

ORDINANCE NO. 2024-13**AN ORDINANCE AMENDING CHAPTER 93 OF THE TOWN
OF EDINBURGH'S CODE REGARDING
GARBAGE AND TRASH REGULATIONS**

WHEREAS, Indiana Code 36-1-3-6, gives the legislative body of the Town of Edinburgh ("Town") the power to regulate the collection of garbage, trash, and refuse located within the Town;

WHEREAS, the Edinburgh Town Council adopts this ordinance to make updates and modifications to the Edinburgh Town Code regarding the same.

**NOW, THEREFORE, BE IT ORDAINED BY THE EDINBURGH TOWN
COUNCIL, AS FOLLOWS:**

I. SECTION 1. AMENDMENTS TO CODE

a. That the Council hereby amends Chapter 93; of the Edinburgh Town Code ("Code") as follows:

i. Section 93.01(2) shall be deleted and replaced with the following:

1. *"Any article not listed in Section 1 that is approved by the Town's garbage/trash pick-up service provider."*

ii. Section 93.02 shall be deleted and replaced with the following:

1. *"The town shall provide to every one- and two-family dwelling and parcel with three or fewer dwellings within the town's corporate boundaries, weekly residential garbage/ trash pickup service, or shall cause same to be provided to the aforementioned locations.*

2. *Each residential dwelling will be provided with not more than two containers/totes. When the amount of garbage/trash generated requires more than two containers/totes, the owner of the property shall obtain additional containers/totes from the service provider at the owner's expense.*

3. *The containers/totes are the property of the service provider. Containers/totes are to remain at the assigned parcel.*

Containers/totes are to be returned to the service provider when they are no longer needed and when the dwelling is vacated.”

b. Section 93.03 shall be deleted and replaced with the following:

i. *(A) Manner of placement of collection. All garbage/trash shall be placed in the container or tote supplied by the town garbage/trash service provider.*

- 1. Container/tote shall be located on the assigned parcel.*
- 2. Container/tote shall not be stored/placed in the required front yard except when placed at the curb for pickup.*
- 3. Container/tote shall be obstructed from view from the street using screening and/or landscaping.*
- 4. Container/tote shall not be placed at the curb for pickup earlier than 6:00 pm the night before the assigned day of collection.*
- 5. Container/tote shall be removed from the curb after collection not later than 11:59 pm on the assigned day of collection.*
- 6. Container/tote shall not be over-filled. The lid on the container/tote must close to the body to prevent the content from spilling during the collection. Additional bags or items shall not be placed on the closed lid for collection.*

ii. *(B) It shall be the responsibility of the owners or occupier of each residence parcel within the town to insure that such property is free from trash, garbage and/or rubbish.*

iii. *(C) Organic material may be stored temporarily on the parcel provided:*

- 1. Organic materials stored on the parcel shall not be in contact with the ground;*
- 2. Organic materials stored on the parcel shall be covered and protected from weather;*
- 3. Organic materials stored on the parcel shall not be stored longer than 30 days unless stored in an enclosed structure.*
- 4. Organic materials stored on the parcel shall not be located in the required front, side, or rear yards.*

iv. (D) Inorganic material may be stored temporarily on the parcel

provided:

- 1. Inorganic materials stored on the parcel shall be covered and protected from weather;*
- 2. Inorganic materials stored on the parcel shall not be stored longer than 30 days unless stored in an enclosed structure.*
- 3. Inorganic materials stored on the parcel shall not be located in the required front, side, or rear yards.*
- 4. Material for recycling shall not be stored on a residential parcel within the town's corporate boundaries without having been granted permission by the Zoning Board of Appeals for a Home Occupation.*

v. (E) The owner of parcels within the town shall insure that public ways (streets, alleys, sidewalks, and greenspaces) adjacent to the parcel are kept free of trash, garbage and/or rubbish.

vi. (F) It is unlawful for any person or business to use the service provider supplied container/tote of another person or business for the disposal of trash, garbage, rubbish or yard waste. It shall be the responsibility of the owner or occupier of the property to notify the Police Department of such violation.

vii. (G) Any garbage/trash, not in a container/tote provided, placed at the street or curb line for removal by the service provider will not be removed unless it conforms to the provisions of this subchapter. Any person placing garbage/trash at the curb line or street in violation of any of the provisions of this subchapter, may be held liable for the accumulation of trash and filth upon private property and be subject to penalties provided for in §10.99

c. Section 93.05 shall be deleted in its entirety and not replaced.

d. Section 93.06 shall be deleted in its entirety and not replaced.

e. The definition of "Trash" in Section 93.15 shall be deleted and replaced with the following:

i. "Trash"

