

122890  
ORDINANCE NO. ~~122890~~ 122890

AN ORDINANCE ESTABLISHING THE FULTON COUNTY  
SOLID WASTE PLANNING FEE

WHEREAS, IC 13-9.5-2 requires each county in the State of Indiana, including Fulton County ("County"), to either establish itself as a county solid waste management district ("county district") or to join with one or more other counties in the formation of a joint solid waste management district ("joint district") no later than July 1, 1991; and

WHEREAS, IC 13-9.5-4 and P.L. 10-1990, SECTION 21 require each solid waste management district so formed to adopt a district solid waste management plan no later than July 1, 1992; and

WHEREAS, IC 13-9.5-6 authorizes the county executive to impose fees on the disposal or incineration of solid waste at a final disposal facility located within the county, to pay costs associated with the preparation of a district solid waste management plan; and

WHEREAS, the task of preparing a district solid waste management plan involves the development of information about solid waste management activities and facilities in Fulton County to enable the County to make an informed decision about whether to become a county district or a joint district; and

WHEREAS, the county executive held a public hearing in the Fulton County Courthouse in Rochester, Indiana, on December 18, 1990, pursuant to a notice published in accordance with IC 5-3-1; now, therefore:

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FULTON COUNTY, INDIANA:

SECTION 1. For the purpose of this ordinance, the following terms shall have the meanings ascribed to them as follows:

- (a) "Final disposal facility" shall have the meaning prescribed at IC 13-9.5-1-14.
- (b) "Solid Waste" shall have the meaning prescribed at IC 13-9.5-1-26.
- (c) "Board of Commissioners" means the Fulton County Board of Commissioners.
- (d) "County auditor" means the auditor of Fulton County.

SECTION 2. A county solid waste planning fee is imposed at the rate of One Dollar (\$1.00) per ton on each ton of solid waste disposed of at a final disposal facility in Fulton County.

SECTION 3. The owner or operator of a final disposal facility located in Fulton 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 disposal facility 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.

SECTION 4. The remainder of the fees collected each month under Section 3 of this ordinance shall be remitted to the county auditor within ten (10) days after the last day of the month in which the fees are collected.

SECTION 5. The owner or operator of a final disposal facility shall make necessary records available to an employee 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.

SECTION 6. 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.

SECTION 7. (a) The fee imposed under Section 2 of this ordinance does not apply to solid waste that is received at a final disposal facility pursuant to a 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.

- (b) 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.

SECTION 8. The fee imposed under Section 2 of this ordinance does not apply to solid waste disposed of at a final disposal facility by a person 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.

SECTION 9. The county auditor shall establish a fund to be known as the "Fulton County Solid Waste Planning Fund." The Fund shall be administered in the same manner as all other county funds.

SECTION 10. (a) Money in the Fund may be used only for the following purposes:

- (1) to pay expenses of administering the Fund
  - (2) to pay costs associated with the development of a district solid waste management plan, including costs to develop information to enable the County to determine whether its plan should be prepared for a county or joint solid waste district.
- (b) A description of the activities to be undertaken, together with an estimate of the costs of such activities is attached as Exhibit A and is incorporated by reference herein.

SECTION 11. The fee imposed under this ordinance may not be imposed after the earlier of:

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

SECTION 12. (a) Any non-compliance with the conditions of this ordinance shall be a violation of this ordinance pursuant to IC 36-1-3-8(10). A judgment of up to Twenty-five Hundred Dollars (\$2,500) fine may be entered for a violation of this ordinance by the Fulton County Circuit Court, or other court of competent jurisdiction.

- (b) Each day of violation of this ordinance shall constitute a separate offense.

SECTION 13. This ordinance shall take effect February 1, 1991, after adoption and compliance with IC 36-2-4-8.

Adopted by the Board of Commissioners of Fulton County, Indiana, by a vote of AYE 2 / NAY 0, on December 28, 1990.

THE BOARD OF COMMISSIONERS OF  
FULTON COUNTY

David Clauson  
President

ATTEST:

Lola F. Riddle  
Auditor *Fulton County*

EXHIBIT A

COST PROJECTIONS FOR PRELIMINARY SOLID WASTE DISTRICT STUDY

\$21,358 I. Preliminary Solid Waste Study of Fulton County

- (1) Current Waste Stream Analysis
  - sources
  - quantity
  - composition
- (2) Current Collection and Disposal Practices
- (3) Current (& Proposed) Recycling and Composting Activities
- (4) Inventory of Existing Waste Management Facilities
- (5) Transportation Routes and Geographic Limitations
- (6) Current and Projected Urban/Rural Population Mix
- (7) Projected Waste Generation Rates
- (8) Market Survey for Recyclable Materials
- (9) Financing of Current Systems
- (10) Inventory of Resources Available
- (11) Development of Goals and Objectives
- (12) Compatibility Among Counties

\$13,500 II. Legal fees for drafting and reviewing ordinances, agreements, forms, contracts, and legal instruments requisite to:

- (1) implementation of county solid waste planning fee
- (2) retention of technical advisors
- (3) establishment of county or joint district

Also, consultation with parties involved in preparation of the preliminary plan and subsequent district formation regarding the legal proceedings required.

\$ 5,000 III. Costs incurred by the Fulton County Auditor's Office in administering the Fulton County Solid Waste Planning Fund

\$11,000 IV. Salary for county employee to monitor and insure proper collection of the Fulton County Solid Waste Planning Fee

\$ 2,991 V. Public Information and Education

- (1) Public survey(s)
- (2) Public meetings (approximately 5-7)
- (3) Promotional materials

TOTAL PROJECTED EXPENSES \$53,849