IC 13-21

ARTICLE 21. SOLID WASTE MANAGEMENT DISTRICTS

IC 13-21-1

Chapter 1. State Solid Waste Management Plan

IC 13-21-1-1

Adoption of plan; rules

Sec. 1. The commissioner shall do the following:

(1) Adopt the state plan in final form.

(2) Adopt rules under IC 4-22-2 to provide for the plan's implementation.

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

IC 13-21-1-2

Required provisions, goals, and criteria

Sec. 2. The state plan must provide for solid waste management in Indiana for the twenty (20) years following the adoption of the state plan. The state plan must include the following, in order of priority:

(1) The establishment of voluntary statewide goals for source reduction.

(2) The establishment of criteria for alternatives to final disposal, including the following:

(A) Recycling.

(B) Composting.

(C) The availability of markets.

(3) The establishment of general criteria for the siting, construction, operation, closing, and monitoring of final disposal facilities.

(4) Criteria and other elements to be considered in the adoption of district solid waste management plans.

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

IC 13-21-1-3

Revisions

Sec. 3. Revisions of the state plan must be implemented using the procedures set forth in section 1 of this chapter.

As added by P.L.1-1996, SEC.11. Amended by P.L.12-2005, SEC.4.

IC 13-21-1-4

Assessment of solid waste management districts; report

Sec. 4. (a) In 2015 and every fifth year thereafter, the legislative council shall require an interim study committee or a statutory study committee to:

(1) assess solid waste management districts; and

(2) determine whether any changes should be made to the statutes governing solid waste management districts.

(b) An interim study committee or a statutory study committee

that assesses solid waste management districts under subsection (a) shall issue a final report, in an electronic format under IC 5-14-6, to the legislative council containing the committee's findings and recommendations, including any recommended legislation, not later than November 1 of the year in which an assessment is conducted.
As added by P.L.37-2012, SEC.50.

IC 13-21-2
Repealed

(Repealed by P.L.1-2001, SEC.51.)

IC 13-21-3

Chapter 3. Solid Waste Management Districts

IC 13-21-3-0.2

Application of certain amendments to prior law

Sec. 0.2. (a) The amendments made to IC 13-9.5-2-2 and IC 13-9.5-2-11 (before their repeal, now codified in this chapter) by P.L.96-1995 apply to property taxes first due and payable after December 31, 1995, and to taxable years that begin after December 31, 1995.

(b) The addition of IC 13-9.5-2-11.1 and IC 13-9.5-2-15 (before their repeal) by P.L.96-1995 applies to property taxes first due and payable after December 31, 1995, and to taxable years that begin after December 31, 1995.

As added by P.L.220-2011, SEC.283.

IC 13-21-3-1

Establishment; approval of agreement; failure of county to comply

Sec. 1. (a) Except as provided in subsection (b), each county shall, by ordinance of the county executive:

(1) join with one (1) or more other counties in establishing a joint solid waste management district that includes the entire area of all the acting counties; or

(2) designate itself as a county solid waste management district.

(b) Notwithstanding subsection (a)(1), if a county withdraws from a joint solid waste management district under IC 13-21-4, the county executive of the county may adopt an ordinance to join another or establish another joint solid waste management district with one (1) or more other counties:

(1) not earlier than fifteen (15) days; or

(2) not later than forty-five (45) days;

after the date the ordinance is introduced.

(c) An ordinance adopted under subsection (a)(1) or (b) must include the approval of an agreement governing the operation of the joint district.

(d) If a county fails to comply with this section, the commissioner shall designate the county as a solid waste management district.

As added by P.L.1-1996, SEC.11. Amended by P.L.74-2002, SEC.2.

IC 13-21-3-2

Territory included in designated district

Sec. 2. All of the incorporated and unincorporated territory of a county must be included in the designated county solid waste management district or the joint solid waste management district to which the county belongs.

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

IC 13-21-3-3

Copy of agreement to commissioner

Sec. 3. Within thirty (30) days after adopting an ordinance

establishing a joint district and approving an agreement governing the operation of the joint district, a county shall provide the commissioner with a copy of the agreement.
As added by P.L.1-1996, SEC.11.

IC 13-21-3-4
Board of directors; appointment

Sec. 4. After a county has been designated as a county district or has joined with at least one (1) other county in a joint district, a board of directors shall be appointed.
As added by P.L.1-1996, SEC.11.

IC 13-21-3-5
Board of directors; membership

Sec. 5. (a) Except as provided in subsections (b) through (e), the board of a county district consists of the following members:

(1) Two (2) members appointed by the county executive from the membership of the county executive.

(2) One (1) member appointed by the county fiscal body from the membership of the fiscal body.

(3) One (1) member:

(A) who is the executive of the municipality having the largest population in the county if that municipality is a city; or

(B) appointed from the membership of the legislative body of a town if the town is the municipality having the largest population in the county.

(4) One (1) member of the legislative body of the municipality with the largest population in the county appointed by the legislative body of that municipality.

(5) One (1) member:

(A) who is the executive of a city in the county that is not the municipality having the largest population in the county; or

(B) who is a member of the legislative body of a town that is not the municipality having the largest population in the county;

and who is appointed by the executive of that county to represent the municipalities in the county other than the municipality having the largest population.

(6) One (1) additional member appointed by the county executive from the membership of the county executive.

(b) If a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is designated as a county district, the executives of the three (3) cities in the county having the largest populations each serve as a member of the board or may appoint a member of the legislative body of their city to serve as a member of the board. If a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000) is designated as a county district, the executives of the two (2) cities in the county

having the largest populations each serve as a member of the board. If a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000) is designated as a county district, the board of that county district must include the following:

(1) One (1) member of the legislative body of the city having the second largest population in the county, appointed by the president of the city legislative body.

(2) One (1) member of the legislative body of a town located in the county, appointed by the judge of the circuit court in the county.

(c) If a county having a consolidated city is designated a county district, the board of public works established under IC 36-3-5-6 constitutes the board of the county district.

(d) If a county designated as a county district has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the board of the district consists of the following members:

(1) One (1) member appointed by the county executive from the membership of the county executive.

(2) Two (2) members appointed from the county fiscal body appointed from the membership of the county fiscal body.

(3) The executive of each second or third class city or a member of the legislative body of their city appointed by the executive.

(4) One (1) member of the legislative body of each town appointed by the legislative body.

(5) One (1) member of the legislative body of the municipality with the largest population in the county appointed by the legislative body of that municipality.

(6) If a local government unit in the county has an operating final disposal facility located within the unit's jurisdiction, one (1) member of the unit's board of public works appointed by the board of public works.

(e) This subsection applies only to a county that does not contain a city. If the county executive and the county fiscal body of a county designated as a county district agree, the board of the district shall consist of the following nine (9) or ten (10) members:

(1) The three (3) members of the county executive.

(2) Two (2) members of the county fiscal body, chosen by the county fiscal body.

(3) One (1) member of each of the town legislative bodies of the four (4) or five (5) towns in the county having the largest population, chosen by each town legislative body.

As added by P.L.1-1996, SEC.11. Amended by P.L.110-1998, SEC.1; P.L.189-2005, SEC.3; P.L.119-2012, SEC.113.

IC 13-21-3-6

Board of joint district; membership

Sec. 6. (a) Except as provided in subsections (b) through (d), the board of a joint district consists of the following:

(1) One (1) member of the county executive of each participating county.
(2) One (1) member of the county fiscal body of each participating county.
(3) One (1) member:
(A) who is the executive of the municipality having the largest population in the county if that municipality is a city; or
(B) if a town is the municipality having the largest population in the county, who is appointed from the membership of the fiscal body of that town.
(4) One (1) member of the legislative body of the municipality having the largest population in each participating county, appointed by the legislative body of that municipality.
(5) One (1) or more members who are the executives of cities under subsection (b), if applicable.
(6) Additional members appointed by the executive of each participating county from the membership of the executive, as permitted under subsection (c).
(7) One (1) additional member appointed by the executive of the participating county having the largest population from the membership of the executive if the appointments made under subdivisions (1) through (6) result in an even number of members.

(b) If a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) has joined in a joint district, the executive of the three (3) cities in the county having the largest populations each serve as a member of the board. If a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000) has joined in a joint district, the executive of the two (2) cities in the county having the largest populations each serve as a member of the board.

(c) An agreement between two (2) or more counties establishing a joint district may allow the executive of each county to appoint a certain number of additional members from the membership of the executive based upon the proportion of each county's population to the population of the entire district.

(d) An agreement among three (3) or more counties establishing a joint district may provide that:
(1) the membership; and
(2) the terms of office of members;
of the board will be determined by the terms of an agreement entered into by the executive of each county governing the operation of the district. All members of a board appointed under this subsection must be elected officials of a county or a municipality.

(e) The board of a joint district established under subsection (d) or IC 13-9.5-2-6(d) (before its repeal) after March 1, 1991:
(1) must include representation from the largest municipality in each county included in the joint district as recommended by the

executive of the largest municipality and approved by the legislative body of the largest municipality; and

(2) may include representation from other municipalities in each county included in the joint district as recommended by the executive of a municipality and approved by the legislative body of the municipality.

(f) The board of a joint district may allow a member who is appointed from:

(1) the county executive;

(2) a county fiscal body; or

(3) a municipal legislative body;

to have the body on which the member serves designate an alternate member from that body to participate and exercise the right to vote with the board if the member is unable to attend a meeting.

As added by P.L.1-1996, SEC.11. Amended by P.L.119-2012, SEC.114.

IC 13-21-3-7

Joint districts; executive committees; powers

Sec. 7. (a) In:

(1) a joint district; or

(2) a single district having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

the board appointed under section 5 of this chapter may elect from the board's membership an executive committee having an odd number of members.

(b) An executive committee elected under subsection (a) for a joint district has only the powers invested in the committee by resolution of the board. An executive committee may exercise any powers of the board under this article that are delegated to the executive committee by resolution of the board.

(c) The board of the joint district may appoint one (1) or more alternates from among the membership of the board to:

(1) participate; and

(2) exercise the power to vote;

with the executive committee if a member of the executive committee is absent.

(d) A meeting of an executive committee may serve as the regularly scheduled monthly meeting of a board as required under IC 13-21-5-2.

