

ALLEN COUNTY CODE TITLE 20 ENVIRONMENTAL MANAGEMENT

ARTICLE 3 SOLID WASTE DISPOSAL FEE

20-3-1 Chapter 1: Definitions

20-3-1-1 For the purposes of this ordinance, the following terms shall have the meaning ascribed to them as follows:

- a) “Final Disposal Facility” shall have the meaning prescribed by I.C. 13-9.5-1-14
- b) “Solid Waste” shall have the meaning prescribed by I.C. 13-9.5-1-26
- c) “Board” means the Board of Commissioners of the County of Allen
- d) “County Auditor” means the Auditor of Allen County

20-3-2 Chapter 2: Fee on Disposal of Solid Waste

20-3-2-1 Following the official dissolution of the Allen County Solid Waste Management District, the Board will continue to impose the fee on the disposal of solid waste at the rate of \$1.35 (one dollar and thirty-five cents) per ton effective March 2, 2018, on each ton of solid waste disposed of or incinerated at a final disposal facility in Allen County.

20-3-2-2 The owner or operator of a final disposal facility located in Allen County is responsible for collecting the county solid waste fee 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. The remainder of the fees collected each month shall be remitted to the County Auditor within ten (10) days after the last day of the month in which the fees are collected.

20-3-2-3 Failure to comply with Allen County Code 20-3-2-2 or nonpayment of fees are subject to penalties not to exceed \$500.00 per day as prescribed in I.C. 13-9.5-7-1.

20-3-2-4 The owner or operator of a final disposal facility shall make necessary records available to any employee(s) designated by the Board 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.

20-3-2-5 The owner or operator of a final disposal facility that receives an average of two-hundred (200) tons a day 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.

20-3-3 Chapter 3: Exemption to Fee

20-3-3-1 The fee imposed under Chapter 2 does not apply to solid waste that is received at a final disposal facility pursuant to a written contract entered into before January 1, 1996, unless the contract contains a pass-through provisions by which the transporter of the solid waste may recover the fees from the transporter's client.

20-3-3-2 Any solid waste for which and exemption under this chapter 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 chapter must be filed with the Board, and a reference made to said contract on any billing or other memorandum of site or disposal to reference the claimed exemption.

20-3-3-3 The fee imposed under Chapter 2 does not apply to solid waste disposed of at a final disposal facility by a person that:

- a) generated the solid waste; and
- b) 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.

20-3-4 Chapter 4: Use of Fee

20-3-4-1 Any fees collected under this chapter shall be used for the following purposes:

- a) to pay expenses of administering the fund in which collected fees are placed
- b) to pay costs associated with the development and implementation of the Allen County Solid Waste Management District's comprehensive solid waste management plan as it existed prior to its official dissolution or as amended by the Board after dissolution.

20-3-5 Chapter 5: Effective Date

The Ordinance shall be in full force and effect March 2, 2018.

Ordinance originally passed 2-16-18 by Ordinance #02-16-18-06