



# MADISON *Indiana*

## City Council Agenda

**MEETING DATE:** Tuesday, February 20, at 5:30 PM

**MEETING PLACE:** Madison City Hall- Council Chambers

- A. Lord's Prayer/Pledge of Allegiance
- B. Calling of roll & notice of absentees
- C. Reading, approving, correcting, or disposing of minutes from prior meeting
- D. Presentation of petitions, memorials, remonstrance's, introduction of motions and guests
- E. Resolution or Bills
  - Resolution 2024-4C: Interlocal with Madison Port Authority Sponsor Carla Krebs
- F. Reports, recommendations, other business from standing/select committees of the city council
- G. Reports of city officials
  - Street Department Superintendent: Tony Sorrells
- H. Bills on third reading
- I. Bills on second reading
  - Ordinance 2024-2: Repeal and Replace Ordinance 2023-10 with respect to Certain Sections of Chapter 50 relating to Garbage Collection Co-Sponsors Lucy Dattilo and Jim Bartlett
- J. Miscellaneous
- K. Public comments
- L. Mayor's comments
- M. Next Council Meeting: Tuesday March 5, 2024, at 5:30 PM
- N. Motion to adjourn.



# MADISON *Indiana*

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## Common Council Minutes

**MEETING DATE:** February 6, 2024

**MEETING PLACE:** Madison City Hall – Council Chambers

The Common Council of the City of Madison, Indiana met in regular session at 5:30 P.M. at City Hall, 101 W. Main St.

Mayor Bob Courtney opened the meeting with the Lord's Prayer followed by the Pledge of Allegiance to the Flag.

**Present:** Thevenow, Krebs, Bartlett, Schafer, L. Dattilo, Wilber, and Joel Storm (7-0).

**Minutes:** Bartlett moved to approve January 23, 2023, minutes, seconded by Thevenow. All in favor, motion carried (7-0).

### Recess Regular Council Meeting

**Call to Order Public Hearing: Regarding Waiver of Non-Compliance: Regarding Confirmatory Resolution for the Amendment of a Previously Designated ERA:** Grote Industries, LLC is making a \$22,000,000.00 investment in Madison to build a state-of-the-art LED headlamp line. This will create a minimum of 15 new jobs. Brian Blanto and Brandon Scroggins, from Grote, were introduced to provide a presentation on the project. The project presentation is available for viewing on the City of Madison YouTube channel.

### Close Public Hearing

### Reconvene Regular Council Meeting

### Presentation of petitions, memorials, remonstrances, introduction of motion & guests:

**Proclamation for Black History Month:** During the meeting, Mayor Courtney presented the proclamation for Black History Month, and it was accepted by members of the Human Relation Commission, Sue Livers and Jess McCallister.

### Resolutions or bills:

**Resolution 2024-1C: Accepting the Public Arts Grant:** A set of guidelines has been developed to assist the City of Madison in establishing rules and regulations surrounding public art and the rules and regulations of the Public Art Commission as established by Ordinance 2021-10 (presented as Exhibit A). The Common Council and the City of Madison does hereby accept from the Public Arts Commission, and from all those who have contributed to or participated in the project the first comprehensive set of Public Art Guidelines professionally developed specifically for the City of Madison, Indiana. **Motion:** Schafer moved to approve the guidelines as presented, seconded by Storm.

**Roll Call Vote:** Thevenow – Y, Krebs – Y, L. Dattilo – Y, Schafer – Y, Storm – Y, Bartlett – Y, Wilber – Y. All in favor, motion carried (7-0).

**Resolution 2024-2C: Regarding Waiver of Non-Compliance:** The Common Council and the City of Madison have heretofore adopted their resolutions (the "Resolutions") establishing an economic revitalization area (the "ERA") for certain personal property (the "Project") of Grote Industries, LLC, or an affiliate thereof (the "Taxpayer") pursuant to the provisions of IC 6-1.1-12.1. The Taxpayer did not timely file its Statement of Benefits prior to initiating the installment of a portion of the Project (the "Non-Compliance"). IC 6-1.1-12.1-9.5 and IC 6-1.1-12.1-11.3 authorize the Common Council to waive the Non-Compliance. The Taxpayer has

requested that the Common Council waive the Non-Compliance. The Common Council held a public hearing pursuant to notice duly published in the Madison Courier and has heard and considered the testimony of any person interested in the proceedings regarding the foregoing. If accepted, the Common Council hereby waives the Non-Compliance. **Motion:** Storm moved to approve Resolution 2024-2C, seconded by Krebs. **Roll Call Vote:** Thevenow – Y, Krebs – Y, L. Dattilo – Y, Schafer – Abstain, Storm – Y, Bartlett – Y, Wilber – Abstain. Majority in favor, motion carried (5-0).

**Resolution 2024-3C: Confirmatory for the Amendment of a Previously Designated ERA:** The Indiana General Assembly has enacted a statute, IC 6-1.1-12.1, authorizing certain deductions from the assessed value of “new manufacturing equipment” and “new logistical distribution equipment” for purposes of taxation of such equipment in an area that has been declared an economic revitalization area. Grote Industries, LLC, will acquire new manufacturing equipment and new logistical distribution equipment for use at its facility located at 2600 Lanier Drive in Madison, Indiana, by December 31, 2026, as outlined in the Statement of Benefits submitted by Grote. For a full review of this resolution, you can find a copy on the City of Madison website. **Motion:** Storm moved to approve Resolution 2024-3C, seconded by Bartlett. **Roll Call Vote:** Thevenow – Y, Krebs – Y, L. Dattilo – Y, Schafer – Abstain, Storm – Y, Bartlett – Y, Wilber – Abstain. Majority in favor, motion carried (5-0).

**Ordinance 2024-2: Repeal and Replace Ordinance 2023-10 with Respect to Certain Sections of Chapter 50 relating to Garbage Collection:** Mayor Courtney provided an overview of the necessity of addressing rates and charges for household trash collection. The Common Council of the City of Madison enacted Ordinance 2023-2 (Chapter 50 of the City of Madison Book of Ordinances) on April 2, 2013, repealing and replacing Ordinance 2008-6, regarding Garbage Collection. On June 30, 2023, the Common Council adopted Ordinance 2023-10 which amended certain sections of the Ordinance regarding Transfer Station Rates. It has been recommended that the amendments outlined in Exhibit A be made to certain sections of Chapter 50.

**Reports, recommendations, and other business from standing/select committees of City Council:** There is a Traffic Committee Meeting tomorrow, February 7, 2024, at 5:30 p.m. hosted in the City Hall Council Chambers.

**Report of city officials:** None.

**Bills on third reading:**

**Ordinance 2024-1: Establishing TIF Allocation Funds: Roll Call Vote:** Thevenow – Y, Krebs – Y, L. Dattilo – Y, Schafer – Y, Storm – Y, Bartlett – Y, Wilber – Y. All in favor, motion carried (7-0).

**Bills on second reading:**

**Ordinance 2024-1: Establishing TIF Allocation Funds: Motion:** Storm moved to suspend the rules and move to a third reading, seconded by Wilber. All in favor, motion carried (7-0).

**Miscellaneous:**

**Board Appointments:** Mayor Courtney has appointed Champ Claussen to the PACE Review and Dr. Gayle Spaulding to the Jefferson County Health Department. Approval from the council’s Human Relations Commission was required for three appointments, including a re-appointment of Roland Newman, and new appointments for Chris Albers and Curt Gardner, all for three-year terms.

Bartlett moved to approve all recommended and presented appointments, seconded by Thevenow. All in favor, motion carried (7-0).

**Public comment:** Mayor Courtney informed the public that they are welcome to make comments and ask questions regarding the trash rates during this meeting, and the answers to those comments and questions will be provided during the public meeting at the upcoming council meeting.

Stephanie Heilman, who lives at 747 W Third St., asked where she could find the ordinance about changing trash rates and definitions for review, and is concerned about what is defined as a recyclable.

Julie Thevenow, who lives at 761 W Third St., inquired if the FOIA request forms are available on the city's website. She also asked for the location of the forms if they are indeed available, and the whereabouts of the advertisement for the trash rates ordinance. Additionally, she suggested adding important city updates to the water bills since everyone receives them.

Zechariah Daniel, who resides at 1612 Oak Hill, has requested that the advertising be done electronically to reach a broader audience. Additionally, he has asked for a staffing analysis to understand the city's approach toward the proposed trash rates and increases over the next four years, who or what companies are cheaper, are the new trash containers provided or will the citizens have to pay for them, and whether citizens would be able to opt out of the city trash pick-up.

