

COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA

ORDINANCE NO. 2025-OR-07

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 50 OF THE CITY OF
AUSTIN MUNICIPAL CODE REGARDING TRASH COLLECTION, SANITATION
SERVICES, AND RELATED MATTERS THERETO**

WHEREAS, the City of Austin, Indiana (“City”), has the responsibility to maintain public health, safety, and welfare through the provision of trash collection, sanitation services, and matters related thereto; and

WHEREAS, Indiana law, including but not limited to Indiana Code § 36-9-30, authorizes municipalities to establish and collect fees for trash collection, garbage disposal, and sanitation services to fund and maintain such services for the benefit of the residents; and

WHEREAS, the Common Council of the City of Austin, Indiana has determined that Chapter 50 of the Austin Municipal Code, concerning Solid Waste, is in need of substantial revision to reflect current practices, ensure consistency with state and federal law, and promote the health, safety, and welfare of the citizens of Austin; and

WHEREAS, the Common Council desires to repeal the existing Chapter 50 in its entirety and replace it with updated provisions that are more comprehensive, enforceable, and aligned with the City’s long-term goals and regulatory responsibilities; and

WHEREAS, the Common Council of the City of Austin has determined that it is necessary and proper to revise a reasonable and equitable fee for the provision of trash collection and sanitation services to recover the costs associated with the maintenance, operation, and management of such services.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Austin, Indiana, as follows:

SECTION 1. REPEAL AND REPLACEMENT OF CHAPTER 50.

This Ordinance repeals and replaces Chapter 50 of the City of Austin Municipal Code in its entirety and establishes new regulations for trash collection, sanitation services, and matters related thereto.

SECTION 2. ESTABLISHMENT OF UPDATED REGULATIONS FOR TRASH COLLECTION, SANITATION SERVICES, AND MATTERS RELATED THERETO.

The following sections of this Ordinance are hereby enacted to replace and supersede all provisions of the repealed Chapter 50 of the City of Austin Municipal Code.

CHAPTER 50 SOLID WASTE

50.01 Definitions. For purposes of this Article, the following definitions shall apply:

- (a) Bulk Waste – Large items such as furniture, mattresses, and appliances that are too large for an approved container.
- (b) City-Owned Receptacle – A trash container, dumpster, or other waste disposal unit provided for public or City use, not for private residential or business waste disposal.
- (c) Commercial Customer – A customer receiving sanitation services from the City of Austin for a non-residential property or a residential property with more than four (4) units. This includes, but is not limited to, businesses, offices, retail establishments, industrial facilities, institutional buildings, and multi-family residential properties with five (5) or more units. Commercial customers must provide their own dumpsters in compliance with City standards to ensure safe and efficient collection by City sanitation trucks.
- (d) Construction Waste – Any discarded materials resulting from construction, renovation, remodeling, or demolition activities, including but not limited to drywall, wood, roofing materials, bricks, concrete, insulation, flooring, plumbing fixtures, and other building

debris. Construction waste does not include hazardous materials, household garbage, or bulk waste items intended for regular solid waste collection.

- (e) Garbage – Organic waste from food preparation and consumption, including decomposable materials.
- (f) Hazardous Material – Material defined under Indiana Code § 13-11-2-96, including chemicals, paints, batteries, and motor oils.
- (g) Littering – The act of improperly discarding, dropping, throwing, scattering, or depositing any garbage, trash, refuse, debris, or other waste materials onto public or private property, including but not limited to streets, sidewalks, parks, vacant lots, storm drains, waterways, and rights-of-way, without the property owner's consent or in a manner not authorized by law.
- (h) Overfilled Dumpster – A dumpster is considered overfilled when waste extends above the rim of the container, prevents the lid from fully closing, or creates a spillage risk during collection. An overfilled dumpster may also include waste that is improperly loaded, causing materials to protrude from the sides, block access to lifting mechanisms, or pose a safety hazard to sanitation workers and equipment.
- (i) Relocation Waste – Waste generated from moving, downsizing, or vacating a residence, including household items, packing materials, small furniture, and non-construction debris. Relocation waste does not include hazardous materials, large appliances, electronics, or excessive bulk waste that requires special disposal.
- (j) Residential Customer – A customer receiving sanitation services from the City of Austin for a residential property, including single-family homes, duplexes, three-plexes, and quad-plexes. Residential customers are provided City-issued 96-gallon trash cans for waste collection and are subject to the regulations and fees outlined in this

Ordinance. Any residential property exceeding four (4) units shall be classified as a commercial customer for sanitation service purposes.

