

**ALLEN COUNTY CODE TITLE 10
DEPARTMENT OF HEALTH**

**ARTICLE 3
PUBLIC DISPOSAL OF GARBAGE AND RUBBISH**

10-3

An Article regulating the public disposal of garbage and rubbish on any land situated outside the corporate limits of any city or town in Allen County, Indiana, requiring permits and permit fees for any owner, leaseholder, or operator, of land used for the public disposal of garbage and rubbish; regulating the inspection of such disposal sites and operations thereon; providing for the enforcement of this Article; and fixing penalties.

10-3-1 Chapter 1: Definitions

The following definitions shall apply to the interpretation and enforcement of this Article:

10-3-1-1 Garbage

Garbage: The term “garbage” as used herein shall mean and include rejected food wastes including every waste accumulation of animal, fruit, 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.

10-3-1-2 Rubbish

Rubbish: The term “rubbish” used herein shall mean and include such matter as ashes, cans, metalware, broken glass, crockery, dirt, sweepings, boxes, wood, grass, weeds or litter of any kind, exclusive of building materials.

10-3-1-3 Public Disposal

Public Disposal: The term “public disposal” as used herein 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, corporations, or associations, and transported to other premises, either with or without the payment or a fee.

10-3-1-4 Sanitary Fill

Sanitary Fill: The term “sanitary fill” as used herein shall mean and relate to the placing of garbage and rubbish in a specially prepared trench or its equivalent and the aforesaid contents thoroughly compacted and covered with at least two (2) feet of compacted fresh earth daily.

10-3-1-5 Health Officer

Health Officer: The term “health officer” shall mean the Allen County Health Officer, or his authorized representative.

10-3-1-6 Allen County

Allen County: The term “Allen County” shall mean those areas which are under the jurisdiction of the Allen County Health Officer and situated outside the corporate limits of any city or town.

10-3-1-7 Person

Person: The term “person” shall mean any person, firm, corporation, or association.

10-3-2 Chapter 2: Permits

10-3-2-1 Disposal of Garbage or Rubbish

Disposal of Garbage or Rubbish: It shall be unlawful for any person to engage in the public disposal of garbage or rubbish in Allen County, who does not possess an unrevoked permit from the Health Officer. Only persons who comply with the requirements of this Article shall be entitled to receive and retain such a permit.

- a. The permit shall be valid for a term of one year on a calendar year basis and should be renewable annually.
- b. 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, and if such address be different than the premises for which it is issued, and such other pertinent information as may be required by the Health Officer.
- c. A permit shall be issued to any person who has complied with the requirements of the Article and no permit or renewal thereof shall be denied on arbitrary or capricious grounds.
- d. A permit may be temporarily suspended by the Health Officer upon violation by the holder of any of the terms of this Article, or revoked after an opportunity for a hearing by the Health Officer upon serious or repeated violation.

- e. A separate permit shall be required for each public disposal site operated, or to be operated by any person.

10-3-2-2 Countersigning of Permit

Countersigning of Permit: No permit signed by the health Officer shall be valid until it has been countersigned by the Treasurer of Allen County. The Treasurer of Allen County shall countersign a properly signed permit upon payment to the Treasurer of Allen County of \$25.00. Such monies or fees collected under the terms of this Article shall revert to the General Fund of Allen County.

10-3-2-3 State or Municipal Sites

State or Municipal Sites: No fee shall be charged for any State or Municipally owned and operated public garbage and rubbish disposal site in Allen County.

10-3-3 Chapter 3: Inspection of Public Disposal Sites and Operations

10-3-3-1 Frequency of Inspection

Frequency of Inspection: At least once each six (6) months, the Health Officer shall inspect each garbage and rubbish disposal site located within Allen County.

10-3-3-2 Violations

Violations: In case the Health Officer discovers a violation of any item of sanitation pertinent to the provisions of this Article, he shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied, and second inspection shall be used in determining compliance with the terms of this Article. Any violation of the same item of the Article on such second inspection, shall call for suspension or revocation of permit.

10-3-3-3 Inspection Reports

Inspection Reports: One copy of the Health Officer's inspection report, on which violations of any item of sanitation pertinent to the provisions of this Article shall be enscribed, shall be left at the garage and rubbish disposal site by the Health Officer. Another copy of the aforementioned inspection report shall be filed by the Health Officer with the records of the Fort Wayne-Allen County Board of Public Health.

10-3-3-4 Access to Premises and Records

Access to Premises and Records: 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.

10-3-4 Chapter 4: Sanitary Requirements

10-3-4-1 Issuance of Permit

Issuance of Permit: 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.

10-3-4-2 Set Back Line

Set Back Line: A set back line of at least 25 feet from any open water courses, or known tile drains or public highway, shall be established at each disposal site.

10-3-4-3 Avoiding Rodents and Insects

Avoiding Rodents and Insects: 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 fill, or by a method approved by the Health Officer.

10-3-4-4 Salvageable Material

Salvageable Material: All salvageable material must be removed from the disposal area at least once each week.

10-3-4-5 Combustible Rubbish

Combustible Rubbish: Combustible rubbish, completely devoid of garbage, may be burned in an area designated by the Allen County Health Officer, to minimize fire hazards and the creation of a public nuisance resulting from smoke and stench. The Allen County Health Officer may order that all material be covered or disposed of in a satisfactory manner.

10-3-4-6 Equipment Requirements

Equipment Requirements: Any person engaged in public garbage and rubbish disposal of sanitary fill shall have available at all times earth moving equipment of adequate size and capacity to satisfactory operate such sanitary fill. An all weather road shall be provided to the trench or sanitary fill site.

10-3-4-7 Garbage for Animal Consumption

Garbage for Animal Consumption: It is expressly forbidden to make uncooked garbage available for animal consumption at any garbage and rubbish disposal site.

10-3-4-8 Infestation of Rodents and Insects

Infestation of Rodents and Insects: Infestation of rodents and insects on the premises of a garbage and rubbish public disposal site, shall constitute a violation of the Article and such violation shall be determined by the Allen County Health Officer.

10-3-5 Chapter 5: Enforcement

10-3-5-1 Enforcing Official

Enforcing Official: The enforcement of this Article shall be by the Allen County Health Officer.

10-3-5-2 Prosecuting Official

Prosecuting Official: It shall be the duty of the Allen County Prosecuting Attorney, to whom the Allen County Health Officer shall report any violations of the provisions of this Article, to cause proceedings to be commenced against the person violating the provisions of this Article and to prosecute him to final termination.

10-3-6 Chapter 6: Penalty

10-3-6-1

A judgement not exceeding \$2,000 shall be entered against any person who violates any provision of this Article. Any person against who a judgement is entered shall also be liable for costs; however, whenever a judgement is entered against a person for the commission of two (2) or more violations of this Article, the court may waive the person's liability for costs for all but one (1) of the violations.