Randy Bellamy, who lives at 409 E Third St., expressed concern that the new trash containers may be too large for elderly and disabled residents. He also asked if the city would provide assistance to those who are unable to move the containers on their own.

Adam King, who lives in Miles Ridge, asked if compost, including grass clippings and limbs, gets recycled and requested clarification on the cost of the curbside recycling, compost, and trash service and if that money gets cycled back into the city.

Julie Thevenow commented that the dog park gates are not ADA-accessible.

**Mayor's comments:** During the previous BPW meeting, the city awarded the CCMG contract for paving. Mindy McGee, Deputy Mayor, will provide a more extensive presentation on this matter during the next council meeting. The city also entered into an agreement for engineering services to evaluate solutions and create a plan for Crooked Creek Flood Mitigation. Additionally, the engineering services will develop a master stormwater plan and mapping. A blight update presentation is currently being prepared for council review. Finally, Pastor LaGhett was introduced at the meeting to share a song with the council and guests.

The next regular meeting will be Tuesday, February 20, 2024, @ 5:30 pm.

**Adjourn:** Krebs moved to adjourn, seconded by Thevenow. All in favor (7-0).

Attested:

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**President Pro Tempore**

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**Kathleen M. Rampy, Clerk-Treasurer**

**RESOLUTION 2024-4C**

Sponsor C. Krebs

**A RESOLUTION OF THE COMMON COUNCIL  
OF THE CITY OF MADISON, INDIANA  
APPROVING THE INTERLOCAL AGREEMENT WITH THE MADISON PORT  
AUTHORITY AND THE MADISON RAILROAD**

WHEREAS, an interlocal agreement has been developed to further the mutual interest of the City of Madison Port Authority and the City of Madison in economic development strategies and management. On February 12, 2024, the City of Madison Port Authority approved the Interlocal Agreement, attached as Exhibit A.

WHEREAS, any annual payments per the Interlocal Agreement shall be deposited in the Economic Development NRO Fund #2997.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Madison, Indiana, that the City of Madison, Indiana does hereby approve the Interlocal Agreement and supports the duties and responsibilities outlined for the purposes of Economic Development.

**DULY ADOPTED BY THE COMMON COUNCIL OF THE CITY OF MADISON, INDIANA** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Bob Courtney, Mayor  
City of Madison

(SEAL)  
ATTEST:

\_\_\_\_\_  
Katie Rampy, Clerk-Treasurer

Presented by me to the Mayor of the City of Madison, Indiana, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Katie Rampy, Clerk-Treasurer

## Exhibit A

### INTERLOCAL COOPERATION AGREEMENT

**THIS INTERLOCAL COOPERATION AGREEMENT**, dated as of the \_\_\_\_\_ day of \_\_\_\_\_, 2024, is by and between The City of Madison Port Authority (the “Port Authority”), and the City of Madison, Indiana (the “City”).

#### RECITALS

- A. The Port Authority and the City, individually and collectively, have determined that the City and the Port Authority can collaborate, and the City can assist the Port Authority with economic development efforts; and
- B. The Port Authority intends to grow and increase economic development efforts in and around Jefferson County, Jennings County, and the City of Madison, Indiana; and
- C. To assist the Port Authority, the City will provide economic development assistance through the current employees in the City of Madison Economic Development Department; and
- D. The Port Authority is a political subdivision of the City of Madison, and the City is a political subdivision of the State, and under Indiana Code Section 36-1-7, the County and City are authorized to enter into an interlocal cooperation agreement to undertake projects and activities necessary or useful in furtherance of their respective purposes; and
- E. The Port Authority and the City mutually and specifically desire to enter into this Agreement for the purpose of completing and realizing the benefits that result from the Activity; and
- F. The parties desire this Agreement to be an agreement satisfying the requirements of IC 36-1-7, as amended.

#### AGREEMENT

NOW, THEREFORE, the Port Authority and the City, in consideration of the following mutual promises, representations and obligations, agree as follows:

1. Purpose. The purpose of this Agreement is for the City of Madison to provide the City of Madison Port Authority and the Madison Railroad with economic development programs, policies, and activities to assist them in growing and enhancing opportunities for the Port Authority.
2. Representations. Each party represents to the other parties that:
  - a. Each Party has all requisite power and authority to carry out the obligations set forth in this Agreement.
  - b. Each Party has the legal right to enter into and perform its obligations set forth in this Agreement.
  - c. This Agreement has been duly entered into and delivered. It constitutes a legal, valid, and binding obligation of the party, which is enforceable in

accordance with its terms. The party is estopped from making a claim based upon the unenforceability of this Agreement.

3. Obligations of the Port Authority. The Port Authority shall pay to the City the greater of the sum of \$50,000 or 4% of the previous fiscal year's GROSS REVENUE each year by January 30<sup>th</sup>. GROSS REVENUE is defined as all Port Authority operating income minus income received from grants, tax revenues, and tax assignments. This sum shall be used by the City of Madison Economic Development Department to provide programs, policies, and activities to assist and supplement the Port Authority in growing and enhancing Port Authority projects and opportunities. This first year's payment shall be made to the City upon execution of this document.
4. Obligations of the City. The City of Madison will provide the Madison Port Authority with direct economic development support, programs, policies, and activities to assist them in growing and enhancing opportunities for the authority, and executing projects pursued by the Port Authority. Those economic development services may include labor, activities and expenses, directly and indirectly, to facilitate the growth and diversification of the economy of the City to improve the quality of life, raise the standard of living for residents, increase the tax base, and create new opportunities for local and incoming business, including without limitation, activities relating to marketing the City, the Port Authority, Madison Railroad, business attraction, business retention, developing and implementing programs to promote local interests, advocating for policies that promote economic growth, collaborating with other government agencies and private sector entities in cooperative efforts to enhance economic development, and the ownership and operation of assets for the provision of such services, and all activities and undertakings ancillary to it; economic well-being and quality of life for a community through Port Authority collaboration.
5. Joint Undertaking. Because this is not a joint undertaking within the meaning of IC 36-1-7, this Agreement need not address other matters related to the financing, staffing, budget, administration, or real and personal property of the joint undertaking.
6. Property. There will be no jointly held property under this Agreement.
7. Effective Date. This Agreement shall be effective upon the earliest date of:
  - a. The execution by the parties, or
  - b. The passage of appropriate resolutions and/or ordinances of the fiscal bodies of each party, or
  - c. The recordation of this Agreement with the Jefferson County Recorder; or
  - d. The filing of this agreement with the Mayor of the City and the President of the City of Madison Port Authority; or
  - e. The filing of this Agreement with the Indiana State Board of Accounts.

8. Term of Agreement. This Agreement shall be in effect for 5 years. This Agreement may otherwise be terminated, or may be extended, only by a written agreement signed by both parties.
9. Supplemental Documents. The City and Port Authority agree to execute any and all supplementary documents and to take any and all supplementary steps as are reasonable and appropriate to accomplish the purposes and provisions of this agreement.
10. Recording and Filing. This Agreement shall be recorded in the Office of the Recorder of the County and filed with the Indiana State Board of Accounts within sixty (60) days of its execution.
11. Municipal Contract Provisions. This Agreement incorporates by reference all provisions required to be included in municipal contracts under state law.
12. Notice. For the purpose of any notice or submittal specified by this Agreement, the notice or submittal shall be hand-delivered with receipt provided to the following:

The City of Madison Port Authority  
1121 W JPG Woodfill Rd., Bldg 216  
Madison, Indiana 47250  
Attention: Chairman of the City of Madison Port Authority

City of Madison  
101 West Main Street  
Madison, Indiana 47250  
Attention: Mayor

13. Integration. This Agreement represents the entire understanding between the parties. The signing of this Agreement by both parties constitutes their mutual recognition that no other contracts or agreements, oral or written, exist between them and that if such oral or written contracts do exist, they shall be considered void. Each party represents to the other that it will not rely upon any agreement, contract or understanding not otherwise stated within this Agreement, or a written and signed amendment to this Agreement without the full knowledge and approval of both parties.



