

2024-1-1
ORDINANCE NO. 2025-

**AN ORDINANCE OF THE TOWN OF CLAYPOOL, INDIANA, REGULATING THE
STORAGE AND PLACEMENT OF GARBAGE AND REFUSE CONTAINERS**

WHEREAS, the Town Council of the Town of Claypool, Indiana, finds that the improper storage and placement of garbage and refuse containers may create health and safety hazards, attract pests, and detract from the cleanliness and aesthetics of the Town; and

WHEREAS, Indiana Code § 36-1-3-4 grants municipalities the authority to adopt ordinances for the protection of the public health, safety, and welfare; and

WHEREAS, the Town Council desires to implement uniform requirements for the proper use, storage, and placement of garbage and refuse containers;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Claypool, Indiana, as follows:

SECTION 1. DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply:

"Garbage" shall mean any putrescible animal or vegetable waste resulting from the handling, preparation, cooking, or consumption of food.

"Refuse" shall mean all other solid waste, including but not limited to paper, plastic, packaging, yard waste, and non-recyclable materials.

"Garbage Container" shall mean a water-resistant, animal-resistant container made of metal or durable plastic, equipped with a tightly fitting lid, designed for the temporary storage of garbage and refuse.

SECTION 2. REQUIREMENTS

Every property owner, occupant, or resident of a structure located within the corporate limits of the Town of Claypool shall be responsible for complying with the following:

- Garbage and refuse shall be stored only in proper Garbage Containers with tightly fitting lids.
- Containers shall be kept clean, intact, and maintained in good working condition.
- To ensure an appropriate size and maximum weight for each container, Garbage Containers set out for collection shall only be those supplied by the contracted garbage collection entity for the respective property.

SECTION 3. STORAGE AND PLACEMENT OF CONTAINERS

- Garbage Containers Must be removed from the street, curb, or sidewalk and placed near the residence of the person to whom the garbage containers belong after the scheduled garbage collection period and must remain stored off-street during all times other than the permitted collection period.
- Containers may be placed at the curbside no earlier than 4:00 PM on the evening prior to the scheduled collection day.
- All containers must be removed from the curbside no later than noon the day following scheduled garbage pickup.
- Garbage or refuse shall not be placed outside of containers at any time.

SECTION 4. ENFORCEMENT AND PENALTIES

This Ordinance shall be enforced by the Town Marshal or his Deputies.

Upon determination of a violation, the property owner shall be issued a written notice of noncompliance.

Each instance of non-compliance with any of the requirements herein (including but not limited to failure to remove Garbage Containers from the curb by the deadline on the day following collection), shall result in a fine of \$50 per week until the noncompliance is cured.

All fines collected shall be deposited into the general fund of the Town of Claypool.

Any fine imposed under this ordinance shall be appealable to the town council according to the policies and procedures established by the council.

SECTION 5. SEVERABILITY

If any portion of this Ordinance is declared invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days after its adoption and proper publication, as required by law.

PASSED AND ADOPTED by the Town Council of the Town of Claypool, Indiana, on this 20
day of January, 2025.2026

Ben Stage, Council President



Don Miller, Council Member



Gene Warner, Council Member



Pat Warner, Clerk-Treasurer

