

**ORDINANCE NO. 041524B**

**AN ORDINANCE OF THE CITY OF FISHERS COMMON COUNCIL AMENDING  
CHAPTER 50 (GARBAGE, TRASH AND REFUSE) OF THE FISHERS CODE OF  
ORDINANCES**

**WHEREAS**, the City of Fishers, Indiana (“City”) currently does not provide city wide refuse, garbage, or recycling collection services (“Trash Services”) for City residents;

**WHEREAS**, the City and the City’s residents have expressed interest in the City exploring a contract with a private contractor to provide Trash Services for the City’s residents living in single family homes, multi-family residential units and townhouses;

**WHEREAS**, pursuant to Indiana Code §36-9-30-1 *et seq.* and specifically §36-9-30-5.3 (the “Act”), the City of Fishers Board of Public Works & Safety (the “Board”) is authorized to enter into a contract or agreement with any person upon such terms as may be agreed upon for the Trash Services;

**WHEREAS**, the City of Fishers Board of Public Works & Safety has adopted a request for proposal, pursuant to the Act, to solicit proposals from private contractors who can provide Trash Services to the City’s residents; and

**WHEREAS**, the City desires to amend its ordinances to facilitate the solicitation of requests for proposals and provide for a smooth transition to an exclusive provider for city wide Trash Services, if an exclusive provider is chosen by the Board of Public Works & Safety.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council for the City of Fishers, Hamilton County, Indiana, meeting in regular session as follows:

**SECTION 1.** Chapter 50 of the Fishers Code of Ordinances shall be amended as follows:

**§ 50.01 DEFINITION.**

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

**CONTRACTOR.** Any person, firm, partnership or corporation engaged in the business of refuse, garbage, trash or recycling collection and disposal from property on a regular basis with a set schedule and route.

**RESIDENTIAL UNIT.** A room or series of rooms located within a building or mobile home and forming a single inhabitable unit with facilities, which are used, or are intended to be used for living, cooking, eating, and sleeping, including:

- a. Single-Family Residential Unit – A residential dwelling unit separated from any other dwelling unit by open space, and designed for occupancy for one person or family.
- b. Multi-Family Residential Unit – A building or related group of buildings not to exceed four (4) units located on the same lot, tract or parcel of real estate,

with each dwelling unit being completely independent of the other.

c. Townhouse – Any multi-story single family residential unit sharing one or more common walls with another similar residential unit.

#### § 50.02 LICENSE REQUIRED.

It shall be unlawful for any person, firm or corporation to engage in the business of collecting garbage, refuse, trash, or recycling within the city, without first obtaining a license as hereinafter provided.

#### § 50.03 APPLICATION FOR LICENSE; ISSUANCE.

##### (A) Refuse, Garbage, Trash, or Recycling Collection

(1) Any person, firm, partnership or corporation desiring to operate as a contractor as defined by this chapter shall first apply for and obtain a license from the Department of Public Works to do so. Such application shall include the following:

(a) The name, address, and telephone number of the principal office of the contractor;

(b) The proposed day(s) of the week on which the contractor is scheduled to operate in the city;

(c) A map of the city showing the proposed route of collection;

(d) A bond in the penal sum of \$ 10,000 executed by a surety company, the purpose of which is to reimburse the city in the event of city personnel being required to clean street, gutters, or other public property following the contractor's activity in the city. This bond shall not be construed so as to indemnify the contractor from any damage or liability.

(2) Upon the filing of such application and bond, a license may be issued by the Department of Public Works to such applicant to operate for a period of not more than one year from the date of issuance, and all licenses shall expire on December 31 of each calendar year. Contractors desiring to reapply for a license for a new calendar year are encouraged to apply prior to December 1 of the preceding year. Each application shall be accompanied by a filing fee of \$200, provided that the filing fee may be reduced to \$100 for each application submitted after July 1 of a calendar year.

(3) All licenses shall be subject to § 50.03(B) and the city's authority to enter into a contract for the exclusive provisions or residential refuse, garbage, trash, or recycling collection and disposal within the city. During any period during which the city has contracted with any person, firm, or corporation to be the exclusive provider for residential refuse, garbage, trash, or recycling collection and disposal

within the city, no license may be issued or renewed to any person, firm, partnership, or corporation for the collection of residential solid waste, yard waste, and recycling within the city.

