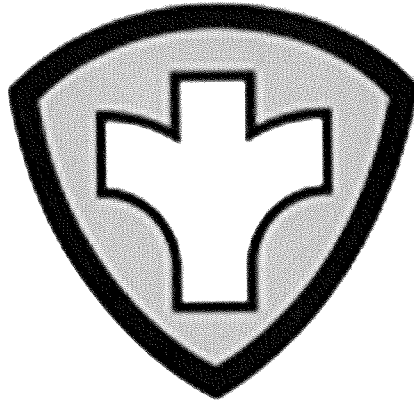


ORDINANCE NO. 2024-02

AN ORDINANCE REGULATING
THE ACCUMULATION AND
DISPOSAL OF SOLID WASTE,
HAZARDOUS WASTE, GARBAGE,
JUNK, AND JUNK AUTOMOBILES



Public Health
Prevent. Promote. Protect.

Huntington County Health Department
1330 S Jefferson St
Huntington, In 46750

Adopted April 2024

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WHEREAS, the Commissioners of Huntington County, Indiana, recognize the need for an ordinance regulating the accumulation and disposal of solid waste, hazardous waste, garbage, junk, and junk automobiles.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Commissioners of Huntington County, Indiana, as follows

1 INTRODUCTION

The definitions contained herein shall govern the construction of this ordinance unless specific provisions or the context require otherwise:

A. Compost Pile

- a. means a pile, mound, or heap (whether on the ground or in a container or structure) consisting solely of organic materials that are intentionally collected to create compost material for gardening purposes

B. Construction Site

- a. means any private or public property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place

C. County

- a. means Huntington County, Indiana, and those unincorporated areas that are under the jurisdiction of the Huntington County Health Officer and not incorporated cities or towns, except as provided for under the authority of IC 16-20

D. Debris

- a. includes the remains of something broken down or destroyed regularly broken bits and pieces of stone, glass, wood, concrete, building materials after demolition, bits and pieces of rubbish or litter, and a heap of rock fragments

E. Disposal

- a. for purposes of environmental management laws, means the:
 - i. discharge;
 - ii. deposit;
 - iii. injection;
 - iv. spilling;
 - v. leaking; or
 - vi. placing;
- b. of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.
- c. Disposal for purposes of IC 13-29-1, means the isolation of waste from the biosphere in a permanent facility designed for that purpose.
- d. Disposal for purposes of IC 13-22-12-3.5, means all forms of disposal in or on the land, including underground injection.

F. Elements

- a. means wind, weather, or other condition" whether created by nature or man-made, which could reasonably be foreseen to carry litter from one place to another

G. Garbage

- a. for purposes of environmental management laws, means all spoilable animal solid, vegetable solid, and semisolid wastes resulting from

the:

- i. processing;
- ii. handling;
- iii. preparation;
- iv. cooking;
- v. serving; or
- vi. consumption;
- vii. of food or food materials.

H. Hazardous Waste

- a. means solid waste, or combination of solid waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:
 - i. cause, or significantly contribute to, an increase in mortality or increase in serious irreversible, or incapacitating reversible, illness; or
 - ii. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

I. Hazardous Waste Facility

- a. means a plant or site, approved by the United States Environmental Protection Agency, where hazardous waste is properly treated, stored, transported, or disposed of, or otherwise managed.

J. Health Officer

- a. means the Huntington County Health Officer, or his or her authorized representative.

K. Junk Automobiles

- a. means, but is not limited to, a motor vehicle, motorcycle, semi-trailer, or recreational vehicle, or parts or segments of said motor vehicles, that have been unlicensed in the State of Indiana for a period exceeding sixty (60) days.

L. Litter

- a. means any uncontainerized man-made or man-used waste which, if deposited within the County tends to create a danger to public health, safety, and welfare or to impair the environment of the people of the County. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic, paper container, or other construction material, motor vehicle part furniture, oil, the carcass of a dead animal, or nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

M. Open areas of the lot or Premises

- a. means any area of the lot or premises not within the confines of a completely enclosed building

N. Person

- a. Any individual, trust, joint stock company, federal agency, corporation

(including a government corporation), limited liability company, partnership, co-partnership, company, estate, municipal corporation, city, school city, town, school town, school district, school corporation, county, state agency, association, state, commission, political subdivision of a state, any interstate entity or any other legal entity or their legal representative

O. Rubbish

- a. means and includes ashes, cans, metalware, broken glass crockery, sweepings, boxes, furniture, appliances, cardboard, and all similar matter.

