

## CHAPTER 50: GARBAGE, REFUSE AND WEEDS

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**GENERAL PROVISIONS**

**§ 50.001 DEFINITIONS.**

For the purposes of this chapter, the following words and phrases shall have the meanings stated in this section:

**ASHES.** The residue resulting from the burning of wood, coal, coke or other combustible material.

**DISPOSAL.** The storage, collection, disposal and handling of refuse.

**DUMP.** Any land or area used for the throwing, storage, dumping and/or disposing of refuse of any sort not conforming to the requirements of a sanitary landfill.

**GARBAGE.** Discarded animal or vegetable food waste.

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**RECYCLABLE MATERIALS.** The materials designated by the Mayor or his or her designee under promulgations and regulations established by him or her from time to time, a list of which designated materials shall be published in the same manner as ordinances.

**REFUSE.** All putrescible and non-putrescible solid and semi-solid wastes, except human excreta, including garbage, rubbish, ashes, abandoned automobiles, street cleanings, dead animals, offal and solid commercial, industrial and institutional wastes.

**RUBBISH.** All non-putrescible solid waste, excluding ashes, such as cardboard, paper, plastic, metal or glass food containers, rags, waste metal, yard clippings, small pieces of wood, excelsior, rubber, leather, crockery and other waste materials that ordinarily accumulate around a home, business or industry. It shall not include garbage, ashes, bulk refuse, dead animals, hazardous refuse, industrial waste or building waste resulting from the operations of a contractor. (Prior Code, § 7-1) (Ord. 615, § 2; Ord. 93-21, § 1) (Ord. 2012-13, § 1)

### § 50.002 DUMPS RESTRICTED.

(A) Dumps are hereby declared to be nuisances hazardous to human health and, as such, are not suitable means of refuse disposal. No person shall establish, operate or maintain a dump, yard or other facility for the storage or disposal of refuse within the corporate limits of the city, whether or not such facility is operated for compensation or free of charge.

(B) Nothing in this section shall be construed as prohibiting any person or governmental entity from temporarily storing, on their own premises, refuse generated or produced by them on said premises incidental to the removal and disposal thereof. (Prior Code, § 7-2) (Ord. 615, § 5; Ord. 93-21, § 2) (Ord. 2012-13, § 2)

### § 50.003 USE OF CITY DISPOSAL FACILITY.

(A) All non-residents of the city are prohibited from depositing rubbish, garbage or trash of any kind within any disposal facility established by the City.

(B) Any resident of the City desiring to deposit rubbish, garbage or trash of any kind within any disposal facility established by the City shall first obtain a City Yard Disposal Permit. Such permit shall be issued by the Clerk-Treasurer for semi-annual periods from January 1<sup>st</sup> to June 30<sup>th</sup> and from July 1<sup>st</sup> to December 31<sup>st</sup>, or fraction thereof, upon application for same in writing upon the form prescribed for this purpose by the Clerk-Treasurer. The applicant must demonstrate his or her residency in the City by presenting a valid driver's license or government-issued identification instrument showing an address within the City. The ownership of real estate within the City is not sufficient to allow the issuance of a permit without actual residence within the City. Persons residing outside the corporate limits of the City, but owning a home or investment properties in the City of Hobart will not be issued a dump permit. (Ord. 2017-28, § 1; Ord. 2019-35, § 1)

(C) No person shall deposit rubbish, garbage or trash of any kind in any City disposal facility which has been carried or removed to the facility for such purpose from outside the City. (Prior Code, § 7-3) (Ord. 633, § 1) (Ord. 2012-13, § 3; Ord. 2019-35, § 1) Penalty, see §10.99

(D) City Yard Disposal Permits are not transferable. No person who has been issued a valid permit may allow anyone else to use it for any purpose. Failure to comply with this sub-section may result in cancellation of the permit and forfeiture of the permit fee.  
(Ord. 2019-35, § 1)