(B) Residential Unit Refuse, Garbage, Trash, or Recycling Collection.

(1) The city may, pursuant to applicable law and authority, enter into a contract with a person, firm, or corporation as an exclusive provider for residential unit refuse, garbage, trash, or recycling collection services for residences within the city's municipal boundaries.

(2) If the city enters into a contract with a person, firm, or corporation to be the exclusive provider for residential unit refuse, garbage, trash, or recycling collection services:

(a) Other refuse, garbage, trash, or recycling collection service providers or contractors may not provide residential refuse, garbage, trash, or recycling collection and disposal within the City's municipal boundaries;

(b) Other refuse, garbage, trash, or recycling collection service providers or contractors may not charge fees for cancellation of services by city's residents or container/can/cart return/pickup. This subsection 50.03(B)(2)(b) does not apply if all of the following conditions are met: (i) prior to the adoption of this subsection the contractor held a valid existing permit, (ii) prior to the adoption of this subsection the contractor had a valid written contract with the residential customer clearly requiring the payment of the applicable cancellation or return/pickup fee, and (iii) the contractor did not submit a bid or proposal to the city to be the exclusive provider of refuse, garbage, trash or recycling collection within the city.

§ 50.04 RESTRICTIONS.

(A) It shall be unlawful for any person, firm, or corporation to engage in the business of collecting garbage, refuse or trash, within the city between the hours of 9:00 p.m. to 6:00 a.m. in residentially zoned areas.

§ 50.05 EXEMPTIONS.

(A) The provisions of this chapter shall not apply to employees of the city engaged in collection efforts directly related to their employment, persons hauling trash, refuse or debris on a one-time unscheduled basis, or private citizens engaged in typical residential trash removal activity.

(B) The provisions of this chapter shall not apply to construction activities within streets and rights-of-way within the corporate limits of the city which may be authorized and regulated by other applicable ordinances of the city.

§ 50.06 REMEDIES.

Upon the determination by the Director of the Department of Public Works that a violation has occurred, the responsible contractor shall be notified via telephone with a certified letter to follow as soon as practicable. The contractor shall have 24 hours from earliest notice in which to correct the violation. If the conditions have not been corrected within that time, the city may take corrective action at the contractor's expense. Upon receipt of a third violation issued to a contractor, the contractor shall make written notice to all of their customers, within the city corporate limits, making them aware that another contractor licensed with the city may need to be contacted and contracted for said services. In the event of a third violation within any 12-month period, the Mayor or his or her designee shall revoke said contractor's license. License revocation shall be effective 30 days from the date of the mailing of said letter to the contractor. Upon notice of revocation of license, the contractor shall contact by mail all customers within the limits of the city notifying all customers of the pending revocation of license and placing them on notice that customers may be required to obtain alternative waste removal services. Contractor may petition for reinstatement of his or her license within the 30-day period before the effective date of license revocation, which reinstatement requires approval of the City Council.

§ 50.99 PENALTIES.

Whoever violates any of the provisions of this chapter shall be fined in an amount of \$100 for the first offense; \$200 for the second offense; and, \$500 for the third offense and the contractor's license may be revoked, and reinstatement of said license shall require the approval of the City Council. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**SECTION 3.** All other provisions of the City's ordinances not in conflict with or specifically changed by this amendment shall remain in full force and effect.

**SECTION 4.** If any provision of this Ordinance shall be determined by any court of competent jurisdiction to be invalid and unenforceable to any extent, the remainder of this Ordinance shall not be affected thereby, and each provision hereof shall be valid and shall be enforced to the fullest extent permitted by law.

**SECTION 5.** This Ordinance shall be of full force and effect in accordance with Indiana law.

SO ORDAINED by the Common Council of the City of Fishers, Indiana on this \_\_ day of May 2024.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**YAY**

**NAY**

**ABSTAIN**

	Cecilia Coble, President		
	C. Pete Peterson, Vice President		
	John Weingardt, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	John DeLucia, Member		
	Tiffanie Ditlevson Member		
	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_\_\_\_ day of \_\_\_\_\_ 2024 at \_\_\_\_\_ p.m.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, Fishers City Clerk**



**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey Bennett, Corporation Counsel, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett