

ILLEGAL WASTE DISPOSAL

ORDINANCE NO. 92-2

Section 1: PURPOSE: The purpose of this Ordinance is to regulate and control the disposition of solid waste in Martin County, Indiana and to prohibit the dumping or storing of said waste in a place other than a permitted facility, particularly along public road sides. It is also the purpose of this Ordinance to prevent a generator or owner of solid waste to escape liability by contracting with a third party to dispose of said solid waste when such third party wrongfully disposes of said waste.

Section 2: DEFINITIONS: Solid Waste means any garbage, refuse, household waste, household hazardous waste, or other discarded material including solid liquids, semi-solids, or contained gaseous material.

Section 3: PROHIBITED ACTS: No person or other legal entity shall discharge, deposit, throw, or cause or allow any solid waste to be discharged, deposited or thrown or stored on any land in Martin County for final disposal that does not have the proper permits and which disposal site is also the land not owned by the generator or owner of the solid waste.

Section 4: DEFENSES: It shall be a defense to the acts prohibited herein that said solid waste was deposited, stored, or thrown by:

1. an act of God or
2. an act of war or
3. an act or omission of a third party other than the owner or generators or employee or agent and other than one whose act or omission occurs in connection with a contractual relationship existing directly or indirectly with the owner or generator of said solid waste if the defendant establishes by a preponderance of the evidence that (a) he exercised due care with respect to the solid waste concerned and (b) he took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions.

Section 5: PENALTIES: Any person violating any of the provisions of this Ordinance shall be for each offense be punished by a fine or not less than Two Hundred Dollars (\$200.00) and not more than \$2,500.00.

Section 6: REPEALER: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 7: Effective Date: This Ordinance shall take effect and be in full force and effect from and after its passage and publication according to law.

PASSED this 15th day of February, 1992.

Vincent J. Williams
Vincent J. Williams, Commissioner

Martin Tow
Martin Tow, Commissioner

Max D. Warren
Max D. Warren, Commissioner

Victor P. Crew
Victor P. Crew, Auditor
Martin County, Indiana