

ORDINANCE NO. 2025-21

**AN ORDINANCE OF THE HUNTINGTON COUNTY BOARD OF COMMISSIONERS
ESTABLISHING FINES AND PENALTIES FOR LITTERING UPON PUBLIC WAYS
AND PUBLIC PLACES THROUGHOUT HUNTINGTON COUNTY, INDIANA.**

WHEREAS, Indiana Code Section 36-1-3 *et seq.* grants a county the authority to exercise any powers for the effective operation of government as to local affairs;

WHEREAS, Indiana Code Section 36-8-2-4 provides that a county may regulate conduct that might endanger the public health, safety, or welfare;

WHEREAS, Indiana Code Section 36-1-3-8 prohibits a county from prescribing a penalty of a fine for a violation of any ordinance that is more than two thousand five hundred dollars (\$2,500) for a first violation of the ordinance; and more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance;

WHEREAS, the County of Huntington, Indiana (“County”) desires to further cultivate a safe and sanitary local community for all of its citizens, in order to further contribute to the public health, safety, and welfare;

WHEREAS, the health, safety, and welfare of all citizens in the County are best served by adopting an Ordinance that establishes guidelines to control littering upon public ways and public places throughout the County; and

WHEREAS, the County believes that establishing fines and penalties for violations of this Ordinance is necessary for the protection of the public health, safety, and welfare, and is necessary to provide for recovery by the County for the expenses of litter removal.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
AS FOLLOWS:**

Section I. Definitions: The following definitions shall apply throughout this Ordinance:

- a) “Litter” shall mean and include any uncontainerized man-made or man-used waste, which, if deposited within the County in an any manner or location other than in a garbage and/or litter receptacle, tends to create a public nuisance or a danger to the public health, safety, and welfare, or to impair the environment of the people of the County. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or other construction material, motor vehicle part, furniture, oil, carcass of a dead animal, obnoxious or offensive matter of any kind, or any object likely to injure any person or create a nuisance condition or a traffic hazard.
- b) “Person” shall mean and include any natural person, firm, partnership, association, corporation, company, or not-for-profit organization.

- c) "Alley" shall mean and include a right-of-way other than a street, road, crosswalk, or easement, designed for the special accommodation of the property it reaches.
- d) "Public Way" or "Public Place" shall mean and include any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and parks, squares, plazas, grounds, and buildings frequented by the general public.
- e) "Roadway" shall mean and include that portion of a street improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, "Roadway," as used herein, shall refer to any such roadway separately but not to all such roadways collectively.
- f) "Sidewalk" shall mean and include that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- g) "Street" or "Highway" shall mean and include the entire width between the boundary lines of every way publicly maintained, except alleys, when any part thereof is open to the use of the public for purposes of vehicular travel.

Section II. General Provisions:

- a) It shall be unlawful for any person to place, throw, drop, deposit or sweep any litter, rubbish, refuse, trash, debris, garbage or slops in, into, on or upon any street, roadway, sidewalk, bridge, alley, space between sidewalk and curb or edge of roadway, park, playground, public building, public ground or any public place within the County.
- b) It shall be unlawful and a separate offense for any person placing, throwing, dropping, depositing or sweeping any litter, rubbish, refuse, trash, debris, garbage, or slops on or upon any street, roadway, sidewalk, bridge, alley, space between sidewalk and curb or edge of roadway, park, playground, public building, public ground or any public place within the County, whether intentionally, unintentionally, carelessly, negligently or accidentally, to fail to promptly remove the same.
- c) Any person who violates Section II(a) or Section II(b) of this Ordinance shall be subject to a (1) \$2,500.00 fine for a first offense, and a (2) \$7,500.00 fine for a second or subsequent offense, and provided with a completed Notice of Violation and Violations and Applicable Fees Form, as shown in **Exhibit A** attached hereto, and incorporated herein by reference.
- d) Each of the aforementioned fines provided in Section II(c) of this Ordinance shall be paid within thirty (30) days of their issuance. If such fines are not paid within thirty (30) days of their issuance, a ten percent (10%) increase will be assessed for each additional thirty (30) days that such fines remain unpaid and the County may implement enforcement proceedings.

- e) Any person who violates Section II(a) or Section II(b) of this Ordinance may also be subject to prosecution for any offense committed beyond the violation of this Ordinance.

Section III. Authority of County Counsel:

The County may use such attorney(s), including, but not limited to the designated County attorney, as it deems fit, in its sole discretion for the prosecution of any claim hereunder, whether appearing before a court or otherwise.

Section IV. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section V. Effective Date:

This Ordinance shall be in full force and effect after its passage, facilitation of notice pursuant to Indiana Code Section 36-2-4-8(b), and after the occurrence of all other actions required by law.

This Resolution was adopted on December 15, 2025. A signed physical copy of this document is available by request in the Commissioners' Office located at 201 North Jefferson Street Huntington, Indiana