

**RESOLUTION NO. 2008-\_\_\_\_\_**

**AN AMENDED RESOLUTION REGARDING THE RULES, REGULATIONS  
AND FEES FOR THE STORAGE, COLLECTION AND REMOVAL OF SOLID  
WASTE COLLECTED BY THE MUNCIE SANITATION DEPARTMENT.**

WHEREAS, the city of Muncie is a second class city organized under the laws of the state of Indiana; and

WHEREAS, as a service to its residential, business, governmental, non-profit, school and commercial customers located within the Sanitary District limits, the Muncie Sanitary District operates the Sanitation Department, whose purpose is to collect and dispose of solid waste generated within the district; and

WHEREAS, it is the desire of the Board of Sanitary District to enlist the cooperation of all residential, business, governmental, non-profit, school and commercial customers to facilitate the orderly collection, removal and disposal of solid waste; and

WHEREAS, the interests of all district customers would be best served if the Sanitation Department was as financially as self-supporting as possible; and

WHEREAS, it has become necessary to revise the schedule of fees, charges, rates and other policies of the Sanitation Department in order to make sanitation services financially and operationally as efficient and as fair as possible; and

WHEREAS, it is in the best interest of the health, safety and well-being, of all citizens of the Sanitary District that the previous resolutions regulating the storage, removal of solid waste and the operation of the Sanitation Department be amended; and

WHEREAS, the Board of Commissioners of the Muncie Sanitary District adopted Resolution No. 2008-01 relating to solid waste collected by the Muncie Sanitary District on the 15<sup>th</sup> day of January, 2008, which the Board desires to amend.

NOW THEREFORE, BE IT RESOLVED by the Board of the Sanitary Commissioners of the Muncie Sanitary District that:

**Section 1. Definitions**

As used in this resolution, the following words shall have the meaning respectively ascribed to them:

**Appliances/White Goods:** Washers, dryers, refrigerators, freezers, dishwashers, air conditioners, microwave ovens, stoves, cooking units, washing units, or any apparatus that is designed to be used within the home.

**Approved Containers:** Means a refuse container used by a customer that is provided exclusively by the Muncie Sanitary District, from this point forward to be referred to as a Toter.

**Ashes:** Residue from fires, whether produced by fires used for cooking heating buildings, grills, fireplaces, trash burners or any other fires.

**Accessory Structures:** Such buildings or structures as garages, carports, bath houses, cabanas, gazebos, sheds, storage buildings, guard houses, fall-out shelters, and similar accessory buildings or structures.

**Dwelling:** Any habitable unit sharing the same roof structure (and each unit in an owner occupied condominium), not including accessory buildings or structures.

**Non-Dwelling Unit:** Any business, governmental, non-profit, school and commercial buildings sharing the same roof structure, not including accessory buildings or structures.

**Vacant Lot:** A parcel of ground upon which neither a dwelling or non-dwelling unit is located.

**MSD:** Muncie Sanitary District

**Garbage:** Garbage includes all refuse accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruits or vegetables and containers originally used for food stuffs.

**Non-conforming containers:** Any containers not provided by the Muncie Sanitary District.

**Refuse:** Refuse shall mean garbage, trash, debris, rubbish, litter, ashes, solid waste, or other items having little or no value which are intended to be disposed of by transport to a solid waste sanitary landfill.

**Customers:** Any dwelling or non-dwelling unit producing (2) 96 gallon Toters of waste per week, unless additional Toters are leased through MSD.

**Sanitation Department:** Muncie Sanitation Department.

**Solid Waste:** Means appliances, ashes, garbage, refuse, trash, rubbish and/or debris.

**Trash, Rubbish and Debris:** Means combustible refuse, including, but not limited to, barrels, wood, tree branches, yard trimmings, furniture and other wood or combustible articles including bedding, plastic and non combustible refuse.

**Recyclables:** Paper, cartons, boxes, tin cans, aluminum, glass, bottles and plastics.

## Section 2. Loose Garbage and Refuse:

It shall be the responsibility of a person, group or entity causing loose refuse to be deposited on the street or other public place to immediately place it in an approved MSD Toter. It shall not be the responsibility of the Sanitation Department to collect any solid waste before it is properly contained.

## Section 3. Wind-Blown Refuse

It shall be a violation of this Resolution to cause or permit to accumulate any dust, ashes or trash and other such material that can be blown away by the wind anywhere in the MSD. All material should be properly dampened, bagged, secured and placed in a MSD Toter.

## Section 4. Garbage to be Secured

While awaiting pick-up, all solid waste to be collected by the Sanitation Department that by its size is capable of being placed in a MSD Toter shall be placed in such Toters with all toxic substances removed.