(E) City Yard Disposal Permits shall not be issued to any person, organization, business or contractor, whether a resident of the City or not, for disposal of rubbish, garbage or trash generated in the course of such business. Rubbish, garbage or trash from projects done by a person, contractor or business for hire must be disposed of properly through commercial means.  
(Ord. 2019-35, § 1)

**§ 50.004 REPEALED.**

(Prior Code, § 7-4) (Ord. 633, § 2) (Repealed by Ord. 2012-13, § 4)

**§ 50.005 REFUSE DISPOSAL.**

(A) The following items will be collected by the city as a special pickup for which a fee shall be determined and billed based on the actual cost in man-hours, equipment required and cost of disposal to the City. There will be assessed a minimum charge of \$15.00 for special pickups. Special pickups shall be made as soon as practicable after a request is received by the Department of Public Works.

- (1) Large household appliances, white goods, water heaters and large or heavy metal objects;
- (2) Furniture and mattresses;
- (3) Packing materials;
- (4) Lawn equipment;
- (5) Concrete, bricks or cement blocks;
- (6) All brush or tree limbs;
- (7) Carpeting;
- (8) Electronics: fee of \$10.00 per item;
- (9) Garbage bags or any additional containers outside of City-supplied Toter© receptacle;
- (10) Additional items as authorized by the Commissioner of Public Works.

(B) The following items will not be picked up or disposed of by the City:

- (1) Hazardous waste, including, but not limited to, oil, gasoline, diesel fuel, antifreeze, chemicals, vehicles, railroad ties, gas canisters, propane tanks and inflammable or explosive materials;

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(2) Refuse from the maintenance, remodeling, demolition, burning or destruction of buildings, regardless of whether the maintenance, remodeling, demolition, burning or destruction is performed by the owner or by a contractor;

(3) Tree trunks, tree stumps or tree roots;

(4) Grass clippings, except as part of a composting program in compliance with state statute;

(5) Debris related to construction or remodeling (interior and exterior whether performed by contractor or resident).

(C) The following items will not be collected curbside but may be brought to the City Yard for proper disposal:

(1) Paint;

(2) Electronics;

(3) Tires (nothing larger than a pickup truck tire);

(D) The Building Department shall:

(1) Notify each licensed contractor of the provisions of this section at the time the annual license is issued, including notification that refuse from contractor operations is the responsibility of the owner or contractor; and

(2) Include with each building permit issued, notification of the provisions of this section and of the responsibility of the building permit holder to dispose of refuse from operations conducted under the building permit.

(Prior Code, § 7-5) (Ord. 615, § 3; Ord. 92-16, § 1; Ord. 2002-14, § 1; Ord. 2011-38, § 9; Ord. 2012-13, § 5; Ord. 2019-35, § 2) Penalty, see § 10.99

### **§ 50.006 USE OF CONTAINERS REQUIRED; EXCEPTION.**

(A) Each householder, commercial establishment or person having refuse shall obtain approved containers and shall place and keep all refuse therein unless containers are provided by the city.

(B) It is unlawful to place refuse in any street, alley, stream, body of water or in any public place or upon private property, whether owned by the person or entity placing the refuse, or not, unless the refuse is placed in an approved container.

(Prior Code, § 7-6) (Ord. 615, § 3; Ord. 2012-13, § 6) Penalty, see §10.99

### **§ 50.007 REPEALED.**

(Prior Code, § 7-7) (Ord. 615, § 3; Ord. 2012-13, § 7) (Repealed by Ord. 2019-35, § 3)

**§ 50.008 REPEALED.**

(Prior Code, §§ 7-8 thru 7-10) (Ord. 615, §§ 3-4; Ord. 92-14, § 1) (Repealed by Ord. 2012-13, §8)

**§ 50.009 COLLECTION; FREQUENCY.**

(A) Refuse shall be collected once weekly.

(B) Hotels, restaurants, institutions and commercial establishments may be required to have more frequent collection, if determined by the Board of Public Works and Safety to be essential to protect the public health.

