

## **IC 13-21-14**

### **Chapter 14. District Solid Waste Management Fees**

#### **IC 13-21-14-1**

##### **Additional waste management fees**

Sec. 1. (a) A board:

(1) may; and

(2) if necessary to pay principal or interest on any bonds issued under this article or IC 13-9.5-9 (repealed), shall;

establish solid waste management fees in addition to fees imposed under IC 13-21-13 or IC 13-9.5-7 (before its repeal) that apply to all persons owning real property or generating solid waste within the district who are benefited by solid waste management, solid waste collection, a facility for solid waste disposal, or a facility for solid waste processing.

(b) The board may change and readjust fees as necessary.

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

#### **IC 13-21-14-2**

##### **Basis**

Sec. 2. The board may fix the solid waste management fees on the basis of the following:

(1) A flat charge for each residence or building in use in the waste management district.

(2) The weight or volume of the refuse received.

(3) The average number of containers or bags of refuse received.

(4) The relative difficulty associated with the collection or management of the solid waste received.

(5) Any other criteria that the board determines to be logically related to the service.

(6) Any combination of these criteria.

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

#### **IC 13-21-14-3**

##### **Periodic billing system**

Sec. 3. The collection of the fees authorized by this chapter may be effectuated through a periodic billing system.

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

#### **IC 13-21-14-4**

##### **Fee schedules**

Sec. 4. The board may exercise reasonable discretion in adopting differing schedules of fees based upon variations in the following:

(1) The cost of furnishing the services included within this chapter to various classes of owners of property or of generators of solid waste within the district.

(2) The distance of the property benefited from the facility.

(3) Any other variations the board determines to be logically related to the cost of the service.

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

### **IC 13-21-14-5**

#### **Public notice and hearing**

Sec. 5. (a) Fees shall be established only after public notice and a public hearing before the board at which:

- (1) all persons using facilities, owning property, or generating solid waste within the district who are benefited by solid waste management; and
- (2) other interested persons;

have an opportunity to be heard concerning the proposed fees.

(b) After introduction of a resolution fixing fees and before the resolution is adopted, public notice of the hearing, setting forth the schedule of fees, shall be given. The hearing may be adjourned as necessary.

(c) After the hearing the resolution establishing fees, either as originally introduced or as amended, shall be passed and put into effect.

(d) A copy of the schedule of fees established shall be kept:

- (1) on file in the office of the board or the controller, secretary, or other recordkeeping officer of the district; and
- (2) open to inspection by all interested persons.

(e) The fees established extend to cover any additional territory later served that falls within the same class without the necessity of a hearing or notice.

(f) A change or readjustment of fees may be made in the same manner as the fees were originally established.

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

### **IC 13-21-14-6**

#### **Contesting validity; time limitation**

Sec. 6. An action to contest:

- (1) the validity of the fees adopted; or
- (2) the procedure by which the fees were adopted;

must be brought within thirty (30) days following the adoption of the fees under section 5 of this chapter.

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

### **IC 13-21-14-7**

#### **Use of money**

Sec. 7. Fees imposed under this chapter may be used, together with any other revenues, to pay any of the following:

- (1) The cost of facilities for solid waste management.
- (2) The operation and maintenance of facilities.
- (3) The charges that may be pledged to the payment of principal of and interest on waste management district or revenue bonds.
- (4) The costs of implementing the district's district plan.

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

### **IC 13-21-14-8**

#### **Penalties for late payment**

Sec. 8. If a fee established is not paid within the time fixed by the

board, the amount, together with:

- (1) a penalty of twenty-five dollars (\$25); and
- (2) a reasonable attorney's fee;

may be recovered in a civil action in the name of the district.

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

#### **IC 13-21-14-9**

##### **Exception for transfer station**

Sec. 9. A district may not exercise its authority under this chapter to impose a fee on the:

- (1) owner of real or personal property that is used solely as a transfer station; or
- (2) operation of a transfer station.

*As added by P.L.130-1996, SEC.1.*