**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the date first set forth above.

**JEFFERSON COUNTY, INDIANA**

By: The City of Madison Port Authority

\_\_\_\_\_  
Vice-Chairman

**ATTEST:**

\_\_\_\_\_  
General Manager

**CITY OF MADISON, INDIANA**

\_\_\_\_\_  
Bob G. Courtney, Mayor

**ATTEST:**

\_\_\_\_\_  
Clerk-Treasurer

**AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF MADISON, INDIANA REPEALING AND REPLACING  
ORDINANCE 2023-10 REGARDING GARBAGE COLLECTION**

WHEREAS, the Common Council of the City of Madison, IN enacted Ordinance 2013-2 (Chapter 50 of the City of Madison Book of Ordinances) on April 2, 2013, repealing and replacing Ordinance 2008-6, regarding Garbage Collection. On June 20, 2023, Common Council adopted Ordinance 2023-10 which amended certain sections of the Ordinance regarding Transfer Station Rates.

WHEREAS, it has been recommended that the following amendments as outlined in Exhibit A, attached hereto be made to certain sections of Chapter 50.

See Exhibit A attached hereto.

WHEREAS, it is in the best interest of the City of Madison, IN and its citizens that Ordinance 2023-10 regarding garbage collection and the city transfer station be repealed and replaced accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MADISON, INDIANA, that Chapter 50 Garbage Collection Ordinance 2023-10 be repealed and replaced to reflect Exhibit A attached hereto.

The foregoing Ordinance was passed and adopted by the Common Council, City of Madison, Indiana at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

PRESENTED BY:

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Bob G. Courtney, Mayor

(SEAL)  
ATTEST:

\_\_\_\_\_  
Kathleen M. Rampy, Clerk-Treasurer

**EXHIBIT A**

**City of Madison**

**Garbage Collection**

**Chapter 50 Revisions**

## CHAPTER 50: GARBAGE COLLECTION; CITY TRANSFER STATION

### Section

#### *Garbage Collection*

- [50.01](#) Definitions
- [50.02](#) Collection districts
- [50.03](#) Collection regulations; fees
- [50.04](#) Disposition of fees
- [50.05](#) Depositing certain items in city litter containers prohibited
- [50.06](#) Responsibility of property owner for removal of garbage
- [50.07](#) Dumping on property of others
- [50.08](#) Dumping in public areas or streams
- [50.09](#) Supervision of Sanitation Department
- [50.10](#) Disposal without paying fees

#### *Transfer Station*

- [50.20](#) Definitions
- [50.21](#) Prohibited items; removal by city
- [50.22](#) Scavenging
- [50.23](#) Scrap metal and the like
- [50.24](#) Disposal on access roads
- [50.25](#) Disposal of noxious or inflammable garbage
- [50.26](#) Commercial refuse haulers; permit
- [50.27](#) Transfer station charges/compost yard charges

50.28 Late Payment Charges

50.29 Nonpayment; Reconnection Charges

50.30 Establishment of various funds

50.99 Penalty

***Cross-reference:***

*Open burning of leaves, wastes, and the like, see [§§ 92.40 through 92.44](#)*

## **GARBAGE COLLECTION**

### **§ 50.01 DEFINITIONS**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BRUSH." Brush and small limbs not exceeding four inches in diameter.

"COMPOSTING MATERIALS." Grass, yard waste, twigs, and small breakable branches.

"GARBAGE." Wastes resulting from the normal operation of a residence excluding toxic or hazardous wastes, leaves, furniture, appliances, carpeting, logs, grass, and construction material.

The following terms are self-explanatory: Leaves, Carpeting, Appliances, Furniture, Construction Material, and Corrugated Cardboard.

"LOGS." Large tree limbs exceeding four inches in diameter, tree trunks, and tree stumps.

"RECYCLABLES." Aluminum cans; ~~steel and tin~~ metal cans; ~~clear, brown, and green~~ glass bottles; ~~corrugated~~ cardboard; ~~clean, dry clothing, rags, and shoes; and clear #1 and #2 plastic bottles and jug~~ containers; ~~clean~~ aluminum foil; ~~clean~~ aluminum pie pans; and newspapers, ~~excluding glossy finish paper.~~

"STREETS AND ALLEYS." Includes any public street and any public or private alley of sufficient width or having a place where the city's Sanitation Department can turn their vehicle.

"TRASH." Any other waste material not specifically defined above.

"UNIT." A single family residence or each individual living quarter in a multi-family structure.

(Ord. 1993-7, passed 4-6-93)

## § 50.02 COLLECTION DISTRICTS

The Sanitation Department shall, subject to the approval of the Board of Public Works and Safety, establish districts and schedules for collection.

(Ord. 1993-7, passed 4-6-93)

## § 50.03 COLLECTION REGULATIONS; FEES

(A) Collection regulations.

~~(1)~~(a) Weekly pickup of garbage shall be provided by the city to each "UNIT" within the City ~~and (County with Board Approval)~~ as follows:

- Options:
1. One (1) ~~9664~~ gallon can (max)
  2. ~~Two (2) 33 gallon cans~~
  3. ~~Two (2) 33 gallon bags~~

~~(1)~~ Each UNIT shall use an approved container provided by the city. All cans shall have a tight cover with tied bags inside ~~and all bags outside a can shall be securely tied.~~ Amounts of garbage exceeding the above-stated limits may be disposed of in a 33-gallon max plastic bag ~~securely tied~~ with an orange sticker purchased from the city. Each ~~additional can or bag~~ must not exceed a maximum weight of 50 pounds.

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(2) Recyclables shall be picked up on the first and third weeks of each month following the first Tuesday of the week, or more frequently as determined by Board of Public Works and Safety. ~~The following items will be accepted: office paper, junk mail, folders, magazines, catalogs, newspapers, paperboard, plastic bottles and jugs, aluminum cans, steel and tin cans with labels removed, cartons with caps and straws removed, glass bottles and glass jars, or as otherwise set forth by the Board of Public Works and Safety.~~ Recyclables *shall* be placed in a garbage can or bin identified with a recycle only sticker not exceeding 55 gallons in size and must not exceed a maximum weight of 50 pounds. No bags will be accepted and everything must be loose.

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(3) Composting materials shall be picked up once a week in May, June, and July and the second and fourth weeks in January, February, March, April, August, September, October, November, and December. Compost material must be placed in a Thirty Three

(33) gallon can (maximum size) affixed with a City of Madison current composting sticker or an approved Compost Bag. Cans or Bags must not exceed the weight limit of 50 pounds.

(4) Leaves may be disposed of in the same manner as composting materials. In the fall, leaves may be placed curbside where they will be picked up pursuant to a schedule established by the Street Department.

(5) Appliances, logs, carpeting, construction materials, and trash shall not be picked up by the Sanitation Department or the Street Department. Logs, carpeting, construction materials, and trash may be delivered to the Madison Transfer Station where they will be subject to a tipping fee.

(6) Brush that does not fit in a City of Madison compost bag must be placed curbside and residents must call the Street Department to request pick up.

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(7) Furniture shall be picked up once a week for residents that are currently paying for City of Madison Garbage pickup and each Piece of Furniture must have a City of Madison sticker located on it. Furniture must be placed curbside by 7:00am the day of pickup. Residents must call the Street Department in advance to request pick up.

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(8) All items to be picked up must be placed in or immediately adjacent to a street or alley by 7:00am on the pickup day.

(9) Garbage shall not be placed for collection at curbside or in any area proximate to curbside earlier than 6:00 p.m. on the day before said garbage is to be collected. Garbage must be at curbside the day of pickup by 7:00am. This provision shall not be interpreted to prohibit the placement of garbage for collection at any time in an alley.

(B) Fees.

- (1) Beginning April 1, 2024, eachEach unit, occupied or unoccupied, shall be charged a monthly fee of \$17.50 and \$2.50, for trash and recycling/compost respectively, 9.85 for weekly collection, which shall not be adjustable except as set forth herein. Such charge shall be due and payable 15 days after billing therefore and subject to a delinquent charge of 10% if not paid when due. Beginning January 1, 2025, the monthly rate will be \$23.00. For the years 2026, 2027 and 2028, the monthly rate will be \$23.92, \$24.88, and \$25.87, respectively.
- (2) For an additional \$20.00-9.85 monthly fee, each unit can purchase an additional weekly collection volume as described in subsection (A)(1), increasing each year as specified.
- (3) City of Madison composting bags shall cost \$1.00 a bag, and stickers for composting cans shall cost \$ 20.00 each per year.

