

Jay County Dumping Ordinance

GARBAGE AND RUBBISH
ORDINANCE
NO. H. B. 1
1967

Board of Commissioners
Jay County
State of Indiana

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JAY COUNTY DUMPING ORDINANCE
AN ORDINANCE REGULATING THE PUBLIC DISPOSAL OF
GARBAGE AND RUBBISH ON ANY LAND WHICH IS SITUATED
OUTSIDE THE CORPORATED 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 authorize 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.

Division of Sanitary Engineering,
Indiana State Board of Health
April 10, 1957

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GARBAGE AND RUBBISH ORDINANCE NO. H.B. 1—1967
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 VI-
OLATIONS THEREOF.

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

ARTICLE 1
DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of the 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, broken glass, crockery, dirt sweepings, boxes, wood, grass, weeds, or litter of any kind.

Section 103: "Public Disposal" shall mean and relate to disposal of garbage and rubbish which has been removed from premises used, owned or leased by one or more persons, firms, corporation or associations, and transported to other premises and disposed either with or without the payment of a fee.

Section 104: "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 layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary.

Section 105: "Health Officer" shall mean the Jay County Health Officer or his authorized representative.

Section 106: "Jay County" shall mean the areas which are under the jurisdiction of the Jay County Health Officer and situated outside the corporate limits of any city or town.

Section 107: "Person" shall mean any person, firm, corporation or association.

Section 108: "Ground Water" means water in the ground that is in the zone of saturation.

Section 109: "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 110: "Salvaging" means the controlled removal of reusable materials.

Section 111: "Scavenging" means the uncontrolled picking of materials.

Section 112: "Hazardous Material" includes, but not limited to, explosives, pathological wastes, radioactive materials and chemicals.

Section 113: "Refuse" means any combination of garbage and rubbish.

ARTICLE II
PERMITS

Section 201: It shall be unlawful for any person to engage in the public disposal of garbage or rubbish in Jay County, who does not possess an unrevoked permit from the health officer. 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 the same is issued, the address of the person to whom the same is issued, if such address be different than the premises in which it is issued, and such other pertinent information as may be required by the health officer. A permit shall be issued to the 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 202: No permit signed by the health officer shall be valid until it has been countersigned by the Treasurer of Jay County. The Treasurer of Jay County shall countersign a properly signed permit upon payment to the Treasurer of Jay County of a permit fee in the amount of \$50.00. Such moneys or fees collected under the terms of this ordinance shall revert to the General Fund of Jay County.

Section 203: No fee shall be charged for a State, County or Municipally owned and operated public garbage and rubbish disposal site in Jay County.

Section 204: Before a permit is issued by the health officer for any new dump site, detailed plans and specification and necessary reports must be submitted to the health officer by a registered professional engineer. In the case of an existing dump site development of the required plans and specification for a sanitary landfill, when the health officer, in his judgment, believes that technical problems will not be encountered, the services of a registered professional engineer may be waived.

ARTICLE III
INSPECTION OF PUBLIC DISPOSAL SITES
AND OPERATIONS

Section 301: At least once each month, the health officer shall inspect each garbage and rubbish disposal site located within Jay 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 the 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 described, shall be delivered to the licensee 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 garbage and rubbish 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 garbage and rubbish disposal site shall be subject to 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 operated that conditions of unlawful 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 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 inert material to be used in this manner is required in writing from the health officer.

Section 403: Any and all materials considered food for rodents and insects including tin cans and other receptacles for food, shall be disposed of daily in a sanitary manner by a sanitary landfill, or by a method approved by the health officer.

Section 404: 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.

Section 405: No garbage or rubbish containing garbage shall be burned at a sanitary landfill. Burning of select materials shall be

conducted only in designated areas with the permission of the health officer, and other appropriate authorities. Combustible rubbish, completely devoid of garbage, may be burned in an area designated by the Jay County Health Officer to minimize fire hazards, and the creation of a public nuisance resulting from smoke and stench. The Jay County Health Officer may order that all material be covered or disposed of in a satisfactory manner.

Section 406: Any person engaged in public garbage and rubbish 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 trench or sanitary landfill site.

Section 407: It shall be expressly forbidden to make uncooked garbage available for animal consumption at any public garbage and rubbish disposal site.

Section 408: Infestation of rodents and insects on the premises of a garbage and rubbish public disposal site, shall constitute a violation of this ordinance and such violation shall be determined by the Jay County Health Officer.

Section 409: 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 department. This provision in no way precludes the right of a landfill operator to exclude any materials as a part of his operational standards.

Section 410: 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 411: Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.

Section 412: 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 413: Garbage and rubbish shall be spread so that it can be compacted in layers not exceeding a depth of 2 feet of compacted material. Large and bulky items when not excluded from the site shall be disposed of in a manner approved by the health department.

Section 414: A layer of suitable covering material compacted to a minimum thickness of 2 feet shall be placed over the entire surface of each portion of the final lift not later than 1 week following the placement of refuse within that portion.

Section 415: An inspection of the entire site shall be made by the health officer to determine the compliance with approved plans and specifications before the earth-moving equipment is removed from the site. All 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 covering during the first 2 years following completion of the landfill.

Section 416: Any other method of solid waste disposal not covered by these rules shall be reviewed by the health department for the purpose 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

SANITARY LANDFILL SPECIFICATIONS

Section 501: All public disposals shall be operated by the use of the sanitary landfill and in compliance with the following minimum specifications set forth in Article V of this ordinance, except as may be altered under Article IV, Section 403 hereof

LOCATION

Section 502: Minimum Distance from dwellings: The sanitary landfill shall not be situated on ground that is within 100 yards of any industrial or commercial building nor within 200 yards of any dwelling place.