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

IC 13-21-3-8

Board of directors of district; term

Sec. 8. (a) This section does not apply to the members of a board of public works that constitutes the board of a county district under section 5(c) of this chapter.

(b) The term of office of a member of the board of a district who is appointed from the membership of an executive, legislative, or

fiscal body under this chapter is coextensive with the member's term of office on that body. The term of office of other appointed members of the board is two (2) years.

(c) All members of the board serve at the pleasure of the appointing authority.

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

IC 13-21-3-9

Officers

Sec. 9. (a) This section does not apply to a board of public works that constitutes the board of a county district under section 5(c) of this chapter.

(b) The board shall select the following:

(1) A chairperson and vice chairperson from the board's membership.

(2) A controller who is not a member of the board.

(c) If a controller selected by a board under this section is the fiscal officer of a county or municipality, the duties of the controller under a statute or an ordinance are in addition to the duties the controller has while serving as the fiscal officer of the county or municipality.

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

IC 13-21-3-10

Controllers; powers and duties

Sec. 10. (a) A controller selected under section 9 of this chapter shall do the following:

(1) Be the official custodian of all district money and, subject to the terms of any resolution or trust indenture under which bonds are issued under this article, deposit and invest all district money in the same manner as other county money is deposited and invested under IC 5-13.

(2) Be responsible to the board for the fiscal management of the district.

(3) Be responsible for the proper safeguarding and accounting of the district's money.

(4) Subject to subsection (c), issue warrants approved by the board after a properly itemized and verified claim has been presented to the board on a claim docket.

(5) Make financial reports of district money and present the reports to the board for the board's approval.

(6) Prepare the district's annual budget.

(7) Perform any other duties:

(A) prescribed by the board; and

(B) consistent with this chapter.

(b) A controller selected under section 9 of this chapter:

(1) does not exercise any sovereign authority of the state; and

(2) does not hold a lucrative office for purposes of Article 2, Section 9 of the Constitution of the State of Indiana.

(c) The board may, by resolution, authorize the controller to make

claim payments for:

(1) payroll;

(2) the state solid waste management fee imposed by IC 13-20-22-1; and

(3) certain specific vendors identified in the resolution;

without the claims being first approved by the board if before payment the claims are approved in writing by the chairperson of the board or in the absence of the chairperson another member of the board designated by the chairperson. The claims shall be reviewed and allowed by the board at the board's next regular or special meeting.

As added by P.L.1-1996, SEC.11. Amended by P.L.214-2005, SEC.58.

IC 13-21-3-11

Citizen solid waste management advisory committee; membership; functions

Sec. 11. (a) The board of each district shall appoint and convene a solid waste management advisory committee of citizens not later than thirty (30) days after the board has been established. The committee must include the following:

(1) Representatives of the solid waste management industry operating in the district.

(2) Representatives of the environmental community and other citizens who are:

(A) knowledgeable about and interested in environmental issues; and

(B) not employed directly or indirectly by the solid waste management industry.

(b) At least fifty percent (50%) of the members of an advisory committee must be made up of the representatives of the environmental community and other citizens. All members of the committee must be residents of the district.

(c) In the resolution establishing an advisory committee, the board shall specify the terms of the members and the purposes of the committee. Each advisory committee shall do the following:

(1) Study the subjects and problems specified by the board and recommend to the board additional problems in need of study and discussion.

(2) If invited by the board to do so, participate, without the right to vote, in the deliberations of the board.

(d) An advisory committee shall report only to the board. Reports of the committee must:

(1) accompany a final district plan when the plan is submitted to the commissioner under IC 13-21-5; and

(2) be made available to members of the public.

(e) An advisory committee may choose to study and report on matters that are not specified by the board if the committee determines a study is warranted.

(f) An advisory committee and board shall conduct at least two (2)

joint meetings each year to discuss current and future issues. The advisory committee shall submit into the record at the next meeting of the board advice on the topics discussed at the joint meeting.

(g) An advisory committee shall do the following:

(1) Meet after the first publication of the district's proposed annual budget.

(2) Submit written comments concerning the proposed budget at a public hearing that is held to review the proposed budget.

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

IC 13-21-3-12

Powers of district

Sec. 12. Except as provided in section 14.5 of this chapter, the powers of a district include the following:

(1) The power to develop and implement a district solid waste management plan under IC 13-21-5.

(2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.

(3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(4) The power to sue and be sued.

(5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.

(6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:

(A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.

(B) The managing or disposal of solid waste.

(C) The sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.

(7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.

(8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.

(9) The power to sell or lease any facility or part of a facility to any person.

(10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.

(11) The power to enter upon property to make surveys, soundings, borings, and examinations.

(12) The power to:

(A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and

(B) comply with the terms of the gift, grant, or loan.

(13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

(A) Regular budget and tax levy procedures.

(B) Section 16 of this chapter.

However, except as provided in sections 15 and 15.5 of this chapter, a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents ($0.0833) on each one hundred dollars ($100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; and

(B) recovery of waste products from the solid waste stream;

if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions that have the force of law. However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution.

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

(A) fiscal;

(B) administrative;

(C) managerial; or

(D) operational;

services from a county or municipality.

(20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.

(22) The power to pay a fee from district money to:

(A) in a joint district, the county or counties in which a final disposal facility is located; or

(B) a county that:

(i) was part of a joint district;

(ii) has withdrawn from the joint district as of January 1, 2008; and

(iii) has established its own district in which a final disposal facility is located.

(23) The power to make grants or loans of:

(A) money;

(B) property; or

(C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

(A) equipping;

(B) expanding;

(C) modifying; or

(D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further:

(A) the district's solid waste management plan; and

(B) the objectives of minimum educational standards established by the department of environmental management.

(26) The power to conduct educational programs under

IC 13-20-17.5 to provide information to the public concerning:
(A) the reuse and recycling of mercury in:
(i) mercury commodities; and
(ii) mercury-added products; and
(B) collection programs available to the public for:
(i) mercury commodities; and
(ii) mercury-added products.
(27) The power to implement mercury collection programs under IC 13-20-17.5 for the public and small businesses.
(28) The power to conduct educational programs under IC 13-20.5 to provide information to the public concerning:
(A) reuse and recycling of electronic waste;
(B) collection programs available to the public for the disposal of electronic waste; and
(C) proper disposal of electronic waste.

As added by P.L.1-1996, SEC.11. Amended by P.L.125-1996, SEC.5; P.L.45-1997, SEC.13; P.L.6-1997, SEC.155; P.L.2-1998, SEC.52; P.L.225-2001, SEC.16; P.L.178-2002, SEC.87; P.L.114-2008, SEC.22; P.L.159-2011, SEC.36; P.L.37-2012, SEC.51.

IC 13-21-3-12.2
Additional powers of certain counties

Sec. 12.2. (a) This section applies to a county having a population of more than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000).

(b) In addition to the powers granted to a district under section 12 of this chapter, a district may make grants or loans of money, property, or services to a public or private program to plant or maintain trees in an area of the district that is a right-of-way, public property, or vacant property.

As added by P.L.98-2000, SEC.6. Amended by P.L.170-2002, SEC.89; P.L.119-2012, SEC.115.

IC 13-21-3-13
Powers of board

Sec. 13. (a) A board may do the following:
(1) Enter into agreements concerning and acquire by any lawful means real property or interests in real and personal property needed for the purposes of this section or IC 13-21-9.
(2) Enter into financing agreements to purchase, lease as lessee, construct, remodel, rebuild, enlarge, or substantially improve facilities.
(3) Lease facilities to users or developers with or without an option to purchase.
(4) Sell facilities to users or developers for consideration, which may be paid in installments or otherwise.
(5) Make direct loans to users or developers for the cost of acquisition, construction, or installation of facilities, including real property, machinery, or equipment. If loans are made, the development bonds must be secured by the pledge of one (1) or

more bonds or other secured or unsecured debt obligations of the users or developers.

(6) Enter into agreements with users or developers to allow the users or developers to wholly or partially acquire, construct, or modify facilities to be acquired by the district.

(7) Issue waste management development bonds under IC 13-21-9 to do the following:

(A) Accomplish the purposes of this section and IC 13-21-9.

(B) Secure payment of the development bonds as provided in IC 13-21-9.

(b) This section or IC 13-21-9 does not authorize the district's financing of facilities for a developer unless any agreement that exists between a developer and a user is fully disclosed to and approved by the board.

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

IC 13-21-3-13.5
Reports on funds

Sec. 13.5. (a) At the end of each year the district shall prepare, on a form designed by the department of local government finance, a report that is accessible through the computer gateway administered by the office of technology established by IC 4-13.1-2-1 and that provides the following information:

(1) For each fund that contains district money:

(A) the cash balance at the end of the year;

(B) a list of all encumbrances on the fund that the district is legally obligated to pay;

(C) a copy of documentation that supports each encumbrance listed in clause (B);

(D) the fund balance obtained by subtracting the amount under clause (B) from the amount under clause (A);

(E) the total expenditures from the fund for the year; and

(F) any other financial information required by the department.

(2) The total of all fund balances calculated under subdivision (1)(D).

(3) The total of all fund expenditures reported under subdivision (1)(E).

(4) Any programmatic information required by the department.

(5) The total amount of expenditures by the district for the year.

(6) The per capita expenditures by the district for the year.

(7) The amount of expenditures by the district for the year for personnel costs.

(8) The amount of expenditures by the district for the year for program costs (excluding personnel costs).

(9) The total amount of solid waste (in tons) disposed of in the district for the year for which the district is directly responsible.

(10) The total amount of recycling (in tons) carried out in the district in the year for which the district is directly responsible.

(b) The district shall provide the report prepared under subsection

(a):

(1) to the department and to the department of local government finance in a format prescribed by the department; and

(2) to the legislative council in an electronic format under IC 5-14-6;

by March 1 of the year following the year for which the report is made.

(c) The district shall publish the annual report prepared under subsection (a) on an Internet web site maintained by the district or on the Internet web sites maintained by the counties that are members of the district.

As added by P.L.45-1997, SEC.14. Amended by P.L.90-2002, SEC.368; P.L.37-2012, SEC.52; P.L.257-2013, SEC.35.

