste collection service to residences located within the City of Jasper with four or less residential units per building. Such trash and yard waste collection services shall be provided on a weekly basis by the City of Jasper. The times and locations of the collection services shall be determined by the City of Jasper Board of Public Works and Safety.
- (2) The schedule shall be subject to change as necessitated by special circumstances, including but not limited to, holidays, special events, weather, or equipment breakdown.
- (3) It shall be the responsibility of the occupants or owners of shopping centers, stores, schools, hospitals, office buildings, commercial businesses, industries, etc., and residential units in excess of four units per building, to provide for the removal of all trash, garbage, yard waste and recyclables so as to comply with this chapter. (Ord. 2013-16, S3, June 19, 2013) (Ord. 2003-56, S5.08.080, Oct. 22, 2003) (Ord. 1998-32, S5.08.080, 1998) (Ord. 1993-40, S5.09.20, 1993)

5.08.090 Trash Bags, Bulky Refuse, recycling containers, and fees.

- (1) Trash bags. To be eligible for collection, all trash must be placed in a trash bag, with the exception of bulky refuse. Further, all trash bags must be closed tightly, and no trash bag may be larger than forty gallons or thirty pounds in weight. The trash bag shall have placed thereon an authorized sticker. A bag not in compliance with this chapter will not be collected.
- (2) Bulky Refuse. To be eligible for collection, each individual item of bulky refuse shall have placed thereon the required number of authorized stickers. Bulky refuse not in compliance with this chapter will not be collected.

- (3) Recycling containers. To be eligible for collection of recycled items by the City of Jasper, all items designated by the Board of Public Works and Safety shall be separated and placed in approved separate containers by the residents and shall not require a trash collection sticker. If the Board elects to have containers available for qualifying residents for recycling purposes, the Board of Public Works and Safety is hereby authorized and shall be responsible for establishing a fee structure for qualifying residents for the purchase of said recycling containers.
- (4) Fees. Trash bags shall have placed thereon an authorized sticker to be purchased from the City of Jasper, or its authorized sellers. The price of each sticker shall be a price deemed necessary by the City of Jasper to cover the costs of disposal. The price of each sticker may be adjusted by the Board of Public Works and Safety on an annual basis. In addition, each individual item of bulky refuse shall have placed thereon the required number of authorized stickers, as determined by the Board of Public Works and Safety.
- (5) Revenues. The revenues generated from the sale of stickers, collection of fees, and service charges from trash collection and revenues generated from the sale of recycling containers as provided for above shall be deposited into the General Fund of the City of Jasper, Indiana. (Ord. 2009-14, S1 & S2, Apr. 22, 2009)(Ord. 2003-56, S5.08.090, Oct. 22, 2003) (Ord. 2003-28, S1, June 25, 2003) (Ord. 1998-32, S5.08.090, 1998) (Ord. 1993-40, S5.09.30, 1993)

5.08.100 Requirements for collection of trash bags, bulky refuse and totes. Items which are to be picked up by the City pursuant to this ordinance, or by any independent hauler, shall be placed adjacent to the curb immediately adjacent to the individual's residence or within five feet of the curb or traveled portion of the street prior to 7:00 o'clock a.m. on the date scheduled for said collection, but not earlier than 6:00 o'clock p.m. on the date preceding the scheduled collection. (Ord. 2013-16, S4, June 19, 2013) (Ord. 2003-56, S5.08.100, Oct. 22, 2003) (Ord. 1998-32, S5.08.100, 1998) (Ord. 1993-40, S5.09.40, 1993)

5.08.110 Central recyclable disposal areas.

- (1) The City of Jasper may from time to time provide one or more "community recyclable disposal areas", where residents and property owners of the City may dispose of their recyclable trash as defined above, in receptacles provided at such locations. If all receptacles are full, no further disposal or deposit of trash by persons shall be permitted.
- (2) Disposal of recyclable items at such locations shall be limited to those days and times as shall be posted at such sites, which may be changed

from time to time by the City as deemed necessary. The Board of Public Works and Safety is hereby authorized to temporarily prohibit trash disposal at such site or sites, if in its opinion, this is necessary to protect such sites or to insure the proper use thereof.

