

[Print](#)

Saint Joseph County, IN Code of Ordinances

CHAPTER 50: SOLID WASTE

Section

Solid Waste Management District

- 50.01 Designation
- 50.02 Definitions
- 50.03 Establishment of Solid Waste Management District Board
- 50.04 Composition of Solid Waste Management District Board
- 50.05 Term of office of members of Solid Waste Management District Board
- 50.06 Organization of the Solid Waste Management District Board
- 50.07 Establishment of the Solid Waste Management District Board Advisory Committee
- 50.08 Duties of Solid Waste Management District Board
- 50.09 Powers of Solid Waste Management District Board
- 50.10 The County District Solid Waste Management Plan
- 50.11 Continuation of existing ordinances

Transportation of Garbage and Refuse

- 50.25 Definitions
- 50.26 Permit required; issuance; term
- 50.27 Permit; establishment of schedule for issuance
- 50.28 Permit; suspension
- 50.29 Applicability of requirements
- 50.30 Vehicles; construction specifications
- 50.31 Vehicles; placement of materials; covering required
- 50.32 Vehicles; permit issuance requirement

Refuse Disposal

- 50.45 Definitions
- 50.46 Uncontrolled dumping of refuse declared nuisance
- 50.47 Disposal site; permit required; issuance
- 50.48 Disposal site; permit application and fee requirements

- 50.49 Disposal site; permit; expiration; renewal
- 50.50 Disposal site; permit; fee exemption
- 50.51 Disposal site; separation of salvageable material; burning
- 50.52 Inspection of disposal sites and operations; report; right of entry
- 50.53 Sanitary landfill operation; topographic maps required for permit
- 50.54 Sanitary landfill operation; hours of operation; supervision
- 50.55 Sanitary landfill operation; sanitary facilities
- 50.56 Sanitary landfill operation; emergency equipment
- 50.57 Sanitary landfill operation; compaction and covering of materials
- 50.58 Sanitary landfill operation; fill face width; control of blowing paper and debris
- 50.59 Sanitary landfill operation; approval required for fills exceeding six-foot lift
- 50.60 Sanitary landfill operation; provision for drainage and erosion
- 50.61 Sanitary landfill operation; pollution of surface or underground waters
- 50.62 Sanitary landfill operation; location restrictions
- 50.63 Sanitary landfill operation; dust control measures
- 50.64 Sanitary landfill operation; access roads
- 50.65 Sanitary landfill operation; scavenging
- 50.66 Sanitary landfill operation; burning
- 50.67 Sanitary landfill operation; insect and/or rodent control
- 50.68 Sanitary landfill operation; deposit of dangerous materials
- 50.69 Incineration; preparation and approval of plans and specifications
- 50.70 Incineration; location
- 50.71 Incineration; emission of smoke or particulate matter restricted
- 50.72 Feeding garbage to swine
- 50.73 Garbage grinding
- 50.74 Disposal of inert refuse; permit issuance
- 50.75 Other methods of disposal to be approved by Health Officer
- 50.99 Penalty

Statutory reference:

Provisions empowering counties to regulate public disposal of garbage and rubbish, see I.C. 36-8-2-4
Refuse disposal, see I.C. 36-9-30-1 et seq.

SOLID WASTE MANAGEMENT DISTRICT

§ 50.01 DESIGNATION.

In accordance with I.C. 13-26-2, the county is hereby designated as a county solid waste management district.

(1981 Code, § 11.02.010) (Ord. 76-90, passed 10-9-1990)

§ 50.02 DEFINITIONS.

This section is reserved for future legislation.

(1981 Code, § 11.02.020) (Ord. 76-90, passed 10-9-1990)

§ 50.03 ESTABLISHMENT OF SOLID WASTE MANAGEMENT DISTRICT BOARD.

In accordance with I.C. 13-26-2, there is hereby established the County Solid Waste Management District Board.

(1981 Code, § 11.02.030) (Ord. 76-90, passed 10-9-1990)

§ 50.04 COMPOSITION OF SOLID WASTE MANAGEMENT DISTRICT BOARD.

