

IC 36-9-30

Chapter 30. Solid Waste Collection and Disposal

IC 36-9-30-1

Application of chapter

Sec. 1. This chapter applies to all units except townships.
As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-2

Definitions

Sec. 2. As used in this chapter:

"Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, except human excreta, but including garbage, rubbish, ashes, street cleanings, dead animals, offal, and solid commercial, industrial, and institutional wastes.

"Solid waste disposal facility" means a sanitary landfill, an incinerator, a composting facility, a garbage grinding facility, or any other facility that is suitable for solid waste disposal and is constructed and approved under this chapter.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-3

Facilities for collection and disposal; revenue bonds to pay costs

Sec. 3. A unit may establish, acquire, construct, install, operate, and maintain facilities for the collection and disposal of solid waste in order to secure the collection and disposal of solid waste accumulated inside or outside the corporate boundaries of the unit. The unit may issue revenue bonds to pay all or part of the costs of the facilities.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-4

Methods for disposal

Sec. 4. A unit acting under this chapter must obtain approval from the department of environmental management, according to rules adopted by the environmental rules board, for any method or methods used for the disposal of solid waste before obtaining land or facilities.

One (1) or more of the methods listed below may be used:

(1) A unit may use a sanitary landfill. If a sanitary landfill is to be used, information necessary to evaluate the project shall be submitted to the department of environmental management for review and approval before the purchase of land or equipment.

(2) A unit may use incineration. If incineration is to be used, the plans and specifications of each incinerating plant or other facility, along with other information necessary to evaluate the project, shall be submitted to the department of environmental management for review and approval before construction of the facilities. The plans must include an approved method for the disposal of noncombustible solid waste and incinerator residue.

(3) A unit may use composting. If composting is to be used, the

plans and specifications of composting facilities, along with other information necessary to evaluate the project, shall be submitted to the department of environmental management for review and approval before construction of the facilities. The plans must provide for the proper disposal of all solid waste that is not suitable for composting.

(4) A unit may use a garbage grinding system involving the separate collection and disposal of garbage into a community sewerage system through commercial-type grinders or community-wide installation of individual grinders. As used in this subdivision, "garbage" means all decayable solid and semisolid wastes resulting from the processing, preparation, cooking, serving, or consumption of food or food materials. The plans and specifications for the garbage grinding facilities, along with other information necessary to evaluate the project, shall be submitted to the department of environmental management for review and approval before construction or installation of the facilities. The plans must provide for the proper disposal of all solid waste that is not suitable for grinding.

(5) A unit may use any other suitable methods or facilities for the disposal of solid waste, if the plans and specifications, along with other information necessary to evaluate the project, are submitted to the department of environmental management for review and approval before the acquisition, construction, installation, or operation of the method or facility.

As added by Acts 1981, P.L.309, SEC.106. Amended by P.L.143-1985, SEC.203; P.L.113-2014, SEC.127.

IC 36-9-30-5

Contracts for collection or disposal; requirements

Sec. 5. (a) A unit may contract with persons for the collection or disposal of solid waste. The contract may provide that persons contracted with have the exclusive right to collect or dispose of solid waste under section 4 of this chapter.

(b) A unit may contract with any business or institution for the collection and disposal of industrial, commercial, or institutional solid waste. All fees collected by the unit shall be deposited in the treasury of the unit for the administration, operation, and maintenance of the solid waste collection and disposal project.

(c) A unit may contract for the use of privately owned solid waste disposal facilities.

(d) If a contract executed under subsection (a) or (b) will yield a gross revenue to a contractor (other than a governmental entity) of at least twenty-five thousand dollars (\$25,000) during the time it is in effect, then the unit must comply with IC 36-1-12-4 in awarding the contract. The unit shall require the bidder to submit a financial statement, a statement of experience, the bidder's proposed plan or plans for performing the contract, and the equipment that the bidder has available for the performance of the contract. The statement shall

be submitted on forms prescribed by the state board of accounts. IC 36-1-12-4(b)(6) does not apply to this subsection.

(e) A unit may contract with private persons that operate facilities that combine significant elements of recycling or production of refuse derived fuel.

As added by Acts 1981, P.L.309, SEC.106. Amended by P.L.329-1985, SEC.25; P.L.19-1990, SEC.39.

IC 36-9-30-5.5

Contracts for incineration of waste

Sec. 5.5. (a) As used in this section, "waste" includes solid waste and waste disposed of in conjunction with the disposal of solid waste, as well as liquid waste (consisting of sludge from air and water pollution control facilities or water supply treatment facilities) when disposed of in conjunction with the disposal of solid waste.