- (3) Trash receptacles in the City of Jasper parks, on public sidewalks, or on City property are not community trash disposal areas. Persons shall not use such facilities for the disposal of trash accumulated at their residence or place of business. (Ord. 2003-56, S5.08.110, Oct. 22, 2003) (Ord. 1998-32, S5.08.110, 1998) (Ord. 1993-40, S5.09.70, 1993)

5.08.120 Unlawful use of containers for trash disposal. It shall be unlawful for any person to use the container of another person, business, or facility for the disposal of trash not generated at the household, or facility owning or possessing the container. (Ord. 2003-56, S5.08.120, Oct. 22, 2003) (Ord. 1998-32, S5.08.120, 1998) (Ord. 1993-40, S5.09.80, 1993)

5.08.130 Penalty. Any person, firm, or corporation who violates any of the provisions, as herein above defined, violating any of the provisions of this chapter shall, upon conviction, be fined not less than Twenty-five Dollars (\$25.00) nor more than Twenty-five Hundred Dollars (\$2,500.00) for the first violation. Second and subsequent violations will result in a fine of not less than Fifty Dollars (\$50.00) nor more than Twenty-five Hundred Dollars (\$2,500.00). Each days operation or maintaining or any part thereof shall be a separate violation.

In addition to the fine imposed in the preceding paragraph, the violator shall also be liable to the City for all damages and expenses incurred by the City by reason of such violation, which shall be established in a civil action brought for such purpose.

In the event that any fines or penalties are not paid by the user or owner of the property within seven days after the fine or penalty is imposed, the amount of the fine or penalty, along with interest at an allowable rate, court costs, and a reasonable attorney's fee, may be recovered by the City of Jasper. This action shall be commenced in an ordinance violation action in the name of the City of Jasper. (Ord. 2003-56, S5.08.130, Oct. 22, 2003) (Ord. 1998-32, S5.08.130, 1998) (Ord. 1993-40, S5.09.90, 1993)

5.08.140 Administrative liability. No officer, agent, or employee of the City of Jasper shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the City of Jasper as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the City's Attorney until the final determination of the proceedings therein. (Ord. 2003-56, S5.08.140, Oct. 22, 2003) (Ord. 1998-32, S5.08.140, 1998)

5.08.150 Enforcement. Unless stated otherwise, the Jasper Street Department and/or the Board of Public Works and Safety or their designee shall enforce this ordinance. (Ord. 2003-56, S5.08.150, Oct. 22, 2003) (Ord. 1998-32, S5.08.150, 1998)

Chapter 5.10

OUTDOOR AND REFUSE BURNING

Sections:

5.10.010	Purpose.
5.10.020	Applicability.
5.10.030	Definitions.
5.10.040	General Prohibition on Outdoor Burning and Refuse Burning.
5.10.050	Materials That May Not Be Burned.
5.10.060	Open Burning Exemptions.
5.10.070	Restrictions on Burning Exemptions.
5.10.080	Burn Barrels.
5.10.090	Outdoor Furnaces.
5.10.100	Smoke and Gases.
5.10.110	Liability.
5.10.120	Right of Entry and Inspection.
5.10.130	Enforcement and Penalties.

5.10.010 Purpose. This Ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Jasper due to air pollution and fire hazards of outdoor burning, refuse burning and certain heating devices. (Ord. 2005-46, S2, Feb. 22, 2006)

5.10.020 Applicability. This Ordinance applies to all outdoor burning and refuse burning and certain heating devices within the City of Jasper. This Ordinance does not apply to burning which does not create a nuisance or a fire hazard and which is attended by a responsible person at all times until completely extinguished and is done for the following purposes:

- (1) Outdoor grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances;
- (2) Burning in a stove, fireplace and those furnaces not regulated herein, unless the material being burned includes refuse as defined herein;
- (3) The use of propane, acetylene, natural gas, heating oil, gasoline or kerosene in a device intended for heating, construction, or maintenance activities. (Ord. 2005-46, S3, Feb. 22, 2006)