(C) All residential properties containing four (4) or more dwelling units and non-residential properties, as described in [§ 50.007\(C\)](#), may contract for collection of 2 cubic yards of refuse up to three (3) times per week by the City. The fee for the collection shall be as set out in the Fee Schedule of the Code.

(D) The fees shall be payable in the same manner and for the same time periods as sewer use charges and shall be billed, whenever practical to do so, with the regular sewer use charge billing for the premises.

(Prior Code, § 7-11) (Ord. 615, § 4; Ord. 92-14, § 2; Ord. 2011-38, § 8; Ord. 2012-13, § 9)

**§ 50.010 REPEALED.**

(Prior Code, § 7-12) (Ord. 615, § 4) (Repealed by Ord. 2009-13, § 1 and Ord. 2012-13, § 10)

**§ 50.011 REPEALED.**

(Prior Code, §§ 7-13 thru 7-15) (Ord. 615, § 4) (Repealed by Ord. 2009-13, § 1 and Ord. 2012-13, § 10)

**§ 50.012 REPEALED.**

(Prior Code, § 7-16) (Ord. 615, § 4) (Repealed by Ord. 2009-13, § 1 and Ord. 2012-13, § 10)

**§ 50.013 REPEALED.**

(Prior Code, § 7-17) (Ord. 615, § 4) (Repealed by Ord. 2009-13, § 1 and Ord. 2012-13, § 10)

**§ 50.014 REPEALED.**

(Prior Code, § 7-18 & 19) (Ord. 615, § 4) (Repealed by Ord. 2012-13, § 10)

**§ 50.015 GRASS, WEEDS AND NOXIOUS VEGETATION.**

(A) Whenever it is determined that a rank growth of grass, weeds or other vegetation exceeding 6 inches in height exists on property located in the city, the Hobart Code Enforcement Department shall be notified and it shall send a 5-day written notice to remove the vegetation to the landowner by certified mail addressed to the landowner's last known address and shall post a

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notice of action at the residence or vacant lot. For any subsequent violations a continuous abatement notice may be issued in accordance with I.C. §36-7-10.1-3.

(B) If the landowner fails to remove the vegetation within the time prescribed, the city may remove the vegetation. The Clerk-Treasurer shall make a certified statement of the actual cost incurred by the city in the removal. The statement shall be sent to the landowner by certified mail and the owner shall pay the amount to the Clerk-Treasurer's office within 10 days after receiving the statement. If the landowner fails to pay the amount due within the time permitted, a certified copy of the statement of costs shall be filed in the Lake County Auditor's office, the amount shall be collected as taxes are collected and disbursed to the city's General Fund.  
(Prior Code, § 7-20) (Ord. 91-24, § 2; Ord. 2006-02, § 1; Ord. 2013-22)

### **§ 50.016 VIOLATIONS DECLARED NUISANCES; ABATEMENT.**

(A) Any dump or landfill or the transportation of refuse in violation of any provision or section of this chapter is hereby declared to be a common nuisance and, as such, may be abated in any such manner as nuisances are or may hereafter be abated under existing laws including, but not limited to, temporary and permanent injunctive relief.

(B) The city or any designated enforcement officer hereof may institute a suit for injunction to restrain any person or political subdivision from violating any provision of this chapter.  
(Prior Code, § 7-21) (Ord. 93-21, § 3(part))

### **§ 50.017 CUMULATIVE REMEDIES.**

The limitations and remedies of this chapter are cumulative and are in addition to all other limitations and remedies prescribed by law, statute or ordinance.  
(Prior Code, § 7-22) (Ord. 93-21, § 3(part))

## ***REFUSE COLLECTION AND DISPOSAL***

### **§ 50.030 RESPONSIBILITY, AUTHORITY TO CONTRACT FOR.**

(A) The collection and disposal of refuse within the corporate limits of the city shall be administered, operated, conducted and/or maintained by and through the office of the Mayor and the terms of the provisions of this subchapter.