P. Solid Waste

- a. means any garbage, rubbish, or other material that is typically discarded, including solid, liquid, semi-solid, commercial, mining, or agricultural operations or from community activities. However, the term "solid waste" does not include:
 - i. solid or dissolved material in domestic sewage or dissolved materials
 - ii. in irrigation return flows or industrial discharge, which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act Amendments (P.L. 92-500); or
 - iii. source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954; or
 - iv. manures or crop residues, returned to the soil as fertilizers or soil conditioners; or
 - v. for this ordinance solid waste does not include hazardous waste as defined herein.

Q. Sanitary Landfill

- a. means any facility that is suitable for solid waste disposal and is constructed and approved according to 329 IAC 10.

R. Vector

- a. means any living animal capable of harboring and transmitting micro-organisms from one animal to another animal or human, including, but not limited to rodents, mosquitoes, and flies.

2 SPECIFIC ACTS PROHIBITED

The following acts are specifically prohibited in the county.

A. No person shall:

- a. cause, or allow to be caused, an accumulation or scattering of any solid waste in the county for some time not to exceed 30 days.
 - i. Waste must be stored must be stored in a manner as not to allow or promote disease or support vectors for rodents, insects, or others.
 - ii. Waste will not be allowed to be spread by wind or weather.

- B. operate, or begin to operate, or expand a sanitary landfill or other solid waste disposal site
- C. cause or allow to be caused, the disposal of hazardous waste within the county
- D. possess at any one time or in any one place, more than two (2) junk automobiles unless that person has in his or her possession a valid license for vehicle salvage operations as required by IC 9-32-9-1.
- E. keep junk automobiles on any property without having first erected a permanent privacy fence with posts secured a minimum of two (2) feet into the ground and is of sufficient height, not to exceed eight (8) feet, and circumference as to block the view from the general public.
- F. maintain any condition which may support vectors; generate, transmit, or promote disease; or, in general, cause or possibly cause health problems for a person or persons of the county.

3 MAINTENANCE OF PROPERTY

A. Private Property

- a. It shall be the duty of any person owning or controlling any private premises to maintain such private premises in a clean and orderly manner. It shall be a violation to abandon, neglect, or disregard the condition or appearance of any premises to permit the accumulation of junk and trash thereon.

B. Public Property

- a. It shall be the duty of any person owning or controlling any public place to keep the premises clean of all Junk, trash, garbage, litter, refuse, and debris and shall take measures' including daily cleanup of the premises, to prevent the accumulation of same or movement by the elements to adjoining properties. It shall be a violation to abandon, neglect, or disregard the condition or appearance of such premises to permit the accumulation of junk and trash thereon.

C. Construction Sites

- a. The property owners and contractors in charge of any construction site shall maintain the construction site in such a manner as to avoid the accumulation of junk and trash, nor being carried by the elements to adjoining properties. All junk, trash, and litter from construction or related activities shall be picked up at the end & of each workday and placed in containers for regular removal

D. Compost Piles

- a. The compost pile does not occupy an area greater than ten feet by ten feet
- b. The compost pile is at least 100 feet from any public road; and
- c. The compost pile is either:
 - i. at least 100 feet from any other tract of real estate
 - ii. completely screened by a fence or other man-made or natural screen such that the compost pile is not visible from any other tracts of real estate