5.10.030 Definitions. For purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) Campfire means small outdoor fire intended for recreation or cooking, not including a fire intended for disposal of waste wood or refuse.
- (2) Clean Wood means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products.
- (3) Fire Chief means Chief of the Jasper Volunteer Fire Department, or other person authorized by the Fire Chief.
- (4) Open Burning means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air.
- (5) Outdoor Burning means open burning or burning in an Outdoor Furnace.
- (6) Outdoor Furnace means a furnace, stove, boiler or similar device, or any part thereof, designated for burning wood, corn or any other combustible material, to produce heat or energy used as a component of a permanent heating system providing heat for interior space or water source. A furnace is still considered an Outdoor Furnace under this definition even if it is housed in an accessory building on the owner's property or if the Outdoor Furnace is housed in a part of a residence not intended for living purposes, i.e. a garage, lean-to, etc.
- (7) Refuse means any waste material except clean wood.
- (8) Wood Furnace means a furnace, stove, boiler or similar device, or any part thereof, designated for burning wood, but which is only used as a short-term heating source. (Ord. 2005-46, S4, Feb. 22, 2006)

5.10.040 General Prohibition on Outdoor Burning and Refuse Burning. Open burning, outdoor burning, and refuse burning are prohibited in the City of Jasper unless the burning is specifically permitted by this Ordinance. (Ord. 2005-46, S5, Feb. 22, 2006)

5.10.050 Materials That May Not Be Burned. Unless a specific written approval has been obtained from the Indiana Department of Environmental Management, or other appropriate state or federal agency, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove, or other indoor or outdoor incineration or heating device:

- (1) Rubbish or garbage, including but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
- (2) Waste oil or other oily wastes.
- (3) Asphalt and products containing asphalt.
- (4) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are glued, painted, varnished or treated with preservatives.
- (5) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers.
- (6) Rubber including tires and synthetic rubberlike products.
- (7) Newspaper, corrugated cardboard, container board and paper products. Notwithstanding the foregoing provisions, small quantities of newspaper, paper and cardboard products may be used as starter fuel for any fire that is permitted under this Ordinance.
- (8) Leaves, weeds, brush, stumps, clean wood, trees and other vegetative debris, except as specifically permitted by this Ordinance. (Ord. 2005-46, S6, Feb. 22, 2006)

5.10.060 Open Burning Exemptions. The following types of open burning are permitted:

- (1) Campfires;
- (2) Recreational fires, such as ceremonial fires, fires for school pep rallies and scouting or similar activities;
- (3) Burning of clean wood and vegetation derived from the following maintenance operations, if approved by the Board of Public Works and Safety of the City of Jasper:
 - (a) Vegetation from a farm, an orchard, a nursery, a tree farm, a golf course, a cemetery or drainage ditch;
 - (b) Wood products derived from pruning or clearing a roadside by a county highway department.

- (4) By variance obtained from the Indiana Air Pollution Control Board Commissioner or the Commissioner's designated agent if approved by the Board of Public Works and Safety of the City of Jasper;
- (5) An owner or operator of an air curtain destructor subject to approval of Indiana Department of Environmental Management pursuant to 326 I.A.C. 4-1-6 et seq., if approved by the Board of Public Works and Safety of the City of Jasper;
- (6) Burning by a volunteer fire company or other duly constituted fire department of a municipality for the purpose of fire fighting training, subject to approval by Indiana Department of Environmental Management pursuant to 326 I.A.C. 4-1-4, if approved by the Board of Public Works and Safety of the City of Jasper;
- (7) Emergency burning of refuse consisting of material resulting from a natural disaster or other similar occurrence when authorized by proclamation of the Mayor, subject to approval by the Indiana Department of Environmental Management pursuant to 326 I.A.C. 4-1-4.1, and to such restrictions as may be imposed by the Fire Chief. (Ord. 2005-46, S7, Feb. 22, 2006)

5.10.070 Restrictions on Burning Exemptions. All burning conducted under one or more of the burning exemptions contained in Section 5.10.060 herein shall be subject to the following:

- (1) Only clean wood shall be burned unless otherwise stated.
- (2) All fires shall be attended at all times until completely extinguished.
- (3) All permitted farm and maintenance burning shall occur only from dawn to one hour prior to dusk; and all burning material must be consumed during these hours and the fire extinguished.
- (4) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, drought, and similar circumstances, when so declared by the Fire Chief or the Mayor.
- (5) All burning shall comply with all other applicable federal or state laws, rules and regulations.

