

THE BOARD OF COMMISSIONERS OF WABASH COUNTY, INDIANA

GENERAL ORDINANCE NO. 2012-85-13

**AN ORDINANCE AMENDING GENERAL ORDINANCE NO. III-1989 REGULATING
THE ACCUMULATION AND DISPOSAL OF SOLID WASTE, HAZARDOUS WASTE,
GARBAGE, JUNK, AND JUNK AUTOMOBILES**

The Board of the Commissioners of Wabash County, Indiana, recognizes the need for an ordinance regulating the accumulation and disposal of solid waste, hazardous waste, garbage, junk, and junk automobiles.

On or about April 3, 1989, the Board adopted General Ordinance No. III-1989, regulating the accumulation and disposal of solid waste, hazardous waste, garbage, junk, and junk automobiles.

The Board believes it is in the best interests of its citizens to amend that ordinance to provide that violators will be subject to the penalty imposed for a Class A infraction, as set forth in Indiana Code 34-28-5-4.

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

1. Specific Acts Prohibited. The following acts are specifically prohibited in the County.

1.1. No person shall cause, permit or place an accumulation or scattering of any solid waste in the County, upon any street, lot, park, waterway, waterway bank, public place or other area whether publicly or privately owned. However, this does not include:

1.1.1. accumulations of solid waste, prior to compaction and application of daily cover, at solid waste disposal facilities, and

1.1.2. accumulations of solid waste for the purposes of pick-up and disposal at solid waste disposal facilities.

1.2. No person shall operate, or begin to operate, or expand a solid waste disposal facility without first submitting plans to the County Board of Health; such plans should include the same information as required by Rule 329 IAC unless otherwise specified by the County Board of Health. However, this rule does not include those operations or expansion of operations of solid waste disposal facilities that occur prior to the effective date of this ordinance and are currently State approved.

1.3. No person shall cause or allow to be caused, the disposal of hazardous

waste within the County except as approved by the United States Environmental Protection Agency and Indiana Department of Environmental Management.

1.4. No person shall operate or begin to operate, a hazardous waste facility within the county unless the facility has previously been approved by the United States Environmental Protection Agency and the Indiana Department of Environmental Management.

1.5. No person shall possess at any one time or in any one place, more than three (3) junk automobiles unless that person has in his or her possession a valid license for vehicle salvage operations as required by I.C. 9-22-4.

1.6. No person shall keep junk automobiles on any property without having first erected a privacy fence which is of sufficient height and circumference so as to block the view from the general public.

1.7. No person shall 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.

2. Definitions. The definitions contained herein shall govern construction of this ordinance unless specific provisions or the context requires otherwise:

2.1. "County" means Wabash County, Indiana, and those unincorporated areas which are under the jurisdiction of the Wabash County Health Officer and not incorporated cities or towns, except as provided for under the authority of I.C. 16-20.

2.2. "Disposal" means the discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste, as defined herein, into or on any land or water.

2.3. "Garbage" means all putrescible animal solid, vegetable solid, and semi-solid wastes resulting from the processing, handling, preparing, cooking, serving, consumption of food or food materials.

2.4. "Hazardous Waste" means a solid waste, or combination of solid waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

2.4.1 cause, or significantly contribute to, an increase in mortality or increase in serious irreversible, or incapacitating reversible, illness; or

2.4.2. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

2.4.3. "Hazardous Waste Facility" 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.

2.5. "Health Officer" means the Wabash County Health Officer, or his or her authorized representative.

2.6. "Junk Automobile" means, but is not limited to, a motor vehicle, motorcycle, semitrailer, or recreational vehicles, or parts or segments of said motor vehicles that have been unlicensed and/or unregistered in the State of Indiana for a period of time exceeding one year.

2.7. "Person" means, but is not limited to, any individual, partnership, firm, company, corporation, association, trust, estate, and employee, agent, or legal representative, of any such individual, partnership, firm, company, corporation, association, trust, or estate.

2.8. "Rubbish" means and includes ashes, cans, metalware, broken glass, crockery, sweepings, boxes, furniture, appliances, cardboard, and all similar matter.

2.9. "Solid Waste" 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:

2.9.1. solid or dissolved material in domestic sewage as defined in Wabash County Ordinance 85-3 and 410 IAC 6-8.2-39, or dissolved materials 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

2.9.2. source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954; or

2.9.3. manures or crop residues, returned to the soil as fertilizers or soil conditioners; or

2.9.4. for the purposes of this ordinance solid waste does not include hazardous waste as defined herein.

2.10. "Solid Waste Disposal Facility" means any facility that is suitable for solid waste disposal and is constructed and approved pursuant to I.C. 36-9-30 and 329 IAC.

2.11. "Vector" 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.

3. Enforcement.

3.1. The provisions of this ordinance shall be enforced by the Health Officer or the County Sheriff.

3.2. The Health Officer may enter upon and inspect private property, at proper times after due notice, in regard to violations of this ordinance.

4. Notice.

4.1. 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 therefore. The notice shall:

- 4.1.1. be in writing;
- 4.1.2. include a statement which indicates the precise reason for the issuance of notice;
- 4.1.3. indicate a reasonable time for the performance of any act required to bring the situation into compliance;
- 4.1.4. 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;
- 4.1.5. such notice must contain an outline of remedial action which, if taken will effect compliance with the provisions of this ordinance.

5. Appeal Hearings.

5.1. 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 and the County Board of Health, 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 therefore. 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.

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

6. Violation. Any person who violates any provision of this ordinance shall be subject to the penalty imposed for a Class A infraction, as set forth in Indiana Code 34-28-5-4. Each day a violation continues after the expiration of the time set forth by legal notice specified in Section 4 of this Ordinance, constitutes a separate violation.

Adopted this 13TH day of August, 2012.

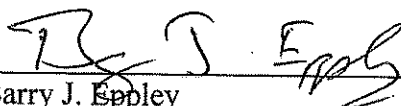
BOARD OF COMMISSIONERS
OF WABASH COUNTY



Brian K. Haupert, Chairman



Scott E. Givens



Barry J. Eppley

ATTEST:



Jane Ridgeway, Wabash County Auditor