CITY COUNCIL MEETING
CITY HALL
TUESDAY, June 16, 2015
6:00 O'CLOCK P.M.

I. Meeting Called to Order

A. Opening Prayer
B. Pledge of Allegiance
C. Roll Call
D. Acceptance of Minutes

II. Unfinished Business Requiring Council Action

A. None

III. New Business Requiring Council Action

A. First reading of the Ordinance entitled "ORDINANCE NO. ____, 2015 AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 8.24 OF THE COLUMBUS CITY CODE, GARBAGE AND REFUSE" Carl Malysz

IV. Other Business

A. Discussion for Property Tax Abatement for Distressed Residential Areas – Carl Malysz

B. Standing Committee and Liaison Reports

C. The next regular meeting is scheduled for **Tuesday, June 30, 2015, 6:00 p.m. in City Hall.**

D. Adjournment

(NOTE: A couple members of Council requested the full version of the impacted City Ordinance for context so I've included that for your reference. However, only the sections with revisions will be included in the ordinance for your consideration.)

Chapter 8.24
GARBAGE AND REFUSE
Sections:

8.24.010 Definitions.
8.24.020 Promulgation of rules and regulations.
8.24.030 Collection.
8.24.040 Burning of refuse.
8.24.050 Bartholomew Consolidated School Corporation and Columbus Housing Authority.
8.24.060 Containers for households; exchanging containers; replacing lost or stolen containers.
8.24.070 City-owned or city-approved container specifications.
8.24.080 City-owned or city-approved container placement.
8.24.090 Curbside collection.
8.24.100 Accumulations prohibited– Coverings on city-owned or city- approved containers.
8.24.105 Outdoor Storage Prohibited.
8.24.110 Cleaning and disinfecting city- owned or city-approved containers.
8.24.120 Home composting.
8.24.130 Disposal requirements–Boxes, papers and tree cuttings.
8.24.140 Disposal requirements–Ashes and sawdust.
8.24.150 Disposal requirements–Tires.
8.24.160 Disposal requirements–Hazardous waste.
8.24.170 Disposal requirements–Infectious waste.
8.24.180 Disposal requirements–Lead acid batteries.
8.24.190 Disposal requirements–Motor oil.
8.24.200 Disposal requirements–Paint.
8.24.210 Disposal requirements–Grass and leaves.
8.24.220 Areas for disposal of solid waste or refuse restricted.
8.24.230 Disposal requirements–Industrial process waste.
8.24.240 Disposal requirements– Commercial corrugated and office paper.
8.24.250 Private collection–Permit application.
8.24.260 Private collection–Permit fee.
8.24.270 Nuisances.
8.24.280 Improper disposal and transportation of waste prohibited.
8.24.290 Annexations; new subdivisions.
8.24.300 Scope of services.
8.24.310 Service fees for disposal of solid waste.

8.24.320 Columbus city utilities responsible for administering waste disposal service fees.

8.24.010 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Apartment complex" means any single property lot with more than one multifamily residential building.

"Ashes" means the residue of combustion of such fuels as wood, coal, coke, charcoal and similar materials.

"City-approved container"' means those solid waste containers which are purchased from the city by owners or occupants of residential premises for the placement of solid waste for collection by the city.

"City-owned or city-approved container"' means those city-owned or city-approved containers which the city purchases and provides to the owners or occupants of residential premises for the placement of solid waste for collection by the city.

"Combustible waste" means all waste substances capable of burning, including garbage, paper, rags, excelsior, wood, grass, leaves and similar materials.

"Garbage" means all putrescible animal solid, vegetable solid and semisolid wastes resulting from processing, handling, preparation, cooking, serving or consumption of food or food materials.

"Hazardous waste" means a solid waste or a combination of solid wastes, that because of its quantity, concentration or physical, chemical or infectious characteristics, may:

1. Cause or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

"Industrial process waste" includes, but is not limited to, oils, lubricants, resins, chemical catalysts, distillation bottoms, ink, paint, sludges, grinding sludges, incinerator ash, core stand, metallic dust sweepings, material which may create asbestos dust, contaminated or recalled wholesale or retail products.

"Infectious waste" means waste that epidemiological evidence indicated is capable of transmitting a dangerous communicable disease (as defined by rule adopted under Indiana Code 16-1-9.5-1). Infectious waste includes the following:

1. Pathological wastes, including tissue, organs, body parts and blood or body fluids in liquid or semi-liquid form that are removed during surgery, biopsy or autopsy;
2. Biological cultures and associated biologicals;
3. Contaminated sharps;
4. Infectious agent stock and associated biologicals;
5. Blood and blood products in liquid or semi-liquid form;
6. Laboratory animal carcasses, body parts and bedding;
7. Wastes.

"Noncombustible waste" means all waste substances incapable of burning, including tin cans, tinware and other metallic substances, bottles, glassware, earthenware, ashes and similar materials and, also, discarded articles, the greater part of which is incapable of burning, such as roofing material, electric batteries, etc.

"Owner" means and includes, the record titleholder, or any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations imposed in this chapter shall be joint and several.

"Putrescible waste" means waste that is subject to organic decomposition.

"Refuse" means all nonputrescible wastes.

"Residential premises" means and includes single-family dwellings and any multiple-family dwelling up to and including four separate living units or family quarters per parcel.

"Responsible party" means person or persons held accountable for the illegal placement of waste in recycling or city-owned or city-approved containers.

"Solid waste" means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from a pollution control facility or other discarded material including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining or agricultural operations or from community activities.