- (4) City of Madison sticker for extra garbage bag collection shall cost \$3.00 a sticker.
- (5) City of Madison charge for furniture **Curbside Pick-up** shall cost \$5.00 per piece.
- (6) In the event a resident will be leaving his or her residence unoccupied by any person for a continuous period of not less than 180 days and, as a result, shall not require pickup, such resident may notify the City Utility Office. Any resident not requiring pickup for less than 180 days *shall have the approval of the Board of Public Works*. After approval resident shall be entitled to an abatement of the fees normally charged under this section. The resident must, within five days of the reoccupancy of his or her residence, after a period of suspension of charges under this subsection, notify the City Utility Office of the date of reoccupancy and charges and pickup shall resume under the normal fee and pickup schedule.

(Ord. 1993-7, passed 4-6-93; Am. Ord. 1996-9, passed 5-29-96; Am. Ord. 1999-5, passed 5-18-99) Penalty, see [§ 50.99](#), Ord. 2013-2, passed 4-2-13, Ord. 2023-10, passed 6-20-23)

#### **§ 50.04 DISPOSITION OF FEES**

Receipts resulting from the charges for collection and sale of stickers, and composting bags shall be deposited in the Transfer Station Operating Fund, which shall be a separate fund and account from any other fund established and funded by tax monies and shall be administered by the Board of Public Works and Safety.

(Ord. 1993-7, passed 4-6-93)

#### **§ 50.05 DEPOSITING CERTAIN ITEMS IN CITY LITTER CONTAINERS PROHIBITED**

City litter containers shall be used exclusively for the deposit of refuse from picnics and other miscellaneous litter accumulated by persons while using the area of the litter container. No person or business shall deposit any other items in city litter containers.

(Ord. 1993-7, passed 4-6-93) Penalty, see [§ 50.99](#)

#### **§ 50.06 RESPONSIBILITY OF PROPERTY OWNER FOR REMOVAL OF GARBAGE**

Each person, persons, firm, business, or corporation who permits garbage, brush, composting materials, logs, recyclables, leaves, carpeting, appliances, furniture, construction materials, or trash to accumulate over an extended period shall remove such garbage, brush, composting materials, logs, recyclables, leaves, carpeting, appliances, furniture, construction materials, or trash at his own individual expense. The City of Madison can impose a fine as per ordinance [§ 96.99](#)



(Ord. 1993-7, passed 4-6-93) Penalty, see [§ 50.99](#)

#### **§ 50.07 DUMPING ON PROPERTY OF OTHERS**

No person shall dump or place any garbage, brush, composting materials, logs, recyclables, leaves, carpeting, appliances, furniture, construction materials, or trash on the property of another. No person shall search through, alter, deform, or remove any items set out for collection by the Sanitation Department.

(Ord. 1993-7, passed 4-6-93) Penalty, see [§ 50.99](#)

#### **§ 50.08 DUMPING IN PUBLIC AREAS OR STREAMS**

No person shall dump garbage, brush, composting materials, logs, recyclables, leaves, carpeting, appliances, furniture, construction materials, or trash into any street, alley, vacant lot, or public place or land, or into or near any stream that flows through the city.

(Ord. 1993-7, passed 4-6-93) Penalty, see [§ 50.99](#)

#### **§ 50.09 SUPERVISION OF SANITATION DEPARTMENT**

The Board of Public Works and Safety and the Board of Health are responsible for the supervision of the Sanitation Department.

('66 Code, §.94.04)

#### **§ 50.10 DISPOSAL WITHOUT PAYING FEES**

It is unlawful for any person to dispose of any items under this section unless they reside in a unit located within the City and or Jefferson County and pay the appropriate fee.

(Ord. 1993-7, passed 4-6-93) Penalty, see [§ 50.99](#)

### **TRANSFER STATION**

#### **§ 50.20 DEFINITIONS**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ACCESS ROADS." Roads which lead to the entrance of a refuse processing or disposal facility or *transfer station* operation which roads are located in Jefferson County, and may be *city*, county, state, or federal *roads*.

"BOARD." The Board of Public Works and Safety of the city of Madison.

"CARCASSES." Dead animals or portions thereof.

"COMMERCIAL REFUSE HAULER." Any person that transports refuse for hire on behalf of residents, businesses, or industries of Jefferson County.

"FACILITY." Any operation for the disposal or processing of refuse, including the site upon which the operation rests.

"HAZARDOUS WASTE." Any solid or liquid waste with inherent dangers, including but not limited to toxic chemicals, explosives, pathological waste, radioactive materials, materials likely to cause fires, liquids, semi-liquids, sludges, pesticide containers, raw animal manure, septic tank pumpings, and raw digested sewage sludge.

"INDUSTRIAL USER." A Jefferson County industry which disposes of refuse in the City Transfer Station by means other than a commercial refuse hauler.

"INDUSTRIAL WASTE." Any liquid waste which is residual to wastewater treatment or incident to an industrial or commercial activity, including but not limited to waste, oil, salt brine, or other liquids used for road oiling and dust control.

"REFUSE." All solid and semi-solid waste except hazardous waste, liquid industrial waste, human excreta, carcasses, auto bodies or parts of auto bodies, but including garbage, rubbish, ashes, street cleanings, and solid, commercial, and institutional waste not classified as hazardous waste.

"SALVAGING." The controlled removal of materials from refuse for utilization.

"SCAVENGING." The uncontrolled removal of material from refuse.

"SLUDGE." A semi-liquid sediment.

"SUPERINTENDENT." The Street Superintendent or *Superintendent of Utilities* of the city.

"TRANSFER STATION." The same as the definition used in the existing regulations of the State Board of Health.

(Ord. 1985-25, passed 11-5-85)

#### **§ 50.21 PROHIBITED ITEMS; REMOVAL BY CITY**

(A) The City Transfer Station shall be used solely for refuse disposal in accordance with the City's approved Operating Plan and no person or commercial refuse hauler shall cause to be deposited at the facility the following:

- (1) Liquid industrial waste;
- (2) Hazardous waste;
- (3) Carcasses;
- (4) Sludge;
- (5) Items greater than four feet in length, four feet in width, and not to exceed 48 cubic feet. Transfer station personnel, at their discretion, should accept household goods and other items exceeding these size limits if they do not believe there is a risk of damage to the Transfer Station equipment.

(B) Any refuse, waste, or material prohibited from being deposited at the transfer station but which is deposited at the transfer station, or any refuse or material deposited on access roads or any unauthorized location within the facility may be removed or disposed of by city representatives or employees at the expense of the person or commercial refuse hauler depositing same.

(Ord. 1985-25, passed 11-5-85 , Ord. 2023-10, passed 6-20-23) Penalty, see [§ 50.99](#)

#### **§ 50.22 SCAVENGING**

No scavenging is permitted within the facility. Salvage operations shall be permitted only upon applying for and receiving a permit from the Superintendent and shall be in strict compliance with all rules and regulations established by the Board of Public Works and Safety.

(Ord. 1985-25, passed 11-5-85) Penalty, see [§ 50.99](#)

#### **§ 50.23 SCRAP METAL AND THE LIKE**

All large scrap metal, metal parts, wire, equipment, metal appliances, metal containers, and tires shall be separated by the person depositing same at the facility and shall be deposited in separate areas designated by the operator of the facility. Such items

may incur an extra charge with said charge to be set by the Board of Public Works and Safety.

(Ord. 1985-25, passed 11-5-85) Penalty, see [§ 50.99](#)

#### **§ 50.24 DISPOSAL ON ACCESS ROADS**

No person shall cause to be deposited on access roads or other areas of the facility, refuse or unauthorized materials except in areas designated for deposit by the transfer station operator.

(Ord. 1985-25, passed 11-5-85) Penalty, see [§ 50.99](#)

#### **§ 50.25 DISPOSAL OF NOXIOUS OR INFLAMMABLE GARBAGE**

Any person or persons dumping, unloading, discharging, or depositing any garbage, refuse, ashes, or any noxious, inflammable, or offensive material at the transfer station shall first obtain the permission of the transfer station operator.

('66 Code, § 94.06) Penalty, see [§ 50.99](#)

#### **§ 50.26 COMMERCIAL REFUSE HAULERS; PERMIT**

(A) No commercial refuse hauler shall deposit refuse in the City Transfer Station without a valid permit issued by the Superintendent.

(B) All persons proposing to act as a commercial refuse hauler after November 5, 1985, must make an application with the Superintendent for a commercial -refuse hauling permit five days in advance of the proposed start of operation unless a shorter time is approved by the Superintendent.