(b) A unit may contract for twenty (20) years or less for the incineration of waste.

As added by P.L.353-1985, SEC.1.

IC 36-9-30-6

Appropriations for acquisition, establishment, operation, and maintenance of premises, facilities, and services

Sec. 6. The fiscal body of a unit acting under this chapter may make appropriations for the acquisition, establishment, operation, and maintenance of premises, facilities, and services for the collection and disposal of solid waste. Appropriations under this section may include amounts for employees, vehicles, and equipment necessary or incidental to the collection or disposal of solid waste.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-7

Supervision and control of functions by works board

Sec. 7. (a) Except as provided in subsection (b), the:

(1) construction, acquisition, improvement, equipment, custody, administration, operation, and maintenance of any facilities for the collection and disposal of solid waste; and

(2) collection of revenues for the use and services of the facilities;

are under the supervision and control of the works board of the unit.

(b) The legislative body of a municipality may provide by ordinance that the functions described by subsection (a) are under the supervision and control of the sanitary board or utility service board of the municipality.

(c) As used in the following sections of this chapter, "board" means the works board or other board performing the functions described by subsection (a).

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-8

Contracts or agreements necessary to performance of board's

duties

Sec. 8. The board may take all steps and proceedings and enter into all contracts or agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter. However, any contract relating to the financing of the acquisition, construction, or purchase of facilities for the collection and disposal of solid waste must be approved by the fiscal body of the unit before it is effective.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-9**Personnel necessary in execution of board's powers and duties**

Sec. 9. The board may employ, fix the compensation of, and assign the duties of engineers, architects, inspectors, superintendents, managers, collectors, attorneys, and other employees it considers necessary in the execution of its powers and duties.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-10**Expenses**

Sec. 10. All expenses incurred by the board in carrying out this chapter shall be paid solely from money provided under this chapter. The board may not bind itself or the unit beyond the extent to which money has been or may be provided under this chapter.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-11**Operation, management, and control of facilities**

Sec. 11. After the:

- (1) construction, installation, and completion; or
- (2) acquisition;

of facilities for the collection and disposal of solid waste, the board shall operate, manage, and control the facilities. The board may extend and improve the facilities, if money is available for that purpose under this chapter.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-12**Adoption of rules**

Sec. 12. The board shall adopt rules for the use and operation of facilities constructed or acquired under this chapter.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-13**Operation of facilities**

Sec. 13. The board shall do all things necessary or expedient for the successful operation of facilities constructed or acquired under this chapter.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-14**Contracts with other units desiring use of facility; cost and expenses; term**

Sec. 14. A unit constructing, acquiring, or maintaining facilities for the collection and disposal of solid waste may contract with a unit that wants to use the facilities for the payment of all or part of the cost and expenses of the facilities, for any term not exceeding twenty-five (25) years. A contract under this section must be executed in accordance with IC 36-1-7.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-15**Methods of financing of facilities and land**

Sec. 15. The acquisition, establishment, construction, installation, operation, and maintenance of facilities and land for the collection and disposal of solid waste may be financed through general taxation, service fees, or a combination of these methods.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-16**Preliminary expenses; payment; procedure; reimbursement of fund**

Sec. 16. (a) All or part of the necessary preliminary expenses that are incurred by a board and must be paid before the issuance and delivery of revenue bonds under this chapter may be paid in the manner provided by this section.

(b) The board may certify the items of expense to the fiscal officer of the unit, who shall immediately draw a warrant or warrants to be paid out of the unappropriated part of the general fund of the unit, without a special appropriation being made. If the unit has no unappropriated money in its general fund, the fiscal officer shall recommend to the fiscal body of the unit:

- (1) the temporary transfer from other funds of a sufficient amount to meet the items of expense; or
- (2) the making of a temporary loan for that purpose.

The fiscal body shall immediately make the transfer or authorize the temporary loan.

(c) The fund or funds from which the payments are made shall be fully reimbursed and repaid out of the first proceeds of the sale of revenue bonds, and before any other disbursements are made from those proceeds. The amount advanced to pay preliminary expenses is a first charge against the proceeds resulting from the sale of the revenue bonds until it has been repaid.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-17**Revenue bonds; issuance; interest rates; terms and conditions; nature of bonds; sale**

Sec. 17. (a) The unit may issue revenue bonds to provide all or part of the money necessary to pay the costs of facilities acquired or

constructed under this chapter. The bonds, which are payable solely from the fund established under section 18 of this chapter, must be authorized by an ordinance of the fiscal body of the unit, setting forth the terms and conditions of the bonds.