4 ENFORCEMENT

A. Right of entry upon premises.

- a. The Health Officer, bearing proper credentials and identification, may enter upon and inspect private property to inspect, observe, measure, sample, test, and examine records necessary to ensure compliance with this ordinance and the corresponding State rule.
- b. In the event a person who has common ownership over a building, structure, or land does not permit an inspection for the purposes described in A. above, the inspection may be rescheduled and the owner shall be notified of the date and time of the inspection. Failure of the person to thereafter permit an inspection will be sufficient grounds and probable cause for a court of competent jurisdiction to issue an administrative warrant to inspect, observe, measure, sample, test, or examine records necessary to ensure compliance with this ordinance and the corresponding State rule.
- c. In the event a building, structure, or land appears to be vacant or abandoned and the property owner cannot be readily contacted to obtain consent for an inspection, the Health Officer may enter into or upon any open or unsecured portion of the premises, for such purposes as inspecting, observing, measuring, sampling, testing and examining records necessary to ensure compliance with this ordinance and the corresponding State rule.

5 NOTICE

A. Whenever the health officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, the health officer shall give notice of such alleged violation to the person responsible. The notice shall:

- a. be in writing;
- b. include a statement which indicates the precise reason for the issuance of notice;
- c. indicate a reasonable time for the performance of any act required to bring the situation into compliance;
- d. be served upon the person responsible, or the occupant, or the landowner, as the case may be; provided that such notice shall be deemed to be properly served upon such person, occupant, or landowner if a copy thereof is posted in a conspicuous place in or about the area affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state;
- e. such notice must contain an outline of remedial action which, if taken, will affect compliance with the provisions of this ordinance.

6 PENALTIES

- A. Any person who violates any provision of this ordinance shall be deemed to have committed an ordinance violation. Upon inspection by the Health Officer or appointed representative monetary fines may be assessed according to the following table

Violation and Notice	Time to comply/ inspection date	Fine assessed
Written letter of inspection date sent (10 days)	10 Days	No Fine
First Violation Inspection Completed	30 days	No fine
Second Violation Order Filed (Abatement or Enforcement Filed)	30 Days	A \$50 fine assessed
Third Violation Abatement or Order of Enforcement Inspection	30 Days After the Order is issued	A \$100 fine will be assessed if not completed The order will be removed is fine paid, and all violations remediated
Fourth Violation Inspection	30 days after the previous inspection	A \$200 fine will be assessed if not completed The order will be removed is fine paid, and all violations remediated
Inspection	60 days after the previous inspection	A \$500 fine will be assessed if not completed The order will be removed is fine paid, and all violations remediated (to continue at this schedule until the issue is remediated and all fines are paid, fines are cumulative. Not to exceed \$1000)

- B. Any person in violation of this ordinance shall be liable to the county for any expenses and costs.
- C. Health Department fines will proceed through the fourth violation at which time the violation will be turned over to the corresponding department for litigation and legal proceedings.

7 APPEAL HEARINGS

- A. Any person affected by any such notice issued by the health officer may request and shall be granted a hearing on the matter before the Health Officer, or his appointee, and the Board of County Commissioners if such person affected files in the office of the Health Officer, within ten (10) calendar days after the service of the notice, a written petition requesting said hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the Health Officer shall arrange a time and place for such hearing and it shall be held as soon as practicable after the receipt of the request.

- B. The Health Officer and members of the Board of County Commissioners shall sustain, modify, or withdraw the notice, based upon his findings on the relevant facts and the applicable code violations.

8 EFFECT OF PARTIAL INVALIDITY

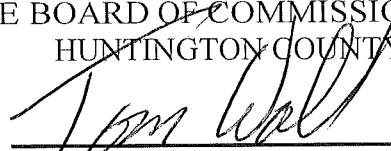
If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect; and to this end, the provisions of this ordinance are hereby declared to be severable.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

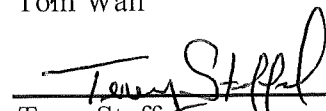
This ordinance amends, supersedes, repeals, and replaces ordinance No. 1993-5.

Dated this 8 day of April, 2024.

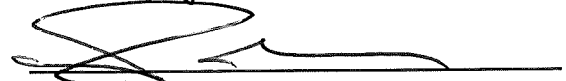
THE BOARD OF COMMISSIONERS OF
HUNTINGTON COUNTY INDIANA



Tom Wall




Terry Stoffel



Rob Miller

ATTEST:



Jill Landrum, Auditor of Huntington County