(B) The city shall have the right, exercisable by its Common Council, to appoint or contract with 1 or more persons, exclusively or concurrently with the activities of the city, to collect and/or dispose of refuse, garbage or rubbish.  
(Prior Code, § 7-23) (Ord. 93-21, § 4(part))

**§ 50.031 REPEALED.**

(Prior Code, § 7-24) (Ord. 93-21, § 4(part)) (Repealed by Ord. 2012-13, § 11)

**§ 50.032 REPEALED.**

(Prior Code, § 7-25) (Ord. 93-21, § 4(part)) (Repealed by Ord. 2012-13, § 11)

**§ 50.033 REPEALED.**

(Prior Code, § 7-26) (Ord. 93-21, § 4(part)) (Repealed by Ord. 2012-13, § 11)

**§ 50.034 CITY-ISSUED GARBAGE AND RECYCLING CONTAINERS.**

(A) The City administration, acting by and through the City Executive and Board of Public Works and Safety, may issue City-owned and supplied receptacle containers for garbage and post-consumer recycled materials, specially designed to be collected by the City's fleet of automated collection trucks. Such receptacle containers shall be subject to the following rules and fees:

(1) Such containers shall consist of one (1) garbage container, and one (1) recycling container issued for the use of the occupants of each dwelling in a structure of two (2) units or less in the City. The containers shall at all times remain the property of the City, and shall be numbered and registered to each address to which the container is assigned. Each resident of the City occupying a dwelling unit to which one or more such containers have been issued shall, upon vacating the unit, close their account and leave the container(s) behind at the unit for the use of the next occupant. The City, acting by and through the Department of Public Works, shall verify that the container was left behind, and shall be entitled to collect a fee from the owner of any dwelling to which containers have been registered, whenever such container or containers are missing due to the failure of a resident to properly secure and maintain the container at the dwelling unit to which it was registered. Such fee shall be equal to the current cost of replacement of each such container, the exact amount to be specified from time to time by Ordinance in the City Fee Schedule.

(Ord. 2019-35, § 4)

(2) Upon issuance and registration of a garbage container to a dwelling, the occupants of said dwelling shall use the garbage container exclusively for the storage and collection of garbage and trash, and shall use no other receptacle for that purpose of any kind. All garbage and trash shall be placed within the container, and the City reserves the right to refuse collection of garbage or trash not properly placed in the container.

(3) Upon issuance and registration of a recycling container to a dwelling, the occupants of said dwelling shall use the recycling container exclusively for the storage and collection of post-consumer recyclables as determined by the Board of Public Works and Safety and described upon a descriptive brochure supplied with the container and displayed on the City internet web-site, and shall use no other receptacle for that purpose of any kind. All recyclables shall be placed within the container and the City reserves the right to refuse collection of recyclable items or materials not properly placed in the recycling container.

(B) The resident occupying a dwelling to which the City has issued and registered garbage and/or recycling containers may request one (1) additional garbage or recycling container from



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the City as follows:

(1) A resident may obtain issuance of a second recycling container upon request to the Department of Public Works, if available, and the execution of a receipt for same in writing, which shall evidence the registration of the additional container to the dwelling place of the resident. There shall be no charge or fee for an additional recycling container.

(2) A resident may obtain issuance of a second garbage container only upon compliance with the following requirements:

(a) The resident shall pay a one-time registration fee, in the amount specified by Ordinance in the City Fee Schedule, to the Clerk-Treasurer to cover the cost of registration and delivery of the container.

(b) The resident shall also pay a monthly additional collection charge to cover the cost of collection and disposal of the additional garbage and trash in the amount specified by Ordinance in the City Fee Schedule.

(c) The resident shall execute a receipt for the additional container in writing, which shall evidence the registration of the additional container to the dwelling place of the resident.