In the event a fire creates a pollution problem, threat to public health, a nuisance or a fire hazard, as determined by the Fire Chief, the fire shall be immediately extinguished. (Ord. 2005-46, S8, Feb. 22, 2006)

5.10.080 Burn Barrels. No person, firm or other entity shall use or maintain a bum barrel in the City of Jasper. (Ord. 2005-46, S9, Feb. 22, 2006)

5.10.090 Outdoor Furnaces. Ground level pollution of smoke and particulate matter caused by the incomplete combustion of Outdoor Furnaces in the City of Jasper is hereby declared to be a nuisance. All Outdoor Furnaces in the City of Jasper shall be installed, used, operated and maintained in strict compliance with the provisions of this Ordinance.

- (1) All Outdoor Furnaces shall be installed, operated and maintained in strict conformance with the manufacturers instructions and the regulations promulgated hereunder. In the event of a conflict, the stricter of the manufacturer's instructions or the regulations promulgated hereunder shall control.
- (2) An Outdoor Furnace shall be located at least fifty (50) feet from the nearest residence or other building intended for human occupancy which is not served by, or owned by the owner of, the Outdoor Furnace.
- (3) The Outdoor Furnace shall have a chimney or stack through which all smoke and by-products of combustion are emitted, the height of which shall be determined by the distance from the nearest residence or other building intended for human occupation which is not served by, or owned by the owner of, the Outdoor Furnace, as follows:
 - (a) 50 - 100 75% of the height of the eve line of the nearest residence or other building intended for human occupancy which is not served, plus 2 feet.
 - (b) 100 - 150 50% of the height of the eve line of the nearest residence or other building intended for human occupancy which is not served, plus 2 feet.
 - (c) 150 - 200 25% of the height of the eve line of the nearest residence or other building intended for human occupancy which is not served, plus 2 feet
- (4) When burning wood, only clean wood may be burned in an Outdoor Furnace. Under no circumstance may coal, or any materials prohibited under Section 5.10.050 hereof be burned in an Outdoor Furnace.

- (5) The Outdoor Furnace shall be sufficiently vented to induce complete primary combustion.
- (6) The owner of any Outdoor Furnace shall operate the same in a manner which is not harmful, and does not create a nuisance or unreasonable interference with the use and enjoyment by owners or occupants of neighboring properties, and the public in general.
- (7) No person shall install an Outdoor Furnace without first providing the Code Enforcement Officer of the City of Jasper with detailed plans showing the proposed location, height of stack, etc., of the Outdoor Furnace and obtaining a permit from the Code Enforcement Officer of the City of Jasper approving said plan. After obtaining said permit from the Code Enforcement Officer of the City of Jasper, a building permit will be required from the Building Commissioner of the City of Jasper before installation on the Owner's real estate, unless if the Outdoor Furnace will be housed in a building for which the owner has already obtained a Building Permit from the City of Jasper. (Ord. 2005-46, S10, Feb. 22, 2006)

5.10.100 Smoke and Gases. It shall be unlawful to cause or permit the emission or escape of any foul or noxious smoke, fumes, gases or ash, dust, soot or cinders into the open air in such quantities as to cause injury or annoyance to the public or damage to any property or to have a natural tendency to do so within the City of Jasper, even if said burning is in compliance with all regulations contained herein. (Ord. 2005-46, S11, Feb. 22, 2006)

5.10.110 Liability.

- (1) Any person who conducts outdoor burning shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.
- (2) Any person who allows the accumulation or existence of combustible material on property owned or occupied by such person and which constitutes or contributes to a fire causing air pollution may not refute liability for violation of this Ordinance or I.A.C. 4-1, as amended from time to time, on the basis that the fire was set by vandals, accident, or act of God. (Ord. 2005-46, S12, Feb. 22, 2006)

