

ORDINANCE NO. 128

AN ORDINANCE AMENDING ORDINANCE NO. 72 GOVERNING THE DISPOSAL OF WASTE MATERIALS AT CONSTRUCTION SITES

WHEREAS, the City Council of Goshen, by Ordinance No. 72, did adopt, by reference, certain procedures to safeguard the air resources within the City of Goshen by controlling or abating present air pollution and preventing new air pollution within the City, to enhance the quality of the environment, to prevent the creation of a nuisance, and to safeguard the public health, safety, and welfare of the citizens of the City of Goshen; and

WHEREAS, the City Council desires to further amend the current Ordinance concerning the means of controlling the disposal of construction debris at construction sites; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GOSHEN:

SECTION 1: That Ordinance 72 is hereby amended as reflected in Sections 2 and 3 hereof.

SECTION 2. Amend Section 5 by **deleting** the language of that subsection and **substituting** the following language in its place:

SECTION 5. Dumpster at Construction Site Mandatory. It shall be required that every contractor maintain at the construction site an appropriately sized waste disposal container or dumpster and when full, the contractor shall cause the contents of such container or dumpster to be regularly collected and disposed of during construction, remodeling, or demolition activities.

- a. Such container or dumpster must be a minimum size of 8 feet X 8 feet X 4 feet for disposal of all construction materials, unless the Building Inspector or Mayor authorize, in writing on the building permit, a smaller container.
- b. The contractor is responsible for the cost of the container or dumpster rental and/or ownership and disposal.
- c. The appropriate container or dumpster must be on the construction site on or before the building permit is purchased.
- d. The contractor is responsible for promptly removing the container or dumpster following completion of all construction activities.

SECTION 3. Amend Section 7 by **deleting** the language of that subsection and **substituting** the following language in its place:

SECTION 7. Enforcement. The Building Official and Goshen Police Department or members of the Goshen Police Department shall have the responsibility and authority to enforce this ordinance and both shall have the authority to issue citations to any person, firm or corporation violating any of the provisions of this ordinance.

SECTION 4. REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. SEVERABILITY

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional.

PASSED AND APPROVED this 8th day of November, 2016.



Max Poye, Mayor

ATTEST:



Sharon Baggett, City Recorder

APPROVED AS TO FORM:



Charles L. Harwell, City Attorney

ROLL CALL VOTE ADOPTING THE ORDINANCE

Names Of Those Voting YEA

Andy Bethell
Cathy Oliver
Lanny Samuels
Dick Seddon

Absent

Paula Anderson
Brian Buell

Names Of Those Voting NAY