## Section 5. Toters

- A.) All residential, business, governmental, non-profit, school and commercial solid waste that by its size is capable of being placed in a MSD Toter which is to be picked up by the Sanitation Department shall be placed in either 96 gallon or 64-gallon MSD Toters. Bags of trash that are outside the MSD Toter will not be picked up.
- B.) All 96 gallon or 64 gallon MSD Toters shall be plastic, with tightly fitting lids, in clean, neat and sanitary condition and must be originally provided by MSD.
- C.) For regular solid waste pick-up service by the Sanitation Department, each dwelling and non-dwelling unit shall have no more than two (2) 96 gallon and/or 64 gallon MSD provided Toters unless additional Toters are leased through MSD at \$5.00 a month each. Accessory structures and vacant lots shall not be entitled to Toters.
- D.) Any non-conforming container being utilized as a container for pick-up by the Sanitation Department will not be collected.
- E.) The MSD retains the right to charge its customers for a Toter if it is lost, stolen, or damaged by means other than normal wear and tear or acts of other persons.

## Section 6. Trees

- A.) Small tree branches, not exceeding 6 feet in length and 4 inches in diameter, stacked neatly at the curb will be collected by MSD on the customers regular trash day.
- B.) Any tree that is topped, pruned or removed by a contractor will not be the responsibility of MSD. The customer shall pay for the removal of all limbs and logs.

## Section 7. Yard Waste

- A.) All leaves and grass shall be bagged and placed in MSD Toters. The only exception are bags of leaves on the ground during leaf season, which runs approximately October 1<sup>st</sup> to November 30<sup>th</sup>.
- B.) All leaves shall be bagged and placed within 3 feet of the curb for collection during leaf season.

## Section 8. Collection of Ashes

No ashes shall be set out for collection unless they are dampened to avoid dust, then placed in plastic bags and securely fastened. Secured bags of ashes then can be placed in MSD Toters for collection.

## Section 9. Appliances

Appliances will be collected by MSD as long as the appliance is placed within three feet of the curb.

## Section 10. Refusal to Collect Refuse

Collection of trash, garbage, solid waste, or other refuse by the Sanitation Department may be refused any time is not presented for pick-up or it is in violation of any provision herein provided. In such cases the customer shall promptly and properly dispose of the trash, garbage or solid waste. Failure to comply or dispose of the waste within five (5) days shall be a violation of this resolution and subject to citations issued by Code Enforcement Officers.

## Section 11. Holidays

Collection services shall be provided on any day observed by the City of Muncie as a holiday, except when Christmas Day falls during the week. In the event Christmas Day falls during the week, trash collection will not run on Christmas Day. Collection will resume the following day and run behind schedule one day for the remainder of the week.

## Section 12. Placement of Toters for Pick-up

- A.) All Toters should be placed three feet from the curb by 7am on the customers pick-up day. If the customer has more than one Toter they need to be placed two feet apart and clear of any obstruction (i.e. mailbox, car, etc)
- B.) Once collection has occurred, all emptied Toters shall be removed from the alley or curb and returned to the residence by 7pm the same day. Toters should be stored in such a manner as to not be visible from the street front or alleyway.

## Section 13. Construction Waste and Large Items

- A.) Solid Waste resulting from work performed by a contractor, resulting from performing construction, cleaning, remodeling or produced in any other activity, shall not be collected by the Sanitation Department. All such solid waste shall be removed at the contractor's or customer's expense.
- B.) Large quantities of solid waste, rubbish, trash, debris, or other refuse over and above the two (2) 96 gallon MSD provided Toters allowed each week may require the leasing of additional Toters.

## Section 14. Dumping

- A.) No person, group, or other legal entity shall discard, place or permit another person to discard or place any solid waste, any inoperable vehicle, appliance or other discarded items on any private property in the MSD.
- B.) A person, group or other legal entity dumping shall be responsible for the costs of cleaning up any solid waste dumped on any private property, as well as all costs incurred in enforcing this provision of this Resolution.
- C.) Each year free of charge MSD customers are permitted to haul up to 2000 pounds of solid waste as well as 6 car tires, hazardous household waste, electronics and yard waste to East Central Recycling.

## Section 15. Non-MSD Solid Waste

Collection of solid waste shall be available to all customers generating two (2) 96 gallon Toters of waste. If a customer needs additional Toters they may be leased through the MSD. Solid waste from sources outside the district limits shall not be collected. Such outside waste shall not be placed at any customers dwelling or non-dwelling units anywhere within the district limits or any other authorized place of collection serviced by the Sanitation Department. A customer that violates or permits the violation of this section of this policy may forfeit the privilege of collection services by the Sanitation Department, at the determination of the MSD Board.

Section 16. Compliance with State Regulations

Notwithstanding the requirements set out herein, the manner of containing, storing, and disposing of solid waste shall be in compliance with all federal and Indiana statutes, and rules and regulations of the Indiana Department of Health.

**BE IT FURTHER RESOLVED BY THE BOARD OF SANITARY COMMISSIONERS OF THE MUNCIE SANITARY DISTRICT** that this Resolution shall be in full force and effect from and after its passage by the Board of Sanitary Commissioners.

**APPROVED** by the **BOARD OF SANITARY COMMISSIONERS OF THE MUNCIE SANITARY DISTRICT** on this \_\_\_\_ day of \_\_\_\_\_ 2008.

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**Mark A. Miller, P.E., President**

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**William B. Smith, Vice President**

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**Teresa Ford, Secretary**

**ATTEST:**

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**William G. Bruns, Attorney**