

ORDINANCE NO. 90-16

AN ORDINANCE ESTABLISHING THE LAPORTE COUNTY
SOLID WASTE PLANNING FEE

WHEREAS, I.C. 13-9.5-2 requires each county in the State of Indiana, including LaPorte 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, I.C. 13-9.5-4 requires each solid waste management district so formed to adopt a district solid waste management plan no later than July 1, 1992; and

WHEREAS, I.C. 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 expenses of administering the LaPorte County Solid Waste Planning Fund and 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 will involve the expenditure of significant time and effort and will require adequate and sufficient funding necessitating the imposition of a fee on the disposal or incineration of solid waste at a final disposal facility located within LaPorte County; 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 LaPorte County which is needed in order to formulate a district solid waste management plan and to enable LaPorte County to make an informed decision about whether to become a county district or a joint district; and

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

SECTION 1: Definitions: 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 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 LaPorte County Board of Commissioners.
- (d) "County Auditor" means the auditor of LaPorte county.

SECTION 2. A county solid waste management planning fee is hereby imposed at the rate of fifty Cents (\$.50) per ton on each ton of solid waste disposed of or incinerated at a final disposal facility in LaPorte County.

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

SECTION 4. The remainder of the fees collected each month under Section 3 of this ordinance shall be remitted to the county auditor with 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 located in LaPorte County shall make necessary records available to the staff of the LaPorte County Health Department 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 at the Offices of the LaPorte County Health Department.

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 "LaPorte 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.

The activities to be undertaken in connection with the development of a district solid waste management plan are anticipated to include, but not necessarily be limited to the following:

- (1) Identification of goals and objectives of the waste management area;
- (2) Identification and assessment of current and future waste problems in the area.
- (3) A demographic study of the planning area of current and projected populations 5, 10, and 20 years into the future waste problems in the area.
- (4) An inventory describing the origin, content, and weight or volume of the waste generated in the area currently, and for the next 5, 10 and 20 years.
- (5) An inventory and description of all existing waste management facilities and activities.
- (6) An estimate of the long term need for waste management facilities projected for 5, 10, and 20 years.
- (7) Establishment of waste prevention and management policy and programs that give priority to (1) source reduction; (2) recycling; (3) waste treatment; and (4) contained disposal.
- (8) Identify alternative approaches to waste management based upon the problems, needs, goals, and objectives of the area.
- (9) A schedule and description of activities to be undertaken to develop and implement the waste management plan.
- (10) A description of the costs of implementation of the waste management plan including operational and capital costs, and the means of financing the plan implementation.
- (11) Designation of persons, committees, commissioners, public agencies, or other arrangements to implement the waste management plan.
- (12) A description of the surveillance and enforcement procedures to assure that the elements of the waste management plan are implemented.

(13) Proposed ordinances, negotiated contracts, or legal instruments necessary to implement the waste management plan.

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

(1) the date on which LaPorte County is either designated a county district or joins into a joint district; or

(2) December 31, 1992.

SECTION 12. This ordinance shall be in full force and effect from and after passage, approval and publication.

ADOPTED by the Board of Commissioners of LaPorte County, Indiana, on this 10th day of December, 1990.

THE BOARD OF COMMISSIONERS OF
LAPORTE COUNTY

Michael T. Quinn
MICHAEL T. QUINN

Norman E. PaHS
NORMAN E. PAHS

Merle Bannwart
MERLE BANNWART

ATTEST:

Betty J. Shail
BETTY J. SHAIL, COUNTY AUDITOR

Please publish two (2) times in the Michigan City News-Dispatch and LaPorte Herald Argus on Monday, December 17, 1990 and Monday, December 24, 1990.