5.10.120 Right of Entry and Inspection. The Fire Chief, Police Officers or any authorized Code Enforcement Officer of the City of Jasper who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance. (Ord. 2005-46, S13, Feb. 22, 2006)

5.10.130 Enforcement and Penalties. The Fire Chief, the Code Enforcement Officer or his designee, and the Police Department are authorized to enforce the provisions of this Ordinance. Any person, firm or other entity in violation of any portion of this Ordinance shall be subject to a civil penalty in the sum of Twenty-Five Dollars (\$25.00) for the first offense, Fifty Dollars (\$50.00) for the second offense, and One Hundred Dollars (\$100.00) for the third or subsequent offense occurring in a calendar year. Every day, or part thereof, that a violation continues in existence constitutes a separate violation for which civil penalties may be imposed. In addition to civil penalties, the appropriate enforcement officers of the City of Jasper may seek injunctive relief. (Ord. 2005-46, S14, Feb. 22, 2006)

Chapter 5.11

SCAVENGING OF RECYCLABLES PROHIBITED

Sections:

- 5.11.010 Control of Recyclables.**
- 5.11.020 Scavenging Prohibited.**
- 5.11.030 Penalties.**

5.11.010 Control of Recyclables. When recyclables are placed at curbside for recyclables collection, within the corporation boundaries of the City of Jasper, said recyclables then become subject to the control of the City of Jasper, Indiana. (Ord. 1993-41, S5.09.80, 1993)

5.11.020 Scavenging Prohibited. After recyclables are placed at curbside for recyclables collection only the property owner or occupant or the contractor authorized by the City of Jasper to collect the recyclables shall be permitted to take possession of the recyclables from curbside. All other persons are prohibited from scavenging and taking recyclables from the curbside collection location. (Ord. 1993-41, S5.09.90, 1993)

5.11.030 Penalties.

- (1) A person violating provisions of this Chapter may be served by an authorized enforcement person with a notice of violation. The person upon whom a notice of violation is served may admit liability to the violation as provided in the above sections and pay a civil penalty of Twenty-Five Dollars (\$25.00) directly to the City of Jasper.
- (2) If, in the opinion of the authorized enforcement person, the violation is so substantial as to warrant a more severe penalty, the authorized enforcement person may issue a notice of violation and citation to appear in the Dubois Superior or Circuit Court for determination of the alleged violation of this Chapter.
- (3) Except as otherwise provided herein, any person found in violation of the provisions of this Chapter shall be fined an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) for each violation. Each day in violation shall be considered a separate violation. The City may also seek an injunction to prevent further violation of this Chapter. (Ord. 1993-41, S5.09.100, 1993)

Chapter 5.12

WEED ABATEMENT

Sections:

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5.12.120	Separability.
5.12.130	Prior Ordinances.

5.12.005 Definitions. "Rank vegetation" refers to any plant growth, which is or may be harmful to the senses, health, or well-being of citizens of the jurisdiction. "Weeds" refers to any growth of vegetation, other than trees, bushes, shrubs, ornamental plants, or agricultural plants cultivated in an orderly manner for the purpose of producing food. Notwithstanding the foregoing, trees, bushes, shrubs, or agricultural plants, which have sprouted as volunteers and are growing along fence lines and public rights-of-way, shall be considered to be weeds. Pursuant to Indiana Code §36-7-10.1-3, these definitions do not include agricultural crops, such as hay and pasture, or vegetation planted for some useful or ornamental purpose, or a natural or developed wooded area or forest which does not create a health or safety hazard. (Ord. 2013-21, S1, July 17, 2013)

5.12.010 Weed or Rank Vegetation Height. It is unlawful for anyone to permit any weed, rank vegetation, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding nine (9) inches anywhere in the City. The determination as to whether vegetation meets the definition of "weeds and rank vegetation" shall be at the discretion of the Street Commissioner, the Code Enforcement Officer (Fire Chief), and/or the Board of Public Works and Safety, or the Board's designee. Weeds or rank vegetation exceeding such a height are hereby declared to be a nuisance. (Ord. 2013-21, S2, July 17, 2013) (Ord. 2006-20, S1, June 21, 2006) (Ord. 2003-31, S1, June 25, 2003) (Ord. 1997-16, S5.12.010, 1997)

