

## IC 13-21-13

### Chapter 13. District Final Disposal Fees

#### IC 13-21-13-1

##### **Fees for disposal in facilities within the district; penalties**

Sec. 1. (a) A board may impose fees on the disposal of solid waste in a final disposal facility located within the district. A fee imposed by a board in a county with a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000) under this section may not exceed two dollars and fifty cents (\$2.50) a ton. A fee imposed by a board in other counties under this section may not exceed:

- (1) two dollars and fifty cents (\$2.50) a ton; or
- (2) the amount of a fee imposed by the board;
  - (A) under this section; and
  - (B) in effect on January 1, 1993;

whichever is greater.

(b) The board shall do the following:

- (1) Set the amount of fees imposed under this section after a public hearing.
- (2) Give public notice of the hearing.

(c) If solid waste has been subject to a district fee under this section, the total amount of the fee that was paid shall be credited against a district fee to which the solid waste may later be subject under this section.

(d) Except as provided in section 4 of this chapter, fees imposed under this chapter shall be imposed uniformly on public facilities and on privately owned or operated facilities throughout the district.

(e) A resolution adopted by a board that establishes fees under this chapter may contain a provision that authorizes the board to impose a penalty of not more than five hundred dollars (\$500) per day because of:

- (1) nonpayment of fees; or
- (2) noncompliance with a condition in the resolution.

(f) A board may not impose fees for material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

*As added by P.L.1-1996, SEC.11. Amended by P.L.45-1997, SEC.15; P.L.170-2002, SEC.91; P.L.119-2012, SEC.118.*

#### IC 13-21-13-2

##### **District solid waste management fund**

Sec. 2. (a) A board that has imposed fees under section 1 of this chapter shall establish and continuously maintain a separate fund under this section to be known as the "\_\_\_\_\_ district solid waste management fund".

(b) All fees remitted to the district under section 1 of this chapter shall be deposited in the fund.

(c) 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 and implementation of the district plan.

(d) The controller of the district shall administer a fund established under this section. Money in the fund that is not currently needed for the purposes set forth in subsection (c) shall be deposited and invested in the same manner as other county money is deposited and invested under IC 5-13. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of a district's fiscal year does not revert to:

- (1) a county general fund; or
- (2) any other fund.

(e) The controller of a district shall:

- (1) file an individual surety bond; or
- (2) revise an existing bond;

in a sufficient amount determined under IC 5-4-1-18 to reflect the liability associated with the handling of the district's money.

*As added by P.L.1-1996, SEC.11. Amended by P.L.214-2005, SEC.59.*

### **IC 13-21-13-3**

#### **Collection; compensation; time limit on remittance; report**

Sec. 3. (a) If a board imposes a fee under section 1 of this chapter, the owner or operator of a final disposal facility located within the district is responsible for collecting fees from persons delivering solid waste to the facility. Each owner or operator may do the following:

- (1) Deduct from the fees an amount equal to one percent (1%) of the fees collected.
- (2) Retain this amount as compensation for collecting and remitting the fees.

(b) The owner or operator shall remit the remainder of the fees the owner or operator collects during a month to the controller not later than ten (10) days after the last day of the month in which the fees are collected.

(c) Each owner or operator of a final disposal facility shall, at the time the collected fees are remitted, furnish to the controller a fee collection report.

*As added by P.L.1-1996, SEC.11.*

### **IC 13-21-13-4**

#### **Limitation on imposition**

Sec. 4. A board may not impose a fee under this chapter on the disposal of solid waste by a person that:

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

*As added by P.L.1-1996, SEC.11.*

### **IC 13-21-13-5**

#### **Fee collection; determination of weight of solid waste**

Sec. 5. (a) If fees imposed under section 1 of this chapter are based and charged on each ton of solid waste, the owner or operator of a final disposal facility that:

- (1) annually receives, on the average, less than two hundred (200) tons of solid waste each day; and
- (2) does not have a scale suitable for weighing the solid waste received at the final disposal facility;

may determine the weight of the solid waste received by conversion from the volume of the solid waste.

(b) An owner or operator described in subsection (a) shall apply the following conversion factors:

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

*As added by P.L.1-1996, SEC.11.*

### **IC 13-21-13-6**

#### **Fees not revenues**

Sec. 6. Fees prescribed by this chapter are not:

- (1) revenues (as defined in IC 36-9-31-2) of a facility (as defined in IC 36-9-31-2); or
- (2) revenues under:
  - (A) IC 8-1.5;
  - (B) IC 13-21-3-13;
  - (C) IC 13-21-7 through IC 13-21-12;
  - (D) IC 13-21-14; or
  - (E) IC 36-9-30.

*As added by P.L.1-1996, SEC.11.*