(b) The bonds may bear interest at any rate determined by the ordinance, payable semiannually, and mature serially, either annually or semiannually and beginning at the time and extending over the period of years determined by the ordinance.

(c) The ordinance may include the terms and conditions considered necessary and proper to protect the bondholders.

(d) The bonds shall be issued in the name of the unit, but they are not a corporate indebtedness of the unit. The bonds must contain a statement on their face that the unit is not obligated to pay them or the interest on them, except from the fund established under section 18 of this chapter.

(e) The bonds are negotiable instruments.

(f) The bonds and the interest on them are exempt from all state, county, and municipal taxation.

(g) The bonds shall be executed in the same manner as other bonds issued by the unit are executed, and shall be sold in accordance with IC 5-1-11 or at a negotiated sale.

(h) Bonds issued by a lessor corporation under this chapter shall be sold in accordance with IC 5-1-11 or at a negotiated sale.

As added by Acts 1981, P.L.309, SEC.106. Amended by P.L.35-1990, SEC.71.

IC 36-9-30-18

Revenue bonds; ordinance authorizing bond

Sec. 18. The ordinance authorizing the revenue bonds must also:

(1) establish a sinking fund for the payment of the bonds, the interest on the bonds, and the charges of banks or trust companies for making payment of the bonds or interest; and

(2) pledge the revenues of the facilities, after the payment of the reasonable expense of operation, repair, and maintenance, into the sinking fund at intervals to be determined by the ordinance, for:

(A) the payment of interest on the bonds as it falls due;

(B) the payment of the bonds as they fall due; and

(C) the accumulation of reasonable reserves in the sinking fund as a margin for safety and a protection against default, and for the payment of premiums upon bonds retired by call or purchase.

The required payments constitute a first charge upon the revenues of the facilities, after the payment of the reasonable expense of operation, repair, and maintenance.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-19

Revenue bonds; application of proceeds; costs of facility

Sec. 19. (a) All money received from any revenue bonds issued

under this chapter, after reimbursements for preliminary expenses under section 16 of this chapter, shall be applied solely to the payment of the costs of the facilities acquired or constructed under this chapter. Any surplus of bond proceeds above that amount shall be paid into the fund established under section 18 of this chapter. The holders of the bonds have a lien on the money until it is applied in the manner prescribed by this section.

(b) For purposes of this section, costs of the facilities include:

- (1) the cost of all property and rights considered necessary or convenient for installing, constructing, and equipping the facilities;
- (2) interest on bonds before and during the acquisition, installation, construction, and equipment of the facilities, and for six (6) months after the start of collection of fees under this chapter;
- (3) engineering and legal expenses;
- (4) expenses for estimates of cost and revenues;
- (5) expenses for surveys and plans;
- (6) other expenses necessary or incidental to determining the feasibility or practicability of the method or methods to be used for the disposal of solid waste;
- (7) administrative expenses; and
- (8) other expenses necessary or incidental to financing under this chapter.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-20

Revenue bonds; action to question validity and to protect and enforce bondholders' rights

Sec. 20. (a) An action to question the validity of the revenue bonds or to prevent their issuance may not be brought after the date fixed for their sale.

(b) Any holder of any of the revenue bonds or the coupons attached to them may bring any action necessary to:

- (1) protect and enforce his rights under this chapter or the ordinance authorizing the bonds; and
- (2) enforce and compel performance of all duties required by this chapter or the ordinance authorizing the bonds, including the making and collecting of reasonable and sufficient fees for the use of and services rendered by the facilities for the disposal of solid waste.

However, the unit may not be compelled to pay fees on behalf of other users or owners.

(c) If there is a failure to pay the principal or interest of any of the bonds on the date named for payment, any court having jurisdiction of the action may appoint a receiver to administer the facilities on behalf of the unit and the bondholders. The receiver may:

- (1) charge and collect from all users or owners fees sufficient to provide for the payment of the expenses of operation, repair, and maintenance;

- (2) pay any bonds and interest outstanding; and
- (3) apply the revenues in conformity with this chapter and the ordinance authorizing the bonds.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-21

Fees for use of and service rendered by facilities

Sec. 21. (a) Except as provided in subsection (l), the fiscal body of the unit owning, operating, and maintaining facilities for the collection or disposal of solid waste may, by ordinance, establish and maintain just and equitable fees for the use of and the service rendered by the facilities.