"Solid waste land disposal facility" means a solid waste facility in or upon the land into which solid waste is disposed. Permitted solid waste land disposal facilities shall be classified into one of the following types:

1. Sanitary landfill;
2. Construction/demolition sites;
3. Restricted waste sites.

"Yard waste" means all vegetative matter including grass, weeds, leaves, brush, tree trimmings, hedge clippings and garden waste. (Ord. 09-30, 2009; Ord. 93-9 § 1, 1993)

8.24.020 Promulgation of rules and regulations.

A. The board of public works and safety ("board") is authorized and empowered to provide for collection and disposal of all solid waste which accumulates from time to time on or about the premises of all residences in the city, and to provide for the collection of solid waste of the various units of government operating in the city. The board may acquire equipment, vehicles and city-owned or city-approved containers, and employ the personnel necessary and required to accomplish the collection and disposal of solid waste. The board may also, pursuant to the powers vested in it by the laws of the state, contract for the collection and disposal of solid waste.

B. The board is authorized to fix the hours or days of the week for the collections, and from time to time to adopt any regulations, not inconsistent with the provisions of this chapter, required for the collection and disposal of household solid waste.

C. The board is hereby authorized to enter into agreements and shall have any other authority as is necessary to effectuate the purposes of this chapter, including but not limited to Section 8.24.050.

D. To facilitate the collection of the fee imposed by this chapter, the board, in its discretion, may show the amount of the residential solid waste collection fee upon statements rendered by the Columbus city utilities department. The board may, in its discretion, place any additional information of each statement which it deems useful in charging and collecting the fees imposed by this chapter. The failure or omission to render any statement or bill shall not in any manner relieve the owner of the residential unit, building or structure of the obligation to pay any fee under this chapter.

E. The city services manager, with the approval of the board, shall be authorized to prepare and publish rules for the effective administration and enforcement of the provisions of this chapter. Any such rules so published shall have the force of law, and a violation of such rules shall be punishable in the same way as a violation of this chapter.

8.24.030 Collection.

The city services manager, through the adoption and promulgation of rules by the board, shall be authorized to fix and arrange the dates and schedules for the public collection of solid waste in the various sections of the city. Apartment complexes, commercial and industrial establishments, and residents residing on private streets in for profit residential establishments shall be responsible for arranging "special trash pickups" or additional collections through a private

hauler of their choice effective January 1, 1994. Solid waste will be collected by the city from residential dwellings and mobile home parks one time per week and must be put out for collection by 7:00 a.m. on the designated day. Each month, and as set forth by rules adopted and promulgated by the board, the city shall conduct one free "special trash pickup", or additional collection which will be outside of the regularly scheduled collections. For all other "special trash pickup" or additional collections requested by the owner of a residential premises, there shall be fee as determined by the board. Any excess accumulation of solid waste or yard waste by residents residing on private streets in for profit residential establishments shall be disposed of by and at the expense of the establishment creating the excess solid waste or yard waste. Any solid waste or yard waste generated by contractors at a private dwelling shall be removed and disposed of or recycled by the contractor and/or person or persons residing there.

8.24.040 Burning of refuse.

No burning of refuse shall be allowed in the city except in incinerators approved by the Indiana Department of Environmental Management.

8.24.050 Bartholomew Consolidated School Corporation and Columbus Housing Authority.

By separate agreement, the city is permitted to provide solid waste collection to the Bartholomew Consolidated School Corporation and the Columbus Housing Authority. Any agreement between the city and the Bartholomew Consolidated School Corporation and/or the Columbus Housing Authority shall attempt to recover all costs and expenses associated with the collection for those entities. Unless otherwise specified in the agreement, the Bartholomew Consolidated School Corporation and Columbus Housing Authority shall abide by all other aspects of this chapter. All corrugated and office paper must be separated from solid waste and recycled as per Section 8.24.240.

8.24.060 Containers for households; exchanging containers; replacing lost or stolen containers.

A. Only city-owned containers or city-approved containers provided by the city shall be used for the placement of solid waste for collection. City-owned or city-approved containers shall be assigned to a particular residential premises and shall remain at that residential premises in the event the owner or occupant moves. If a city-owned or city-approved container is lost or stolen from a residential premises, the owner or occupant of the residential premises shall report such event to the public works department's. In the event of loss or theft, a replacement city-owned or city-approved container or containers shall be provided by the city to the owner or occupant at the owner's or occupant's cost. Any owner or occupant desiring more than one city-owned or city-approved container shall purchase a city-approved or city-owned container, with each additional city-approved or city-owned container being purchased directly from the city in

accordance with the rules and regulations adopted and promulgated by the board, pursuant to Section 8.24.020B.

B. The number of city-owned or city-approved containers to be collected per residential premises per week shall not exceed the number of city-owned or city-approved containers or city-owned or city-approved containers billed to the residence.

C. Within thirty days after passage of this chapter, each owner of a residential premises shall be entitled to one free exchange of the city-owned ninety-six gallon container, which has been previously provided to the owner, for that of a city-owned sixty-four gallon container or forty-eight gallon container. All exchanges will take place at the City of Columbus sanitation department and the exchange will be reflected on the monthly billing statement for the month following the exchange.

D. For owners of residential premises that have not been provided a city-owned ninety-six gallon container as of the passage of this chapter, each owner will have thirty days to select a ninety-six gallon container, a sixty-four gallon container, or a forty-eight gallon container for use at the residential premises. All selections will take place at the City of Columbus sanitation department and the selection will be reflected on the monthly billing. In the event, the owner fails to timely select his or her city-owned container for use at the residential premises, the owner shall be provided a ninety-six gallon container.

