

**ALLEN COUNTY CODE TITLE 12
FINANCIAL**

ARTICLE 13

ALLEN COUNTY SOLID WASTE PLANNING FUND

12-13-1 Chapter 1: Title

There is hereby established a fund to be known as “The Allen County Solid Waste Planning Fund” pursuant to I.C. 13-9.5-6.

12-13-2 Chapter 2: Purpose

Revenue paid over to the County pursuant to I.C. 13-9.5-6 shall be deposited in said fund by the County for the purpose of preparing a District Solid Waste Plan.

12-13-3 Chapter 3: Definitions

For the purpose of this ordinance, the following terms shall have the meaning ascribed to them as follows:

- (a) “Final disposal facility” shall have the meaning prescribed at I.C. 13-9.5-1-14;
- (b) “Solid Waste” shall have the meaning prescribed at I.C. 13-9.5-1-26;
- (c) “Board of Commissioners” means the Board of Commissioners of Allen County;
- (d) “County Auditor” means the Auditor of Allen County.

12-13-4 Chapter 4: Expenditures

- 1. To pay the cost associated with the development and administration in the preparation of the Solid Waste District Plan.
- 2. To pay expenses of administering the Fund.

12-13-5 Chapter 5: Final Disposal Fee

A fee is imposed at the rate of \$0.15 (fifteen cents) a cubic yard or \$0.50 (fifty cents) per ton of solid waste disposed of or incinerated at a final disposal facility in the County.

12-13-6 Chapter 6: Collection of Fees

- 1. The owner or operator of a final disposal facility located in Allen County is responsible for collecting the county solid waste planning fee imposed under

Section 2 of this ordinance from persons delivering solid waste to the final disposal facility. The owner or operator may deduct an amount equal to one percent (1%) of the fees collected and may retain this amount as compensation for collecting and remitting the fees.

2. The remainder of the fees collected each month under Section 3 of this ordinance shall be remitted to the county auditor within 10 days after the last day of the month in which the fees are collected.

12-13-7 Chapter 7: Auditing of Final Disposal Records

The owner or operator of a final disposal facility shall make necessary records available to any employee (s) designated by the Board of Commissioners for the purpose of verifying the amount of solid waste disposed of and the amount of fees being collected and remitted to the county auditor.

12-13-8 Chapter 8: Conversion Factor

The owner or operator of a final disposal facility that does not have a scale suitable for solid waste may determine the weight of the solid waste by conversion from the volume of the solid waste. In making this conversion, an owner or operator shall use the following conversion factors:

- (a) Three and three-tenths (3.3) cubic yards of compacted solid waste equals one (1) ton of solid waste.
- (b) Six (6) cubic yards of uncompacted solid waste equals one (1) ton of solid waste.

12-13-9 Chapter 9: No-Pass-Through Provision

The fee imposed under this ordinance does not apply to solid waste that is received at a final disposal facility pursuant to a written contract entered into before January 1, 1990, unless the contract contains a pass-through provision by which the transporter of the solid waste may recover the fees from the transporter's client.

1. Any solid waste for which an exemption under this section is sought must be identified as to the particular contract which does not contain the pass-through provision. A copy of any contract for which the owner or operator of a final disposal facility desires to claim an exemption under this section must be filed with the Board of Commissioners, and reference made to said contract on any billing or other memorandum of site or disposal to reference the claim exemption.

12-13-10 Chapter 10: Exemption to Fee

The fee imposed under this ordinance does not apply to solid waste disposed of at a final disposal facility by a person as pursuant to I.C. 13-9.5-6-5 that:

- (1) generated the solid waste; and
- (2) disposes of the solid waste at a final disposal facility that is owned by that person and is limited, for the purposes of the disposal of solid waste, to use by that person for the disposal of solid waste generated by that person.

12-13-11 Chapter 11: Non-Reverting Fund

1. The county auditor shall establish a fund to be known as “the Allen County Solid Waste Planning Fund.” The Fund shall be administered in the same manner as all other county funds. Said fund shall be a non-reverting fund which shall be administered as set forth below.
2. Funds must be appropriated by County Council and paid by claim approved by the Board of Commissioners.

12-13-12 Chapter 12: Fee Termination Date

The fee imposed under this ordinance may not be imposed after:

- (1) the date on which Allen County is either designated a county district or joins into a joint district; or
- (2) December 31, 1992

12-13-13 Chapter 13: Effective Date

This ordinance shall take effect August 1, 1990 after adoption and compliance with I.C. 36-2-4-8.