Section 503: Accessibility: The area shall be accessible to an all weather road.

Section 504: Type of Soil: Soil with good drainage characteristics, and generally free from rock formations within four (4) feet of the ground surface shall be considered to provide a satisfactory land site.

Section 505: Ravines and Low Areas: Location of sanitary landfill in ravines and in low areas shall only be considered satisfactory when drainage of the area can be properly controlled.

Section 506: Stream Pollution: Location of sanitary landfill in areas in close proximity to rivers or streams shall be considered satisfactory only as long as proper precautions are taken to safeguard the stream against contamination by careless handling of refuse or poor drainage.

Section 507: General: Where feasible, trenches shall be placed at right angles to the prevailing wind with the ramp on the windward side.

Section 508: Length: The length of the original trench cut shall depend upon the volume of waste to be handled and on soil conditions. Under normal conditions the original trench should be cut to last for about thirty days of operation. Shorter trenches are advisable where soil conditions may cause cave-ins. Trenches subsequent to the original trench shall be cut only as they are needed to provide cover material.

Section 509: Depth: The purpose of digging the first trench is to obtain dirt for the ramp. The ramp shall not be built up more than four feet over the first trench. In order to extend the height of the ramp, it shall be permissible to extend the grade over the first trench, and succeeding trenches if necessary. Trenches subsequent to the original trench shall be dug only deep enough to provide two feet of cover for the preceding trench. The depth of compacted material shall be limited to a maximum of ten feet.

Section 510: Width: Trenches shall be at least eight feet wide and not more than twenty feet wide. Where caterpillar type tractors or bulldozer shovels are used for excavating and compacting refuse, the trench must be at least one and one-half times as wide as the equipment used for such excavating and compacting. In general, it shall

be considered good practice to construct trenches of such width that each day's fill when compacted will form square, or slightly oblong cells.

Section 511: Distance Between Trenches: Spacing between adjacent trenches shall be such that a two foot wall of dirt shall be maintained between trenches.

Section 512: Unloading: Trucks shall be unloaded by backing up the ramp and dumping in an area designated by the supervisor. This dumping shall be in the immediate area of operation.

Section 513: Compaction: Refuse shall be compacted after every few truck loads have been deposited in the trench. For proper compaction it is recommended that either a weighted drag line bucket, or a caterpillar type tractor be used. Refuse shall be compacted to within 18 inches of the top of the ramp.

Section 514: Cover: At the end of each day, the surface of the thoroughly compacted refuse shall be covered by two feet of fill. The open side of the compacted refuse shall be covered with several inches of dirt at the end of each days operation. Twice a week this open side shall be sealed off with two feet of compacted soil, forming a series of separated cells in each trench.

Section 515: Gradings: The surface of the fill shall be graded in such a manner as to provide adequate drainage. The surface of the fill shall be maintained in such a manner as to provide a suitable road surface for trucks. Where muddy surfaces prevail, cinders, gravel or other suitable materials shall be applied when it is found necessary that such materials be used to maintain a passible roadway.

Section 516: Winter Operation: Satisfactory disposal of refuse during winter months when normal operations of the sanitary landfill method is hampered by frozen ground shall be accomplished by excavating a sufficient length of trench in advance; by stock piling dirt loosely; and by protecting this dirt from freezing with salted straw or by other means so that it may be used for cover during the freezing periods.

If suitable compaction of frozen earth cannot be accomplished, or if sufficient dirt is not available, it shall be satisfactory to use only six inches of cover during the periods when the soil is frozen to a depth of more than one foot. It is understood that the total depth of cover will be increased to a depth of two feet as soon as soil conditions permit.

Section 517: Avoiding Nuisances: Under no circumstances shall burning of refuse be permitted on the landfill area. The supervisor of the area shall be held responsible for such fires as might be caused by the dumping of smoldering ashes or other materials likely to cause a fire in the landfill area. Portable fences shall be used to safeguard against the scattering of paper by gusts of wind. The area shall be patrolled daily for the purpose of keeping this area clean of such material as might detract from the appearance of the site.

ARTICLE VI

ENFORCEMENT

Section 518: The enforcement of the ordinance shall be by the Jay County Health Officer.

Section 519: It shall be the duty of the Jay County Prosecuting Attorney, to whom the Jay County Health Officer shall report any violations of the provisions of the ordinance, to cause proceedings to be commenced against the persons violating the provisions of this ordinance and to prosecute to the final termination.

ARTICLE VII

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; and 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

CLOSING OF NON-CONFORMING DUMPS

Section 701: All Dumps and public disposal sites governed by this ordinance which shall not have conformed with the provisions of this ordinance by its effective date shall close their dumping operations and cover and treat said site in such a manner as to conform with all the requirements as stated or suffer the penalties as herein before provided.

ARTICLE IX

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 on January 1, 1969 and thereafter.

ARTICLE X

UNCONSTITUTIONALITY CLAUSE AND ADOPTION

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 effective thereby.

Section 902: Passed and adopted by the Commissioner of Jay County, State of Indiana, on this 4th day of December 1967, by the following vote:

Ayes 3 Nayes 0

Namely: Mr. Karol Bryan
 Mr. Leon Kaderly
 Mr. John Sherman

ATTEST Jack Tighe,
 Jay County Auditor