E. Beginning January 1, 2011, and upon availability, every owner of a residential premises shall be entitled to exchange his or her city-owned container for a different sized container. For each exchange, there will be a thirty dollar fee. All exchanges will take place at the City of Columbus sanitation department and the exchange will be reflected on the monthly billing statement for the month following the exchange.

F. In the event that a specific container is not available upon request by the owners of residential premises, the owners shall be placed on a waiting list to be maintained by the city. As the requested containers become available, the city shall distribute the containers in an order and manner as established through the rules adopted and promulgated by the board, pursuant to Section 8.24.020B.

8.24.070 City-owned or city-approved container specifications.

No owner, or occupant, of any public or private premises shall permit to accumulate upon his premises any solid waste except in containers owned by the city and/or approved by the city services manager, as established through the rules and regulations adopted and promulgated by the board, pursuant to Section 8.24.020B.

8.24.080 City-owned or city-approved container placement.

The manner of placing the city-owned or city-approved containers shall be established through the rules adopted and promulgated by the board, pursuant to Section 8.24.020B.

8.24.090 Curbside collection.

City-owned containers and city-approved containers shall be placed at curbside no earlier than twenty-four hours prior to the scheduled collection time and shall be removed within twenty-four hours after pickup and placed in either a side or rear yard or placed within a building, structure or other enclosure that minimizes or substantially obstructs the toter from public view. In lieu of these alternatives, if a particular hardship exists, the toter may be placed in an inconspicuous location within five (5) feet of the front of the residence (the toter must be completely located within the five (5) foot area)..

8.24.100 Accumulations prohibited—Coverings on city-owned or city-approved containers.

A. No solid waste shall be allowed to remain exposed in any building or on any premises for a longer time than shall be reasonably necessary to remove and deposit the waste in proper city-owned or city-approved containers. Lids shall be kept ~~on~~ properly attached and closed upon city-owned or city-approved containers holding solid waste at all times.

B. Should solid waste accumulate along the right of way, the City shall follow the steps as prescribed in Section 8.24.280(F).

C. Should solid waste accumulate on the property but not along the right of way, the City shall proceed in the same manner as set forth in Chapter 15.20 and Indiana Code 36-7-9 *et seq.* which shall include a hearing as set forth in I.C. 36-7-9-7. Notice shall be given to both the occupant and owner of record of the subject property with proof of successful service of notice to the owner of record.

8.24.105 Outdoor Open Storage Prohibited.

A. Except as provided herein, no person who owns or is in possession of, in charge of or in control of any property shall store, deposit, scatter or keep on the premises in any residentially zoned area any of the following: lumber, scrap metal, construction materials, machinery components, equipment, appliances, furniture not designed and intended for exterior use, or any similar object which is not clearly intended and manufactured for outdoor use on the premises.

B. This section shall not apply to lumber, construction materials, or equipment which is intended for use within 30 days in construction or renovation on the premises. This section shall not apply to any lumber, construction materials, or equipment which is intended for use in construction or renovation on the premises for which there exists an active building permit.

C. This section shall not apply to any object in an enclosed building or so located upon the premises as not to be readily visible from any public place or street or adjacent property.

D. If a violation of this chapter exists, the City shall proceed in the same manner as set forth in Chapter 15.20 and Indiana Code 36-7-9 *et seq.* which shall include a hearing as set forth in I.C. 36-7-9-7. Notice shall be given to both the occupant and owner of record of the subject property with proof of successful service of notice to the owner of record.

8.24.110 Cleaning and disinfecting city-owned or city-approved containers.

All city-owned or city-approved containers used for solid waste shall be kept clean and disinfected.

8.24.120 Home composting.

Where home composting is practiced, food scraps cannot be applied unless the area being used is surrounded on all sides by a fence or walls to keep out animals. Meat scraps will not be permitted in home composting.

8.24.130 Disposal requirements—Boxes, papers and tree cuttings.

When disposing of cardboard boxes, they shall be flattened and stacked neatly. Tree cuttings, not to exceed six feet in length, shall be piled neatly and free of any other solid waste. Newspapers shall be bundled when they are not in an approved container.

8.24.140 Disposal requirements—Ashes and sawdust.

Ashes, sawdust and similar dusty materials must be placed in city-owned or city-approved containers. Hot ashes are prohibited.

8.24.150 Disposal requirements—Tires.

Tires shall not be placed in city-owned or city-approved containers with other solid waste and will not be collected by city services. They should be taken by the resident or business establishment to a tire recycling center.

8.24.160 Disposal requirements—Hazardous waste.

Hazardous wastes shall not be placed in a city-owned or a city-approved container with any other solid waste and will not be disposed of by city services.

8.24.170 Disposal requirements—Infectious waste.

Infectious waste will not be collected by city services. Sharps must be placed in a leak proof, labeled, rigid city-owned or city-approved container in order to be disposed of by sanitation crews.

8.24.180 Disposal requirements—Lead acid batteries.

Lead acid batteries shall not be placed in city-owned or city-approved containers with other solid waste and will not be collected by city services. They should be taken by the resident or business establishment to a battery recycling center.

8.24.190 Disposal requirements—Motor oil.
Motor oil shall not be placed in a city-owned or a city-approved container with any other solid waste and will not be disposed of by city services. It is the responsibility of the generator to dispose of motor oil at a reclamation center.