(C) Applications for commercial refuse hauler permits shall be made on forms provided by the Superintendent. Applications for vehicles must be submitted to the Superintendent five days before the intended use of the vehicle unless a shorter time is approved by the Superintendent.

(D) All permits issued under the provisions of this section shall be issued for as long as the account is in good standing.

(E) No permit granted under this section shall be valid if and when the transfer of ownership of business.

(F) Every person who acts as a commercial refuse hauler under the provisions of this section shall keep records of all trips where removal of refuse, transportation of refuse, and disposal of refuse has occurred and shall include the date, source, quantity, and type of refuse, and the point and method of disposal. These reports shall be

submitted to the Superintendent upon request and are subject to examination by the transfer station operator upon request. The Superintendent or Transfer Station Operator shall not permit refuse to be deposited at the facility if the records herein required are not presented upon request.

(G) The Superintendent shall revoke the permit of any commercial refuse hauler found to be in violation of any of the provisions of this section.

(H) A fee of ~~\$7525.00~~ will be charged for each permit application, including one vehicle application, and \$75.00 for each additional vehicle application. These fees will be reviewed from time to time as experience with the program is developed. Such fees shall be used to help defray the cost of administering the program. Permit fee will be included on the first billing statement, checks are to be made payable to the City of Madison Transfer Station.

(Ord. 1985-25, passed 11-5-85) Penalty, see [§ 50.99](#)

## § 50.27 TRANSFER STATION / COMPOST YARD CHARGES

Rates for individual residents of the city of Madison or Jefferson County and industrial and commercial refuse haulers shall be as follows:

~~(A) Automobile, \$3.00 per bag, maximum five bags.~~

~~(B) Vehicles with loose, bagged, or other trash and garbage.\*~~

(1) Up to ~~250500~~ pounds: \$~~129.00~~ minimum.

~~(2) 251 - 500 pounds: \$19.00~~

~~(3) 501 - 1000 pounds: \$39.00~~

~~(4) 1001 - 1500 pounds: \$59.00~~

~~(5) 1501 - 2000 pounds: \$79.00~~

~~(C) Compactors: \$79.00 per ton.~~

~~(D) Tires: (No Rims Allowed) Passenger \$ 11.00~~

\*For the years 2025, 2026, 2027, and 2028, the per ton rate set forth in Sec. 50.27(A) and (B) shall increase to \$82.16, \$84.45, \$88.86, and \$92.42 per ton or portion thereof. Rates for non-residents of the City of Madison or Jefferson County shall be the published resident rate plus 15%. All rates will be posted at the Transfer Station.

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Non-standard passenger tires, other type tires, and any appropriate fuel surcharge fee will be charged by a rate schedule reviewed and determined by the City of Madison Board of Works and Safety. *No tires with rims are allowed.*

(E) Compost: (County Residents Only) \$ 3920.00 per 1000 pounds or fraction thereof delivered to the Transfer Station and as adjusted annually as set forth above; City Residents may deliver compost to the Transfer Station at no charge.

(Ord. 1994-13, passed 6-21-94; Am. Ord. 1996-9, passed 5-29-96; Am. Ord. 2000-4, passed 6-20-00, Ord. 2013-2, passed 4-2-13, Ord. 2023-10, passed 6-20-23)

#### **§ 50.28 LATE PAYMENT CHARGES**

All bills for transfer station charges not paid by the 28<sup>th</sup> day of the billing month shall be subject to a late payment charge of 10%. All delinquent amounts owed must be paid by the second billing months due date or the account will be subject to a freeze and will no longer be able to use the Transfer Station facilities. A check received in payment for transfer station charges which is returned for insufficient funds or no account shall be subject to a \$25.00 charge per check and the account will be placed under review.

#### **§ 50.29 NONPAYMENT; RECONNECTION CHARGES**

(A) The city shall freeze charge service in accord with the following policies:

(B) When it becomes necessary for the city to discontinue service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid and any deposit required has been made. It is the policy of the city to discontinue service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for a permit application for service and all bills shall contain, in addition to the title, address, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth date on the bill; and

(2) That if any bill is not paid on or before the due date, a second bill will be mailed containing a freeze of charge account notice stating that if the bill is not paid by the second billing months due date, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(C) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified.

(D) If a delinquent bill is not paid within seven days after the City has served on the customer a written final notice of such delinquency or such additional time as prescribed by Rule 16 of the Public Service Commission, the Transfer Station charge account to said customer may be discontinued without further notice. Once service has been discontinued for nonpayment of delinquent bill, a charge of \$25.00 will be made for the issue of a new permit, but such permit will not be made until after all delinquent bills and charges, if any, owed by the customer to the City have been paid.

(E) The Transfer Station operator will keep record of all discontinued or delinquent accounts. Under no circumstances can the customer use the Transfer Station facility until all delinquent amounts are paid and approval is made by the Superintendent and or the Mayor.

#### § 50.30 ESTABLISHMENT OF VARIOUS FUNDS

(A) There are hereby established the following funds with respect to the construction, equipping, and operation of the City Transfer Station:

- (1) Transfer Station Construction and Equipment Fund;
- (2) Transfer Station Operating Fund;
- (3) Transfer Station ~~Capital Reserve Depreciation~~ Fund; and
- (4) Transfer Station ~~PILOT Improvement~~ Fund.

(B) In addition to funds received from monthly receipts from refuse collection as set out in § 50.03(B), funds received as a result of charges levied at the Transfer Station shall be deposited in the appropriate account as set forth in division (A) above in order to provide proper records of said operations, receipts, and disbursements for those purposes as provided by law and required by the State Board of Accounts.

(C) ~~Capital Reserve Improvement and PILOT Replacement~~ Fund. ~~Beginning January 2025, \$100,000 Two thousand five hundred dollars~~ of the revenues of the Transfer Station Department shall be set aside ~~semi-annually~~ ~~monthly~~ and paid into a special fund designated the Transfer Station Capital ~~Reserve Improvement and Replacement~~ Fund ("~~Capital Reserve Improvement~~ Fund") to be used to pay the cost of additions, improvements, and replacements of Transfer Station Department equipment and properties ~~and \$5,500 of the revenues shall be paid into a special fund~~

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designated the Transfer Station PILOT Fund ("ESO PILOT Fund") The PILOT Fund shall represent a payment in lieu of taxes and shall be transferred by the Clerk-Treasurer upon request to the general fund and appropriated by Council thereafter. If the Transfer Station Operating Fund balance becomes negative, and upon notification to the Mayor by the Clerk-Treasurer that a deficit exists in the Operating Fund, the Mayor may instruct the Clerk-Treasurer to transfer sufficient funds from the Capital Reserve and/or the PILOT Fund to the Operating Fund~~Improvement Fund~~ and suspend making monthly payments ~~to the Improvement Fund~~ as long as necessary to bring the Operating Fund to a positive balance. At the next regular meeting of the Common Council, the Mayor will inform Council that the transfer of funds and suspension of making monthly payments to the Improvement Fund was done. Also, if in the judgement of the Mayor, ~~that the Improvement Fund has a surplus beyond anticipated future requirements or requires additional funds to support operating obligations,~~ he may elect to reduce or increase the monthly amount being transferred after notifying Council that such action is being made.

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(Ord. 1985-25, passed 11-5-85, Ord 2013 S-2, passed 4-2-13)

#### § 50.99 PENALTY

Any person who shall violate this chapter shall, for each such violation upon conviction thereof, be found guilty of committing a class C infraction and fined not more than \$500 with court costs. Any person who shall violate any other of the provisions of this chapter shall, for each such violation upon conviction thereof, be found guilty of committing a class D infraction and fined not more than \$25 with no court costs.

(Ord. 1985-25, passed 11-5-85; Am. Ord. 1991-1, passed 1-22-91)



**RESOLUTION 2024-1B**

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF  
MADISON, INDIANA REPEALING AND REPLACING  
ORDINANCE 2023-10 REGARDING GARBAGE COLLECTION**

WHEREAS, the Common Council of the City of Madison, IN enacted Ordinance 2013-2 (Chapter 50 of the City of Madison Book of Ordinances) on April 2, 2013, repealing and replacing Ordinance 2008-6, regarding Garbage Collection. On June 20, 2023, Common Council adopted Ordinance 2023-10 which amended certain sections of the Ordinance regarding Transfer Station Rates.