- (k) Sanitation Fee – The established charge for municipal trash collection services.
- (l) Sanitation Fund – A non-reverting fund used exclusively for sanitation-related expenses.
- (m) Small Business – A commercial establishment located within the corporate limits of the City of Austin that: (a) Does not generate food waste in the course of its operations; (b) Occupies a physical premises of no more than 3,000 square feet of usable indoor space; and (c) Is not otherwise required by law or ordinance to utilize private commercial waste haulers.
- (n) Solid Waste – Garbage, refuse, and other discarded materials as defined in Indiana Code § 13-11-2-205.
- (o) Trash – Non-organic solid waste, including paper, plastics, metals, and similar items.

50.02 Sanitation Services Provided and Container Regulations.

(a) Residential and Commercial Service

- (1) The City of Austin will provide sanitation services to:
 - (i) Residential Customers through the use of City-approved 96-gallon trash cans on a weekly basis.
 - (ii) Commercial Customers, who must provide their own dumpsters that meet City standards to ensure safe and efficient collection by City sanitation trucks.
 - (iii) Small businesses, excluding food service establishments, may elect to opt into the City's trash collection service program, subject to approval by the Board of Public Works and Safety or its designee. Small businesses opting

into City service must submit a written application on a form approved by the City and shall be assessed a monthly fee equal to the residential trash collection fee, unless otherwise set by the Common Council. The City may revoke a small business's participation at any time upon determination that the business generates an amount or type of waste inconsistent with residential-level service or in violation of applicable solid waste regulations.

- (2) All garbage and trash placed for collection must be securely contained in a sealed bag before being placed inside a City-approved trash can or dumpster. Only accepted household garbage and non-hazardous waste shall be placed for collection.
- (3) A Residential Customer may request dumpster service, subject to review and approval by the Sanitation Department, based on feasibility, location, and service capacity.

(b) Trash Container Standards for Residential Customers

(1) *City-approved 96-Gallon Cans*

- (i) Each residence is required to use a City-approved 96-gallon trash can for collection.
- (ii) The City-approved 96-gallon cans provided for waste collection shall be the property of the customer. The customer shall be solely responsible for the maintenance, repair, and replacement of the cans as necessary to ensure proper function and compliance with waste collection requirements. The City shall not be liable for any damage to or loss of the

cans. Any costs associated with repairs or replacements shall be the responsibility of the customer.

(iii) A maximum of four (4) trash cans per residence may be purchased.

(iv) Unauthorized containers will not be serviced.

(2) Placement & Collection Rules

(i) Trash cans must be placed at the curbside no earlier than 6:00 PM the day before collection and no later than 6:00 AM on collection day.

(ii) Cans must be removed from the curb by 6:00 PM on collection day.

(iii) Cans must be placed within three (3) feet of the curb, with the front of the can facing the street, the lid completely closed, and positioned so they do not obstruct sidewalks, roads, or driveways while allowing adequate clearance for collection equipment to safely access and empty the container.

(3) The City reserves the right to refuse collection if a can does not meet the required standards or is improperly positioned.

(c) Dumpster Standards for Commercial Customers

(1) Commercial Customers must ensure that dumpsters:

(i) Are of an approved size and design compatible with City sanitation trucks.

(ii) Are constructed of durable materials to withstand mechanical collection.

(iii) Are positioned in a safe and accessible location for pickup.

(iv) Are maintained in good condition and free from excessive damage or obstructions.

(2) The City reserves the right to refuse collection if a dumpster does not meet required standards or is improperly positioned.

(d) Route and Schedule Determination

- (1) The City will establish and adjust collection routes and schedules based on:
 - (i) Operational efficiency and proper use of equipment.
 - (ii) Observed holidays, during which collection may be delayed or rescheduled.
 - (iii) Weather conditions, including hazardous situations that may temporarily disrupt service.
- (2) The City reserves the right to modify collection schedules as needed to ensure the effective and safe operation of sanitation services.
- (3) In the event of a service disruption, customers will be notified through public announcements or other appropriate means.

50.03 Establishment of Trash Collection/Sanitation Fee.

- (a) A schedule of fees for trash collection and sanitation services (“Sanitation Fee Schedule”) is hereby established and shall be applied to all properties receiving municipal trash collection and sanitation services:

<u>FEE SCHEDULE FOR TRASH COLLECTION</u>	
SERVICE	FEE
Monthly cost per can for collection services:	\$25.70
Cost for each additional or replacement can:	\$70.00
Cost of can for new customers:	\$70.00
Minimum cost per item for furniture or other bulky waste:	\$25.00
Cost per dumpster bag for relocation or construction waste:	\$150.00

<u>FEE SCHEDULE FOR MONTHLY DUMPSTER COLLECTION</u>			
Container Size		Monthly Pickup	Extra Pickups Overfilled Dumpster Fee

No more than 2 Cubic Yards		\$79.60	\$79.60	\$20.00
No more than 3 Cubic Yards		\$87.30	\$87.30	\$30.00
Greater than 3 Cubic Yards		\$110.20	\$110.20	\$40.00

(b) The applicable Sanitation Fee shall be included on the customer's utility bill for water, sewer, or other municipal services issued by the City. The Sanitation Fee shall be collected on a monthly basis and shall be due and payable on the same date as the utility bill.