8.24.200 Disposal requirements—Paint.
Paint shall not be placed in a city-owned or a city-approved container with any other solid waste unless it is in a dry state. Once the paint has dried to a solid state, and the lids have been removed it can be placed in a city owned or a city-approved container and disposed of by sanitation crews.

8.24.210 Disposal requirements—Grass and leaves.
All grass and leaves shall be placed in a city-owned or a city-approved container (Section 8.24.070) and collected curbside only by composting crews. Composting routes will run one day after the regular sanitation routes with the exception of Friday which will be collected on Monday. Grass and leaves shall be free of any trash, twigs, garden waste or other debris. This will be supplemented by a fall loose leaf composting program.

8.24.220 Areas for disposal of solid waste or refuse restricted.
The disposal of solid waste including, including but not limited to roofing, construction, concrete debris, and clean fill, by a person in any place, public or private, within the city other than the sites authorized by the Indiana Department of Environmental Management, is prohibited.

8.24.230 Disposal requirements—Industrial process waste.
All combustible and noncombustible industrial process waste, which is the result of manufacturing a product, shall be disposed of or recycled by the person or persons generating such waste at his expense.

8.24.240 Disposal requirements—Commercial corrugated and office paper.
Corrugated cardboard and office paper will be collected from apartment complexes and commercial establishments as needed. These recyclable items shall be placed in a minimum one and one-half cubic yard, maximum three cubic yard city-owned or city-approved container that is in accordance with the regulations of Sections 8.24.070D and 8.24.080. Cardboard must be flattened and free of any debris. Office paper, pre-approved by the Columbus- Bartholomew recycling center, must be separated according to its grade and placed in durable, clear, plastic bags. Any other waste is prohibited in these bags and city-owned or city-approved containers.

Failure to comply with these rules and regulations will result in disposal by a private hauler at the expense of the responsible party.

8.24.250 Private collection—Permit application.

Every person desiring to engage in the business of solid waste collection and disposal shall make application for permit to the board of public works and safety by setting forth the name of such person, the address, together with the description of the vehicle to be used in the collection of such solid waste and the place and the method of disposal to be practiced.

8.24.260 Private collection—Permit fee.

A permit fee will be assessed before issuing a solid waste collection and disposal permit by the board of public works and safety. The written approval of the city services manager is required, which shall state that the vehicle to be used for such purpose has satisfactorily met the requirements of the city services manager.

8.24.270 Nuisances.

A. No owner or tenant of any private or commercial premises shall create, or permit to exist, any of the following conditions, which shall be declared and considered public nuisances.

1. Placing city-owned containers or city-approved containers near an alley or curbside more than twenty-four hours before scheduled collection;
2. Keeping open city-owned or city-approved containers. (Lids must be kept on at all times);
3. Placing trash for collection in cardboard boxes or paper sacks;
4. No solid waste shall be permitted to ferment, putrefy or become odoriferous in city-owned or city-approved containers on private premises.

B. Owners or tenants who violate any of the provisions of this chapter shall receive a written warning from the city services manager notifying said person(s) of the nature of the violation, the action necessary to correct said violation and the time within which said violation must be corrected. The notification shall also contain a statement that failure to correct said condition within the prescribed time, or the occurrence of a second violation of this chapter at said location shall result in a fine of fifty dollars. Said fine shall be in accordance with the schedule for fines and fees, as adopted and promulgated by the board, pursuant to Section 8.24.020B. Once the occupant has been fined for a violation of this chapter, subsequent violations by the occupant shall result in fines which shall increase in increments of fifty dollars, but shall not exceed one thousand dollars within a twelve-month period.

8.24.280 Improper disposal and transportation of waste prohibited.

A. No person shall throw, place or deposit solid waste in any street or other place or on any public or private property except in proper city-owned or city-approved containers, and no person shall remove the lid from any city-owned or city-approved container without replacing it.

B. No person shall deposit solid waste in any city-owned or city-approved container or on any public or private property without the consent of the property owner. In the event any solid waste is disposed of improperly the responsible party causing such a condition to exist shall receive notice of a clean-up fee in accordance with subsection F of this section.

C. No person shall turn over or upset the contents of any city-owned or city-approved container on any street, sidewalk or public place.

D. When waste or recyclables have been set out in city-owned or city-approved containers near a public street, sidewalk or alley for collection, no person shall remove any part of this material from such city-owned or city-approved container. When waste or recyclables have been set out in city-owned or city-approved containers on private premises, no person shall remove any materials from there except with the consent of the owner or lessee of the premises.

E. Solid waste shall be covered and secured during hauling such that there is no leakage or loss of waste.

F. In the event any solid waste is disposed of improperly, as above set forth, the property owner or if responsible party can be determined as in subsections A, C, D and E of this section, permitting or causing such a condition to exist shall first receive a twenty-four hour written notice from the city services manager to resolve the situation. All notices for such violations will be sent to both the property owner and the responsible party. If at the end of the twenty-four hour period the condition continues to exist, the sanitation department shall have the right to rectify such condition and the property owner and responsible party shall receive notice of clean-up fee. The clean-up fee shall consist of a reimbursement of costs of manpower and equipment used as certified by the city services manager, but shall in no case be less than fifty dollars and shall be no more than two hundred fifty. The schedule of clean-up fees shall be set forth in the rules and regulations as adopted and promulgated by the board, pursuant to Section 8.24.020B. Failure to pay this fee within ten days to the office of the city clerk-treasurer will result in the filing of an ordinance violation by the city attorney in a court of competent jurisdiction. The fine levied for such a violation shall be fifty dollars plus the cost of clean-up. For each subsequent violation of this section by the property owner or responsible party within a twelve month period, the fine shall increase in increments of fifty dollars, plus costs of clean-up, court costs associated with enforcing the violation, and reasonable attorney fees.

