

ORDINANCE NO. 76-19

AN ORDINANCE REGULATING THE PUBLIC DISPOSAL OF GARBAGE AND RUBBISH ON ANY LAND WHICH IS SITUATED OUTSIDE THE CORPORATE LIMITS OF ANY CITY OR TOWN, REQUIRED PERMITS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

Be it ordained and enacted by the Board of Commissioners of the County of Tippecanoe, State of Indiana, as follows:

ARTICLE I
DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

SECTION 101: "Garbage" shall mean and include rejected food wastes including every waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

SECTION 102: "Rubbish" shall mean and include such matter as ashes, cans, metalware, junked automobiles, used appliances, used furniture, broken glass, crockery, sweepings, boxes, wood, grass, weeds or litter of any kind.

SECTION 103: "Refuse" shall mean any combination of garbage and rubbish.

SECTION 104: "Public Disposal" shall mean and relate to disposal or refuse which has been removed from premises used, owned, or leased by one or more persons, firms, corporations, or associations, and transported to other premises and disposed of either with, or without, the payment of a fee.

- SECTION 105: "Sanitary Landfill" shall mean a method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical volume, and to cover the refuse deposited each day with a compacted layer of suitable cover material at the conclusion of each working day (and at more frequent intervals if necessary).
- SECTION 106: "Health Officer" shall mean the Tippecanoe County Health Officer, or his authorized representative.
- SECTION 107: "Tippecanoe County" shall mean those areas which are under the jurisdiction of the Tippecanoe County Health Officer and situated outside the corporate limits of any city or town.
- SECTION 108: "Person" shall mean any person, firm, corporation or association.
- SECTION 109: "Ground water" shall mean water in the ground that is in the zone of saturation.
- SECTION 110: "Surface water" shall mean a body of water whose top surface is exposed to the atmosphere including a flowing body as well as a pond and a lake.
- SECTION 111: "Salvaging" shall mean the controlled removal of reusable materials.
- SECTION 112: "Scavenging" shall mean the uncontrolled picking of materials.
- SECTION 113: "Hazardous material" shall include, but is not limited to, explosives, pathological wastes, radioactive materials and chemicals.
- SECTION 114: "Commercial Hauler" shall mean a person who hauls "refuse" for a fee.

ARTICLE II
PERMITS

SECTION 201: It shall be unlawful for any person, who does not possess an unrevoked permit from the health officer, to engage in Tippecanoe County in removal of refuse from the premises to a location other than the place of origin of such refuse for disposal, except that nothing in this Act shall be construed to prevent any person from removing the refuse created on his premises to a sanitary landfill, and nothing in this Act shall be construed to prevent any person from moving inert waste material from one property owned, leased or rented by him for storage or use as top soil, fill dirt, or similar usage and nothing herein shall be construed to prevent the use of cinders or other inert waste materials in the construction of driveways or highways or as fill for construction projects; and nothing herein shall prevent the disposal of refuse from road construction projects in any manner approved by the Indiana State Board of Health and the Environmental Protection Agency.

SECTION 202: It shall be unlawful for any person, who does not possess an unrevoked permit from the health officer, to engage in Tippecanoe County in the disposal of refuse on premises other than the place of origin in such quantities as to have public health significance.

SECTION 203: Only persons who comply with the requirements of this ordinance shall be entitled to receive and retain such a permit. The permit shall be for the term of one year on a calendar year basis and shall be renewable annually. Any permit issued by the health officer shall contain the

name of the person to whom it is issued, and such other pertinent information as may be required by the health officer. A permit shall be issued to any person who has complied with the requirements of this ordinance and no permit or renewal thereof shall be denied on arbitrary or capricious grounds. A permit may be temporarily suspended by the health officer upon violation, by the holder, of any of the terms of this ordinance, or revoked after an opportunity for a hearing by the health officer upon serious repeated violation. A separate permit shall be required for each public disposal site operated, or to be operated, by any person.

SECTION 204: No disposal site permit signed by the health officer shall be valid until it has been countersigned by the Treasurer of Tippecanoe County. The Treasurer of Tippecanoe County shall countersign a properly signed permit upon payment to the Treasurer of Tippecanoe County of a permit fee in the amount of Twenty-five (\$25.00) Dollars. All monies or fees collected under the terms of this ordinance shall revert to the General Fund of Tippecanoe County.

