

ORDINANCE NO. 1986-4

AN ORDINANCE PROHIBITING THE ACCUMULATION OF GARBAGE
AND RUBBISH IN KOSCIUSKO COUNTY

BE IT ORDAINED by the Board of Commissioners of Kosciusko County,
Indiana as follows:

SECTION 1. Definitions: The following terms shall be defined as set forth below
for the purposes of interpreting and enforcing this section:

Section 1.1 “County” means Kosciusko County, Indiana and those
unincorporated areas which are under the jurisdiction of the Kosciusko County Health
Officer and not incorporated cities or towns, except as provided for under authority of
Indiana Code 16-1.

Section 1.2 “Garbage” means and includes 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, but specifically excludes livestock waste.

Section 1.3 “Health Officer” means the Kosciusko County Health Officer, or his
or her authorized representative.

Section 1.4 “Persons” means but is not limited to, any individual, partnership, co-
partnership, firm, company corporation, association, joint-stock company, trust, estate, or
municipality or his, her, or its legal representative or agent.

Section 1.5 “Rubbish” means and includes ashes, cans, metalware, broken glass
crockery, sweepings, boxes, furniture, appliances, cardboard, paper cartons, containers or
litter of any kind, and all similar matter.

Section 1.6 “Sanitary fill” means the placement of garbage and rubbish in an
specially prepared trench or its equivalent with that material being thoroughly compacted
and covered with at least two (2) feet of compacted fresh earth.

Section 1.7 “Vector” means any living animal capable of harboring and
transmitting microorganisms from one animal to another animal or human, specifically
including in said definition rats, mice, rodents, mosquitoes and flies.

SECTION 2. Regulation: It shall be unlawful for any person to cause, or to allow
to be caused, an accumulation or scattering of garbage or rubbish upon his or her property
or property occupied by said person, within the County. Any such accumulation or
scattering of garbage or trash is, and hereby declared to be, a public health nuisance.

Section 2.1 This ordinance shall not be construed to prohibit the accumulation or
garbage or refuse, prior to disposal.

Section 2.2 All garbage and receptacles for the collection of garbage shall be kept enclosed, inaccessible to vectors and shall be removed from the premises before putrefaction sets in.

Section 2.3 If so ordered by the Health Officer, the trash and rubbish may be covered at the site with sanitary fill. Otherwise, all garbage and rubbish must be hauled to a sanitary landfill in accordance with Indiana Code 13-7

SECTION 3: Enforcement: The Kosciusko County Health Officer shall enforce this ordinance.

SECTION 4: Powers of Inspection: The Health Officer shall be permitted to enter upon all properties at any reasonable and proper time to inspect, observe, measure, sample and test to carry out the provisions of this ordinance. The County Health Officer shall, upon request, produce and display proper credentials and identification.

SECTION 5: Notices: The County Health Officer shall serve any person found to be violating any provisions of this ordinance with a written order stating the nature of the violation and proving a time limit for its satisfactory correction.

SECTION 6: Penalties: Any person who violates any provision of this ordinance shall be deemed to have committed an ordinance violation and, upon conviction, shall be fined not more than one hundred dollars (\$100.00) for the first violation and not more than two hundred dollars (\$200.00) for the second and each subsequent violation. Each day a violation continues after the expiration of the time set forth in any order issued under Section 5 of this ordinance for abating unsanitary conditions and completing improvements as ordered by the Health Officers constitutes a separate violation.

Section 6.1 Any person violating any provision of this ordinance shall be liable to the County for any expense, including attorney fees, loss or damage suffered by the County due to that violation.

Section 6.2 Nothing in this ordinance shall be deemed or construed to bar, abridge or limit in any way any existing legal or equitable remedies for the abatement of a private or public nuisance.

SECTION 7: Severability: If any section, paragraph, sentence, clause, phrase or word of this ordinance, or any other part thereof be declared invalid for any reason, the remainder of said ordinance shall not be affected thereby and shall remain in full force and effect.