(b) Except as provided in subsection (m), if the fiscal body of a unit has authorized the issuance of revenue bonds under this chapter, it shall, as long as the bonds are outstanding, establish and maintain fees with respect to the facilities for which the bonds are issued.

(c) The aggregate amount of the required fees must be sufficient to pay the cost of operation, repair, depreciation, and maintenance of the facilities, and to pay the sums required to be paid into the bond fund under this chapter.

(d) The ordinance may provide that the fees are payable:

- (1) by either the users of the facilities, the owners of the property served by the facilities, or the unit; or
- (2) by the users, owners, and the unit in the proportions fixed by the ordinance.

(e) Revenues collected under this section are considered revenues of the facilities.

(f) The fees may not be established until after a public hearing at which the users of the facilities, the owners of property served or to be served by the facilities, and other interested parties have an opportunity to be heard concerning the proposed fees and the provisions concerning payment of the fees.

(g) After introduction of the ordinance fixing the fees and providing for their payment, and before the ordinance is finally adopted, notice of the hearing, setting forth the proposed schedule of fees and the provisions concerning payment, shall be published in accordance with IC 5-3-1.

(h) After the hearing, which may be adjourned from time to time, the ordinance, as originally introduced or as amended, shall be passed and put into effect. A copy of the schedule of fees established shall be kept on file in the office of the board and in the office of the fiscal officer of the unit. The fee schedule is a public record.

(i) The fees or the provisions for their payment may be changed or readjusted in the manner by which they were originally established. However, if the change or readjustment is made substantially pro rata as to all classes of use or service, no hearing or notice is required.

(j) If:

- (1) a user of the facilities; or
- (2) an owner of property served by the facilities;

does not pay a fee within thirty (30) days after it is due, the amount of the fee, together with a penalty of ten percent (10%) and a reasonable attorney's fee, may be recovered by the unit in a civil action in the name of the unit.

(k) The unit is subject to the fees established under this chapter. The unit shall pay the fees when due. The payments are considered part of the revenues of the facilities.

(l) This subsection applies to a county having a population of more than fifty-seven thousand (57,000) but less than sixty thousand (60,000). The county executive owning, operating, and maintaining facilities for the collection or disposal of solid waste may, by ordinance, establish and maintain just and equitable fees for the use of and the service rendered by the facilities.

(m) If the fiscal body of a county that is subject to subsection (l) has authorized the issuance of revenue bonds under this chapter, the county executive shall, as long as the bonds are outstanding, establish and maintain fees with respect to the facilities for which the bonds are issued.

As added by Acts 1981, P.L.309, SEC.106. Amended by Acts 1981, P.L.45, SEC.92; P.L.102-1987, SEC.2; P.L.12-1992, SEC.188; P.L.170-2002, SEC.171; P.L.119-2012, SEC.234.

IC 36-9-30-22

Solid waste disposal nonreverting capital fund

Sec. 22. (a) At the request of the board, the fiscal body of the unit may, by ordinance, establish a solid waste disposal nonreverting capital fund.

(b) Capital for the fund consists of:

- (1) deposits by the board of the revenues of its facilities that remain after payment of expenses, in an amount determined by the fiscal body upon the recommendation of the board; and
- (2) appropriations of money derived from user fees, in an amount determined by the fiscal body.

(c) After an appropriation by the fiscal body, the board may use the fund for:

- (1) acquisition of property and other rights;
- (2) installing, constructing, equipping, expanding, modifying, or remodeling new or existing facilities; or
- (3) engineering, legal, surveying, estimating, appraising, planning, designing, and other expenses necessary to determine the feasibility of implementing solid waste disposal methods.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-23

Garbage grinders

Sec. 23. (a) A garbage grinder may not be installed on any private property under this chapter unless the property owner and the tenant, if any, files a written request for garbage disposal service and the installation of a garbage grinder.

(b) The users of garbage grinders may discontinue the service at

any time by filing a written request for the discontinuance of the service with the board.

(c) All property rights in the garbage grinders remain in the unit. The unit may remove a garbage grinder upon the discontinuance of the service by the user or if any fees are not paid within thirty (30) days after they are due.