SECTION 205: No fee shall be charged for a refuse disposal site in Tippecanoe County which is operated by the Board of Commissioners of the County of Tippecanoe, any municipality located in Tippecanoe County or by the State of Indiana or by any State University.

SECTION 206: Before a permit is issued by the health officer for any disposal site, detailed plans and specifications and necessary reports must be submitted to the health officer by a registered professional engineer. The services of a registered professional engineer for the preparation of plans and specifications for an existing disposal site may be waived, when the health officer, in his judgment, believe that technical problems will not be encountered; however, the required plans and specifications must then be prepared and submitted by the permit applicant. Such site must be approved by all appropriate zoning authorities and the Indiana State Board of Health.

SECTION 207: Before a permit is issued by the health officer for the collection and transportation of refuse, all equipment and vehicles to be used shall be inspected by the health officer. All equipment and vehicles used to transport gargage to a disposal site shall be covered, water-tite and cleaned as may be necessary to prevent nuisances and health hazards and all vehicles used for inert waste material shall be so constructed and in such condition as to prevent loss of the material on the public highways.

SECTION 208: A permit fee of One (\$1.00) Dollar shall be paid to the Treasurer of Tippecanoe County for each vehicle, or other piece of equipment used for the transportation or hauling of refuse. No fee shall be charged for vehicles, or other pieces of equipment operated by the Board of

Commissioners of Tippecanoe County, any municipality located in Tippecanoe County, the State of Indiana, or by any State University.

SECTION 209: The permit issued by the Tippecanoe County Health Officer shall be carried in plain view in the vehicle or other piece of equipment which it belongs whenever such vehicle or piece of equipment is being used for the collection or transportation of refuse.

ARTICLE III
INSPECTION OF PUBLIC
DISPOSAL SITES AND OPERATIONS

SECTION 301: At least once each month the health officer shall inspect each refuse disposal site located within Tippecanoe County. Whenever the health officer discovers a violation of any item of sanitation pertinent to the provisions of this ordinance, he shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with terms of this ordinance. Any violation of the same item of the ordinance on such second inspection shall call for suspension or revocation of the permit. One copy of the health officer's inspection report, on which violations of any item of sanitation pertinent to the provisions of this ordinance shall be enscribed, shall be delivered to the permittee by

the health officer. Another copy of the aforementioned inspection report shall be filed by the health officer with the records of the County Health Department. The person operating the public disposal site shall, upon request of the health officer, permit access to all parts of the grounds by said health officer and shall permit him to copy any and all records pertaining to the sources of refuse transported thereto for public disposal.

ARTICLE IV
SANITARY REQUIREMENTS

SECTION 401: The issuance of any permit to a person for the operation of a proposed refuse disposal site shall be subject to the approval of the health officer who shall inspect the proposed site prior to the issuance of a permit.

SECTION 402: Sanitary landfill operations shall be so designed and executed that conditions of pollution will not be created and injury to ground and surface waters avoided which might interfere with legitimate water uses. Water-filled areas not directly connected to natural lakes, rivers, or streams shall be drained or may be filled with specific inert material not detrimental to legitimate water uses and which will not create a nuisance or hazard to health. Special approval of the drainage method or of the inert material to be used in such fill is required in writing from the health officer.

SECTION 403: Salvaging, if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. This provision in no way precludes the right of a landfill operator to prevent salvaging as a part of his operational standards. Scavenging shall not be permitted. All salvage material must be removed from the disposal area at least once each week except that any and all materials containing food for rodents and insects, including tin cans, shall be disposed of daily in a sanitary manner.

SECTION 404: No garbage or rubbish containing garbage shall be burned at a sanitary landfill.

SECTION 405: Any person engaged in public refuse disposal by sanitary landfill shall have available at all times earth moving equipment of adequate size and capacity to satisfactorily operate such sanitary landfill. An all-weather road shall be provided to the sanitary landfill site and site of operation.

SECTION 406: It shall be expressly forbidden to make uncooked garbage available for animal consumption at any public refuse disposal site.

SECTION 407: Infestation of rodents and insects on the premises of a public refuse disposal site shall constitute a violation of this ordinance and such violation shall be determined by the Tippecanoe County Health Officer.