IC 13-21-3-14

Powers of district; exclusions

Sec. 14. (a) This section does not apply to a contract executed before April 1, 1998.

(b) Except as provided in subsection (d) and section 14.5 of this chapter, the powers of a district do not include the following:

(1) The power of eminent domain.

(2) Except as provided in subsection (c), the power to exclusively control the collection or disposal of any solid waste or recyclables within the district by means that include the following:

(A) Franchising.

(B) Establishing a territory or territories within the district in which a person may provide service.

(3) The power to establish the type of service that a person must provide for the collection or disposal of solid waste or recyclables within the district.

(4) The power to establish fees that a person must charge for the collection or disposal of solid waste or recyclables within the district.

(5) The power to issue permits for an activity that is already permitted by a state agency, except as expressly granted by statute.

(6) Except as provided in subsection (e), the power to:

(A) register;

(B) issue a permit for; or

(C) license;

a vehicle as a condition of allowing a solid waste hauler to render services within the district.

(c) If one (1) or more of the governmental entities in a district, at the time of the formation of the district, is a party to a contract providing that the persons contracted with have the exclusive right to collect or dispose of solid waste within the jurisdiction of the governmental entity, the district may enter into an extension of that contract.

(d) Subsection (b) does not apply to activities conducted as part of

a household hazardous waste collection and disposal project.

(e) A district that was:

(1) registering, issuing a permit for, or licensing vehicles as a condition of allowing a solid waste hauler to render services within the district on January 1, 2013:

(A) may continue to register, issue a permit for, or license the vehicles until January 1, 2015; and

(B) may not register, issue a permit for, or license the vehicles after December 31, 2014; and

(2) levying a charge or fee on January 1, 2013, for registering, issuing a permit for, or licensing vehicles as a condition of allowing a solid waste hauler to render services within the district:

(A) may continue to levy the charge or fee until January 1, 2015; and

(B) may not levy the charge or fee after December 31, 2014.

As added by P.L.1-1996, SEC.11. Amended by P.L.125-1996, SEC.6; P.L.110-1998, SEC.2; P.L.231-2003, SEC.3; P.L.220-2011, SEC.284; P.L.116-2013, SEC.1.

IC 13-21-3-14.5

Conditions for provision of waste management services by district; evaluation of cost

Sec. 14.5. (a) This section does not apply to the following:

(1) The continuation of waste management services that a solid waste district provides with its facilities or work force before March 15, 1996.

(2) Waste management services provided to the district under an agreement entered into by the district before March 15, 1996, with another person until the agreement terminates by its terms or is terminated for cause.

(3) The development, operation, and contracting for the development or operation of a publicly owned solid waste landfill in a county having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000). The operation of the landfill must have begun before July 1, 2001.

(4) A contract entered into between the board and a third party before May 1, 1997, for the development or operation of a solid waste landfill in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The third party is limited to those parties that submitted proposals to the board under a formal request for proposals that were selected by the board, before December 1, 1995, as finalists in the contract negotiations.

(5) A contract between a board and a third party to operate a facility that is owned by the district and for which construction was substantially complete before March 1, 1996.

(6) Activities conducted as part of household hazardous waste (as defined in IC 13-11-2-104) collection and disposal projects.

(7) A contract executed before April 1, 1998.

(b) Except as provided in subsection (c), a district may not:

(1) undertake to provide waste management services by means of its own work force; or

(2) contract with any person to provide waste management services.

(c) A district may perform the activities described in subsection (b):

(1) if:

(A) the board is able to adopt a resolution under subsection (d); and

(B) a private sector entity is not willing or able to provide waste management services at a reasonable cost to the district; or

(2) if the district is requested to do so by a unit of government that performs the activities with the unit's work force.

(d) The board may adopt a resolution determining that the district must either provide waste management services by means of its own work force or contract with a person to provide waste management services, only if the board finds that:

(1) the waste management service is not currently available in the district at a reasonable cost; and

(2) providing the waste management service by means of its own work force or by contract will benefit the public health, welfare, and safety of residents of the district.

The board's determination must be supported with findings of fact.

(e) A district shall provide notice by publication under IC 5-3-1 and at the time of publication serve by first class mail to any person that delivers to the district an annual written request for notices before January 1 of any meeting to consider adoption of a resolution making a preliminary determination that it is necessary for the district to undertake to provide waste management services by means of its own work force or contract with any person to provide waste management services.

(f) Whenever a district evaluates the reasonableness of cost under this section, it shall:

(1) compare the cost of the same level of service provided in the district or in similar demographic areas within Indiana; and

(2) if the district wishes to provide waste management services with its own facilities or work force, the district must disclose the entire cost of providing the service by the district, including the following:

(A) Subsidies arising from taxes, fees, grants, or intergovernmental transfers.

(B) In-kind contributions of real estate, interests in real estate, equipment, personnel, or other assets.

(C) Discounts.

(D) Tax exemptions.

(g) A resolution adopted under subsection (d) may authorize a district to perform more than one (1) solid waste recycling,

collection, or disposal event in the manner described in subsection (b) if:

(1) the duration of each event authorized by the resolution is not more than one (1) day; and

(2) all events authorized by the resolution will take place in one (1) calendar year.

As added by P.L.125-1996, SEC.7. Amended by P.L.110-1998, SEC.3; P.L.70-2001, SEC.3; P.L.170-2002, SEC.90; P.L.220-2011, SEC.285; P.L.119-2012, SEC.116.

IC 13-21-3-15
Appeals

Sec. 15. (a) A district located in a county having a population of more than thirty-three thousand five hundred (33,500) but less than thirty-four thousand (34,000) may appeal to the department of local government finance to have a property tax rate in excess of the rate permitted by section 12 of this chapter. The appeal may be granted if the district establishes that all of the following conditions exist:

(1) The district is in the process of constructing a landfill.

(2) A higher property tax rate is necessary to pay the fees charged by out of county landfills to dispose of solid waste generated in the district during the design and construction phases of the landfill being established by the district.

(b) The procedure applicable to maximum levy appeals under IC 6-1.1-18.5 applies to an appeal under this section. Any additional levy granted under this section may not exceed seven and thirty-three hundredths cents ($0.0733) on each one hundred dollars ($100) of assessed valuation of property in the district.

(c) The department of local government finance shall establish the tax rate if a higher tax rate is permitted.

(d) A property tax rate imposed under this section expires not later than December 31, 1997.

As added by P.L.1-1996, SEC.11. Amended by P.L.6-1997, SEC.156; P.L.90-2002, SEC.369; P.L.146-2008, SEC.422; P.L.119-2012, SEC.117.

IC 13-21-3-15.5
Appeal for additional levy

Sec. 15.5. (a) A district may appeal to the department of local government finance to have a property tax rate in excess of the rate permitted by section 12 of this chapter. The appeal may be granted if the district with respect to 2001 property taxes payable in 2002:

(1) imposed the maximum property tax rate established under section 12 of this chapter; and

(2) collected property tax revenue in an amount less than the maximum permissible ad valorem property tax levy determined for the district under IC 6-1.1-18.5.

(b) The procedure applicable to maximum levy appeals under IC 6-1.1-18.5 applies to an appeal under this section.

(c) An additional levy granted under this section may not exceed

the rate calculated to result in a property tax levy equal to the maximum permissible ad valorem property tax levy determined for the district under IC 6-1.1-18.5.

(d) The department of local government finance shall establish the tax rate if a higher tax rate is permitted.

As added by P.L.178-2002, SEC.88. Amended by P.L.146-2008, SEC.423.

IC 13-21-3-16

Eligibility to include in budget revenue from imposed property tax

Sec. 16. (a) The requirements of this section:

(1) are in addition to the requirements set forth in IC 6-1.1-18.5-7(b); and

(2) do not apply to a district that:

(A) owns a landfill;

(B) will use property tax revenue to:

(i) construct a new landfill cell; or

(ii) close a landfill cell;

at the landfill; and

(C) has received approval from the county fiscal body of the county in which the landfill is located to construct or close the landfill cell.

(b) To be eligible to include within the district's budget for the following year tax revenue derived from the imposition of a property tax, the first year that a property tax will be imposed and any subsequent year in which the proposed tax levy will increase by five percent (5%) or more, a board must present identical resolutions to each of the county fiscal bodies within the district seeking approval for the use of property tax revenue within the district. The resolution must state the proposed property tax levy and the proposed use of the revenue. The resolution must be stated so that:

(1) a "yes" vote indicates approval of the levy and the proposed use of property tax revenue within the district; and

(2) a "no" vote indicates disapproval of the levy and the proposed use of property tax revenue within the district.

(c) For a resolution described in subsection (b) to be approved by the county fiscal body:

(1) the county fiscal body must record the vote taken on the resolution under subsection (b) before May 1 of the year in which the vote was taken; and

(2) the recorded vote must indicate approval of the use of property tax revenue within the district.

(d) If all of the county fiscal bodies within a district do not record the approval described in subsection (c) before May 1 of the year in which the vote under subsection (b) was taken, the board may not:

(1) impose; or

(2) include within the budget of the board;

a property tax for the year following the year in which the vote was taken.

(e) Notwithstanding subsection (d), after the first year a tax is

imposed under this section, the resolution required by subsection (b) for a district that is located in more than two (2) counties need only be approved by a majority of the county fiscal bodies for the counties in which the district is located.

(f) A district may not issue bonds to be repaid, directly or indirectly, with money or property tax revenue of the district until a majority of the members of each of the county fiscal bodies within a district passes a resolution approving the bond issue.

As added by P.L.1-1996, SEC.11. Amended by P.L.129-1996, SEC.1; P.L.189-2005, SEC.4.

IC 13-21-3-17

Conferences, seminars, and training sessions; membership in planning and practice improvement organizations

Sec. 17. (a) If a board determines that it is desirable or necessary for employees or members of the board or advisory committee to attend a conference, seminar, or training session that concerns solid waste management or related issues, the board may pay:

(1) applicable registration fees; and

(2) all actual expenses;

of the employees or members who attend the conference, seminar, or training session.