(d) The users of garbage grinders are responsible for any damages to the grinders, except for ordinary wear and tear.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-24

Lease with option to purchase facilities; terms and conditions

Sec. 24. (a) A unit may enter into a lease with option to purchase of solid waste disposal facilities inside or outside the corporate boundaries of the unit. However, a lease with an option to purchase may not be entered into for a term of more than thirty (30) years unless:

- (1) the lessor is a corporation organized under Indiana law or admitted to do business in Indiana;
- (2) a petition for the lease, signed by fifty (50) or more resident taxpayers of the unit, has been filed with the board; and
- (3) the board has, after investigation, determined that there is a need for the facilities.

The terms and conditions of the option to purchase must be specified in the lease.

(b) A lease under this section may provide that as a part of the lease rental for the solid waste disposal facilities, the unit agrees to:

- (1) pay all taxes and assessments levied against or on account of the leased property;
- (2) maintain insurance on the leased property for the benefit of the lessor corporation; and
- (3) assume all responsibilities for repair and alterations of the leased property during the term of the lease.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-25

Lease with option to purchase facilities; hearing; notice; authorization to execute lease

Sec. 25. (a) After the lessor corporation and the unit have agreed upon the terms and conditions of a lease under section 24 of this chapter, and before the final execution of the lease, notice of a hearing to be held before the board shall be given to all interested persons. The hearing may not be earlier than ten (10) days after the publication of notice.

(b) The notice of hearing shall be published one (1) time in the manner prescribed by IC 5-3-1. The notice must name the day, place, and hour of the hearing and set forth a brief summary of the principal terms of the lease, including the location and name of the proposed lessor corporation, the character of the property to be leased, the rental to be paid, the term of the lease, and a summary of the terms of

purchase under the option. The cost of publication shall be paid by the lessor corporation.

(c) The proposed lease, drawings, plans, specifications, and estimates for the solid waste disposal facilities shall be kept available for inspection by the public during the ten (10) day period and at the meeting.

(d) At the hearing, which may be adjourned from time to time, all interested persons are entitled to be heard upon the necessity for the execution of the lease and upon the fairness and reasonableness of the rental and purchase price provided for in the lease.

(e) After the hearing, the board may authorize the execution of the lease as originally agreed upon or make the modifications in the lease that are agreed upon with the lessor corporation. However, the lease rental or purchase price as set out in the published notice may not be increased.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-26

Lease with option to purchase facilities; notice of date of execution of lease

Sec. 26. When the execution of a lease is authorized under section 25 of this chapter, the board shall give at least ten (10) days' notice of the date upon which the lease will be executed. The notice shall be published one (1) time in the manner prescribed by IC 5-3-1. An action to contest the validity of the lease or to enjoin the performance of any of the terms and conditions of the lease may not be brought after the execution of the lease.

As added by Acts 1981, P.L.309, SEC.106. Amended by P.L.169-2006, SEC.81.

IC 36-9-30-27

Lease with option to purchase facilities; lessor corporation; payment

Sec. 27. In anticipation of the acquisition of a site and the construction and erection of solid waste disposal facilities, including the necessary equipment and appurtenances, a unit may enter into a lease with option to purchase with a lessor corporation, subject to the approval of the department of local government finance. Such a lease may not provide for the payment of any lease rental by the lessee until the facilities are completed and ready for solid waste disposal. The lessor corporation shall agree in the lease to furnish a bond satisfactory to the lessee and conditioned upon final completion of the facilities within the period specified in the lease, except for unavoidable delays.

As added by Acts 1981, P.L.309, SEC.106. Amended by P.L.90-2002, SEC.515.

IC 36-9-30-28

Lease with option to purchase facilities; erection of facility on land owned by unit

Sec. 28. A unit that wants to have solid waste disposal facilities erected on land owned or to be acquired by the unit may:

- (1) sell that land to the lessor; or
- (2) lease that land to the lessor for a nominal rental for the same period of years that the unit leases the facilities, and grant an option to the lessor to purchase the land within six (6) months after the termination of the lease of the facilities if the unit defaults under the terms of the lease and the lease is terminated.

If the option price on the land is not fixed in the original lease, the circuit court for the county shall appoint three (3) appraisers who reside in the unit to determine the price to be paid for the land under the option.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-29

Lease with option to purchase facilities; submission of plans, specifications, and estimates; preliminary engineering design work

Sec. 29. (a) A lessor corporation proposing to build solid waste disposal facilities, including the necessary equipment and appurtenances, shall, after the execution of the lease, submit to the unit plans, specifications, and estimates for the facilities. The plans and specifications shall be submitted to the state department of health and must be approved in writing by the state department and by the unit before the execution of the lease.