(Ord. 2015-03, § 1)

### ***GARBAGE COLLECTION FEE***

#### **§ 50.040 GARBAGE COLLECTION FEE.**

(A) A garbage collection fee shall be assessed against each resident/owner of real estate or the improvements contained thereon being served by the city garbage collection service. The city garbage collection service shall serve each single family residential unit and each duplex residential unit located within the city. In addition, the city garbage collection service shall serve each fourplex multi-family residential unit located within the city. However, pursuant to other sections of the Municipal Code, garbage will not be collected from and no fee will be charged to the following:

- (1) Multi-family residential units larger than a fourplex;
- (2) A multi-family residential unit which is part of an apartment complex;
- (3) Two or more fourplex multi-family residential units which are adjacent to each other and which are owned by the same person or entity;
- (4) Commercial and industrial properties.

(B) The garbage collection fee is hereby established in the flat rate amount of \$20.00 per month per unit served. Eligible residential garbage collection customers age 65 or over shall be assessed a reduced flat rate amount of \$15.00 per month once application is made for the reduction and eligibility is established. Residents may qualify for the reduced monthly fee by

applying for such reduction through the office of the Clerk-Treasurer providing proof of ownership and residency at a property and proof of age. Rates are to be added to the Fee Schedule of the Municipal Code. The fees established herein shall be increased by three percent (3%) effective January 1, 2021 and each January 1 thereafter.  
(Ord. 2019-35, § 5)

(C) The rates and charges for all units shall be prepared and billed monthly and collected by the City in the manner provided by law and ordinance.

(D) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the City for the purpose of determining whether bills have been paid by such tenant or tenants and such examination shall be made at the office at which such records are kept and during the regular business hours of such office.

(E) As is provided by statute, all rates and charges not paid by the 10th day of the month following receipt are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rate or charges shall thereupon attach thereto.

(F) All garbage collection accounts more than two months delinquent will be reported to the Public Works Department and will result in loss of service until the account is brought current.  
(Ord. 2008-36, § 1; Ord. 2019-35, § 5)

### ***SUPPLEMENTAL COLLECTION REGULATIONS***

#### **§ 50.050 STORING OF REFUSE.**

(A) No person shall place within the city any refuse in any street, alley or other public place, or upon any private property, whether owned by the person or not, except in proper containers for collection or under express approval granted by the Mayor.

(B) No person shall throw or deposit any refuse in any stream or other body of water.

(1) *Unauthorized accumulation.* Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within ten (10) days after the effective date of this subchapter shall be deemed a violation of this subchapter.

(2) *Scattering of refuse.* No person shall case, place, sweep or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the city.

(Prior Code, § 7-27) (Ord. 93-21, § 5(part)) (Ord. 2012-13, § 12) Penalty, see §10.99

**§ 50.051 POINT OF COLLECTION.**

(A) Refuse containers shall be placed for collection at ground level on the property, not on the paved portion of the right-of-way of a street or alley, and accessible to and not more than ten (10) feet from the side of the street or alley from which collection is made; provided that, the container may be placed for collection at other than ground level and at a distance of more than ten (10) feet approved by the Mayor, which approval shall include an additional charge for the extra service as agreed upon by both parties.

(B) Garbage and refuse accumulated by residents in buildings with four (4) or fewer dwelling units and not collected in rear alleys shall be placed out for collection not earlier than 12:00 noon on the day preceding collection. Emptied receptacles and uncollected items shall be returned to the premises at the end of the day of collection and shall not be placed in the front yard.

(Prior Code, § 7-28) (Ord. 93-21, § 5(part)) (Ord. 2012-13, § 13)

**§ 50.052 COLLECTION PRACTICES AND FEES.**

(A) *Frequency of collection.*

(1) *Residential.* Garbage and refuse accumulated by residential buildings with three (3) or fewer dwelling units shall be collected once each week, except on designated holidays.