(b) A board may appropriate money necessary to provide membership for the district in state and national:

(1) civic;

(2) educational;

(3) professional; or

(4) governmental;

organizations that are concerned with the betterment and improvement of solid waste management planning and practices.

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

IC 13-21-3-18

Grants and loans from counties and municipalities

Sec. 18. The executive of a county or municipality located in a district may, with the approval of the fiscal body of the county or municipality:

(1) grant or loan public money to the district; and

(2) establish procedures:

(A) for awarding grants; and

(B) for the repayment of loans.

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

IC 13-21-3-19

Delegation of board's authority; limitations

Sec. 19. (a) The board of a district may delegate any of the board's authority to any board or legislative body of a municipality by resolution. However:

(1) an exercise by a municipality of the taxing power of the district must be ratified by the board of the district; and

(2) if the board of a municipality has been delegated authority under this subsection, the legislative body of the municipality must approve an action of the board of the municipality that involves:

(A) an exercise of the taxing power of the district;

(B) the issuance of bonds under this article or IC 13-9.5 (before its repeal); or

(C) the setting of fees, rates, and charges under this article or IC 13-9.5 (before its repeal).

(b) The board may delegate authority to the board's officers to carry out the directions of the board.

(c) A resolution delegating powers of the board under this section must contain reasonable standards and parameters within which the delegated powers may be exercised.

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

IC 13-21-3-20

Failure of county with consolidated city to elect to participate; exemption from regulation and control of article

Sec. 20. (a) Notwithstanding this chapter, IC 13-21-5, and IC 13-21-13, and except as provided in subsection (b), unless the legislative body of a county having a consolidated city elects by ordinance to participate in the rules, ordinances, and governmental structures enacted or created under this article, the management of solid waste activities and the collection of fees on the disposal of solid waste in a final disposal facility located in that county are exempt from regulation or control under this article.

(b) The exemption under subsection (a) does not apply to IC 13-20-22-1.

As added by P.L.1-1996, SEC.11. Amended by P.L.113-2010, SEC.94.

IC 13-21-3-21

Approval and delivery of budget

Sec. 21. Before the board of a district may adopt an annual budget, the budget must be:

(1) approved by the department of local government finance; and

(2) sent to:

(A) the executive; and

(B) the fiscal body;

of each county and municipality located within the district as a matter of record.

As added by P.L.1-1996, SEC.11. Amended by P.L.90-2002, SEC.370.

IC 13-21-3-22

Contract with county to collect fees and revenue; delinquent payments

Sec. 22. (a) This subsection does not apply to the collection of

property taxes. The board of a district may contract with a county to collect fees and revenue for a board.

(b) A contract under this section must do all of the following:

(1) Describe the fees and revenue that will be collected.

(2) Describe the responsibilities of the district and the county.

(3) Describe any collection charges that a county will impose to reimburse the county for the administrative expenses of collecting fees and revenue.

(4) Establish the date or conditions under which the agreement expires.

(5) Be in writing.

A contract may include other necessary or appropriate terms.

(c) Before a contract under this section becomes effective:

(1) the county auditor and the county treasurer must consent to the terms of the contract; and

(2) the board of the district and the executive body for the county must approve the contract by resolution in a public meeting.

The written consent of the county auditor and county treasurer must be incorporated by reference into the resolution adopted by the county executive body.

(d) To carry out a contract under this section, a county executive body may establish a collection charge. The charge may not exceed the direct costs of collecting fees and revenue, including an allowance for computer reprogramming and other costs incurred to establish and maintain the collection program. Collection charges received by a county shall be deposited in the county general fund.

(e) Revenue and fees collected by a county shall be deposited in a separate fund and distributed to the district, without an appropriation or a claim, under the terms of the contract.

(f) A county may include a notice of the amount of fees, charges, or other revenue subject to this section in a property tax notice sent to a taxpayer.

(g) A county or the district may collect a delinquent payment subject to this section in the same manner as any general debt may be collected.

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

IC 13-21-4

Chapter 4. Withdrawal or Removal of Counties From Solid Waste Management Districts

IC 13-21-4-1

Compliance with procedures

Sec. 1. If:

(1) a county seeks to withdraw from a joint district; or

(2) a joint district seeks to remove a county from the joint district;

the county or the joint district must follow the procedures set forth in this chapter.

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

IC 13-21-4-2

County executives; resolutions; contents

Sec. 2. (a) If a county seeks to withdraw from a joint district that consists of more than two (2) counties, the county executive must:

(1) adopt two (2) identical resolutions:

(A) at least fifteen (15) days apart; and

(B) not more than forty-five (45) days apart; and

(2) submit both resolutions to the board of the joint district and to the commissioner.

The resolution must specify that the county withdraws from the joint district.

(b) If a county seeks to withdraw from and dissolve a joint district that consists of only two (2) counties, the county executive must:

(1) adopt two (2) identical resolutions:

(A) at least fifteen (15) days apart; and

(B) not more than forty-five (45) days apart; and

(2) submit both resolutions to the county executive of the other county and to the commissioner.

The resolution must specify that the county withdraws from and dissolves the joint district.

(c) If a joint district that consists of more than two (2) counties seeks to remove a county from the joint district, the county executive of each county that would remain in the joint district after the county is removed must:

(1) adopt two (2) identical resolutions:

(A) at least fifteen (15) days apart; and

(B) not more than forty-five (45) days apart; and

(2) submit both resolutions to the county executive of the county that would be removed and to the commissioner.

The resolution must specify that the joint district removes the county from the joint district.

As added by P.L.1-1996, SEC.11. Amended by P.L.74-2002, SEC.3.

IC 13-21-4-2.5

Effective date of withdrawal or removal of a county from a joint district

Sec. 2.5. (a) The withdrawal of a county from a joint district is effective upon:

(1) the later of:

(A) the date of delivery of both resolutions adopted under section (2)(a) of this chapter to the board of the joint district; or

(B) the effective date specified in the resolutions referred to in clause (A); or

(2) the later of:

(A) the date of delivery of both resolutions adopted under section (2)(b) of this chapter to the county executive of the other county; or

(B) the effective date specified in the resolutions referred to in clause (A).

(b) The removal of a county from a joint district is effective upon the later of:

(1) the latest date of delivery of all the resolutions adopted under section (2)(c) of this chapter to the county executive of the county that would be removed; or

(2) the effective date specified in the resolutions referred to in subdivision (1).

As added by P.L.74-2002, SEC.4.

IC 13-21-4-3

Financial impact analysis

Sec. 3. (a) A county executive of a county withdrawing from the district or the county executive of each county that would remain in a joint district after a county is removed from the district that adopts and submits the identical resolutions described in section 2 of this chapter shall prepare or pay for the preparation of an analysis concerning the legal obligations of:

(1) the joint district; and

(2) each county located in the joint district, including the county that would withdraw or be removed from the joint district;

that would remain after the county withdraws from the joint district or the joint district removes the county.

(b) A copy of the analysis shall be submitted to:

(1) the county executive of each county involved in the withdrawal or removal of a county from a joint district; and

(2) the commissioner;

not more than ninety (90) days after the date a resolution adopted under section 2 of this chapter takes effect.

As added by P.L.1-1996, SEC.11. Amended by P.L.74-2002, SEC.5.

IC 13-21-4-4

Responsibility for legal obligations

Sec. 4. (a) Except as provided in subsection (c), if a county withdraws from or is removed from a joint district that consists of more than two (2) counties, the county is responsible for its share of the legal obligations:

(1) entered into by the joint district before the September 20 that last precedes the date the identical resolutions adopted under section 2 of this chapter for the county's withdrawal or removal from the joint district take effect; and

(2) payable before the second January 1 that succeeds the September 20 referred to in subdivision (1).

(b) The legal obligations referred to in subsection (a) include the following:

(1) Contracts entered into by the joint district.

(2) Repayment of loan agreements entered into by the joint district.

(3) Payment of bonds issued by the joint district.

(4) Any other legal obligation entered into by the joint district.

(c) If a joint district consists of more than two (2) counties, the county executive of the county that withdraws or is removed from the joint district and the board of the joint district shall, not more than sixty (60) days after the date the state examiner issues a report under IC 5-11-1-9.7(b) with respect to the withdrawal or removal, enter into a written agreement that specifies the legal obligations of the county and the joint district after the date the identical resolutions adopted under section 2 of this chapter for the withdrawal or removal of the county take effect. A copy of the agreement shall be submitted to the commissioner.

(d) If a joint district consists of only two (2) counties:

(1) each county is responsible for its share of the legal obligations entered into by the joint district before the date the joint district is dissolved; and

(2) the county executive of each county shall enter into a written agreement concerning the division of the joint district's assets.

A copy of the agreement shall be submitted to the commissioner.

As added by P.L.1-1996, SEC.11. Amended by P.L.74-2002, SEC.6.

IC 13-21-4-5

Public meetings

Sec. 5. After an analysis described in section 3 of this chapter has been completed and the terms of any agreement have been tentatively agreed to under section 4(b) or 4(c) of this chapter, a public meeting must be held, not later than forty-five (45) days after the date the tentative agreement is reached, by:

(1) the county executive of each county located in the joint district; and

(2) the board of the joint district;

that concerns the remaining legal obligations of the joint district and each county located in the joint district and the terms of the tentative agreement. Each of the county executives may hold a public meeting required under this section individually or jointly with one (1) or more other county executives, the board of the joint district, or both. The board of the joint district may hold a public meeting required under this section individually or jointly with one (1) or more county executives.

As added by P.L.1-1996, SEC.11. Amended by P.L.74-2002, SEC.7.

IC 13-21-4-6
Designating new county district or joining new or existing joint districts; district plans

Sec. 6. (a) If a county withdraws from or the county executives of a joint district remove a county from a joint district, the county must:

(1) designate itself as a new county district;

(2) join one (1) or more other counties to form a new joint district; or

(3) join an existing joint district;

under the procedures set forth in IC 13-21-3.

(b) If a county:

(1) designates itself as a new county district; or

(2) joins one (1) or more other counties to form a new joint district;

the county district or new joint district shall submit a district plan to the commissioner as provided under IC 13-21-5.

(c) If a county joins an existing joint district, the joint district shall amend the joint district's district plan as provided under IC 13-21-5.