(c) If any Sanitation Fee remains unpaid after the due date on the utility bill, the City may impose late fees, the suspension of sanitation services, and other penalties in accordance with applicable law and city policy.

50.04 Use of Sanitation Fee Revenue. All revenue collected from the Sanitation Fee Schedule shall be deposited into a dedicated nonreverting fund for the purpose of covering the costs of the City's trash collection and sanitation services, including but not limited to:

- (a) Operating expenses for trash collection and disposal;
- (b) Maintenance and repair of sanitation equipment and facilities;
- (c) Purchase of new sanitation equipment;
- (d) Wages and benefits for sanitation department employees;
- (e) Administrative costs related to the provision of sanitation services; and
- (f) Any other costs reasonably related to the provision of trash collection and sanitation services.

50.05 Additional City Services.

- (a) Yard Waste Collection. At the City's discretion, limited yard waste collection services may be provided to Residential Customers, including seasonal limb and leaf collection, as determined and advertised by the City.

- (1) *Limb Collection.* To ensure collection, all limbs must:
 - (i) Be cut to a maximum length of three (3) feet; and
 - (ii) Be bundled or neatly stacked for easy pickup.
- (2) *Leaf Pickup.* To ensure collection, all leaves must:
 - (i) Be raked to the curb and placed in a loose, open pile;
 - (ii) Be kept clear of storm drains to prevent blockages; and
 - (iii) Contain only leaves with no limbs, yard debris, or other waste materials.
- (3) *Christmas Tree Disposal.* At the City's discretion, small evergreen trees used as Christmas trees may be accepted at a designated drop-off site at no additional fee. If offered, disposal will be available for up to ten (10) days immediately following December 25th, as determined and advertised by the City.
- (4) *Bulk Waste Pickup.* Residential Customers may request periodic Bulk Waste collection by placing a work order with the Clerk-Treasurer's Office. Collection will be provided at the City's discretion and charged according to the Sanitary Fee Schedule. All items must be properly placed for pickup in accordance with City instructions and regulations.
- (5) *Relocation Waste Disposal.* Residential Customers may dispose of Relocation Waste by purchasing a dumpster bag (up to 3,300 lbs. capacity) from a home goods store. The City, at its discretion, will collect the bag upon submission of a work order and payment in accordance with the Sanitary Fee Schedule. Overfilled or improperly loaded bags may not be collected. Any Bulk Waste items that do not fit in the dumpster bag will be charged per item, per the regular Bulk Waste collection fee.

- (6) *Construction Waste Disposal.* Residential Customers may dispose of Construction Waste by purchasing a dumpster bag (up to 3,300 lbs. capacity) from a home goods store. The City, at its discretion, will collect the bag upon submission of a work order and payment in accordance with the Sanitary Fee Schedule. Overfilled or improperly loaded bags may not be collected. Any Bulk Waste items that do not fit in the dumpster bag will be charged per item, per the regular Bulk Waste collection fee.

50.06 Prohibited Disposal Practices.

- (a) General Waste Disposal Restrictions. No person shall deposit, dump, or dispose of solid waste on any public or private property within the City limits except in approved containers or designated collection sites. Illegal dumping of any waste materials, including household garbage, yard waste, Bulk Waste, Construction Waste, and Relocation Waste in alleys, vacant lots, drainage ditches, public streets, storm drains, or waterways is strictly prohibited.
- (b) Any and all garbage, trash, Bulk Waste, Construction Waste, and Relocation Waste placed for collection within the City of Austin must be generated at the property receiving sanitation services. It is strictly prohibited to transport or dispose of waste from outside the City limits or from another location at a residence, business, or any other collection site within the City.
- (c) Prohibited Disposal of Hazardous Materials. The disposal of hazardous materials, including but not limited to chemicals, paints, solvents, pesticides, automotive fluids, batteries, tires, and electronics, is strictly prohibited in any City serviced garbage cans, dumpsters, or City Owned Receptacles. These materials must be disposed of in

accordance with federal, state, and local laws at approved hazardous waste collection sites or disposal facilities.

- (d) Prohibited Disposal of Trees and Large Limbs. The City shall not be responsible for the disposal of any trees, large limbs, or debris resulting from the topping, pruning, or trimming of trees by a property owner, tenant, or contractor. It shall be unlawful for any person to place, dump, or deposit such materials in public rights-of-way, along curbs, in alleys, or on any City property. The property owner and/or contractor performing the work shall be responsible for the proper disposal of all tree debris.
- (e) Burning of Waste. The open burning of garbage, trash, plastics, rubber, or any non-natural materials within the City limits is strictly prohibited.
- (f) The City reserves the right to assess fines and take enforcement action against any individual or entity found in violation of this section.