WHEREAS, it has been recommended that the following amendments as outlined in Exhibit A, attached hereto be made to certain sections of Chapter 50, regarding garbage collection and the city transfer station.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF WORKS AND SAFETY OF THE CITY OF MADISON, INDIANA, that the amendments to certain sections of Chapter 50 as outlined in Exhibit A attached hereto are approved and hereby recommended for passage by the Common Council of the City of Madison, Indiana.

The foregoing Resolution was passed and adopted by the Board of Public Works and Safety, City of Madison, Indiana at a regular meeting held on the 5th day of February, 2024.

  
\_\_\_\_\_  
Bob G. Courtney, Chairman

  
\_\_\_\_\_  
Karl Eaglin, Member

  
\_\_\_\_\_  
David Carlow, Member



  
\_\_\_\_\_  
Kathleen M. Rampy, Clerk/Treasurer

**EXHIBIT A**

**City of Madison**  
**Garbage Collection**

## CHAPTER 50: GARBAGE COLLECTION; CITY TRANSFER STATION

### Section

#### *Garbage Collection*

- 50.01 Definitions
- 50.02 Collection districts
- 50.03 Collection regulations; fees
- 50.04 Disposition of fees
- 50.05 Depositing certain items in city litter containers prohibited
- 50.06 Responsibility of property owner for removal of garbage
- 50.07 Dumping on property of others
- 50.08 Dumping in public areas or streams
- 50.09 Supervision of Sanitation Department
- 50.10 Disposal without paying fees

#### *Transfer Station*

- 50.20 Definitions
- 50.21 Prohibited items; removal by city
- 50.22 Scavenging
- 50.23 Scrap metal and the like
- 50.24 Disposal on access roads
- 50.25 Disposal of noxious or inflammable garbage
- 50.26 Commercial refuse haulers; permit
- 50.27 Transfer station charges/compost yard charges

50.28 Late Payment Charges

50.29 Nonpayment; Reconnection Charges

50.30 Establishment of various funds

50.99 Penalty

***Cross-reference:***

*Open burning of leaves, wastes, and the like, see §§ 92.40 through 92.44*

## **GARBAGE COLLECTION**

### **§ 50.01 DEFINITIONS**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BRUSH." Brush and small limbs not exceeding four inches in diameter.

"COMPOSTING MATERIALS." Grass, yard waste, twigs, and small breakable branches.

"GARBAGE." Wastes resulting from the normal operation of a residence excluding toxic or hazardous wastes, leaves, furniture, appliances, carpeting, logs, grass, and construction material.

The following terms are self-explanatory: Leaves, Carpeting, Appliances, Furniture, Construction Material, and Corrugated Cardboard.

"LOGS." Large tree limbs exceeding four inches in diameter, tree trunks, and tree stumps.

"RECYCLABLES." Aluminum cans; steel and tin cans; glass bottles; cardboard; plastic bottles and jugs; and newspapers.

"STREETS AND ALLEYS." Includes any public street and any public or private alley of sufficient width or having a place where the city's Sanitation Department can turn their vehicle.

"TRASH." Any other waste material not specifically defined above.

"UNIT." A single family residence or each individual living quarter in a multi-family structure.

(Ord. 1993-7, passed 4-6-93)

## § 50.02 COLLECTION DISTRICTS

The Sanitation Department shall, subject to the approval of the Board of Public Works and Safety, establish districts and schedules for collection.

(Ord. 1993-7, passed 4-6-93)

## § 50.03 COLLECTION REGULATIONS; FEES

(A) Collection regulations.

(1) (a) Weekly pickup of garbage shall be provided by the city to each "UNIT" within the City as follows:

**Options:** 1. **One (1) 96 gallon can (max)**

2. Each UNIT shall use an approved container provided by the city. All cans shall have a tight cover with tied bags inside. Amounts of garbage exceeding the above-stated limits may be disposed of in a 33-gallon max plastic bag securely tied with an orange sticker purchased from the city. Each additional bag must not exceed a maximum weight of 50 pounds.

(2) Recyclables shall be picked up on the first and third weeks of each month following the first Tuesday of the week, or more frequently as determined by Board of Public Works and Safety. Recyclables *shall* be placed in a garbage can or bin identified with a recycle only sticker not exceeding 55 gallons in size and must not exceed a maximum weight of 50 pounds. No bags will be accepted and everything must be loose.

(3) Composting materials shall be picked up once a week in May, June, and July and the second and fourth weeks in January, February, March, April, August, September, October, November, and December. Compost material must be placed in a Thirty Three (33) gallon can (maximum size) affixed with a City of Madison current composting sticker or an approved Compost Bag. Cans or Bags must not exceed the weight limit of 50 pounds.

(4) Leaves may be disposed of in the same manner as composting materials. In the fall, leaves may be placed curbside where they will be picked up pursuant to a schedule established by the Street Department.

(5) Appliances, logs, carpeting, construction materials, and trash shall not be picked up by the Sanitation Department or the Street Department. Logs, carpeting, construction materials, and trash may be delivered to the Madison Transfer Station where they will be subject to a tipping fee.

(6) Brush that does not fit in a City of Madison compost bag must be placed curbside and residents must call the Street Department to request pick up.

(7) Furniture shall be picked up once a week for residents that are currently paying for City of Madison Garbage pickup and each Piece of Furniture must have a City of Madison sticker located on it. Furniture must be placed curbside by 7:00am the day of pickup. Residents must call the Street Department in advance to request pick up.

(8) All items to be picked up must be placed in or immediately adjacent to a street or alley by 7:00am on the pickup day.

(9) Garbage shall not be placed for collection at curbside or in any area proximate to curbside earlier than 6:00 p.m. on the day before said garbage is to be collected. Garbage must be at curbside the day of pickup by 7:00am. This provision shall not be interpreted to prohibit the placement of garbage for collection at any time in an alley.

(B) Fees.

- (1) Beginning April 1, 2024, each unit, occupied or unoccupied, shall be charged a monthly fee of \$17.50 and \$2.50, for trash and recycling/compost respectively, for weekly collection, which shall not be adjustable except as set forth herein. Such charge shall be due and payable 15 days after billing therefore and subject to a delinquent charge of 10% if not paid when due. Beginning January 1, 2025, the monthly rate will be \$23.00. For the years 2026, 2027 and 2028, the monthly rate will be \$23.92, \$24.88, and \$25.87, respectively.
- (2) For an additional \$20.00 monthly fee, each unit can purchase an additional weekly collection volume as described in subsection (A)(1), increasing each year as specified.
- (3) City of Madison composting bags shall cost \$1.00 a bag, and stickers for composting cans shall cost \$ 20.00 each per year.
- (4) City of Madison sticker for extra garbage bag collection shall cost \$3.00 a sticker.
- (5) City of Madison charge for furniture **Curbside Pick-up** shall cost \$5.00 per piece.
- (6) In the event a resident will be leaving his or her residence unoccupied by any person for a continuous period of not less than 180 days and, as a result, shall not require pickup, such resident may notify the City Utility Office. Any resident not requiring pickup for less than 180 days shall have the approval of the **Board of Public Works**. After approval resident shall be entitled to an abatement of the fees normally charged under this section. The resident must, within five days of the reoccupancy of his or her residence, after a period of suspension of charges under this subsection, notify the City Utility Office of the date of reoccupancy and charges and pickup shall resume under the normal fee and pickup schedule.

(Ord. 1993-7, passed 4-6-93; Am. Ord. 1996-9, passed 5-29-96; Am. Ord. 1999-5, passed 5-18-99) Penalty, see § 50.99. Ord. 2013-2, passed 4-2-13. Ord. 2023-10, passed 6-20-23)

#### **§ 50.04 DISPOSITION OF FEES**

Receipts resulting from the charges for collection and sale of stickers, and composting bags shall be deposited in the Transfer Station Operating Fund, which shall be a separate fund and account from any other fund established and funded by tax monies and shall be administered by the Board of Public Works and Safety.

(Ord. 1993-7, passed 4-6-93)

#### **§ 50.05 DEPOSITING CERTAIN ITEMS IN CITY LITTER CONTAINERS PROHIBITED**

City litter containers shall be used exclusively for the deposit of refuse from picnics and other miscellaneous litter accumulated by persons while using the area of the litter container. No person or business shall deposit any other items in city litter containers.