(d) If a county withdraws or is removed from a joint district that consists of more than two (2) counties, the joint district shall amend the joint district's district plan as provided under IC 13-21-5.

As added by P.L.1-1996, SEC.11. Amended by P.L.74-2002, SEC.8.

IC 13-21-4-7
Adoption of district plan

Sec. 7. A district plan described under section 6(b) of this chapter must be adopted by the:

(1) county executive of the county located in the new county district; or

(2) county executive of each county located in the new joint district;

not later than sixty (60) days after the date the district plan is filed with the commissioner under IC 13-21-5-21.

As added by P.L.1-1996, SEC.11. Amended by P.L.74-2002, SEC.9.

IC 13-21-4-8
Repealed

(Repealed by P.L.74-2002, SEC.11.)

IC 13-21-4-9
Repealed

(Repealed by P.L.74-2002, SEC.11.)

IC 13-21-5

Chapter 5. District Solid Waste Management Plan

IC 13-21-5-1

Adoption of plan; submission to commissioner; requirements and criteria

Sec. 1. Each district shall adopt and submit to the commissioner for approval a district solid waste management plan that meets:

(1) the requirements of this chapter; and

(2) the criteria and other elements set forth in the state plan.

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

IC 13-21-5-2

Public meetings; notice

Sec. 2. (a) A district must conduct at least one (1) regularly scheduled public meeting each month before the creation, amendment, or alteration of the district solid waste management plan. The board shall give notice of each public meeting in accordance with IC 5-14-1.5. In addition, a copy of the schedule of regularly scheduled monthly meetings shall annually be submitted for publication to a newspaper of general circulation in each county of the district. The notice:

(1) must be at least two (2) columns wide by five (5) inches long; and

(2) may not be placed in the part of the newspaper where legal notices and classified advertisements appear.

(b) Public comments shall be taken at each board meeting.

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

IC 13-21-5-3

Public meetings; hearing; notice

Sec. 3. (a) After considering public comment received during all public meetings held under section 2 of this chapter, the board shall hold a public hearing on the proposed plan before adopting a district plan in final form.

(b) The board shall make the proposed plan available to the public at least thirty (30) days before the date the public hearing is held.

(c) The board shall give public notice of the hearing held under this section.

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

IC 13-21-5-4

Public meetings; format of plan

Sec. 4. (a) The department shall furnish a model format to be used in the preparation of district plans under this chapter.

(b) A district plan adopted before January 1, 1991, may use a format different from the format furnished under subsection (a), but the commissioner may request that such a plan be revised to conform to the model format furnished under subsection (a).

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

IC 13-21-5-5
Public meetings; advisory committee

Sec. 5. (a) An advisory committee established under IC 13-21-3-11 must conduct at least one (1) regularly scheduled public meeting each month before reporting to the board on any matter.

(b) After a board adopts a district plan, the advisory committee appointed by the board shall meet as follows:

(1) At least four (4) times each year.

(2) At the request of the board.

(c) Public comments shall be taken at each advisory committee meeting.

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

IC 13-21-5-6
Review of working documents

Sec. 6. A board:

(1) must make all working documents available for review by the public for a period of time that allows sufficient time for adequate review before a public meeting of the board; and

(2) shall make updated copies of working documents available to the public on a regular basis.

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

IC 13-21-5-7
Special meetings; notice

Sec. 7. (a) If the board conducts a meeting other than a regularly scheduled public meeting conducted under section 2 of this chapter:

(1) notice of the meeting must be given in accordance with IC 5-14-1.5-5;

(2) an agenda of the meeting must be posted at least forty-eight (48) hours in advance under IC 5-14-1.5-4; and

(3) the board shall notify a general circulation newspaper in each county that makes up the district of the meeting and the agenda to be discussed.

(b) The notice to the newspaper under this section shall be given by:

(1) first class mail if notice can reasonably be expected to reach the newspaper at least forty-eight (48) hours before the meeting; and

(2) telephone if notice cannot reasonably be expected to reach the newspaper under subdivision (1).

(c) At the meeting, the board may discuss only those matters that were indicated on the meeting agenda prepared under this section.

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

IC 13-21-5-8
Approval or disapproval of plan

Sec. 8. (a) Based upon the contents of the state plan and on rules adopted by the board, the commissioner shall approve or disapprove

each district plan submitted for review under this chapter within one hundred twenty (120) days after the plan is submitted to the commissioner.

(b) If the commissioner fails to act within one hundred twenty (120) days after a district plan is submitted, the district plan is considered approved.

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

IC 13-21-5-9

Notification of disapproval; revision; hearing; time limitations

Sec. 9. (a) If the commissioner disapproves a district plan submitted by a board, the commissioner shall promptly:

(1) notify the board of the disapproval of the district plan; and

(2) provide written comments on changes that would make the district plan acceptable.

(b) The district shall do the following:

(1) Revise the district plan.

(2) Resubmit the plan to the commissioner within ninety (90) days after the disapproval of the original district plan.

(c) Before adoption of the revised district plan, the board shall hold a public hearing using the procedures in section 3 of this chapter.

(d) The commissioner shall approve or disapprove a revised district plan within one hundred twenty (120) days after the revised plan is submitted to the commissioner. If the commissioner fails to act within one hundred twenty (120) days after a revised plan is submitted, the revised plan is considered approved.

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

IC 13-21-5-10

Information provided by department to assist counties

Sec. 10. The department shall provide information to assist counties to do the following:

(1) Establish districts.

(2) Develop district plans under this chapter.

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

IC 13-21-5-11

Requirements of plan

Sec. 11. A district plan must include the following:

(1) The results of a demographic study of the district predicting the population of the district:

(A) five (5) years;

(B) ten (10) years; and

(C) twenty (20) years;

after the year the district plan is adopted.

(2) A:

(A) description of the origin, content, and weight or volume of the solid waste to be generated in the district at the time of the development of the district plan; and

(B) projection of the origin, content, and weight or volume of the solid waste to be generated in the district:
(i) five (5) years;
(ii) ten (10) years; and
(iii) twenty (20) years;
after the year the district plan is adopted.
(3) An inventory and description of the following:
(A) The facilities located within the district.
(B) The solid waste management activities taking place within the district.
(4) A statement identifying and assessing solid waste problems that:
(A) exist in the district at the time of the development of the district plan; and
(B) may exist in the district in the future.
(5) A:
(A) projection of the need for; and
(B) description of;
facilities in the district five (5) years, ten (10) years, and twenty (20) years after the year the district plan is adopted.
As added by P.L.1-1996, SEC.11.

IC 13-21-5-12
Solid waste management policy required
Sec. 12. (a) A district plan must establish a solid waste management policy for the district that reflects the needs of the district and provides an integrated approach to solid waste management that includes the following:
(1) Source reduction.
(2) Alternatives to complete or partial dependence on final disposal facilities, including recycling and composting.
(3) Final disposal facilities.
(b) A district plan must contain a strategy to promote and educate the public regarding the benefits of managing vegetative matter by:
(1) composting;
(2) mulching; and
(3) any other environmentally appropriate manner the board may determine, other than the disposing of vegetative matter in a landfill.
As added by P.L.1-1996, SEC.11.

IC 13-21-5-13
Required contents of plan
Sec. 13. A district plan must do the following:
(1) Set forth goals and objectives for the district.
(2) Identify alternative means of achieving these goals and objectives based upon the problems and needs of the district.
(3) Set forth a description of the following:
(A) The operational costs and capital costs of implementing the district plan.

(B) The proposed means of financing the implementation of the district plan.

(4) Set forth the basis for setting fees, rates, and charges for use of any facility.

(5) Designate a person to supervise the implementation of the district plan and describe the responsibilities and authority of that person.

(6) Describe the surveillance and enforcement procedures to be implemented to ensure compliance with the district plan.

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

IC 13-21-5-14

Disposal of certain waste materials required by plan

Sec. 14. (a) A district plan must also include provisions for the management and disposal of the following materials for the term of the plan:

(1) Waste tires.

(2) Household hazardous waste.

(3) Used oil.

(4) White goods.

(5) Other classifications of waste provided for in the state plan.

(b) A district plan that sets forth provisions for the management and disposal of materials identified in subsection (a) must comply with all laws and rules governing the management and disposal of those materials.

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

IC 13-21-5-15

Optional provisions to restrict disposal of solid waste from another state

Sec. 15. A district plan may, to the extent the provisions are constitutionally permissible, include provisions to restrict or prohibit the disposal within the district of solid waste originating from another state if the district reasonably considers the provisions necessary to accomplish the long range planning goals of the district.

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

IC 13-21-5-16

Considerations and limitations of plan

Sec. 16. (a) A district plan must consider, in all circumstances, contracts with private persons.

(b) A district plan or amended plan must, where reasonably necessary to effectuate the efficient use of existing permitted final disposal facilities, take account of permitted final disposal facilities in the district that are in operation at the time the district plan is adopted. A district plan or amended plan must incorporate all recycling activities in progress in the district at the time the district plan is adopted or amended.

(c) A district plan may not impose operational requirements on a privately owned or operated facility that differ from operational

requirements imposed on a public facility solely because the facility is privately owned or operated.
As added by P.L.1-1996, SEC.11.

IC 13-21-5-17
Failure to submit plan; disapproval of revision; adoption of plan by commissioner

Sec. 17. If:

(1) a district fails to submit a district plan to the commissioner under section 1 of this chapter; or

(2) the commissioner disapproves a revised district plan submitted by the district under section 9 of this chapter;

the commissioner may adopt a solid waste management plan for the district.
As added by P.L.1-1996, SEC.11.

IC 13-21-5-18
Amendment of plan; procedures; filing and implementation

Sec. 18. (a) A district may amend the district's solid waste management plan at any time using the procedures set forth in sections 1 through 7 of this chapter.

(b) A district shall amend its district plan using the procedures set forth in sections 1 through 7 of this chapter if the district decides to implement one (1) of the following programs and the program is not addressed in the district's district plan or the district decides to not implement one (1) of the following programs and the program is addressed in the district's district plan:

(1) A program involving a facility that requires a permit from or registration with the department.

(2) A program involving a facility for processing recyclable materials.