(2) *Businesses. Two cubic yard containers.* All properties required to use 2 yard containers shall, at their option, elect up to three (3) times per week refuse removal. All garbage and refuse collected from properties required to use 2 cubic yard containers shall be placed in the container. Any such user placing material outside of the 2 cubic yard container shall be charged an additional volume cost incurred as determined by the Board of Public Works and Safety. Fees are to be charged per container, per collection, and are listed in the fee schedule.  
(Ord. 2019-35, § 6)

(3) *Apartment or multiple dwelling units.* Where necessary to protect the public health, the Mayor shall have the authority to require that more frequent collections than twice each week be made, or that additional 2 cubic yard containers be obtained. In such instance, or otherwise when reasonably required by the Mayor, the person owning or operating the apartment or multiple dwelling unit shall contract with a private collection service to meet the requirements of the city.

(4) *Commercial.* The Mayor may designate that a hotel, restaurant or other business or commercial institution shall enter into an agreement with a private collection company authorized to do business in the city and in such instance, the city shall not collect garbage and refuse from such person or firm.

(B) *Use of 2 cubic yard containers.*

(1) All residential properties containing four (4) or more dwelling units, and non-residential properties, including, but not limited to, businesses, schools, churches and similar uses, who request city refuse collection, shall own alone or jointly with others one (1) or more than one (1) 2 cubic yard containers approved by the city, and in a number to accommodate all refuse produced by the user(s) of the container(s) so that no garbage is stored outside of the

container, and so that it does not otherwise overflow or allow the wind to blow materials out of the container. Container lids must be kept closed when not in use.

(2) Apartments and multiple dwelling units required to provide a 2-cubic yard container in division (B) (1) above, shall provide the container before service can begin.

(C) *Limitation of quantity.*

(1) *Residential.* The city shall collect garbage and refuse of each family during a collection period.

(2) *Apartment or multiple dwelling units.* The city may collect garbage of apartments or multiple dwelling units during the collection period at a fair charge based upon the average weight or volume. The Mayor shall have the authority to refuse to collect unreasonable amounts or to make an additional charge for such amounts.

(3) *Commercial.* The city may collect garbage and refuse of hotels, restaurants and other businesses and institutions during the collection period at a fair charge based upon the average weight or volume. The Mayor shall have the authority either to refuse to collect amounts or to make an additional charge for such amounts.

(D) *Special refuse problems.*

(1) *Contagious disease refuse.* The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed, shall be performed under supervision and direction of the county's Health Officer. The refuse shall not be placed in containers for regular collections. To include medical waste and needles.

(2) *Inflammable or explosive refuse.* Highly inflammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the Mayor at the expense of the owner or possessor thereof.

(Prior Code, § 7-29) (Ord. 93-21, § 5(part)) (Ord. 2012-13, § 14)

**§ 50.053 VALIDITY.**

(A) *Repeal of conflicting provisions.* All ordinances or parts of ordinances in direct conflict herewith are hereby repealed. This subchapter shall be deemed supplemental and additional to any other ordinances now in effect.

(B) *Validation clause.* The invalidity of any section, sentence, clause or provision in this subchapter shall not affect the validity of any other section, sentence, clause or provision of this ordinance which can be given effect without such invalid part or parts.

(Prior Code, § 7-30) (Ord. 93-21, § 5(part))

***RECEPTACLES***

**§ 50.065 REPEALED.**

(Prior Code, § 7-31) (Ord. 93-21, § 6(part)) (Repealed by Ord. 2012-13, § 15)

**§ 50.066 REPEALED.**

(Prior Code, § 7-32) (Ord. 93-21, § 6(part)) (Repealed by Ord. 2012-13, § 15)

***SANITARY LANDFILLS***

**§ 50.080 DUMPING IN OTHER AREAS PROHIBITED.**

No person or political subdivision shall dump or deposit any refuse on any land or in any area, public or private, within the corporate limits of the city.

(Prior Code, § 7-34) (Ord. 93-21, § 7(part)) Penalty, see §10.99

**§ 50.081 COMPLIANCE WITH SUBCHAPTER REQUIREMENTS.**

No person shall dispose of refuse or permit the disposal of refuse on land owned by him or her or leased by him or her, or under his or her control, by the landfill method, or use or permit the use of sanitary waste as fill for any low or submerged property.