(Ord. 1993-7, passed 4-6-93) Penalty, see [§ 50.99](#)

#### **§ 50.06 RESPONSIBILITY OF PROPERTY OWNER FOR REMOVAL OF GARBAGE**

Each person, persons, firm, business, or corporation who permits garbage, brush, composting materials, logs, recyclables, leaves, carpeting, appliances, furniture, construction materials, or trash to accumulate over an extended period shall remove such garbage, brush, composting materials, logs, recyclables, leaves, carpeting, appliances, furniture, construction materials, or trash at his own individual expense. The City of Madison can impose a fine as per ordinance [§ 96.99](#)

(Ord. 1993-7, passed 4-6-93) Penalty, see [§ 50.99](#)

#### **§ 50.07 DUMPING ON PROPERTY OF OTHERS**

No person shall dump or place any garbage, brush, composting materials, logs, recyclables, leaves, carpeting, appliances, furniture, construction materials, or trash on the property of another. No person shall search through, alter, deform, or remove any items set out for collection by the Sanitation Department.

(Ord. 1993-7, passed 4-6-93) Penalty, see [§ 50.99](#)

## **§ 50.08 DUMPING IN PUBLIC AREAS OR STREAMS**

No person shall dump garbage, brush, composting materials, logs, recyclables, leaves, carpeting, appliances, furniture, construction materials, or trash into any street, alley, vacant lot, or public place or land, or into or near any stream that flows through the city.

(Ord. 1993-7, passed 4-6-93) Penalty, see [§ 50.99](#)

## **§ 50.09 SUPERVISION OF SANITATION DEPARTMENT**

The Board of Public Works and Safety and the Board of Health are responsible for the supervision of the Sanitation Department.

(66 Code, § 94.04)

## **§ 50.10 DISPOSAL WITHOUT PAYING FEES**

It is unlawful for any person to dispose of any items under this section unless they reside in a unit located within the City and or Jefferson County and pay the appropriate fee.

(Ord. 1993-7, passed 4-6-93) Penalty, see [§ 50.99](#)

## **TRANSFER STATION**

### **§ 50.20 DEFINITIONS**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ACCESS ROADS." Roads which lead to the entrance of a refuse processing or disposal facility or *transfer station* operation which roads are located in Jefferson County, and may be *city*, county, state, or federal *roads*.

"BOARD." The Board of Public Works and Safety of the city of Madison.

"CARCASSES." Dead animals or portions thereof.

"COMMERCIAL REFUSE HAULER." Any person that transports refuse for hire on behalf of residents, businesses, or industries of Jefferson County.

"FACILITY." Any operation for the disposal or processing of refuse, including the site upon which the operation rests.



"HAZARDOUS WASTE." Any solid or liquid waste with inherent dangers, including but not limited to toxic chemicals, explosives, pathological waste, radioactive materials, materials likely to cause fires, liquids, semi-liquids, sludges, pesticide containers, raw animal manure, septic tank pumpings, and raw digested sewage sludge.

"INDUSTRIAL USER." A Jefferson County industry which disposes of refuse in the City Transfer Station by means other than a commercial refuse hauler.

"INDUSTRIAL WASTE." Any liquid waste which is residual to wastewater treatment or incident to an industrial or commercial activity, including but not limited to waste, oil, salt brine, or other liquids used for road oiling and dust control.

"REFUSE." All solid and semi-solid waste except hazardous waste, liquid industrial waste, human excreta, carcasses, auto bodies or parts of auto bodies, but including garbage, rubbish, ashes, street cleanings, and solid, commercial, and institutional waste not classified as hazardous waste.

"SALVAGING." The controlled removal of materials from refuse for utilization.

"SCAVENGING." The uncontrolled removal of material from refuse.

"SLUDGE." A semi-liquid sediment.

"SUPERINTENDENT." The Street Superintendent *or Superintendent of Utilities* of the city.

"TRANSFER STATION." The same as the definition used in the existing regulations of the State Board of Health.

(Ord. 1985-25, passed 11-5-85)

## **§ 50.21 PROHIBITED ITEMS; REMOVAL BY CITY**

(A) The City Transfer Station shall be used solely for refuse disposal in accordance with the City's approved Operating Plan and no person or commercial refuse hauler shall cause to be deposited at the facility the following:

- (1) Liquid industrial waste;
- (2) Hazardous waste;
- (3) Carcasses;
- (4) Sludge;

(5) Items greater than four feet in length, four feet in width, and not to exceed 48 cubic feet. Transfer station personnel, at their discretion, should accept household goods and other items exceeding these size limits if they do not believe there is a risk of damage to the Transfer Station equipment.

(B) Any refuse, waste, or material prohibited from being deposited *at the transfer station* but which is deposited *at the transfer station*, or any refuse or material deposited on access roads or any unauthorized location within the facility may be removed or disposed of by city representatives or employees at the expense of the person or commercial refuse hauler depositing same.

(Ord. 1985-25, passed 11-5-85, Ord. 2023-10, passed 6-20-23) Penalty, see [§ 50.99](#)

## **§ 50.22 SCAVENGING**

No scavenging is permitted within the facility. Salvage operations shall be permitted only upon applying for and receiving a permit from the Superintendent and shall be in strict compliance with all rules and regulations established by the Board of Public Works and Safety.

(Ord. 1985-25, passed 11-5-85) Penalty, see [§ 50.99](#)

## **§ 50.23 SCRAP METAL AND THE LIKE**

All large scrap metal, metal parts, *wire*, equipment, metal appliances, metal containers, and tires shall be separated by the person depositing same at the facility and shall be deposited in separate areas designated by the operator of the facility. Such items may incur an extra charge with said charge to be set by the Board of Public Works and Safety.

(Ord. 1985-25, passed 11-5-85) Penalty, see [§ 50.99](#)

## **§ 50.24 DISPOSAL ON ACCESS ROADS**

No person shall cause to be deposited on access roads or other areas of the facility, refuse or unauthorized materials except in areas designated for deposit by the *transfer station* operator.

(Ord. 1985-25, passed 11-5-85) Penalty, see [§ 50.99](#)

## **§ 50.25 DISPOSAL OF NOXIOUS OR INFLAMMABLE GARBAGE**

Any person or persons dumping, unloading, discharging, or depositing any garbage, refuse, ashes, or any noxious, inflammable, or offensive material at the *transfer station* shall first obtain the permission of the *transfer station* operator.

(166 Code, § 94.06) Penalty, see [§ 50.99](#)

## **§ 50.26 COMMERCIAL REFUSE HAULERS; PERMIT**

(A) No commercial refuse hauler shall deposit refuse in the City Transfer Station without a valid permit issued by the Superintendent.

(B) All persons proposing to act as a commercial refuse hauler after November 5, 1985, must make an application with the Superintendent for a commercial refuse hauling permit five days in advance of the proposed start of operation unless a shorter time is approved by the Superintendent.

(C) Applications for commercial refuse hauler permits shall be made on forms provided by the Superintendent. Applications for vehicles must be submitted to the Superintendent five days before the intended use of the vehicle unless a shorter time is approved by the Superintendent.

(D) All permits issued under the provisions of this section shall be issued for as long as the account is in good standing.

(E) No permit granted under this section shall be valid if and when the transfer of ownership of business.

(F) Every person who acts as a commercial refuse hauler under the provisions of this section shall keep records of all trips where removal of refuse, transportation of refuse, and disposal of refuse has occurred and shall include the date, source, quantity, and type of refuse, and the point and method of disposal. These reports shall be submitted to the Superintendent upon request and are subject to examination by the transfer station operator upon request. The Superintendent or Transfer Station Operator shall not permit refuse to be deposited at the facility if the records herein required are not presented upon request.

(G) The Superintendent shall revoke the permit of any commercial refuse hauler found to be in violation of any of the provisions of this section.

(H) A fee of \$75.00 will be charged for each permit application, including one vehicle application, and \$75.00 for each additional vehicle application. These fees will be reviewed from time to time as experience with the program is developed. Such fees shall be used to help defray the cost of administering the program. Permit fee will be included on the first billing statement, checks are to be made payable to the City of Madison Transfer Station.

(Ord. 1985-25, passed 11-5-85) Penalty, see [§ 50.99](#)

## § 50.27 TRANSFER STATION / COMPOST YARD CHARGES

Rates for individual residents of the city of Madison or Jefferson County and industrial and commercial refuse haulers shall be as follows:

- (A) Vehicles with loose, bagged, or other trash and garbage.\*
  - (1) Up to 250 pounds: \$12.00 minimum.
  - (2) 251 - 500 pounds: \$19.00
  - (3) 501 - 1000 pounds: \$39.00
  - (4) 1001 - 1500 pounds: \$59.00
  - (5) 1501 - 2000 pounds: \$79.00
- (B) Compactors: \$79.00 per ton.
- (C) Tires: (No Rims Allowed) Passenger \$ 11.00

\*For the years 2025, 2026, 2027, and 2028, the per ton rate set forth in Sec. 50.27(A) and (B) shall increase to \$82.16, \$84.45, \$88.86, and \$92.42 per ton or portion thereof. Rates for non-residents of the City of Madison or Jefferson County shall be the published resident rate plus 15%. All rates will be posted at the Transfer Station.

