FILED

MAY 17 2018

CITY CLERK

GENERAL ORDINANCE NO. 2, 2018

AN ORDINANCE TO AMEND *TERRE HAUTE CITY CODE* CHAPTER 8, ARTICLE 5, TO CREATE PROVISIONS REGULATING THE PLACEMENT OF DUMPSTERS IN THE PUBLIC RIGHT-OF-WAY.

THEREFORE, IT IS HEREBY ORDAINED by the Common Council for the City of Terre Haute as follows:

SECTION 1. The *Terre Haute City Code*, Chapter 8, Section 5, is hereby amended by the insertion of the underlined text as follows:

ARTICLE 5. WORK WITHIN THE PUBLIC-RIGHT-OF-WAY.

Sec. 8-124 Dumpster/Waste Receptacle in Public Right-of-Way.

a. **Permit Required.** Any resident wishing to place a dumpster/waste receptacle in or upon a City street, alley, or right-of-way, must first file an Application for a Dumpster Permit. The application must be completed at least seventy-two (72) business hours in advance of the dumpster placement and shall require approval by the Office of the City Engineer.

b. **Permit Fee.** A Dumpster Permit fee of $20.00 must accompany the filing of the Application for Dumpster Permit.

c. **General Provisions:**

1. Dumpsters may not be placed within the public right-of way in a manner that violates any of the parking provisions contained in Chapter 8 of this *Code*;

2. Dumpsters may not be placed upon, in, on, over, across, or within a tree row, sidewalk, or curb;

3. Dumpsters may not be placed in a manner that covers or prohibits access to a utility manhole cover or visible public utility access points;

4. Dumpsters may not block access to a mailbox or driveway;

5. If a dumpster has a door at one end, the door must be placed with the door facing traffic;

6. Dumpsters must have reflective warning tape on all sides of the dumpster exposed to the street;

7. Applicant shall be responsible for maintaining the area around the dumpster free of nails, paper, debris, and trash from spilling or blowing out of the dumpster at all times.

d. **Duration.** A Dumpster may be placed within the City right-of-way for no more than thirty (30) days. If an extension beyond the initial thirty (30) day placement is required, Applicant must contact City Engineer's Office to request such extension. Extensions may be granted in the sole discretion of City Engineer's Office.

e. **Insurance; Hold Harmless; Indemnification; and Reimbursement for Damages.**

1. Applicant shall execute, as part of the permit application, an indemnification and hold harmless agreement protecting the City against any claims for public liability or property damage arising out of or because of the placement of the dumpster in the public right-of-way.

2. Applicant shall provide proof of insurance listing the City of Terre Haute as an additional insured. Minimum insurance amounts shall be One Million Dollars ($1,000,000.00) for combined bodily injury and property damage, One Million Dollars ($1,000,000.00) for any occurrence relative to which there is injury or death to one (1) or more persons, and One Hundred Thousand Dollars ($100,000.00) for property damage. Such certificate of insurance shall be in place for the duration of the placement of the dumpster within the public right-of-way.

3. Applicant shall also file a surety bond in the amount of Twenty-Five Thousand Dollars ($25,000.00). Such a bond shall be maintained in full force and effect for the duration of the placement of the dumpster within the public right-of-way. The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

(a) Issued by a surety authorized to do business in Indiana; and

(b) Payable to the City of Terre Haute or an unknown third party as obligee.

3. Applicant shall be responsible for reimbursement to the City for any damage caused to City property by the placement of the dumpster within the public right-of-way

Sec. 8-~~124~~125 Penalty.

Unless otherwise provided, any person violating any provision of this Article shall be financially responsible for any necessary repairs and other costs associated with the proper restoration of the public right-of-way or facility. All licensees found to be in violation of the provisions herein shall also be subject to revocation or non-renewal by the Board of Public Works and Safety of the City license to engage in such work. In addition, said person or entity violating any of the provisions herein shall be fined not more than Three Hundred Dollars ($300.00) per day. Each day's continued violation shall constitute a separate offense. (Gen. Ord. No. 29, 2000, 12-14-00)

Sec. 8-~~125~~126 through Sec. 8-139 Reserved for Future Use.

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

WHEREAS, an emergency exists for the immediate taking effect of the Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and its approval by the Mayor and publication as required by law.

Introduced by: _____Amy Auler, Councilperson

Passed in open Council this _____ day of _____, 2018.

_____ Curtis DeBaun IV, President

ATTEST: _____ Michelle L. Edwards, City Clerk

Presented by me to the Mayor this _____ day of _____, 2018.

_____ Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2018.

_____ Duke A. Bennett, Mayor

ATTEST: _____ Michelle L. Edwards, City Clerk