

**BOARD OF SANITARY COMMISSIONERS FOR THE  
MUNCIE SANITARY DISTRICT**

**RESOLUTION NO. 2024-15**

**RESOLUTION ESTABLISHING PROCEDURES AND PENALTIES FOR  
CERTAIN ORDINANCE VIOLATIONS**

*WHEREAS*, the Board of Sanitary Commissioners, as the governing body of the Muncie Sanitary District (the “District”), has been duly authorized by the City Civil Engineer, as the head of the Department of Public Works for the City of Muncie, to enforce certain ordinances relating to waste and litter within the City of Muncie, including the issuance of citations and fines for violations of such ordinances; and

*WHEREAS*, the Board of Sanitary Commissioners now desires to set forth a clear and transparent enforcement procedure and penalty structure for violations of certain ordinances relating to waste and litter within the City of Muncie.

*NOW, THEREFORE, BE IT RESOLVED* by the Board of Sanitary Commissioners of the Muncie Sanitary District, Delaware County, State of Indiana, that:

1. Any person believed to be in violation of any provision set forth in Chapter 52 of the City of Muncie, Indiana, Code of Ordinances will be issued a notice of violation setting forth the nature of the violation and providing such person ten (10) days from the date of the notice to eliminate the violation or otherwise comply with the ordinance. A notice of violation will be sent by certified mail, return receipt requested, or personally delivered to the person believed to be in violation of the applicable ordinance.

2. In the event a person believed to be in violation of any provision set forth in Chapter 52 of the City of Muncie, Indiana, Code of Ordinances fails to eliminate the violation or otherwise comply with the ordinance shall be subject to the following penalties:

- a. An initial penalty in the amount of \$75.00 if the violation is not eliminated within ten (10) days from the date of the notice of violation;

- b. An additional penalty in the amount of \$150.00 if the violation is not eliminated within fifteen (15) days from the date of the notice of violation; and
- c. An additional penalty in the amount of \$300.00 if the violation is not eliminated within thirty (30) days from the date of the notice of violation.

3. No person believed to be in violation of any provision set forth in Chapter 52 of the City of Muncie, Indiana, Code of Ordinances shall be subject to any penalties in the event such person eliminates the violation and otherwise complies with the ordinance within ten (10) days following the date of the notice of violation.

4. In the event a person believed to be in violation of any provision set forth in Chapter 52 of the City of Muncie, Indiana, Code of Ordinances fails to eliminate the violation or otherwise comply with the ordinance within thirty (30) days from the date of the notice of violation, the District may take any action necessary to eliminate the violation. The person believed to be in violation of any provision set forth in Chapter 52 of the City of Muncie, Indiana, Code of Ordinances shall be charged an amount equal to the greater of \$300.00, or the actual cost of any action taken by the District as provided herein, including, but not necessarily limited to, labor, fuel, and equipment costs, tipping fees, and administrative expenses. The actual costs described herein shall be calculated according to a schedule of service rates established by the District from time to time and made available upon request from the District's Sanitation Department.

5. Any amounts charged pursuant to Section 4, herein, are in addition to the penalties described in Section 2, herein and all such charges and penalties shall constitute a lien against the real property upon which said charges and penalties were incurred.


6. The District's Sanitation Department is authorized and directed to enforce this Resolution on behalf of the District. The Superintendent of Sanitation and Recycling is hereby authorized to establish reasonable rules and regulations necessary for the implementation of the terms and provisions of this Resolution. All such rules and regulations shall be effective thirty (30) days after the date on which they are published on the District's website and any rules or regulations established as set forth herein may be changed, modified, repealed, or amended by the District's Board of Sanitary Commissioners at any time.

7. The procedures and penalties set forth herein are not exclusive and the provisions set forth in Chapter 52 of the City of Muncie, Indiana, Code of Ordinances, including any violations thereof, may be enforced by any other City of Muncie board, department, or employee, using any other process or procedure, and subject to any other fines or penalties, as provided in the City of Muncie, Indiana, Code of Ordinances.

8. This Resolution shall be in full force and effect upon its adoption and publication as required by law.

The foregoing Resolution is hereby approved by the Board of Sanitary Commissioners of the Muncie Sanitary District on this, the 2<sup>nd</sup> day of October, 2024.

**MUNCIE SANITARY DISTRICT  
BOARD OF SANITARY COMMISSIONERS**



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Stephen Brand, President



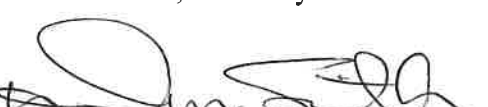
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Adam Leach, Vice-President



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Tim Overton, Secretary



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David Smith, Board Member



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Aaron Clark, Board Member