8.24.290 Annexations; new subdivisions

A. After January 1, 2010, any owners of a residential premises that is annexed into the corporate limits of the city shall be responsible to select and purchase a city-owned or city-approved container within ten days of the effective date of the annexation. The city-owned or city-approved containers shall be immediately available for pick up at the City of Columbus sanitation department upon showing of a receipt for purchase.

B. After December 1, 2009, each owner of a new residential premises shall be responsible to select and purchase a city-owned container or city-approved container within ten days of purchasing the residential premises. The city-owned or city-approved containers shall be

immediately available for pick up at the City of Columbus sanitation department upon showing of a receipt for purchase.

8.24.300 Scope of services.

A. Curbside collection of solid waste shall be available to residential units under the terms and conditions of this chapter, and under any reasonable rules and regulations as the board may adopt.

B. Collection of solid waste by the city shall not be available for commercial structures or non-qualifying residential dwellings.

8.24.310 Service fees for the disposal of solid waste.

The Common Council repeals the monthly service fees for the disposal of solid waste from "residential properties" as defined in Section 8.24.010, for one city owned or city approved container of any size, effective May 1, 2012.

A. Beginning May 1, 2012 for every "residential premises" that has more than one city owned or city approved container of any size a monthly collection fee shall be charged by the city and collected from each owner or tenant of a "residential premises" as defined in Section 8.24.010. The fee shall be in payment for the administration, collection, and disposal of the solid waste as defined, and shall be collected for each month from all owners or tenants of residential premises. The fee, per month, for more than one city owned or approved containers, provided, assigned or sold to an owner or tenant of a residential premise, shall be as follows:

1. Nine dollars per month for each city owned or city approved ninety-six gallon container more than one;
2. Seven dollars per month for each city owned or city approved sixty-four gallon container more than one;
3. Five dollars per month for each city owned or city approved forty-eight gallon container more than one.

(Collectively, "monthly fees")

B. Any resident that desires to make a voluntarily payment toward the cost associated with the collection and disposal of solid waste shall contact the Columbus City Utilities and execute a form designating a monthly amount that the resident desires to voluntarily contribute. The resident will receive a notice after December 31 and before January 31 of each year of amount contributed.

8.24.320 Columbus city utilities responsible for administering waste disposal service fees.

Service fees for the disposal of solid waste shall be prepared, billed and collected by the Columbus city utilities in the manner provided by law and ordinance.

A. The service fees for all users shall be prepared and billed monthly, beginning January 1, 2010.

B. The monthly bill that includes service fees for the disposal of solid waste shall also include fees for any services under the administration, supervision, and control of the Columbus city utilities.

C. The fees for solid waste disposal collection services provided to single family residential dwellings shall be billed directly to customer of record with Columbus city utilities. In the event that the single family residential dwelling is not a current customer of Columbus city utilities, or receives billings through a master meter, the record titleholder shall receive a monthly bill for solid waste disposal services only.

D. For multi-family dwellings with four or less units, each individual unit shall be billed separately for solid waste disposal services whereby each individual unit receives water and/or wastewater billings. The tenants of these units shall be billed directly for the services by Columbus city utilities. Where such dwellings have a water meter or meters that apply to more than one rental unit, the city shall provide a single toter for each water service of record and will bill the record titleholder for solid waste disposal services

E. Bills must be paid at the office of Columbus City Utilities, 1111 McClure Road, Columbus, IN 47201, during business hours or at such other place or places as may, from time to time, be determined by the Columbus city utilities. If a bill is not paid within thirty days from the due date thereof as stated in the bill, the customer shall be considered delinquent in payment, and the city may, at any time after providing notice, discontinue services. Failure to receive such bill shall not entitle the customer to a new bill if he fails to make payment within such thirty-day period, nor shall it affect the right of the city to discontinue services for nonpayment as provided in this section.

F. If the service fee imposed pursuant to this chapter is not paid within thirty days of its due date as indicated conspicuously on the billing, there shall be assessed a delinquency charge in the amount of ten percent, which delinquency charge and service fee shall be immediately due and payable. If any customer does not pay their utility bill in full on any month's payment, the utility department is directed to apply the partial payment as follows:

1. First, to the outstanding water bill;
2. Second, to the outstanding solid waste disposal services bill; and
3. Third, to the outstanding wastewater bill.

G. When any portion of the combined service fee bill remains unpaid thirty calendar days after the user is first billed, the Columbus city utilities may refer the matter to the city attorney for collection. In the event the city attorney takes action to collect any unpaid amount, the user shall be responsible for paying the city's reasonable attorneys fees incurred as a result. The right of the city attorney to initiate an action for collection of unpaid fees is in addition to, and not in derogation of any other right of the city to seek any other remedy against the user or to enforce any lien provided by law upon the user's property.

H. In the event a customer of the Columbus city utilities requests to shut down the water meter to his/her residential premises, the Columbus city utilities shall also contemporaneously

discontinue the billing of service fees for the collection of solid waste disposal to the residential premises.

I. All service fees collected pursuant to this section will be distributed by the Columbus city utilities to the City of Columbus on a monthly basis, pursuant to terms and conditions agreed upon by and between the Columbus city utilities and the City of Columbus and the appropriate bodies.