(3) A program for collecting recyclables.

(4) A major education program.

(c) An amended plan prepared under this section:

(1) shall be immediately filed with the commissioner; and

(2) may be implemented after filing unless the commissioner notifies the district in writing within thirty (30) days after the filing that the amended plan fails to comply with the state plan. The written notice of the commissioner must also provide written comments on changes that would make the amended plan acceptable.

(d) An amended district plan prepared under this section shall be filed:

(1) on a form; or

(2) in a format;

provided by the department.
As added by P.L.1-1996, SEC.11.

IC 13-21-5-19
Merged districts; adoption of plan

Sec. 19. (a) Before a district submits a district plan to the department under this chapter, a district may merge with one (1) or more other districts after the adoption of identical resolutions by the board of each district to be merged.

(b) Upon adoption of identical resolutions under subsection (a), a board for the resulting merged district shall be established using the procedures set forth in IC 13-21-3.

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

IC 13-21-5-20

Merger of districts; adoption of identical resolutions; time limitations; notice of noncompliance

Sec. 20. (a) After a district submits a district plan to the department under this chapter, a district may merge with one (1) or more other districts after the adoption of identical resolutions by the board of each district to be merged.

(b) Upon adoption of identical resolutions under subsection (a), a board for the resulting merged district shall be established using the procedures set forth in IC 13-21-3.

(c) A merged district shall:

(1) adopt a district plan under sections 1 through 7 of this chapter not later than sixty (60) days after the merger is completed; and

(2) file the district plan with the commissioner.

The new district plan may be an amended version of the previous approved plans submitted under the new district name. A merger under subsection (a) does not take effect until the district plan is filed with the commissioner.

(d) A district plan adopted under this section is considered approved unless the commissioner notifies the district in writing not later than thirty (30) days after the district plan is filed with the commissioner that the district plan fails to comply with the state plan. The notice provided by the commissioner must include comments concerning changes to the district plan that would make the district plan acceptable.

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

IC 13-21-5-21

Withdrawal or removal of counties from joint districts; plan requirements; notice of noncompliance

Sec. 21. (a) If a county seeks to withdraw from a joint district or a joint district seeks to remove a county from the joint district under IC 13-21-4 and the county:

(1) designates itself as a county district;

(2) joins into an existing joint district; or

(3) joins with one (1) or more other counties in establishing a new joint district;

the county district or the joint district shall comply with this section.

(b) If a county that withdraws from a joint district designates itself as a county district, the board appointed for the new county district

under IC 13-21-3-4 shall file a district plan with the commissioner not later than one (1) year after the date the identical resolutions adopted under IC 13-21-4-2 for the county's withdrawal from the joint district take effect. The district plan of the joint district continues to serve as the plan for the new county district to the extent the terms of the plan apply to the new county district until the plan of the new county district is approved under this chapter. If the board fails to file the district plan with the commissioner not later than one (1) year after the effective date of the identical resolutions, the commissioner may adopt a district plan for the new county district.

(c) If a county that is removed by a joint district designates itself as a county district, the board appointed for the new county district under IC 13-21-3-4 shall file a district plan with the commissioner not later than one (1) year after the date the identical resolutions adopted under IC 13-21-4-2 for the county's removal from the joint district take effect. The district plan of the joint district continues to serve as the plan for the new county district to the extent the terms of the plan apply to the new county district until the plan of the new county district is approved under this chapter. If the board fails to file the district plan with the commissioner not later than one (1) year after the effective date of the identical resolutions, the commissioner may adopt a district plan for the new county district.

(d) If a county joins into an existing joint district, the board of the joint district:

(1) must approve the addition of the county to the district;

(2) shall amend the district plan to include the additional county; and

(3) shall file the amended district plan with the commissioner not later than one (1) year after the addition of the county to the district.

The district plan of the joint district continues to serve as the plan for the new joint district until the date the amended district plan is approved under this chapter. If the board fails to file the amended district plan with the commissioner not later than one (1) year after the addition of the county to the district, the commissioner may adopt a district plan for the new joint district.

(e) If a county joins in establishing a new joint district, the board of the new joint district shall, not later than one (1) year after:

(1) the adoption of an ordinance establishing the joint district; and

(2) approving an agreement governing the operation of the joint district;

file a new district plan with the commissioner. If the board fails to file the new district plan with the commissioner not later than one (1) year after the adoption and approval under subdivisions (1) and (2), the commissioner may adopt a district plan for the new joint district.

(f) If a county withdraws from a joint district that consists of more than two (2) counties, the board of the joint district shall:

(1) restructure the joint district's board under IC 13-21-3 not later than forty-five (45) days; and

(2) amend the district plan under sections 1 through 7 of this chapter and file the amended district plan with the commissioner not later than one (1) year;

after the date the identical resolutions adopted under IC 13-21-4-2 for the county's withdrawal from the joint district take effect. The district plan of the joint district continues to serve as the plan for the new joint district to the extent the terms of the plan apply to the new joint district until the amended plan of the new joint district is approved under this chapter. If the board fails to file the amended district plan with the commissioner not later than one (1) year after the effective date of the identical resolutions, the commissioner may adopt a district plan for the new joint district.

(g) If a county is removed from a joint district that consists of more than two (2) counties, the board of the joint district shall:

(1) restructure the joint district's board under IC 13-21-3 not later than forty-five (45) days; and

(2) amend the district plan under sections 1 through 7 of this chapter and file the amended district plan with the commissioner not later than one (1) year;

after the date the identical resolutions adopted under IC 13-21-4-2 for the county's removal from the joint district take effect. The district plan of the joint district continues to serve as the plan for the new joint district to the extent the terms of the plan apply to the new joint district until the amended plan of the new joint district is approved under this chapter. If the board fails to file the amended district plan with the commissioner not later than one (1) year after the effective date of the identical resolutions, the commissioner may adopt a district plan for the new joint district.

(h) A district plan adopted under this section is considered approved unless the commissioner notifies the district in writing not later than thirty (30) days after the district plan is filed with the commissioner that the district plan fails to comply with the state plan. The notice provided by the commissioner must include comments concerning changes to the district plan that would make the district plan acceptable.

(i) With respect to a joint district that consists of only two (2) counties, if the county other than the county that withdraws from the joint district designates itself as a county district, the board appointed for the new county district under IC 13-21-3-4 shall file a district plan with the commissioner not later than one (1) year after the date the identical resolutions adopted under IC 13-21-4-2 for the withdrawal from the joint district take effect. The district plan of the joint district continues to serve as the plan for the new county district to the extent the terms of the plan apply to the new county district until the plan of the new county district is approved under this chapter. If the board fails to file the district plan with the commissioner not later than one (1) year after the effective date of the identical resolutions, the commissioner may adopt a district plan for the new county district.

As added by P.L.1-1996, SEC.11. Amended by P.L.74-2002, SEC.10.

IC 13-21-6

Chapter 6. Contracts and Agreements for Construction or Operation of Solid Waste Management Facilities

IC 13-21-6-1

Length, duration, and terms; amendments, extensions, and supplements; maximum term

Sec. 1. (a) Notwithstanding any other statute concerning the length, duration, and terms of contracts and agreements, a board may enter into a contract or an agreement with a person, upon terms and conditions as agreed upon, for the:

(1) design;
(2) construction;
(3) operation;
(4) financing;
(5) ownership; or
(6) maintenance;

of a facility for solid waste management in accordance with the requirements and conditions of this chapter.

(b) Before or after the expiration or termination of the term or duration of a contract or an agreement entered into under this chapter or IC 13-9.5-8 (before its repeal), the board, in accordance with the requirements and conditions of this chapter, may periodically enter into amended, extended, supplemental, new, or further contracts or agreements with the same person or any other person for any purpose referred to in this chapter.

(c) A contract, including all amendments, extensions, and supplements, may not exceed a term of forty (40) years.

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

IC 13-21-6-2

Award of contract

Sec. 2. Notwithstanding any other statute, a contract entered into between a board and any person under this chapter may be awarded by the board by:

(1) public bidding in compliance with IC 36-1-12; or
(2) compliance with sections 3 through 8 of this chapter.

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

IC 13-21-6-3

Request for qualifications and proposals

Sec. 3. (a) A board may, by resolution, require that a person that desires to submit a proposal in response to a request for proposals must prequalify as a proposer by submitting information, in response to a request for qualifications, relating to the following:

(1) The experience of the proposer.
(2) The basis on which the proposer purports to be qualified to carry out all work required by a proposed contract.
(3) The financial condition of the proposer.

(b) The board may set minimum requirements regarding these

qualifications in a request for qualifications.
As added by P.L.1-1996, SEC.11.

IC 13-21-6-4
Notice; time limitations

Sec. 4. (a) Before the issuance of a request for proposals under this chapter, the board must do the following:

(1) Adopt a proposed request for proposals by resolution.

(2) Publish a public notice that may contain a request for qualifications if a prequalification process has been adopted under section 3 of this chapter, including the criteria on which proposers may be selected.

(b) The public notice must do the following:

(1) Include the intent to issue a request for proposals.

(2) Designate times and places where the proposed request for proposals may be viewed by the general public.

(3) State the time of commencement of the thirty (30) day period established in this section, which constitutes the event referred to in IC 5-3-1-2.

(c) The board shall allow not more than a thirty (30) day period for the following:

(1) The submission of qualifications, if required.

(2) Comments on the proposed request for proposals.

(d) After the thirty (30) day period described in subsection (c) expires, the board shall do the following:

(1) Select at least one (1) proposer.

(2) Adopt a request for proposals.

(e) Comments may be addressed to the scope or contents of the proposed request for proposals.

(f) The board shall do the following:

(1) Notify each proposer of their selection.

(2) Inform each proposer of the date and place proposals are to be submitted.

(3) Deliver to each proposer a copy of the request for proposal.
As added by P.L.1-1996, SEC.11.

IC 13-21-6-5
Final form

Sec. 5. (a) The board may do the following:

(1) Prescribe the form and content of proposals.

(2) In the request for proposals, set the maximum allowable cost limits that the board determines to be appropriate.

(b) The proposer must submit sufficiently detailed information to permit a fair and equitable evaluation by the board of the proposal.
As added by P.L.1-1996, SEC.11.