Non-standard passenger tires, other type tires, and any appropriate fuel surcharge fee will be charged by a rate schedule reviewed and determined by the City of Madison Board of Works and Safety. *No tires with rims are allowed.*

(E) Compost: (County Residents Only) \$ 39.00 per 1000 pounds or fraction thereof delivered to the Transfer Station and as adjusted annually as set forth above; City Residents may deliver compost to the Transfer Station at no charge.

(Ord. 1994-13, passed 6-21-94; Am. Ord. 1996-9, passed 5-29-96; Am. Ord. 2000-4, passed 6-20-00. Ord. 2013-2, passed 4-2-13. Ord. 2023-10, passed 6-20-23)

## § 50.28 LATE PAYMENT CHARGES

All bills for transfer station charges not paid by the 28<sup>th</sup> day of the billing month shall be subject to a late payment charge of 10%. All delinquent amounts owed must be paid by the second billing months due date or the account will be subject to a freeze and will no longer be able to use the Transfer Station facilities. A check received in payment for transfer station charges which is returned for insufficient funds or no account shall be subject to a \$25.00 charge per check and the account will be placed under review.

**§ 50.29 NONPAYMENT; RECONNECTION CHARGES**

(A) The city shall freeze charge service in accord with the following policies:

(B) When it becomes necessary for the city to discontinue service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid and any deposit required has been made. It is the policy of the city to discontinue service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for a permit application for service and all bills shall contain, in addition to the title, address, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth date on the bill; and

(2) That if any bill is not paid on or before the due date, a second bill will be mailed containing a freeze of charge account notice stating that if the bill is not paid by the second billing months due date, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(C) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified.

(D) If a delinquent bill is not paid within seven days after the City has served on the customer a written final notice of such delinquency or such additional time as prescribed by Rule 16 of the Public Service Commission, the Transfer Station charge account to said customer may be discontinued without further notice. Once service has been discontinued for nonpayment of delinquent bill, a charge of \$25.00 will be made for the issue of a new permit, but such permit will not be made until after all delinquent bills and charges, if any, owed by the customer to the City have been paid.

(E) The Transfer Station operator will keep record of all discontinued or delinquent accounts. Under no circumstances can the customer use the Transfer Station facility until all delinquent amounts are paid and approval is made by the Superintendent and or the Mayor.

## § 50.30 ESTABLISHMENT OF VARIOUS FUNDS

(A) There are hereby established the following funds with respect to the construction, equipping, and operation of the City Transfer Station:

- (1) Transfer Station Construction and Equipment Fund;
- (2) Transfer Station Operating Fund;
- (3) Transfer Station Capital Reserve Fund; and
- (4) Transfer Station PILOT Fund.

(B) In addition to funds received from monthly receipts from refuse collection as set out in [§ 50.03\(B\)](#), funds received as a result of charges levied at the Transfer Station shall be deposited in the appropriate account as set forth in division (A) above in order to provide proper records of said operations, receipts, and disbursements for those purposes as provided by law and required by the State Board of Accounts.

(C) Capital Reserve and PILOT Fund. Beginning January 2025, \$100,000 of the revenues of the Transfer Station Department shall be set aside semi-annually and paid into a special fund designated the Transfer Station Capital Reserve Fund (“Capital Reserve Fund”) to be used to pay the cost of additions, improvements, and replacements of Transfer Station Department equipment and properties and \$5,500 of the revenues shall be paid into a special fund designated the Transfer Station PILOT Fund (“TSO PILOT Fund”) The PILOT Fund shall represent a payment in lieu of taxes and shall be transferred by the Clerk-Treasurer upon request to the general fund and appropriated by Council thereafter. If the Transfer Station Operating Fund balance becomes negative, and upon notification to the Mayor by the Clerk-Treasurer that a deficit exists in the Operating Fund, the Mayor may instruct the Clerk-Treasurer to transfer sufficient funds from the Capital Reserve and/or the PILOT Fund to the Operating Fund and suspend making monthly payments as long as necessary to bring the Operating Fund to a positive balance. At the next regular meeting of the Common Council, the Mayor will inform Council that the transfer of funds and suspension of making monthly payments to the Improvement Fund was done. Also, if in the judgement of the Mayor, , he may elect to reduce or increase the monthly amount being transferred after notifying Council that such action is being made.

(Ord. 1985-25, passed 11-5-85, Ord 2013 S-2, passed 4-2-13)

**§ 50.99 PENALTY**

Any person who shall violate this chapter shall, for each such violation upon conviction thereof, be found guilty of committing a class C infraction and fined not more than \$500 with court costs. Any person who shall violate any other of the provisions of this chapter shall, for each such violation upon conviction thereof, be found guilty of committing a class D infraction and fined not more than \$25 with no court costs.

(Ord. 1985-25, passed 11-5-85; Am. Ord. 1991-1, passed 1-22-91)

# LEGAL NOTICE

## NOTICE OF PUBLIC MEETING REGARDING PROPOSED ORDINANCE 2024-2 OF THE COMMON COUNCIL OF THE CITY OF MADISON TO REPEAL AND REPLACE ORDINANCE 2023-10, WITH RESPECT TO CERTAIN SECTIONS OF CHAPTER 50 RELATING TO GARBAGE COLLECTION

Property owners in the City of Madison, Indiana (the "City") and other interested parties are hereby notified that an amendment to Garbage Collection Ordinance 2023-10, as amended by Ordinance 2024-2 (collectively, the "Rate Ordinance") to create new rates and other changes applicable thereto, was introduced at a meeting of the Common Council of the City (the "Common Council") held on February 6, 2024. Another public meeting of the Common Council will be held at 5:30 p.m., local time, on February 20, 2024, at City Hall, 101 West Main Street, Madison, Indiana 47250, on the matter of such proposed amendment. There will be an opportunity for public comment during this meeting. The Ordinance amendment provides for new Garbage Collection Rates and Charges as set forth below:

### Section 50.03 Collection Regulations; Fees

Collection of garbage, recycling, and compost shall increase from \$9.85 per month to the following:

Fee Type	2024	2025	2026	2027	2028
Household Trash	\$17.50	\$20.50	\$21.32	\$22.17	\$23.06
Recycling/Compost	\$ 2.50	\$2.50	\$2.60	\$2.71	\$2.81
Total	\$20.00	\$23.00	\$23.92	\$24.88	\$25.87

### Section 50.27: Transfer Station/Compost Yard Charges

Rates for individual residents of the city of Madison or Jefferson County and Industrial and Commercial Refuse Haulers shall be as set forth in the following table for loose, bagged, or other trash and garbage. Rates for non-residents shall be the published resident rate plus 15%. All rates will be posted at the Transfer Station. Compost delivered to the Transfer Station shall be at no cost for city of Madison Residents. Compost for County Residents shall be \$39.00 per 1,000 pounds or fraction thereof.

Pounds	2024	2025	2026	2027	2028
<251	\$12.00	\$12.48	\$12.98	\$13.50	\$14.04
251 - 500	\$19.00	\$19.76	\$20.55	\$21.37	\$22.23
501- 1,000	\$39.00	\$40.56	\$42.18	\$43.87	\$45.62
1,001 - 1,500	\$59.00	\$61.36	\$63.81	\$66.37	\$69.02
1,501 - 2,000	\$79.00	\$82.16	\$84.45	\$88.86	\$92.42
Compactors	\$79.00	\$82.16	\$84.45	\$88.86	\$92.42
Passenger Tire	\$11.00	\$11.00	\$11.00	\$11.00	\$11.00

At such public meeting and prior to final adoption of the amendment to the Rate Ordinance, all interested parties may appear and be heard. The complete text of the proposed amendment to the Rate Ordinance is on file and available for examination and copying at the office of the Clerk-Treasurer at the City Hall, 101 West Main Street, Madison, Indiana 47250, during regular business hours, and will be available at the public meeting.

Dated: February 8, 2024

CITY OF MADISON, INDIANA, Mayor's Office

hspaxlp