SECTION 408: Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill unless special provisions are made for such disposal through the health officer, the State Board of Health and/or the Stream Pollution Control Board. This provision in no way precludes the right of a landfill owner to exclude any materials as a part of his operational standards.

SECTION 409: The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.

SECTION 410: Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.

SECTION 411: Refuse shall be spread so that it can be compacted in layers not exceeding a depth of 2 feet. Large and bulky items, when not excluded from the site, shall be disposed of in a manner approved by the health officer.

SECTION 412: A final layer of suitable cover material compacted to a minimum thickness of 2 feet shall be placed over the entire surface of each portion not later than one week following the placement of refuse within that portion.

SECTION 413: An inspection of the entire site shall be made by the health officer to determine compliance with approved plans and specifications before the earth-moving equipment is removed from the site. Any necessary corrective work shall be performed before the landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded, and uneven areas in the final cover during the first two years following completion of the landfill.

SECTION 414: Any other method of solid waste disposal not covered by these rules shall be reviewed by the health department for the purposes of evaluating the design and operational methods with reference to: the nuisance factor, the safety of employees and protection of the public health. Such disposal methods shall be subject to the evaluation and approval of the health officer.

ARTICLE I
UNLAWFUL DUMPING

SECTION 501: It shall be unlawful for any person to dispose of any garbage or rubbish, or refuse, at any place in Tippecanoe County other than its point of origin, that is not a licensed public refuse disposal site, except that any person may transport inert waste material from one property to another property owned, leased, or rented by him for storage or use as fill or top or to a disposal site which has been licensed for the receipt of such inert waste material by the Indiana State Board of Health; and nothing in

this Act shall prevent the disposal of refuse from road construction projects in a manner approved by the Indiana State Board of Health and the Environmental Protective Agency; and nothing in this Act shall prevent the use of cinders and other inert waste materials in the construction of highways, driveways and building projects; and nothing in the Act shall prevent the spreading of sludge or other wastes on agricultural land pursuant to valid permits issued by the Indiana State Board of Health.

SECTION 502: It shall be unlawful for any person to dispose of any garbage or hazardous material at any place in Tippecanoe County other than its point of origin that is not a Sanitary Landfill that is approved as such by the Indiana State Board of Health.

SECTION 503: It shall be unlawful for any licensed commercial hauler to dispose of any garbage, rubbish, or refuse which originates in Tippecanoe County at any place outside of Tippecanoe County that is not a Sanitary Landfill approved as such by the Indiana State Board of Health, except as provided in Section 501.

ARTICLE VI
ENFORCEMENT

SECTION 601: The enforcement of this ordinance shall be by the Tippecanoe County Health Officer and the Sheriff of Tippecanoe County.

SECTION 602: It shall be the duty of the Tippecanoe County Prosecuting Attorney and the Tippecanoe County

Attorney, or either of them to whom the Tippecanoe County Health Officer shall report any violations of the provisions of this Ordinance, to cause proceedings to be commenced against the person violating the provisions of this Ordinance and to prosecute to final termination.

ARTICLE VII
PENALTIES

SECTION 701: Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and, on conviction, the violator shall be punished for the first offense by a fine of not more than five hundred dollars; for the second offense by a fine of not more than one thousand dollars; and for the third and each subsequent offense by a fine of not more than one thousand dollars to which may be added imprisonment for any determinate period not exceeding ninety days, and each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the County Board of Health, or by the duly appointed health officer of the County, shall constitute a distinct and separate offense.

ARTICLE VIII
REPEAL AND DATE OF EFFECT

SECTION 801: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect immediately upon its adoption and its publication as provided by law.

ARTICLE IX
UNCONSTITUTIONALITY CLAUSE

SECTION 901: Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional, or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION 902: Passed and adopted by the Commissioners of Tippecanoe County, State of Indiana, on this 14 day of June, 1976, by the following:

THE BOARD OF COMMISSIONERS
OF TIPPECANOE COUNTY, INDIANA

BY:

Bruce Osborn
Bruce Osborn

Robert F. Fields
Robert F. Fields

William G. Vanderveen
William G. Vanderveen

ATTEST:

John C. McCord
John C. McCord, Auditor.