IC 13-21-6-6
Receipt of proposals; time limitations

Sec. 6. Proposals may not be received before thirty (30) days following notification to the proposers of their selection.

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

IC 13-21-6-7
Criteria for consideration in evaluation of proposals

Sec. 7. The board:

(1) shall evaluate proposals received under this chapter with regard to net cost or net revenues; and

(2) in the manner consistent with provisions set forth in the requests for proposals, may evaluate proposals on the basis of additional factors such as the following:

(A) The technical evaluation of facility design.

(B) Net energy efficiency.

(C) Environmental protection.

(D) Overall system reliability.

(E) Financial condition of the proposer.

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

IC 13-21-6-8
Preliminary contract awards; public hearing; notice; final form

Sec. 8. (a) The board may:

(1) negotiate with the proposers; and

(2) make a preliminary contract award to any responsible proposer.

(b) The board shall give public notice of a public hearing, which must designate the time and place of a public hearing at which the board will hear comments upon the preliminary contract to be awarded.

(c) Following the public hearing, the board shall make a final contract award to any responsible proposer selected under this chapter based on a determination that the selected proposal is the most responsive to the needs of the district. The final contract award must:

(1) be in the form of a resolution; and

(2) include particularized findings relative to factors evaluated under section 7 of this chapter indicating that:

(A) the district's needs are met by the final contract award; and

(B) the action is in the public interest.

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

IC 13-21-6-9
Request for proposals; required information

Sec. 9. Requests for proposals must include the following:

(1) A clear identification and specification of all elements of cost that will become charges to the district, in whatever form, in return for the fulfillment by the proposer of all tasks and responsibilities established by the request for proposals for the full lifetime of a proposed contract, including matters such as the following:

(A) Proposals for project staffing.

(B) Implementation of all work tasks.

(C) Carrying out of all responsibility required by the proposed contract.

(D) The cost of planning, design, construction, operation, management, or maintenance of any facility.

(E) The cost of solid waste management.

(2) A clear identification and specification of any revenues that would accrue to the district from the sale of any byproducts or from any other source.

(3) Other information that the board determines to have a material bearing on the board's ability to evaluate a proposal in accordance with this chapter.

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

IC 13-21-6-10

Contesting validity of contract awarded; time limitation on bringing action

Sec. 10. An action to contest:

(1) the validity of a contract awarded; or

(2) the procedure by which the contract was awarded;

must be brought within thirty (30) days following the final contract award. After that date, the contract is incontestable for any cause.

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

IC 13-21-7

Chapter 7. Financing: Waste Management District Bonds

IC 13-21-7-1

Special taxing districts

Sec. 1. (a) A special taxing district is established in each solid waste management district established under IC 13-21-3 or IC 13-9.5-2 (before its repeal) for the purpose of providing persons within the district with solid waste management service.

(b) The special taxing district is coterminous with the territory of the district.

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

IC 13-21-7-2

Waste management district bonds; bidding requirements for facility

Sec. 2. The board may issue waste management district bonds under this chapter for the payment of the cost of the facility. Before authorizing the waste management district bonds, the board may:

(1) accept public bids for the facility; or

(2) adopt a resolution approving a request for proposals under IC 13-21-6.

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

IC 13-21-7-3

Resolution to construct, modify, acquire, or maintain facility; public notice

Sec. 3. (a) When:

(1) plans and specifications have been prepared according to the public bidding requirements of IC 36-1-12; or

(2) a resolution approving a request for proposals has been adopted by the board;

the board may adopt a resolution declaring that, upon investigation, the board has found it necessary for the public health and welfare, and of public utility and benefit, to construct, modify, or acquire, and maintain if constructed the facility and to acquire the property described for that purpose.

(b) The resolution shall be kept open to inspection by all persons interested in or affected by the acquisition of the property or the construction of the facility.

(c) Upon adoption of the resolution, the board shall give public notice of the adoption and the resolution's purpose. The notice must name a date not later than ten (10) days after the date of the last publication of the notice on which the board will do the following:

(1) Receive or hear remonstrances from persons interested in or affected by the facility.

(2) Determine the public utility and benefit of the facility.

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

IC 13-21-7-4

Hearing; remonstrance; final action

Sec. 4. (a) At:

(1) the time fixed for the hearing; or

(2) any time before that;

any person owning real or personal property within the district may file a written remonstrance with the board.

(b) At the hearing, which may be adjourned as necessary, the board shall hear all persons interested in the proceedings and all remonstrances filed.

(c) After considering the remonstrances, the board shall:

(1) take final action determining the public utility and benefit of the proposed proceedings; and

(2) either:

(A) confirm;

(B) modify and confirm; or

(C) rescind;

the resolution.

(d) The final action of the board shall be recorded.

(e) The action of the board is final and conclusive upon all persons. However, any person who:

(1) has remonstrated in writing; and

(2) is aggrieved by the decision of the board;

may take an appeal as provided in section 5 of this chapter.

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

IC 13-21-7-5

Appeals

Sec. 5. (a) If the board takes final action confirming the resolution in an original or modified form, a person who has filed a written remonstrance with the board as provided in section 4 of this chapter may appeal to the circuit or superior court of the county in which the person resides.

(b) Within ten (10) days after the final action of the board, the remonstrator must file in the office of the clerk of the court the following:

(1) A copy of the resolution of the board.

(2) The remonstrance.

(3) A surety bond conditioned to pay the costs of the appeal if the appeal is determined against the remonstrator.

(c) The only ground of remonstrance of which the court has jurisdiction on appeal is the question of whether it will be of public utility and benefit to construct, modify, or acquire the proposed facility. The burden of proof is upon the remonstrator. The cause shall be summarily tried by the court without a jury.

(d) The court shall do the following:

(1) Consolidate and hear all remonstrances upon which an appeal are taken as one (1) cause of action.

(2) Hear and determine the cause within thirty (30) days after the time of filing the appeal.

(3) Upon the date fixed for hearing:

(A) hear evidence upon the remonstrances; and
(B) confirm the final action of the board on the resolution or sustain the remonstrance.

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

IC 13-21-7-6
Certified copy of resolution and approval to controller

Sec. 6. On adopting a resolution ordering the issuance of waste management district bonds, the board shall certify a copy of:

(1) the resolution; and
(2) the approval;

to the controller of the district, who shall prepare the bonds.

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

IC 13-21-7-7
Waste management district bonds not corporate obligation or unit indebtedness

Sec. 7. (a) The waste management district bonds:

(1) are special obligations of the district; and
(2) are not, in any respect, a corporate obligation or indebtedness of the units that comprise the district.

(b) The waste management district bonds issued under this chapter or IC 13-9.5-9-3 (before its repeal) and the interest on the bonds are payable out of a special tax levied upon all of the property of the district and any other revenues made available for that purpose under this article. The waste management district bonds must recite these terms on the face of the bonds together with the purpose for which the bonds are issued.

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

IC 13-21-7-8
Proceeds from sale of bonds; use of funds

Sec. 8. All proceeds from the sale of waste management district bonds shall be kept as a separate and specific fund to pay the cost of the facility, and none of the proceeds may be used for any other purpose, except as provided in IC 5-1-13 and IC 5-1-14. However, money derived from sources other than the waste management district bond proceeds, such as state or federal grants or other contributions, are not restricted as to application even if the contribution arises for a project financed from waste management district bond proceeds.

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

IC 13-21-7-9
Special tax on real property

Sec. 9. (a) For the purpose of raising money to pay waste management district bonds issued under this chapter or IC 13-9.5-9-3 (before its repeal), the board shall levy each year a special tax upon all the real property of the district in the amount and the manner necessary to meet and pay the following:

(1) The principal of the waste management district bonds as the bonds severally mature.
(2) All accruing interest on the bonds.

(b) The tax constitutes the amount of benefits resulting to all of the property in the district.

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

IC 13-21-7-10

Certification of tax levy; distribution of tax

Sec. 10. (a) The tax levied each year shall be certified to the following:

(1) The controller of the district.
(2) The county auditor of each county within the district.

(b) The:

(1) county auditor shall estimate and enter the tax levied and certified upon the tax duplicate; and
(2) county treasurer shall collect and enforce the tax;

in the same manner as county taxes are estimated, entered, collected, and enforced.

(c) As the county treasurer collects the tax, the tax shall be:

(1) transferred to the controller of the district;
(2) kept in a separate fund to be known as the waste management district bond fund; and
(3) applied to the payment of the principal of and interest on the waste management district bonds as the bonds become due and to no other purpose, except as provided in IC 5-1-13 and IC 5-1-14.

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

IC 13-21-7-11

Factors to consider in determining amount of tax levy

Sec. 11. (a) In fixing the amount of the necessary levy, the board shall consider:

(1) the amount of net revenues, if any, to be derived from the collection of fees under this article; or
(2) any other net revenues collected under the following:
    (A) IC 13-21-3-13.
    (B) This chapter.
    (C) IC 13-21-8 through IC 13-21-12.
    (D) IC 13-21-14.

(b) Instead of making the levy or to reduce the amount of the levy, the board shall annually set aside by resolution the amount of the net revenues to be collected before maturity of the principal and interest of the waste management district bonds payable in the following year.

(c) If the board adopts this resolution under subsection (b), the board may not use any part of the amount set aside out of the net revenues for any purpose other than the payment of waste management district bonds and the interest on the bonds. A proportionate payment of this amount shall be made monthly to the

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

IC 13-21-7-12
Issuance of waste management district bonds under certain circumstances

Sec. 12. (a) The district may not issue waste management district bonds under this chapter that are payable by special taxation or fees under IC 13-21-14 in a total amount, including outstanding bonds already issued, exceeding six percent (6%) of the adjusted value of taxable property in the district as determined under IC 36-1-15.

(b) All waste management district bonds issued in violation of this section or IC 13-9.5-9-3(k) (before its repeal) are void.
As added by P.L.1-1996, SEC.11. Amended by P.L.6-1997, SEC.157.

IC 13-21-8

Chapter 8. Financing: Revenue Bonds

IC 13-21-8-1

Borrowing money and issuing revenue bonds

Sec. 1. A board may finance the cost of facilities by borrowing money and issuing revenue bonds under this chapter.

