

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

The 1953 General Assembly authorized the Board of Commissioners of any county to adopt ordinances for the protection of public health. The act specifically mentions the disposal of garbage and rubbish on any land which is situated outside the corporate limits of any city or town. This authorization is given in Section 4 of Chapter 80, Acts of 1953. The procedure for adopting this ordinance is given in Section 5.

Chapter 20, Acts of 1953, authorizes the Board of County Commissioners to establish, maintain and operate within their respective counties, county dumps and all other works or appurtenances connected therewith for the disposal in a sanitary manner of domestic and industrial wastes, trash and refuse.

The attached is a model ordinance regulating the public disposal of garbage and rubbish. The penalties and some of the definitions are taken directly from the law.

Division of Sanitary Engineering
Indiana State Board of Health

July, 1969

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, REQUIRING PERMITS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

Be it ordained and enacted by the _____ of _____,
(Board of Commissioners) (County),
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, metal-ware, broken glass, crockery, dirt, sweepings, boxes, wood, grass, weeds or litter of any kind.
- Section 103: "Refuse" means any combination of garbage and rubbish.
- Section 104: "Public disposal" shall mean and relate to disposal of 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 either with or without the payment of a fee.
- Section 105: "Sanitary landfill" means 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 area, to reduce it to the smallest practical volume, and to cover it with a compacted layer of suitable cover material at the conclusion of each day and at more frequent intervals as necessary.

- Section 106: "Health officer" shall mean the _____ County Health Officer, or his authorized representative.
- Section 107: "_____ County" shall mean those areas which are under the jurisdiction of the _____ 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" means water in the ground that is in the zone of saturation.
- Section 110: "Surface water" means 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" means the controlled removal of re-usable materials.
- Section 112: "Scavenging" means the uncontrolled picking of materials.
- Section 113: "Hazardous material" includes, but is not limited to, explosives, pathological wastes, radioactive materials and chemicals.

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 _____ County in the removal of refuse from premises to a location other than the place of origin of such refuse for disposal.
- Section 202: It shall be unlawful for any person, who does not possess an unrevoked permit from the health officer, to engage in _____ County in the disposal of refuse on premises other than the place of origin of such refuse or on premises at 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 the permit is granted, the address of the premises for which 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 or repeated violation. A separate permit shall be required for each public disposal site operated, or to be operated, by any person.

Section 204: No permit signed by the health officer shall be valid until it has been countersigned by the Treasurer of _____ County. The Treasurer of _____ County shall countersign a properly signed permit upon payment to the Treasurer of _____ County of a permit fee in the amount of _____ dollars. Such monies or fees collected under the terms of this ordinance shall revert to the General Fund of _____ County.

Section 205: No fee shall be charged for a state, county, or municipally-owned and operated public refuse disposal site in _____ County.

Section 206: Before a permit is issued by the health officer for any new 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, believes that technical problems will not be encountered; however, the required plans and specifications must then be prepared and submitted by the permit applicant.

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 refuse to a disposal site shall be covered, water-tight and cleaned as may be necessary to prevent nuisances and health hazards.

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 _____ County.

In case 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 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 _____ 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 operator 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: Modification of the rules on sanitary landfills as applicable to existing disposal areas may be made by the health officer. These modifications must be approved in writing.

Section 412: 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 413: 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 414: 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 415: 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 V
ENFORCEMENT**

Section 501: The enforcement of this ordinance shall be by the _____ County Health Officer.

Section 502: It shall be the duty of the _____ County Prosecuting Attorney, to whom the _____ 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 VI
PENALTIES

Section 601: 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 90 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 VII
REPEAL AND DATE OF EFFECT

Section 701: 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 VIII
UNCONSTITUTIONALITY CLAUSE

Section 801: 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 802: Passed and adopted by the Commissioners of _____ County, State of Indiana, on this _____ day of _____, 19____, by the following vote:

Ayes: _____; Namely _____

Nayes: _____; Namely _____