(Prior Code, § 7-35) (Ord. 93-21, § 7(part)) Penalty, see §10.99

***RECYCLING***

**§ 50.095 DEFINITIONS.**

For the following purposes of this subchapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

***AUTHORIZED OR DESIGNATED RECYCLING PROGRAM.*** A program for the collection and recycling of recyclable material which is instituted, sponsored and controlled by the City of Hobart.

***BUY-BACK CENTER.*** A facility established to purchase recyclables from municipalities and/or the general public and to process, store and transport same.

***COMPOSTABLE MATERIAL.*** Leaves, grass clippings, tree limbs, other yard wastes, lumber and wallboard.

***DROP-OFF BOX.*** A compartmentalized, self-contained roll-off box, which is used to collect separated recyclables. The number and size of compartments corresponds with the type and anticipated amount of recyclables.

***ELIGIBLE HOUSEHOLDS.*** All single-family dwelling units and multi-family dwelling units up to 4 units per building who are receiving city refuse collection service.

***PARTICIPATING HOUSEHOLDS.*** All eligible households who place recyclable materials

as part of the designated recycling program, at designated collection points, in accordance with city specifications.

***PARTICIPATING INSTITUTION.*** All schools, hospitals and other not-for-profit organizations, approved by the Mayor, for participation in the recycling and composting programs.

***RECYCLABLES.*** All items of refuse to be part of an authorized recycling program and which are intended for transportation, processing and remanufacturing.  
(Prior Code, § 7-36) (Ord. 93-21, § 8(part))

**§ 50.096 PROMOTION OF RECYCLING PROGRAM.**

(A) The Council hereby authorizes the Mayor to develop and implement an intensive and comprehensive promotional program concerning the city recycling program.

(B) This may include advertising, visiting neighborhood organizations, brochures, direct mailing, cable television broadcasts, school presentations, novelties and rewards and prizes, subject to Council approval.  
(Prior Code, § 7-37) (Ord. 93-21, § 8(part))

**§ 50.097 AUTHORIZATION TO IMPLEMENT.**

The Executive of the City shall implement the above-described recycling program, together with any additions thereto authorized by the Common Council. The executive may, consistent with the city budget in effect, purchase necessary equipment, install necessary capital improvements, and hire and train necessary employees, to support such program.  
(Prior Code, § 7-38) (Ord. 93-21, § 8(part)) (Ord. 2012-13, § 16)

**§ 50.098 REQUIRED STATUS REPORT.**

The Mayor shall, from time to time or upon request of the Council, prepare status reports during implementation, and evaluations, research, findings and recommendations concerning the on-going recycling program.  
(Prior Code, § 7-40) (Ord. 93-21, § 8(part))

**§ 50.099 REPEALED.** See now §10.99  
(Prior Code, § 7-41) (Ord. 93-21, § 8(part)) (Repealed by Ord. 2012-13, § 17)

**§ 50.100 VOLUNTARY.**

The recycling program shall be voluntary.  
(Prior Code, § 7-42) (Ord. 93-21, § 8(part))

**§ 50.101 CONTAINERS.**

One (1) standard city-approved recycling container shall be provided to each eligible household by the city. The container shall be used for recyclable items and materials, only. The containers shall remain the property of the City of Hobart and each resident shall return the container issued to his or her household to the Department of Public Works at the City yard at the time of moving his or her residence. The resident shall be responsible for proper care and cleaning of the container and shall be liable for the cost of its repair, replacement or return when damage or loss of the container is caused by the resident's careless or malicious behavior. (Prior Code, § 7-43) (Ord. 93-21, § 8(part)) (Ord. 2012-13, § 18)

**§ 50.102 REPEALED.**

(Prior Code, § 7-44) (Ord. 93-21, § 8(part)) (Repealed by Ord. 2012-13, § 19)

