

ORDINANCE NO. 08-11-10-001 GARBAGE

AN ORDINANCE TO AMEND ORDINANCE 03- 07-15- HEA PROHIBITING THE ACCUMULATION OF GARBAGE AND RUBBISH IN KOSCIUSKO COUNTY

C/R 2003092174

WHEREAS, the Kosciusko County Health Department has recognized a need to amend Ordinance 03-07-15- HEA in order to expedite the processing of violations and;

WHEREAS, the Board of Commissioners of Kosciusko County, Indiana also recognized that need and;

THEREFORE 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 purpose 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-I.

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 especially 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.

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Deborah A. Wright
Kosciusko County Recorder IN
Recorded as Presented

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 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 of 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 garbage 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 13-20.

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 providing a time limit for its satisfactory correction.

Section 6. Abatement by County: In addition to or in lieu of any other remedies or penalties under this ordinance, in no less than ten days upon the failure of the property owner to abate said nuisance, the Health Officer may enter upon said premises and abate the same, the costs of which, including removal and/or administrative costs, shall be assessed against the owner of said property, and if not paid within 30 days after notification thereof, shall constitute a lien against such property being placed upon the tax duplicate of such property in the office of the Treasurer of Kosciusko County, Indiana, for collection as provided by law.

SECTION 7. Penalties: Any person who violates any provision of this ordinance shall be deemed to have committed an ordinance violation and, a warning citation will be issued upon an initial inspection. If after specified time the violation remains, a citation of Fifty Dollars (\$50.00) will be issued. Should the violation remain after additional specified time, a second citation will be issued in the amount of One Hundred Dollars (\$100.00). Should this matter go to court and upon conviction, the person 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.

SECTION 7. Penalties: Each day a violation continues after the expiration of time set forth in second citation issued under Section 5 of this ordinance for abating unsatisfactory conditions and completing improvements as ordered by the Health Officers constitutes a separate violation.

Section 7.1: 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 8. Expenses and Fees: 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 9. Emergency Fund: Any citation fees collected under provision of this ordinance shall be receipted into the Health Department Emergency Clean Up Fund.

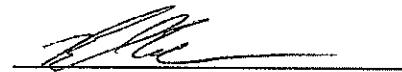
SECTION 10. Severability: If any section, paragraph, sentence, clause, phrase, or word of this ordinance, or any other part thereof be declared invalid for any reason, the remainder of said ordinance shall not be affected thereby and shall remain in full force and effect.

ADOPTED THIS 10TH DAY OF NOVEMBER, 2008.

KOSCIUSKO COUNTY
BOARD OF COMMISSIONERS

I affirm, under the penalties for perjury,
that I have taken reasonable care to redact
each Social Security number in this
document, unless required by law.

Peg Sherman


Brad Jackson, President

Robert M Conley
Bob Conley

Ronald Truex
Ron Truex

Attest:

Marsha McSherry
Marsha McSherry, County Auditor