

ORDINANCE NO. 2019-19-CM
AMENDING TIPPECANOE COUNTY CODE
ADDING NEW SECTION 50.03
UNLAWFUL DUMPING AT PUBLIC RECYCLING SITES AND
WASTE MANAGEMENT SUPPORT FUND

WHEREAS, Tippecanoe County wishes to encourage recycling efforts in Tippecanoe County; and

WHEREAS, Tippecanoe County and Tippecanoe County Solid Waste Management District have or will arranged for recycling receptacles to be placed for public use around the County; and

WHEREAS, such recycling receptacles are sometimes located on real estate owned by third parties; and

WHEREAS, dumping of material outside of designated receptacles and dumping of material not meant for recycling are detrimental to public health and welfare and will deter third parties from assisting with recycling efforts in the community;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Tippecanoe County, Indiana, that the Tippecanoe County Code be amended to add a new section 50.03 reading as follows:

50.03 UNLAWFUL DUMPING AT PUBLIC RECYCLING SITES

- A. This section applies to locations where Tippecanoe County or the Tippecanoe County Solid Waste Management District have caused receptacles for collection of recyclable material to be made available for use by the public in Tippecanoe County.
- B. As used in this section, “recyclable material” refers to material such as paper, glass, plastic, and aluminum intended to be segregated from the solid waste stream for the purpose of its use or reuse, conversion into raw materials, or use in the production of new products.
- C. A person may not place recyclable or other material in a recycling receptacle unless the owner or operator of the receptacle has indicated, through signage or other means, that the material is acceptable for placement in the receptacle.
- D. A person may not dump recyclable or other material outside of the receptacle unless the owner or operator of the receptacle or the owner of the real estate on which the receptacle is located has indicated, through signage or other means, that

such dumping is permissible.

- E. The first violation of this section within a one year period shall be subject to a fine in the amount of two hundred and fifty dollars (\$250), the second violation of this section within a one year period shall be subject to a fine of one thousand dollars (\$1,000), and the third violation of this section within a one year period shall be subject to a fine of up to two thousand, five hundred dollars (\$2,500).
- F. A citation may be issued in the form specified under IC 34-28-5-1(e) and IC 9-30-3-6. A copy of the citation shall be provided to the Clerk and to the County Attorney. If the amount of the fine is not more than two hundred and fifty dollars (\$250), the fine may be paid through the Tippecanoe County Clerk under IC 33-36-3-1.
- G. In addition to the fines set forth in section E, an person who violates this section shall be responsible for such reasonable fees and expenses as are made necessary by the owner's failure to comply with this section including, without limitation, the costs of handling the dumped material, attorney's fees, damages to the surrounding property, and costs of injury caused by the dumped material.
- H. In addition to any other remedy available under this chapter, the County or the Tippecanoe County Solid Waste Management District may seek injunctive relief from a court of competent jurisdiction to correct an ongoing violation under this section.
- I. There is hereby created in the office of the Auditor of Tippecanoe County a separate fund to be known as the Waste Management Support Fund ("the Fund"). All monies received from fines recovered under this section shall be deposited in the Fund. Monies may be expended from such fund only for the purpose of supporting recycling and other waste management efforts in Tippecanoe County. Interest on the Fund shall be deposited to the county general fund.

This Ordinance shall be in full force and effect immediately upon its passage, signing, and publication.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 5th day of August, 2019, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

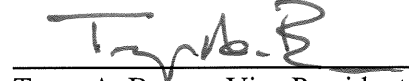
VOTE

Y



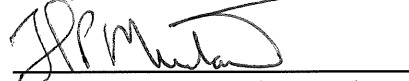
David S. Byers, President

Y



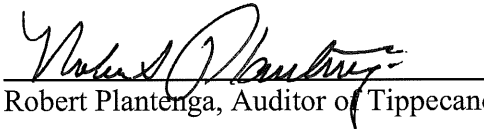
Tracy A. Brown, Vice President

Y



Thomas P. Murtaugh, Member

ATTEST:



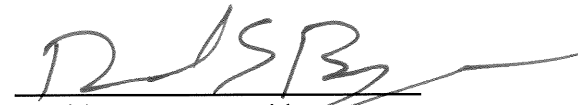
Robert Plantenga, Auditor of Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 19th day of August, 2019, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

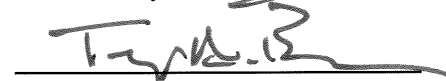
VOTE

Y



David S. Byers, President

Y



Tracy A. Brown, Vice President

Y



Thomas P. Murtaugh, Member

ATTEST:



Robert Plantenga, Auditor of Tippecanoe County