50.07 Central Trash Disposal Areas. The City may, at its discretion, establish community trash disposal areas where residents and property owners within the City may dispose of non-commercial waste in designated receptacles.

(a) Proper Use of Receptacles

- (1) Trash must be deposited directly into the provided receptacles at these locations.
- (2) If all receptacles are full, no further disposal shall be permitted, and individuals must retain their waste until proper disposal is available.

(b) Operating Hours & Temporary Closures

- (1) Use of community trash disposal areas shall be limited to the days and hours posted at each site, which may be modified by the City as needed.

50.09 Unauthorized Scavenging of Garbage. It shall be unlawful for any person to rummage through, remove, or otherwise scavenge garbage, trash, recyclables, or other waste materials that have been properly placed for collection by the City. This prohibition does not apply to:

- (a) Law enforcement officers or other government officials acting within the scope of their official duties.
- (b) City sanitation workers or authorized waste collection personnel performing their assigned collection duties.

50.10 Prohibition on Mowing Yard Debris into Streets. It is unlawful to discharge or deposit grass clippings, leaves, or any other lawn debris onto city streets, rights-of-way, or into surface water gutters or drains. This practice poses a safety hazard by obstructing stormwater drainage and creating road hazards for motorists, cyclists, and pedestrians.

50.11 Penalties, Collection, and Enforcement of Fees.

- (a) Collection Procedures. The City is hereby authorized to collect the fees set by the Sanitation Fee Schedule through its established utility billing system. The City may enforce collection through legal means, including but not limited to filing suit in a court of competent jurisdiction to recover unpaid fees, late charges, penalties, and court costs.
- (b) Termination of Service. In the event of nonpayment, the City may suspend sanitation services to the property.

(1) First Notice of Delinquency

- (i) If a sanitation fee remains unpaid past the due date, the City may issue a written notice of delinquency to the property owner or occupant.
- (ii) The notice shall include the amount due, the due date for payment, and a statement that nonpayment may result in service suspension.

(2) Final Notice of Service Suspension

- (i) If payment is not received within fifteen (15) days of the first notice, the City may issue a Final Notice of Service Suspension via certified mail, return receipt requested.
- (ii) This notice shall provide the customer with an additional ten (10) days to pay the outstanding balance before service is suspended.
- (iii) The notice shall include the total amount due, the suspension date, and information on how to avoid service interruption.

(3) *Service Suspension and Reinstatement*

- (i) If payment is not received by the final due date, sanitation services may be suspended.
- (ii) Service may not be reinstated until the full outstanding balance, including any applicable late fees and a fifty-dollar (\$50) reconnection fee, has been paid.

(c) Enforcement Authority. This Chapter shall be enforced by the City of Austin Sanitation Department, Code Enforcement Officers, Law Enforcement Officers, and any other City personnel designated by the Mayor or Board of Public Works and Safety. Authorized enforcement personnel shall have the authority to:

- (1) Issue warnings and citations for violations of this Chapter.
- (2) Conduct inspections and investigations related to improper waste disposal, illegal dumping, and non-compliance with sanitation regulations.
- (3) Assess fines and penalties as outlined in this Chapter.
- (4) Order the removal or proper disposal of prohibited waste and take corrective action as necessary.

(d) Penalties. Any person or entity found in violation of this Chapter may be subject to a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) for a first violation, and not less than two hundred and fifty dollars (\$250.00) or more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation. Each violation is considered a separate offense. Each day any violation continues shall also constitute a separate offense. It is the intent of the city that persons committing repeated or multiple violations should be fined more severely. The City reserves the right to pursue civil remedies, including injunctive relief, the collection of unpaid fees, penalties, and costs incurred for enforcement.

SECTION 3: CONFLICT. All resolutions and/or ordinances, or parts thereof, in conflict herewith are hereby ordered amended or repealed.

SECTION 4. SEVERABILITY. If any section, clause, sentence, or provision of this Ordinance is found to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect upon its passage by the Common Council and approval by the Mayor of Austin, Indiana.

PASSED AND ADOPTED by the Common Council of the City of Austin, Indiana, this 12 day of August, 2025 by a vote of 5 ayes, 0 nays, and ____ abstentions.

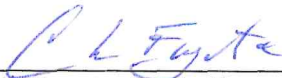
Common Council City of Austin, Indiana

Roger Hawkins
Roger Hawkins, Presiding Officer

Attest:

Chris Fugate
Chris Fugate, Clerk-Treasurer

Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, on August 12, 2025 at 5:21 p.m.

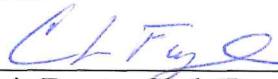

Chris Fugate, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), on

August 14, 2025 at 5:21 p.m.


Roger Hawkins, Mayor

Attest:


Chris Fugate, Clerk-Treasurer