In accordance with I.C. 13-26-4, the County Solid Waste Management District Board shall consist of the following members:

(A) Three members of the County Board of Commissioners who shall be appointed by the County Commissioners;

(B) One member of the County Council who shall be appointed by the County Council;

(C) The Mayor of the City of South Bend, Indiana;

(D) The Mayor of the City of Mishawaka, Indiana; and

(E) One member of the South Bend Common Council, which member shall be appointed by the South Bend Common Council.

(1981 Code, § 11.02.040) (Ord. 76-90, passed 10-9-1990; Ord. 3-91, passed 1-8-1991)

§ 50.05 TERM OF OFFICE OF MEMBERS OF SOLID WASTE MANAGEMENT DISTRICT BOARD.

The term of office of any member of the County Solid Waste Management District Board who is a member of an executive, legislative or fiscal body is co-extensive with the member's term of office of that body. The term of office of any other member is two years from the date of appointment.

(1981 Code, § 11.02.050) (Ord. 76-90, passed 10-9-1990)

§ 50.06 ORGANIZATION OF THE SOLID WASTE MANAGEMENT DISTRICT BOARD.

(A) The County Solid Waste Management District Board shall select and designate a Chairperson and a Vice-Chairperson from within the Board's membership. The Board shall select and designate any other officers as it deems appropriate and necessary to fulfill its obligations.

(B) The County Solid Waste Management District Board shall designate a fiscal officer who shall be a fiscal officer of the county or any municipality located within the county district.

(C) The County Solid Waste Management District Board may, at its discretion, adopt any rules, regulations or bylaws as it deems appropriate and necessary to complete and fulfill its obligations.

(D) Within 30 days of the passage and adoption of this subchapter, the President of the County Board of Commissioners shall convene the initial organization meeting of the County Solid Waste Management District Board. All subsequent meetings of the County Solid Waste Management District Board shall be held at a time and place designated by the Chairperson of the County Solid Waste Management District Board.

(1981 Code, § 11.02.060) (Ord. 76-90, passed 10-9-1990)

§ 50.07 ESTABLISHMENT OF THE SOLID WASTE MANAGEMENT DISTRICT BOARD ADVISORY COMMITTEE.

(A) The Solid Waste Management District Board shall appoint and convene a Solid Waste Management Advisory Committee. This Committee shall be composed of citizens who are residents of the county, which citizens are knowledgeable of and interested in environmental issues. The Solid Waste Management Advisory Committee shall include representatives of the solid waste management industry operating within the county district.

(B) The County Solid Waste Management District Board shall specify the terms of each member of the Solid Waste Management District Board Advisory Committee.

(C) It shall be the duty and responsibility of the Solid Waste Management Advisory Committee to study the subjects and problems specified by the Board and recommend to the Board additional problems in need of study and discussion. The Committee, or its members may, if invited by the Board to do so, participate without the right to vote in the deliberations of the Board.

(1981 Code, § 11.02.070) (Ord. 76-90, passed 10-9-1990)

§ 50.08 DUTIES OF SOLID WASTE MANAGEMENT DISTRICT BOARD.

The duties of the Solid Waste Management District Board shall include but not be limited to the following:

(A) The appointment of the Solid Waste Management District Board Advisory Committee in accordance with § 50.07;

(B) The Board shall adopt and submit to the Commissioner of the State Department of Environmental Management a District Solid Waste Management Plan. The Plan shall meet the requirements of I.C. 13-26-6 and shall also meet the criteria and other elements set forth in the state plan;

(C) It shall be the duty of the Board, prior to the creation, amendment or alteration of the District Solid Waste Management Plan, to conduct one or more public hearings with appropriate public notice of the hearings being given by the Board; and

(D) Prior to the adoption of the District Plan in its final form, the Board shall hold a public hearing on the proposed plan and public notice of the hearing shall be given by the Board.

(1981 Code, § 11.02.080) (Ord. 76-90, passed 10-9-1990)

§ 50.09 POWERS OF SOLID WASTE MANAGEMENT DISTRICT BOARD.

The powers of the Solid Waste Management District Board shall include the following:

- (A) The power to develop and implement a district solid waste management plan under I.C. 13-26-5-2;
- (B) The power to impose district fees on the final disposal of solid waste within the district under I.C. 13-26-5-2;
- (C) The power to receive and disburse funds;
- (D) The power to sue and be sued;
- (E) The power to borrow money from the district planning revolving fund under I.C. 13-26-5;
- (F) The power to plan, design, construct, finance, manage, own, lease, operate and maintain facilities for solid waste management;
- (G) The power to enter with any person into a contract or agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this division (G) include those for:
 - (1) The design, construction, operation, financing, ownership or maintenance of facilities by the district or any other person;
 - (2) The managing or disposal of solid waste; or
 - (3) The sale or other disposition of materials or products generated by a facility.
- (H) The power to enter into agreements for the leasing of facilities in accordance with I.C. 36-1-10 or 36-9-30;
- (I) The power to purchase, lease or otherwise acquire real or personal property for the management or disposal of solid waste;
- (J) The power to sell or lease any facility or part of a facility to any person;
- (K) The power to make and contract for plans, surveys, studies and investigations necessary for the management or disposal of solid waste;
- (L) The power to enter upon property to make surveys, soundings, borings and examinations;
- (M) The power to accept gifts, grants or loans of money, other property or services from any source, public or private, and to comply with the terms of the gift, grant or loan;
- (N) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to regular budget and tax levy procedures;
- (O) The power to borrow in anticipation of taxes;
- (P) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services;
- (Q) The power to otherwise do all things necessary for the reduction, management and disposal of solid waste and the recovery of waste products from the solid waste stream; and

(R) The power to adopt resolutions that have the force of law.

(1981 Code, § 11.02.090) (Ord. 76-90, passed 10-9-1990)

§ 50.10 THE COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN.

This section is reserved for future legislation.

(1981 Code, § 11.02.100) (Ord. 76-90, passed 10-9-1990)

§ 50.11 CONTINUATION OF EXISTING ORDINANCES.

The passage and adoption of this subchapter shall have no effect upon current ordinances of the county, including §§ 50.45 through 50.52 and 50.65 through 50.74.

(1981 Code, § 11.02.110) (Ord. 76-90, passed 10-9-1990)

TRANSPORTATION OF GARBAGE AND REFUSE

§ 50.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COUNTY HEALTH DEPARTMENT. The County Health Department, as authorized by I.C. 16-20-1 and established by an ordinance of the County Board of Commissioners, passed and adopted on April 24, 1961, the County Health Officer as defined therein, or its or his or her authorized representative.

GARBAGE. Rejected food waste 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 vegetable.

PERSON. Any person, firm, corporation or association.

PUBLIC TRANSPORTATION OF GARBAGE AND RUBBISH. The transportation of garbage and rubbish in the county, by persons for a fee, who have taken the garbage or rubbish from the property of another and are taking it to other premises for disposal.

(1981 Code, § 10.12.010) (Ord. 101-78, passed - -1978)

§ 50.26 PERMIT REQUIRED; ISSUANCE; TERM.

It is unlawful for any person to engage in the public transportation of garbage or rubbish in the county outside the corporate limits of any city or town situated therein, who does not possess an unrevoked permit from the Health Department. One permit shall be required for each vehicle used in the public transportation of garbage or rubbish. These permits shall be issued to the owner of the vehicle and shall be for the term of one year, renewable annually.

(1981 Code, § 10.12.020) (Ord. 101-78, passed - -1978) Penalty, see § 50.99

§ 50.27 PERMIT; ESTABLISHMENT OF SCHEDULE FOR ISSUANCE.

The County Health Department is authorized and empowered to establish a schedule for the issuance of permits required by this subchapter.

(1981 Code, § 10.12.030) (Ord. 101-78, passed - -1978)

§ 50.28 PERMIT; SUSPENSION.

A permit may be temporarily suspended by the County Health Department upon serious or repeated violation, but may not be denied or suspended by the County Health Department on arbitrary or capricious grounds.

(1981 Code, § 10.12.040) (Ord. 101-78, passed - -1978)

§ 50.29 APPLICABILITY OF REQUIREMENTS.

The provisions of this subchapter relating to the requirement that permits be secured before transporting garbage or rubbish shall not apply to persons who remove the garbage or rubbish from premises owned or occupied by the persons transporting the garbage or rubbish, but the provisions of §§ 50.30 through 50.32 concerning the requirements of the vehicles used in the transportation shall apply to these persons engaged in the transportation of the matter from their own premises as well as to those engaged in the public transportation of garbage and rubbish.

(1981 Code, § 10.12.050) (Ord. 101-78, passed - -1978)

§ 50.30 VEHICLES; CONSTRUCTION SPECIFICATIONS.

No vehicle shall be used for the carrying of garbage or rubbish unless it is so constructed as to prevent the sifting, dropping and falling of the materials as they are being transported.

(1981 Code, § 10.12.060) (Ord. 101-78, passed - -1978) Penalty, see § 50.99

§ 50.31 VEHICLES; PLACEMENT OF MATERIALS; COVERING REQUIRED.

All garbage and rubbish being transported in the county shall be kept under the uppermost level of the sideboards and tailgate of the vehicle transporting the same, unless the material is enclosed in containers. Vehicles transporting garbage and rubbish shall at all times, except when loading and unloading, be kept completely and securely covered so that no part of the contents thereof shall at any time be able to scatter or be exposed to view.

(1981 Code, § 10.12.070) (Ord. 101-78, passed - -1978) Penalty, see § 50.99

§ 50.32 VEHICLES; PERMIT ISSUANCE REQUIREMENT.

Before issuing a permit to any vehicle for the public transportation of garbage and rubbish, the Health Department shall ascertain that the vehicles meet the requirements of §§ 50.30 and 50.31.

(1981 Code, § 10.12.080) (Ord. 101-78, passed - -1978)

REFUSE DISPOSAL

§ 50.45 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD OF HEALTH. The County Board of Health.

GARBAGE. Rejected food waste, including but not limited to every waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

GROUNDWATER. Any supply of water beneath the undisturbed surface of the earth in any natural geologic formation.

HEALTH DEPARTMENT. The County Health Department.

HEALTH OFFICER. The Health Officer of the County Health Department and/or his or her authorized representatives.

INCINERATION. A process of reducing combustible wastes to inert residue by high temperature burning.

PERSON. Includes cities, villages, townships, counties, other governmental agencies, corporations and both municipal and private associations, partnerships, individuals and authorities.

REFUSE. Garbage, rubbish or any combination thereof.

RUBBISH. Solid waste including but not limited to incinerator ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, metals and similar materials or litter of any kind.

SANITARY LANDFILL. A controlled method of refuse disposal providing compaction and covering daily of the refuse.

SURFACE WATER. Any body of water whose top surface is exposed to daylight, including flowing bodies as well as ponds and lakes.

(1981 Code, § 10.16.010) (Ord. 5-99, passed - -1967)

§ 50.46 UNCONTROLLED DUMPING OF REFUSE DECLARED NUISANCE.

The uncontrolled dumping or placing of refuse on the ground is declared a nuisance hazardous to the health and well-being of the residents of the county.

(1981 Code, § 10.16.020) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.47 DISPOSAL SITE; PERMIT REQUIRED; ISSUANCE.

(A) As of the date of this subchapter as amended, it is unlawful for any person who does not possess an unrevoked permit from the County Health Department to accept refuse for disposal or operate a refuse disposal site for any purpose within the county.

(B) The County Health Department shall issue permits to the applicant, provided that the permits be limited to persons having properly zoned land for use, which land zoning has been approved by the Area

Plan Commission and/or Board of Zoning Appeals, and equipment and personnel to dispose of refuse in accordance with the provisions of this subchapter.

(1981 Code, § 10.16.030) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.48 DISPOSAL SITE; PERMIT APPLICATION AND FEE REQUIREMENTS.

(A) Every person desiring to accept refuse or operate a refuse disposal site shall make written application to the County Health Department on forms provided by that office. Information necessary shall include, in writing, the name and address of the applicant, a legal description of the disposal area, location of the site, description of the equipment to be used, and a description of the method of disposal to be employed and any other pertinent information as may be required by the Health Officer. Upon approval of the application and receipt of a permit fee, the County Health Department shall issue a permit to the applicant.

(B) The fee shall be used by the Health Officer to defray the cost of inspection and enforcement of this subchapter as described in this subchapter; provided, however, that a permit may be issued, without payment of the fee, to a person, allowing the filling for purposes of reclamation on property owned by the person, with soil, concrete, cement, similar materials or the debris resulting from the demolition of buildings, which buildings are in the majority part composed of noncombustible material, as follows:

(1) By presenting to the Health Officer an indemnity bond in a form, in an amount and with sureties to be approved by the Health Officer, which indemnity bond shall be for the purpose of assuring that the acceptance of the refuse or the operation of the refuse disposal site will be conducted by the person in accordance with the terms of this subchapter and in accordance with instructions to be given to the person by the Health Officer; and

(2) By receiving from the Health Officer specific instructions as to the method, manner and fashion in which the acceptance of refuse or the operation of a refuse disposal site is to be conducted and operated.

(1981 Code, § 10.16.040) (Ord. 5-99, passed - -1967; Ord. 100-10, passed 10-12-2010)

§ 50.49 DISPOSAL SITE; PERMIT; EXPIRATION; RENEWAL.

A permit issued under this subchapter shall expire on the first day of March of each year. Permits shall be issued annually in the same manner as provided for under § 50.46.

(1981 Code, § 10.16.050) (Ord. 5-99, passed - -1967; Ord. 100-10, passed 10-12-2010)

§ 50.50 DISPOSAL SITE; PERMIT; FEE EXEMPTION.

No fee shall be charged for the permit issued for any state, county or municipally owned and operated public refuse disposal site.

(1981 Code, § 10.16.060) (Ord. 5-99, passed - -1967)

§ 50.51 DISPOSAL SITE; SEPARATION OF SALVAGEABLE MATERIAL; BURNING.

Businesses or persons who receive or obtain refuse in combination with materials to be salvaged must comply with the provisions of this subchapter, except that refuse not containing garbage may be separated from salvageable materials; provided, that the refuse must be removed to an approved refuse disposal site

within 24 hours after its receipt. Burning of refuse to free salvageable materials shall not be permitted except in an incinerator and on a site approved by the Health Officer and the local Fire Department. Special burning in open areas may be arranged at the discretion of the Health Officer and the local Fire Department. Any provision of this subchapter to the contrary notwithstanding, no burning of refuse shall be lawful except as authorized and permitted by this code.

(1981 Code, § 10.16.070) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

Cross-reference:

Open burning, see also Title IX of this Code of Ordinances

§ 50.52 INSPECTION OF DISPOSAL SITES AND OPERATIONS; REPORT; RIGHT OF ENTRY.

(A) At intervals deemed necessary, the Health Officer shall inspect each refuse disposal site located within the county. In case the Health Officer discovers a violation of any item of sanitation pertinent to the provisions of this chapter, he or she shall make a second inspection after the lapse of the time as he or she deems necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with the terms of this subchapter. Any violation of the same item of this chapter on the inspection shall be cause for suspension or revocation of permit.

(B) One copy of the Health Officer's inspection report, on which violations of any item of sanitation pertinent to the provisions of this subchapter shall be inscribed, shall be left at the refuse disposal site by the Health Officer. Another copy of the inspection report shall be filed by the Health Officer with the records of the Health Department.

(C) The person operating the refuse disposal site shall, upon request of the Health Officer, permit access to all parts of the grounds by the Health Officer and shall permit him or her to copy any and all records pertaining to the sources of refuse transported thereto for disposal.

(1981 Code, § 10.16.080) (Ord. 5-99, passed - -1967)

§ 50.53 SANITARY LANDFILL OPERATION; TOPOGRAPHIC MAPS REQUIRED FOR PERMIT.

(A) When the permit application for operating a refuse disposal system as required under §§ 50.46 through 50.51 is for a sanitary landfill system, a topographic map or maps of the proposed disposal site and surrounding area within 800 feet of the site as prepared by an engineer registered in the state, at a scale of not over 100 feet to the inch with a five-foot contour interval, shall be submitted with the initial application and for any major proposed changes in the operation.

(B) The map required in division (A) above shall also include fencing, drainage provisions, adjacent property and road grades and final grade of area. Where necessary to facilitate a proper evaluation of the proposed operation, the topographic maps shall be supplemented by detailed plans and specifications and engineering studies. The maps and supplementary documents described in this section shall be subject to review and approval by the State Board of Health and the County Health Department.

(1981 Code, § 10.16.090) (Ord. 5-99, passed - -1967)

§ 50.54 SANITARY LANDFILL OPERATION; HOURS OF OPERATION; SUPERVISION.

(A) The area selected for the disposal of refuse shall be controlled by established hours of operation, and have an adequate perimeter fence on all exposed sides. Entrance gates shall be locked to prevent entrance

of unauthorized personnel when attendants are not on duty.

(B) Adequate supervision shall be provided during the operational hours established under division (A) above.

(1981 Code, § 10.16.100) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.55 SANITARY LANDFILL OPERATION; SANITARY FACILITIES.

Suitable sanitary facilities shall be provided for employees where operations continue for a four-hour period or longer per day.

(1981 Code, § 10.16.110) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.56 SANITARY LANDFILL OPERATION; EMERGENCY EQUIPMENT.

Emergency equipment shall be available on the site or suitable arrangements made for the equipment from other sources during equipment breakdowns or during peak loads.

(1981 Code, § 10.16.120) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.57 SANITARY LANDFILL OPERATION; COMPACTION AND COVERING OF MATERIALS.

All material delivered to the site shall be compacted and covered with six inches of earth at the close of each working day. Final cover when establishing grade shall consist of at least two feet of compacted earth. The earth cover material shall be inert and relatively free of organic matter, tree roots, branches, stone more than six inches in diameter, bulky building materials and shall have a low clay content.

(1981 Code, § 10.16.130) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.58 SANITARY LANDFILL OPERATION; FILL FACE WIDTH; CONTROL OF BLOWING PAPER AND DEBRIS.

The face of the working fill shall be kept as narrow as possible and protection shall be afforded to control blowing papers and other debris.

(1981 Code, § 10.16.140) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.59 SANITARY LANDFILL OPERATION; APPROVAL REQUIRED FOR FILLS EXCEEDING SIX-FOOT LIFT.

Fills exceeding a six-foot lift shall require special approval from the Health Officer.

(1981 Code, § 10.16.150) (Ord. 5-99, passed - -1967)

§ 50.60 SANITARY LANDFILL OPERATION; PROVISION FOR DRAINAGE AND EROSION.

The finished area shall be sloped to provide drainage and be seeded to prevent erosion. The area surfaces shall be maintained for a period of two years after being completed to correct any erosion or settling that may develop.

(1981 Code, § 10.16.160) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.61 SANITARY LANDFILL OPERATION; POLLUTION OF SURFACE OR UNDERGROUND WATERS.

The location and operation of any refuse disposal site shall be in such a manner as not to contribute to the pollution of surface or underground waters where the pollution shall be deemed by the Health Officer as a hazard to the public health.

(1981 Code, § 10.16.170) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.62 SANITARY LANDFILL OPERATION; LOCATION RESTRICTIONS.

(A) A setback line of at least 35 feet from any surface or underground drainageways shall be established for each disposal site. Landfill disposal operations shall be located at least 200 feet from any private water supply and the location of any landfill within 800 feet of a public water supply is prohibited unless otherwise approved by the Health Department and the Area Plan Commission and/or Board of Zoning Appeals.

(B) Sanitary landfills shall not be established within 300 feet of any industrial or commercial building nor within 600 feet of any dwelling place except upon special permission and review of the County Health Department, the Area Plan Commission and/or Board of Zoning Appeals.

(1981 Code, § 10.16.180) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.63 SANITARY LANDFILL OPERATION; DUST CONTROL MEASURES.

In operations where dust on the site and approaches thereto becomes a nuisance to adjacent property owners, the Health Officer shall require that dust control measures be provided.

(1981 Code, § 10.16.190) (Ord. 5-99, passed - -1967)

§ 50.64 SANITARY LANDFILL OPERATION; ACCESS ROADS.

Access roads shall be designed and maintained so that traffic to the disposal site will flow smoothly and will not be interrupted by ordinary inclement weather.

(1981 Code, § 10.16.200) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.65 SANITARY LANDFILL OPERATION; SCAVENGING.

Scavenging will be permitted only if salvaged material is removed from the site daily and does not interfere with the orderly operation of the landfill. This section in no way precludes the right of a landfill operator to prevent scavenging as a part of his or her operational standards.

(1981 Code, § 10.16.210) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.66 SANITARY LANDFILL OPERATION; BURNING.

Burning shall not be permitted in the disposal area, and provisions shall be made to control fires, should any develop. Special burning may be arranged for at the discretion of the Health Officer and the local Fire Department.

(1981 Code, § 10.16.220) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.67 SANITARY LANDFILL OPERATION; INSECT AND/OR RODENT CONTROL.

If, in the opinion of the Health Officer, an insect and/or rodent problem exists, he or she may require that the operator institute a baiting and/or insecticide spraying program.

(1981 Code, § 10.16.230) (Ord. 5-99, passed - -1967)

§ 50.68 SANITARY LANDFILL OPERATION; DEPOSIT OF DANGEROUS MATERIALS.

Dangerous materials such as poisons, acids, caustics and explosives shall not be deposited on the grounds without special permission of the Health Officer. Other materials may be excluded by the landfill operator.

(1981 Code, § 10.16.240) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.69 INCINERATION; PREPARATION AND APPROVAL OF PLANS AND SPECIFICATIONS.

Plans and specifications for incineration shall be prepared by an engineer registered in the state, and the plans and specifications must be approved by the State Board of Health and the County Health Department.

(1981 Code, § 10.16.250) (Ord. 5-99, passed - -1967)

§ 50.70 INCINERATION; LOCATION.

Location or site of incinerators shall be chosen with the approval of the County Health Department, the Area Plan Commission and/or Board of Zoning Appeals.

(1981 Code, § 10.16.260) (Ord. 5-99, passed - -1967)

§ 50.71 INCINERATION; EMISSION OF SMOKE OR PARTICULATE MATTER RESTRICTED.

It is unlawful for any person owning or in charge of a fuel burning, combustion, or process equipment or device, or portable boiler, or open fire used for the purpose of refuse disposal, to cause, suffer or allow the emission or discharge of smoke or particulate matter from any single such source into the atmosphere in the quantities as in the discretion of the Health Officer would contribute to a public nuisance or hazard to the public health.

(1981 Code, § 10.16.270) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.72 FEEDING GARBAGE TO SWINE.

Garbage may be fed to swine, providing the operator holds a valid license from the State Livestock Sanitary Board, and complies with the applicable state requirements and regulations and permit requirements of this subchapter. All waste materials in the swine feeding operation shall be disposed of in a manner approved of by the Health Officer. The area in the vicinity of the feeding pens shall be maintained in a sanitary manner to prevent the breeding of flies and the attraction and harborage of rodents.

(1981 Code, § 10.16.280) (Ord. 5-99, passed - -1967) Penalty, see § 50.99

§ 50.73 GARBAGE GRINDING.

Nothing in the previous sections of this subchapter shall be construed to prevent the disposal of garbage by private or municipal garbage grinders; provided, that collection, treatment and final disposal methods are adequate.

(1981 Code, § 10.16.290) (Ord. 5-99, passed - -1967)

§ 50.74 DISPOSAL OF INERT REFUSE; PERMIT ISSUANCE.

Where only inert refuse is disposed of by a firm or individual on his or her own property, the Health Officer may issue a permit for disposal of same upon a reasonable, but not necessarily full, compliance with the operational standards set forth in §§ 50.53 through 50.68; provided, however, that the disposal shall be performed in such a manner as not to create a nuisance or hazard to the public health.

(1981 Code, § 10.16.300) (Ord. 5-99, passed - -1967)

§ 50.75 OTHER METHODS OF DISPOSAL TO BE APPROVED BY HEALTH OFFICER.

Refuse may be disposed of by other methods specifically approved by the Health Officer.

(1981 Code, § 10.16.310) (Ord. 5-99, passed - -1967)

§ 50.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating any of the provisions of §§ 50.25 through 50.32 shall be guilty of a misdemeanor and, on conviction, shall be punishable by a fine not in excess of the amount set out in the Appendix: Schedule of Fines and Fees and suspension of any and all permits issued to the offender, for any determinate period not to exceed 90 days, which forfeiture may be imposed by the Health Department upon proof of the conviction.

(1981 Code, § 10.12.090)

(C) Any person violating any provisions of §§ 50.45 through 50.75 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 the amount set out in the Appendix: Schedule of Fines and Fees, for the second offense by a fine of not more than the amount set out in the Appendix: Schedule of Fines and Fees, and for the third and each subsequent offense by a fine of not more than the amount set out in the Appendix: Schedule of Fines and Fees, and each day after the expiration of the time limit for abating unsanitary conditions as ordered by the County Health Officer shall constitute a distinct and separate offense.

(1981 Code, § 10.16.320)

(Ord. 5-99, passed - -1967; Ord. 98-78, passed - -1978; Ord. 101-78, passed - -1978)