ORDINANCE NO._____, 2015

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 8.24 OF THE COLUMBUS CITY CODE, GARBAGE AND REFUSE

WHEREAS, Indiana Code 36-1-3 et. seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, it is the desire of the Common Council to appropriately regulate garbage and refuse within the City of Columbus.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 8, Section 24, Subsection 90 of the Columbus City Code, is hereby amended to read as follows:

8.24.090 Curbside collection.

City-owned containers and city-approved containers shall be placed at curbside no earlier than twenty-four hours prior to the scheduled collection time and shall be removed within twenty-four hours after pickup and placed in either a side or rear yard or placed within a building, structure or other enclosure that minimizes or substantially obstructs the toter from public view. In lieu of these alternatives, if a particular hardship exists, the toter may be placed in an inconspicuous location within five (5) feet of the front of the residence (the toter must be completely located within the five (5) foot area).

Section II. Chapter 8, Section 24, Subsection 100 of the Columbus City Code, is hereby amended to read as follows:

8.24.100 Accumulations prohibited—Coverings on city-owned or city-approved containers.

A. No solid waste shall be allowed to remain exposed in any building or on any premises for a longer time than shall be reasonably necessary to remove and deposit the waste in proper city-owned or city-approved containers. Lids shall be kept ~~on~~ properly attached to and closed upon city-owned or city-approved containers holding solid waste at all times.

B. Should solid waste accumulate along the right of way, the City shall follow the steps as prescribed in Section 8.24.280(F).

C. Should solid waste accumulate on the property but not along the right of way, the City shall proceed in the same manner as set forth in Chapter 15.20 and Indiana Code 36-7-9 *et seq.* which shall include a

hearing as set forth in I.C. 36-7-9-7. Notice shall be given to both the occupant and owner of record of the subject property with proof of successful service of notice to the owner of record.

Section III. Chapter 8, Section 24, Subsection 105 of the Columbus City Code, is hereby added as a new subsection to read as follows:

8.24.105 Outdoor Open Storage Prohibited.

A. Except as provided herein, no person who owns or is in possession of, in charge of or in control of any property shall store, deposit, scatter or keep on the premises in any residentially zoned area any of the following: lumber, scrap metal, construction materials, machinery components, equipment, appliances, furniture not designed and intended for exterior use, or any similar object which is not clearly intended and manufactured for outdoor use on the premises.

B. This section shall not apply to lumber, construction materials, or equipment which is intended for use within 30 days in construction or renovation on the premises. This section shall not apply to any lumber, construction materials, or equipment which is intended for use in construction or renovation on the premises for which there exists an active building permit.

C. This section shall not apply to any object in an enclosed building or so located upon the premises as not to be readily visible from any public place or street or adjacent property.

D. If a violation of this chapter exists, the City shall proceed in the same manner as set forth in Chapter 15.20 and Indiana Code 36-7-9 *et seq.* which shall include a hearing as set forth in I.C. 36-7-9-7. Notice shall be given to both the occupant and owner of record of the subject property with proof of successful service of notice to the owner of record.

Section IV. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section V. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the _____ day of _____, 2015, by a vote of _____ayes and _____ nays.

_____

Presiding Officer of the Common Council

ATTEST:

_____

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this _____ day of _____, 2015 at _____ o'clock ___.m.

_____

Luann Welmer
Clerk-Treasurer

Approved and signed by me this _____ day of _____, 2015 at _____ o'clock ___.m.

_____

Kristen Brown
Mayor of the City of Columbus, Indiana

CITY OF columbus

Community Development

MEMORANDUM

TO: Members of Common Council
CC: Kristen Brown, Mayor and Jeff Logston, City Attorney
FROM: Carl Malysz, Community Development Director
RE: Tuesday, June 16, 2015 Common Council Meeting at 6:00 PM
SUBJECT: Proposed Tax Abatement for Property in Distressed Residential Areas
DATE: June 9, 2015

The Mayor's Advisory Council on Safe and Affordable Housing has as one of its 2015 annual objectives the creation of programs to incentivize private investments into the substantial rehabilitation of substandard residential structures in Columbus's central city neighborhoods. The Indiana Code (I.C.) pertaining to property tax abatement makes it possible to provide such an incentive for substantial investments made in "distressed residential areas." Specifically, I.C. 6-1.1-12.2-2 authorizes cities and towns the authority to create such a program.

Historically, residential tax abatements have been used in Columbus and throughout Indiana to incentivize new affordable housing development on blighted, vacant properties where large-scale residential infill-housing has been appropriate. Two notable and more recent examples in Columbus include Central Park Place (United Seniors) at 1500 13th Street and Gateway Apartments at 10th and Cottage Streets. In addition to incentivizing these two redevelopment projects, the tax abatement was an instrumental tool in helping to maintain rent levels that are affordable to very-low income households.

But not all central-city neighborhoods require large-scale residential infill developments to eradicate spot-basis blight, stabilize property conditions, increase property values and improve quality of life. Specifically, the central-city neighborhoods of Columbus are now experiencing the attention of private sector investors who see opportunity in the acquisition and substantial rehabilitation of distressed or blighted residential properties containing one- to four-units in size.

Two of the City's central city geographies possess characteristics that meet the Indiana Code criteria to be declared "distressed residential areas" which is precedent to creating a program of residential property tax abatement for small scale or single property investments of one- to four-units in structure. These include Census Tract 101, which essentially comprises the "Big Block" or greater Lincoln Central Neighborhood of the City, and three Block Groups (BG) of Census Tract 108 (BGs 1, 2 and 4) which are the older neighborhoods East Columbus that straddle the State Street corridor.