1. *Cans, bottles, waste paper, glass, old furniture or mattresses, grass clippings, discarded gun shells, metal or fibrous shavings, ashes, cinders, straw, dishes, or cloth materials. -*
 2. *Any article not listed in item #1 that is approved by the town's garbage/trash pickup service provider."*
- f. Section 93.16 shall be deleted in its entirety and replaced with the following:
- i. *"The town shall provide or cause to be provided to every residential dwelling that is eligible for household garbage/trash service within the town's corporate boundaries, trash collection which shall be deemed the " Heavy Trash Pick-Up" on the day normal household pickup is scheduled at no costs to persons residing in the residential dwelling. The heavy trash pick-up is for the specific purpose of disposing of larger items that could not be placed in the closed containers/totes provided by the service provider.*
 - ii. *Items considered for heavy trash pickup include but not limited to appliances, furniture and larger items not normally disposed of by residential trash collection. Items other than those listed must be approved by the service provider.*
 - iii. *Heavy Trash Pickup shall be performed monthly in accordance with the contractual agreement with the service provider. The town shall post the dates of the weeks for Heavy Trash Pickup."*
- g. Section 93.17 shall be deleted in its entirety and replaced with the following:
- i. *"(A)Manner of placement of collection. All garbage/trash shall be placed in a container supplied by the town trash service provider.*
 - ii. *(B)Conformity required. Any trash placed at the street or curb line for removal by the town or the town's service provider, will not be removed by the town unless it conforms to the provisions of this chapter. Any person placing trash at the curb line or street for collection in violation of any of the provisions of this subchapter, may be held liable for the accumulation of trash and filth upon private property and be subject to penalties provided for in §10.99.*

- iii. (C) Up to four (4) heavy trash items may be placed near the container/tote for pickup on the day regular trash service is provided the week designated contractually with the service provider.*
- iv. (D) Heavy trash items shall be placed orderly at the curb without obstructing traffic, parking, pedestrians on the sidewalk.*
- v. (D) Heavy trash upholstered items shall be wrapped and sealed in plastic prior to placement at the curb.*
- vi. (F) Heavy trash mattresses, foundations, and box springs shall be bagged and sealed in plastic prior to placement at the curb.*
- vii. (G) Heavy trash other than those listed shall be approved by the town's service provider prior to placement at the curb.*
- viii. (H) Any items placed at the curb not collected by the town's service provider shall be removed from the front yard and stored in accordance with the ordinances of the Town of Edinburgh.*
- ix. (I) Any person placing heavy trash at the curb line or street in violation of any of the provisions of this subchapter, may be held liable for the accumulation of trash and filth upon private property and be subject to penalties provided for in §10 .99."*
- h.** Section 93.31 shall be deleted in its entirety and replaced with the following:

 - i. "The fee schedule for the General Compactor Service is set by the Town Council passed by Ordinance. A copy of the fees and the descriptions is available at the town office and at the Waste Water Department. The operator of the compactor shall use good judgment to determine the fees for items not specifically identified in the fee schedule."*
- i.** Section 93.45 shall be deleted in its entirety and replaced with the following:

 - i. (A) "The following is a list of items that are only allowed at the Edinburgh Recycling Depot:*

 - 1. Clean and dry flattened cardboard;*
 - 2. Clean plastic bottles and jugs;*
 - 3. Mixed paper;*
 - 4. Newspapers;*

- 5. *Magazines;*
 - 6. *Paperboard boxes; and*
 - 7. *Clean food and beverage cans*
- ii. *(B) All other materials and items not included in division (A) are strictly prohibited and shall not be deposited in the Edinburgh Recycling Depot.*
 - iii. *(C) The compactor is available to the residents of the Town of Edinburgh for the disposal of their residential waste. The compactor is not available for commercial uses and businesses.”*
- j. Section 93.47 shall be deleted in its entirety and replaced with the following:
 - i. *“Any and all persons who violate any provision of this subchapter, including but not limited to placing any materials or items not included in § 93.45, and/or depositing any materials or items outside of the hours of operation provided in § 93.46, shall be subject to the following penalties:*
 - 1. *Initial fine of \$225;*
 - 2. *Fines not to exceed \$1,000 for each additional offense;*
 - 3. *Any and all cost and expenses the Town of Edinburgh incurs to remedy the violation.”*

II. **SECTION 2. PUBLIC BENEFIT**

- a. That the Edinburgh Town Council finds that this Ordinance will be in the best interest of the Town and for the benefit of the public and residence of the Town.

III. **SECTION 3. REPEALER**

- a. All ordinances or parts of ordinances in conflict with provisions of this Ordinance are hereby repealed.

IV. **SECTION 4. SEVERABILITY**

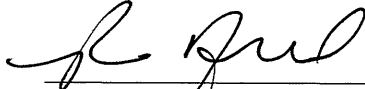
- a. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

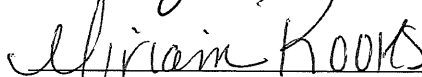
V. **SECTION 5. EFFECTIVE DATE**

- a. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

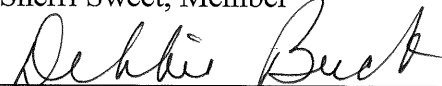
ADOPTED this 22 day of July, 2024.

EDINBURGH TOWN COUNCIL


 Ryan Piercefield, Council President

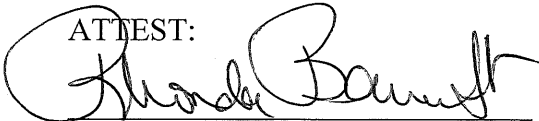

 Miriam Rooks, Vice President

Sherri Sweet, Member


 Debbie Buck, Member


 Michael Bryant, Member

ATTEST:


 Rhonda Barrett, Clerk-Treasurer