5.12.020 Vegetation or Permanent Structures on Easements and Governmental Property. It is unlawful to permit weeds, vegetation, trees, permanent structures or woody growth on private property which, due to its proximity to any governmental

property, right-of-way, or easements, interferes with the public safety or lawful use of the governmental property, right-of-way, or easement. Such interference is hereby declared to be a nuisance. (Ord. 1997-16, S5,12.020, 1997)

5.12.030 Noxious Weeds or Other Rank Vegetation. It is unlawful for anyone to permit any noxious weed, including, but not limited to Canadian thistle and Johnson grass, to grow or be grown on any premises on which weeds, plants or grass are permitted to grow. (Ord. 1997-16, S5.12.030, 1997)

5.12.035 Complaints. The Street Commissioner, Street Department employees and/or the Code Enforcement Officer (Fire Chief) shall inspect any real estate within the City upon which they receive a request to inspect or any real estate upon which a complaint for a violation of this Chapter has been received by any other City Department. In order to preserve the health and safety of the City, the Street Commissioner, Street Department employees, and the Code Enforcement Officer (Fire Chief) may enter the property to inspect same for a violation of this Chapter. (Ord. 2006-20, S2, June 21, 2006) (Ord. 2001-22, S1, 2001)

5.12.040 Removal - Notice. The Street Commissioner, Street Department, and the Code Enforcement Officer (Fire Chief) shall be responsible for the enforcement of this Ordinance.

- (1) **Original Notice.** The Street Commissioner, the Code Enforcement Officer (Fire Chief), or the City Attorney, upon receipt of a complaint of a violation of this Chapter, shall issue a five-day written notice to the record owner(s) of the property at the last address of the owner as indicated in the records of the Auditor of Dubois County, Indiana, on the date of the notice, by certified mail, or by first class mail, or an equivalent service permitted under I.C.§1-1-7-1, to remove the weeds or rank vegetation. The City may send the notice to another address the City has available to it if evidence exists that the owner of the property is no longer at the property address or address in the tax records. This does not require the City to take any additional actions to locate the owner of the property, other than researching the Auditor's Office tax records. Following the issuance of written notification, the Street Commissioner, or Code Enforcement Officer (Fire Chief), or their designee, shall report the notifications at the next Board of Public Works meeting for publication.
- (2) **Continuous Abatement.** If an initial notice of the violation was provided by certified mail, first class mail, or equivalent service under subsection (1), a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail, first class mail, or equivalent service as required under subsection (c). A continuous abatement notice serves as notice to the real property owner that each subsequent violation during the same year for which the initial notice of

the violation was provided may be abated in the same manner as previously abated. (Ord. 2013-21, S3, July 17, 2013) (Ord. 2006-20, S3, June 21, 2006) (Ord. 2006-20, S3, June 21, 2006) (Ord. 2003-31, S2, June 25, 2003) (Ord. 2001-22, S2, 2001) (Ord. 1997-16, S5.12.040, 1997)

5.12.050 Failure to Abate. If the landowner fails to cut and remove the weeds and/or rank vegetation within the time prescribed in the notice, or any extension of that time granted by the Board of Public Works and Safety, the City of Jasper, through City employees or contractors hired by the City may enter the property to abate the violation of this Ordinance and may take appropriate action that, at their discretion is necessary including, but not limited to, cutting, mowing, trimming, spraying, and any other means necessary to remove, or cause to be removed, such weeds and/or rank vegetation. (Ord. 2016-21, S1, Sept. 21, 2016) (Ord. 2003-31, S3, June 25, 2003) (Ord. 1997-16, S5.12.050, 1997)

5.12.060 Civil Penalty. In the event that the City removes or causes to be removed such weeds and/or rank vegetation; or in the event that the City receives additional substantiated complaint after the first complaint has been abated in the same calendar year regarding the same parcel of ground, which is owned by the same person, then a civil penalty will be assessed, as follows:

First Offense:	\$ 25.00
Second Offense:	\$ 50.00
Third and Subsequent Offenses:	\$ 100.00 (Ord. 2003-31, S4, June 25, 2003) (Ord. 1999-19, S5.12.060, 1999) (Ord. 1997-16, S5.12.060, 1997)