(b) This section does not prohibit the unit from contracting for the preliminary engineering design work necessary to initiate the planning and engineering of the solid waste disposal facilities, and making provisions for payment for these services.

As added by Acts 1981, P.L.309, SEC.106. Amended by P.L.2-1992, SEC.895.

IC 36-9-30-30

Lease with option to purchase facilities; annual tax levy; review of levy

Sec. 30. A unit that wants to lease solid waste disposal facilities under this chapter shall annually levy a tax sufficient to produce the money required to pay the rental stipulated in the lease. The levy may be reviewed by other bodies vested by law with that authority, in order to ascertain that the levy is sufficient to raise the amount required under the lease.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-31

Lease with option to purchase facilities; tax exemption

Sec. 31. A solid waste disposal facility leased by a lessor corporation to a unit under this chapter is exempt from all state, county, and other taxes, including all sales and use taxes applicable to tangible personal property incorporated or to be incorporated in the facility. However, the rental paid to a lessor corporation under the terms of such a lease is subject to all applicable taxes.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-32

Lease with option to purchase facilities; exercise of option; nonexercise of option; extension of lease

Sec. 32. (a) If a unit exercises an option to purchase contained in a lease under section 24 of this chapter, it may pay the purchase price of the facilities purchased with money obtained from bonds issued and sold under the statutes governing the issue and sale of bonds of the unit.

(b) If the unit does not exercise the option to purchase at the expiration of the lease, the solid waste disposal facilities covered by the lease become the absolute property of the unit upon the unit's full discharge and performance of its obligations under the lease. The lessor corporation shall execute proper instruments conveying to the unit good and merchantable title to the facilities.

(c) If the unit does not exercise the option to purchase, then the board, subject to the approval of the fiscal body of the unit, may extend the lease of the solid waste disposal facility for the term, not to exceed a period equal to the term of the original lease, and for the consideration agreed to by the parties to the original lease or their assignees. At the end of the extension period, the facility covered by the lease becomes the absolute property of the unit, and the lessor corporation shall execute all proper instruments to convey the facility to the unit.

As added by Acts 1981, P.L.309, SEC.106.

IC 36-9-30-33

Adoption of rules

Sec. 33. The environmental rules board may adopt rules under IC 4-22-2 to carry out this chapter.

As added by Acts 1981, P.L.309, SEC.106. Amended by P.L.143-1985, SEC.204; P.L.113-2014, SEC.128.

IC 36-9-30-34

Statutes, ordinances, or rules

Sec. 34. Action taken by the department of environmental management under this chapter does not limit the powers of other governmental entities to make or enforce other statutes, ordinances, or rules for the storage, collection, removal, or disposal of solid waste, if they do not conflict with this chapter. For purposes of this section, the provisions of this chapter shall be construed as cumulative or alternative.

As added by Acts 1981, P.L.309, SEC.106. Amended by P.L.143-1985, SEC.205.

IC 36-9-30-35

Methods of disposal; necessity of compliance with laws and rules; operation of nuisance inimical to human health; Class C infraction; injunctive or mandatory relief

Sec. 35. (a) Solid waste may be disposed of on land only through use of sanitary landfills, incineration, composting, garbage grinding, or other acceptable methods approved by the department of environmental management in accordance with rules adopted by the environmental rules board. A person may not operate or maintain an open dump.

(b) A person may not operate or maintain facilities for the collection and disposal of solid waste, except as set out in section 4 of this chapter or under rules adopted by the environmental rules board.

(c) Failure to comply with this section constitutes the operation of a nuisance inimical to human health. A prosecuting attorney who receives a report of such a failure from the department of environmental management, a solid waste management district, or a local health officer shall cause appropriate court proceedings to be instituted.

(d) A person who fails to comply with this section commits a Class C infraction. If the violation is of a continuing nature, each day of failure to comply constitutes a separate infraction.

(e) The department of environmental management may bring proceedings for injunctive or mandatory relief through the attorney general against any person (including any agency of the state or federal government) for failure to comply with this section.

As added by Acts 1981, P.L.309, SEC.106. Amended by P.L.143-1985, SEC.206; P.L.33-1992, SEC.22; P.L.113-2014, SEC.129.

IC 36-9-30-36

Repealed

(Repealed by P.L.40-1999, SEC.3.)