(Tract 101 contains the oldest housing stock, the largest concentration of single bedroom units, the highest vacancy rate (19.7 percent, more than two and a half times the vacancy average in Columbus), and the third lowest property values in the city (Median Home Value is $97,100). Fifty-five percent of the homes were built before World War II. Additionally Tract 101 contains forty-five percent of all "no bedroom" units in the city. Between the U.S. Censuses of 2000 and 2012 the area lost 235 owner- and renter-occupied housing units. A moderate influx of upscale

culinary options on the fringe of the area have established momentum for continued improvement and make the area attractive to developers. Tract 101 is a prime candidate to be declared a distressed residential area.

Blocks 1, 2 & 4 within Tract 108 have shown modest growth between the U.S. Censuses of 2000 and 2010 (56 units). Growth has been attributed to the conversion of single family homes to multi-family dwellings. The average vacancy rate is higher than average at nine percent, the Columbus average is 8.4 percent, twenty-seven percent of those residents live below the poverty line. The majority of these homes were built in the 1950's. Future application of abatement would be consistent with goals set forth in the State Street Corridor Plan.)

These two geographies are eligible for classification as distressed residential areas because of the general lack of new residential development, high vacancies relative to the city and stagnant or declining property values. The boundaries of these geographies are also subject to change.

The specific criteria and supportive data are required to be illustrated in the Declaratory Resolution establishing each "distressed residential area." In addition to substantiating the establishment of a distressed residential area, the Declaratory Resolution would also include specific local criteria to evaluate and justify each (individual) property tax abatement including, but not limited to, the following:

1. Subject property is vacant or soon to be vacant residential structure that contains or will be reduced to contain four or fewer units in structure after rehabilitation;
2. Subject property is dilapidated or in need of substantial repairs;
3. The rehabilitation project will invest at least $25,000 per unit;
4. The rehabilitation project will be implemented in strict compliance with all applicable building codes and permitting procedures; and
5. Other applicable criteria and standards.

The Community Development Department has been shadowing a specific substantial rental rehabilitation project which could establish the initial benchmarks for such a program. Specifically, a vacant property has been purchased and is being substantially rehabilitated at 1224 Franklin. Prior to its purchase this property was vacant, contained five or more units, and was in need of substantial repairs and improvements. The current owner/developer consummated an arm's length purchase, redesigned and reduced the number of units in structure to three, and invested substantial funding and sweat equity that will likely increase the current assessed value in excess of $100,000.

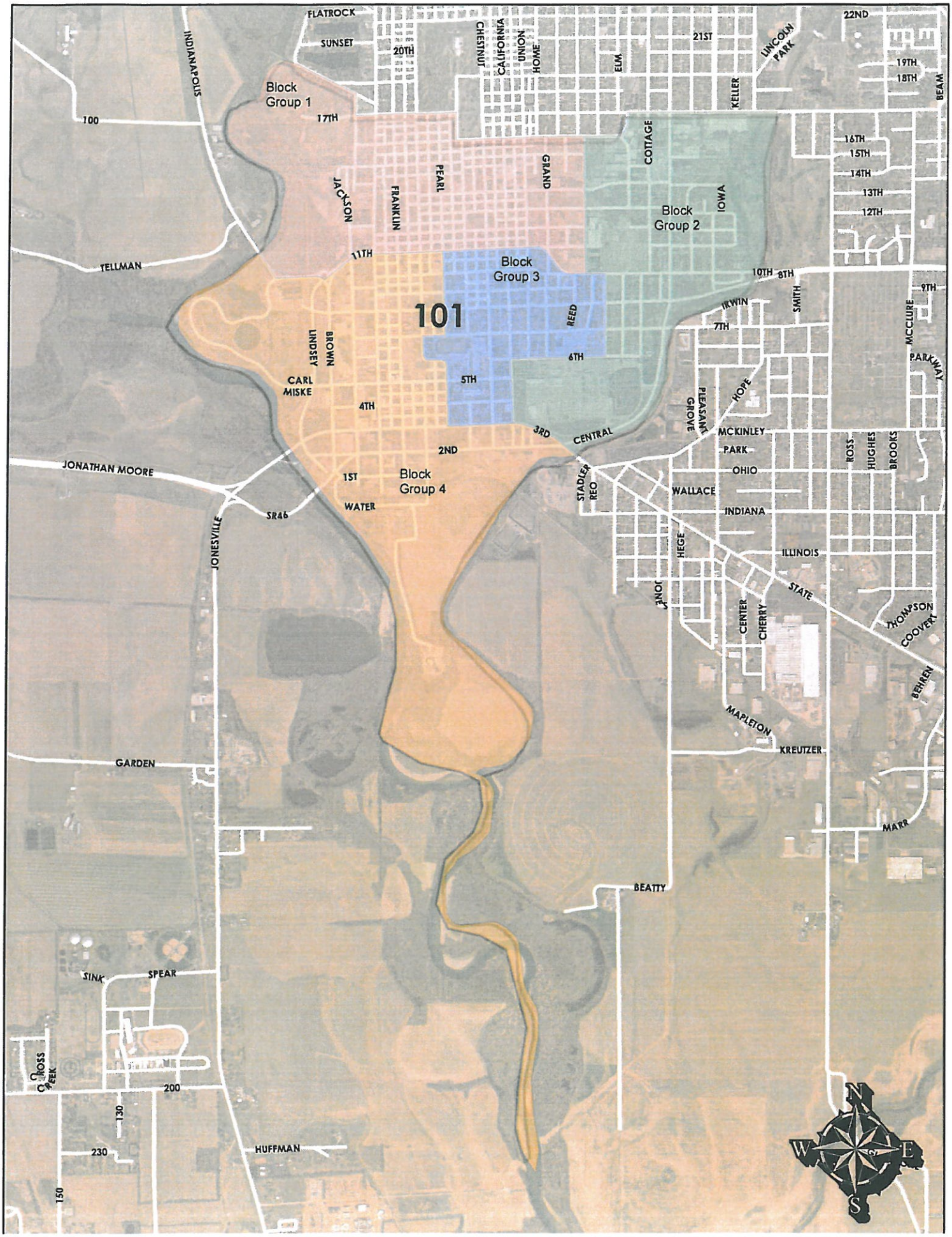
The reason this particular owner/developer is interested in receiving "distressed residential area" property tax abatement is two-fold:

First, he would like not to be taxed—or "punished"—for his ambition and execution of doing the right thing: acquiring a vacant distressed residential structure, redesigning occupancy for reduced density, and investing a substantial amount of resources to rehabilitate the property.

Second, he would like to keep the rents reasonably comparable to current mid-market price points, despite his significant investment in the property. In so doing, he would be able to attract a more middle-income rental tenants to the property and into the area.

Reinvesting in residential rental properties, increasing property tax values, and developing a mixed-income residential population are contemporary strategies to foster neighborhood revitalization in the 21st Century central-city neighborhoods throughout the State and Country. The Common Council is now being asked to consider offering such an incentive program to owner/developers who choose to invest in selected Columbus central-city neighborhoods.

Thank you for your consideration.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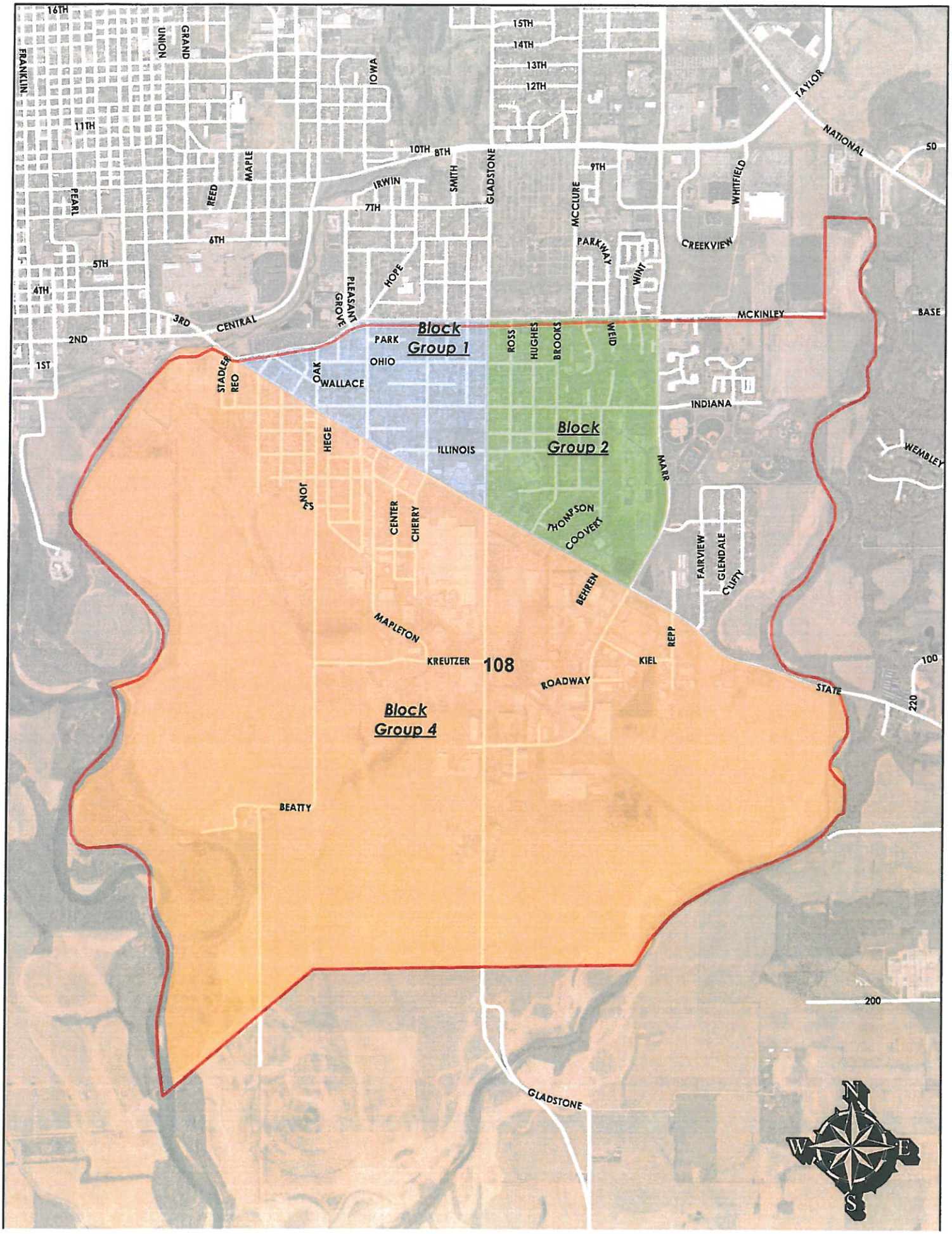
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