5.12.070 Billing Procedure. The Clerk-Treasurer shall then issue a bill to the landowner for the costs incurred by the City in abating the violation, a civil penalty, administrative costs, including, but not limited to, certified mail expenses for all notifications sent to the landowner, and removal costs. The bill shall be served upon the landowner in the same manner as the service of notice of violation. The bill shall be due no later than ten (10) days after service thereof. Costs for the abatement of weeds are determined by the Board of Public Works and Safety. (Ord. 2016-10, S1, May 18, 2016) (Ord. 2003-31, S5, June 25, 2003) (Ord. 1999-23, S1, 1999) (Ord. 1997-16, S5.12.070, 1997)

5.12.080 Appeal. Any appeal of the removal notice or bill must be made in writing, within ten (10) calendar days of the date of the removal notice or bill, whichever is applicable. Any appeal must be in writing and shall be made to the Board of Public Works, which shall set the matter for hearing. The hearing may be at a special meeting of the Board of Public Works or any regularly scheduled meeting of the Board of Public Works. After the hearing, the Board of Public Works shall issue its written findings. Any appeal from written findings of the Board of Public Works must be made to a court of competent jurisdiction located in Dubois County, Indiana, within ten (10) calendar

days of the issuance of its written findings by the Board of Public Works. (Ord. 1997-16, S5.12.080, 1997)

5.12.090 Lien.

- (1) **Certification.** If the landowner fails to pay a bill issued under Section 5.12.070 of this Chapter within the time specified, the Clerk-Treasurer shall certify to the Auditor of Dubois County the amount of the bill, plus any additional administrative costs incurred in the certification. The Auditor of Dubois County shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the City of Jasper.
- (2) **Legal Action.** If the owner of real property fails to pay a bill issued under section 5.12.070 of this chapter within the time specified in the ordinance, the City may bring an action in a court of competent jurisdiction to collect the amount of the bill, plus any additional costs incurred in the collection, including court costs and reasonable attorney's fees. If the City obtains a judgment under this subsection, the City may obtain a lien in the amount of the judgment on any real or personal property of the owner. (Ord. 2013-21, S4, July 17, 2013) (Ord. 1997-16, S5.12.090, 1997)

5.12.100 Administrative Liability. No officer, agent, or employee of the City of Jasper shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City of Jasper as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the City attorney until the final determination of the proceedings therein. (Ord. 1997-16, S5.12.100, 1997)

5.12.120 Separability. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 2003-31, S8, June 25, 2003) (Ord. 1999-19, S3, 1999) (Ord. 1997-16, S5.12.120, 1997)

5.12.130 Prior Ordinances. All ordinances and/or part of ordinances in conflict herewith are hereby repealed. (Ord. 2003-31, S7, June 25, 2003) (Ord. 1997-16, S5.12.130, 1997)

Chapter 5.16

SANITARY LAND FILL

Sections:

- 5.16.010 Establishment - Location.**
- 5.16.020 Repealed.**
- 5.16.030 Supervision.**
- 5.16.040 Violation - Penalty.**

5.16.010 Establishment - Location. A municipal land fill is established at the present location of the city dump located on Dubois County Road 350 West approximately two miles west of U.S. Highway 231. (Ord. 718 S 1, 1972).

5.16.020 Repealed by Ordinance 1993-40.

5.16.030 Supervision. The improvement, custody, administration, operation and maintenance of the landfill facility and the collection and disposal of refuse and the collection of revenues for the use thereof and the service rendered shall be under the supervision and control of the board of public works and safety of the city of Jasper, Indiana. (Ord. 718 S 3, 1972).

5.16.040 Violation - Penalty. Any person, firm, association or corporation who violates any of the rules and regulations adopted by the board of public works and safety of the city of Jasper, Indiana, for the operation, maintenance and control of the landfill facility, shall, upon conviction, be fined not less than twenty-five dollars nor more than one hundred dollars for the first offense and not less than fifty dollars nor more than two hundred dollars for each subsequent offense or violation of this chapter. (Ord. 718 S 4, 1972).