**§ 50.103 COLLECTION FREQUENCY.**

The frequency of collection of recyclables shall be determined by the Department of Public Works, but such collection of recyclables will take place for each participating household in the city on the same day as the household's refuse collection. (Prior Code, § 7-45) (Ord. 93-21, § 8(part)) (Ord. 2012-13, § 20)

**§ 50.104 COLLECTION ITEMS.**

The Mayor shall prepare a list of refuse items designated to be part of an authorized recycling program. Such items must be ones which are generally accepted by the recycling industry for remanufacture and refuse, and which can be cleaned, prepared and stored in a manner to protect the public health, welfare, safety or environment. (Prior Code, § 7-46) (Ord. 93-21, § 8(part))

**§ 50.105 UNAUTHORIZED COLLECTIONS.**

It shall be unlawful for any person, other than a duly authorized employee or designee of the city, to collect or remove recyclable materials which are set out by city residents as part of the city recycling program. (Prior Code, § 7-47) (Ord. 93-21, § 8(part)) (Ord. 2012-13, § 21) Penalty, see §10.99

**§ 50.106 RECYCLABLES OWNERSHIP.**

Upon the placement by a resident householder of recyclable materials at curbside or some other approved pick-up point for collection by the city, ownership of recyclable materials passes to the city, subject to the right of the city to reject any materials not prepared, cleaned or stored according to city specifications. Such rejected material shall remain the responsibility and property of the individual or household from which the materials originated who shall properly dispose of same forthwith. (Prior Code, § 7-48) (Ord. 93-21, § 8(part)) (Ord. 2012-13, § 22)

**§ 50.107 REPEALED.**

(Prior Code, § 7-49) (Ord. 93-21, § 8(part)) (Repealed by Ord. 2012-13, § 23)

**§ 50.108 REPEALED.**

(Prior Code, § 7-50) (Ord. 93-21, § 8(part)) (Repealed by Ord. 2012-13, § 23)

**§ 50.109 REPEALED.**

(Prior Code, § 7-51) (Ord. 93-21, § 8(part)) (Repealed by Ord. 2012-13, § 23)

***PAINT RECYCLING***

**§ 50.120 PAINT RECYCLING.**

(A) The Department of Public Works of the City may, upon the order of the Mayor, establish a paint recycling program whereby persons may deliver to a site, established by said Department, unused paints of the kinds and limited to the amounts specified in writing by the Director of Public Works. Such paints shall be, to the extent practicable, reprocessed by the Department, and prepared for resale to the public. Any such paint made available for resale to the public shall be sold for a price not to exceed Five and No/100 Dollars (\$5.00) per gallon, the exact price to be charged to be determined from time to time by order of the Mayor. Proceeds of the sale of such paint shall be accounted for in the manner required by the Clerk-Treasurer and deposited in the General Fund of the City.

(B) No person shall be entitled to purchase any paint processed and made available for sale by the City under subsection (A) of this section without executing, prior to sale, a form of written waiver and release which shall be in substantial accordance with the following paragraph:

In consideration of the sale of paint to the undersigned person by the City of Hobart, the undersigned person agrees that the City, its officials and employees, assume no responsibility whatsoever for the quality, performance or safety of the product sold, that the City specifically disclaims any and all warranties of any kind, express or implied, including any warranties of merchantability or fitness for a particular purpose. The undersigned person represents that he or she is familiar with the proper use and hazards, if any, of the product sold, and further agrees to hold harmless the City of Hobart, its officials and employees from and against any claim for injury or damage to person or property by the undersigned person, the ultimate user of the product sold or any other person arising from or caused by the use of the product sold.

(Ord. 2010-30, § 1)

**§ 50.999 REPEALED.** See now §10.99

(Prior Code, § 7-52) (Ord. 90-42, § 5) (Ord. 2012-13, § 24) (Repealed by Ord. 2020-36, §2)