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

IC 13-21-8-2

Authorization by board of resolution

Sec. 2. The issuance of revenue bonds must be authorized by a resolution of the board.

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

IC 13-21-8-3

Revenue bonds; definition; contents

Sec. 3. (a) The revenue bonds:

(1) are special obligations of the district;

(2) are payable solely from and secured by a lien upon the revenues of all or part of the facilities whether or not the facilities are being financed with revenue bonds under this chapter or IC 13-9.5-9-4 (before its repeal), as shall be more fully described in the resolution authorizing the issuance of the revenue bonds; and

(3) including interest, are not:

(A) a debt of the board, the district, or the units that comprise the district; or

(B) a charge, a lien, or an encumbrance, legal or equitable, upon:

(i) the property of the board;

(ii) the property of the district; or

(iii) the revenues of the board or district other than the revenues of the facilities that have been pledged to the payment of the revenue bonds.

(b) Each revenue bond must recite in substance that:

(1) the revenue bond, including interest, is payable solely from the revenues pledged to the bond's payment; and

(2) neither the board or the district is under any obligation to pay the bond, except from those revenues.

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

IC 13-21-8-4

Security of bonds

Sec. 4. (a) The resolution may pledge and assign for the security of the revenue bonds all or part of the revenues or net revenues of the facilities.

(b) To adequately secure the payment of the revenue bonds and the interest on the bonds, the district and the district's officers, agents, and employees shall provide for the covenants and do other acts and

things that:

(1) are necessary, convenient, or desirable to secure the revenue bonds; or

(2) may tend to make the revenue bonds more marketable.

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

IC 13-21-9

Chapter 9. Financing: Waste Management Development Bonds

IC 13-21-9-1

Financing facilities; negotiations

Sec. 1. A board may periodically enter into negotiations with one (1) or more persons concerning the terms and conditions of financing facilities. Preliminary expenses in connection with negotiations may be paid from any of the following:

(1) Money furnished by the proposed user or developer.

(2) Grant money.

(3) Money of the board.

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

IC 13-21-9-2

Public hearing and notice; financing agreement

Sec. 2. (a) The board shall hold a public hearing on the proposed financing of the facilities after giving public notice.

(b) Upon findings by the board that:

(1) the proposed financing will benefit the health or welfare of the district; and

(2) the proposed financing complies with the purposes and provisions of this article;

the board shall adopt a resolution to approve the financing, including the form and terms of the financing agreement, the waste management development bonds, and the trust indenture, if any.

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

IC 13-21-9-3

Waste management development bonds

Sec. 3. (a) The resolution adopted under section 2 of this chapter may also authorize the issuance of waste management development bonds payable solely from:

(1) revenues and receipts derived from a financing agreement; or

(2) payments made under a guaranty agreement by a developer, user, or any other person.

(b) The waste management development bonds are not in any respect a general obligation of the district.

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

IC 13-21-9-4

Financing agreement; payments; term; retention of interest in facility by district

Sec. 4. (a) A financing agreement must provide for payments in an amount not less than an amount sufficient to pay:

(1) the principal of;

(2) the premium, if any, of; and

(3) interest on;

the waste management development bonds authorized for the financing of the facilities.

(b) The term of a financing agreement may not exceed forty (40) years from the date of any waste management development bonds issued under the agreement. However, a financing agreement does not terminate after forty (40) years if a default under the agreement remains uncured, unless the termination is authorized under the terms of the financing agreement.

(c) If the district retains an interest in the facilities, the financing agreement must require the user or developer to pay all:

(1) costs of maintenance and repair;
(2) taxes;
(3) assessments;
(4) insurance premiums;
(5) trustee's fees; and
(6) any other expenses relating to the facilities;

so that the district will not incur any expenses due to the facilities that are not covered by the payments provided for in the financing agreement.

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

IC 13-21-9-5

Bonds; expenses, premiums, and commissions

Sec. 5. The district may advance all expenses, premiums, and commissions that the district considers necessary or advantageous in connection with the issuance of bonds issued under this chapter.

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

IC 13-21-9-6

Exemption from property tax on facilities

Sec. 6. (a) The district is exempt from all property taxes on facilities.

(b) Developers and users are liable for property taxes on facilities as provided by law.

(c) This chapter does not deny a tax exemption that a developer or user may have under other laws because of the nature of the facilities or the user.

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

IC 13-21-9-7

Approvals and permits

Sec. 7. The user or developer is responsible for obtaining and maintaining all approvals and permits required for the construction of the facilities under this chapter.

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

IC 13-21-10

Chapter 10. Financing: Refunding of Outstanding Bonds

IC 13-21-10-1

Issuance of bonds to refund outstanding bonds

Sec. 1. If a board finds that a refunding of outstanding bonds would:

(1) be of benefit to the health and welfare of the district; and

(2) comply with the purposes and provisions of this article;

the board may authorize the issuance of bonds under IC 5-1-5 to refund outstanding bonds issued in accordance with this article or IC 13-9.5-9 (before its repeal).

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

IC 13-21-11

Chapter 11. Financing: Borrowing Evidenced by Notes

IC 13-21-11-1

Anticipation notes

Sec. 1. A district:

(1) pending receipt of a grant; or

(2) in anticipation of the issuance of bonds under this article;

may borrow money from any person and evidence the debt by a note or notes executed by the chairperson of the board and the controller of the district and containing the terms and provisions prescribed by the board.

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

IC 13-21-11-2

Sale of notes

Sec. 2. An issuance of a note or notes or evidence of indebtedness under this chapter or IC 13-9.5-9-7 (before its repeal) may be sold at a public or private negotiated sale.

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

IC 13-21-11-3

Term

Sec. 3. A note or notes issued or renewed under this chapter must:

(1) mature not more than five (5) years from the date of issuance of the original note; and

(2) pledge for the payment of the principal and interest the proceeds of the grant or bonds.

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

IC 13-21-11-4

Application of proceeds

Sec. 4. The board shall apply the proceeds of a note issued under this chapter or IC 13-9.5-9-7 (before its repeal) to the cost of the facility for which the grant is to be made or bonds issued, although a purchaser of any obligations is not liable for the proper application of the proceeds.

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

IC 13-21-11-5

Board approval

Sec. 5. Notes issued under this chapter must be approved by a resolution of the board.

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

IC 13-21-12

Chapter 12. Financing: Requirements for Issuance of Bonds Generally

IC 13-21-12-1

Terms and covenants of bonds; validity; sale

Sec. 1. (a) All bonds issued under this article may:

(1) be issued as serial or term bonds or as a combination of both;

(2) be executed and delivered by the district at any time and from time to time;

(3) bear the date or dates;

(4) bear the maximum interest rates, if fixed rates are used, or specify any manner in which the interest rate will be determined, if variable or adjustable rates are used;

(5) be redeemable before the stated maturities of the bonds on the terms and conditions and at premiums as necessary or advisable;

(6) be issued in any denomination of not less than five thousand dollars ($5,000);

(7) be in a form, either book entry or registered, or both;

(8) carry registration conversion privileges;

(9) be payable in a medium of payment and at a place or places, which may be at any one (1) or more banks or trust companies within or outside Indiana;

(10) provide for the replacement of mutilated, destroyed, stolen, or lost bonds;

(11) be authenticated in a manner and upon compliance with conditions;

(12) establish reserves from the proceeds of the sale of bonds or from other money, or both, to secure the payment of the principal and interest on the bonds issued under this article or IC 13-9.5-9 (before its repeal);

(13) establish reserves from the proceeds of the sale of bonds or from other money, or both, for extensions, enlargements, additions, replacements, renovations, and improvements to or for the facilities; and

(14) contain other terms and covenants;

as provided in the resolution of the board authorizing the bonds.

(b) The bonds issued under this article may mature at the time or times determined by the board, but not to exceed forty (40) years.

(c) The bonds issued under this article:

(1) may bear either the impressed or facsimile seal of the district; and

(2) shall be:

(A) executed by the manual or facsimile signature of the chairperson of the board; and

(B) attested by the manual or facsimile signature of the district controller;

as long as one (1) of these signatures is manual. However, any signatures may be facsimiles if the bonds are to be manually

authenticated by a fiduciary.

(d) The bonds and the interest coupons pertaining to the bonds, if any, issued under this article and IC 13-9.5-9 (before its repeal) are valid and binding obligations of the district for all purposes in accordance with the terms of this article. If before delivery of the bonds and related interest coupons a person whose signature appears on the bonds and related interest coupons has ceased to be an officer of the district, the bonds shall be treated as if the person had continued to be an officer of the district until after delivery.

(e) The bonds issued under this article or IC 13-9.5-9 (before its repeal), other than waste management district bonds issued under IC 13-21-7 or IC 13-9.5-9-3 (before its repeal), may be sold at public or private sale for the price or prices that is provided in the resolution authorizing the issuance of the bonds.

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

IC 13-21-12-2

Securement of bond by trust indenture; provisions allowable in trust indenture or resolution

Sec. 2. The bonds issued under this article or IC 13-9.5-9 (before its repeal) may be secured by a trust indenture between the district and a corporate trustee, which may be any national or state bank having its principal office in Indiana and having trust powers. The trust indenture or resolution under which the bonds are issued may do the following:

(1) Mortgage the land, interest in land, or the facilities for which the bonds are issued.

(2) Pledge the revenues or any other money, or any part of the revenues or money, to be received by the district.

(3) Contain the provisions for protecting and enforcing the rights and remedies of the bondholders or lenders that may be considered reasonable, including covenants setting forth the duties of the district or board in relation to the construction of the facilities and the custody, safeguarding, application, and investment of all money received or to be received by the district for the facilities financed by the issuance of the bonds.

(4) Provide for the establishment of reserve funds from the bond proceeds or from other sources to the extent authorized.

(5) Set forth the:

(A) rights and remedies of the bondholders and trust; and

(B) provisions restricting the individual rights or actions of bondholders.

(6) Contain provisions regarding the following:

(A) The investment of money.

(B) Sales, exchange, or disposal of property.

(C) The manner of authorizing and making of payments without regard to any general statute relating to these matters.

(7) Provide for the following:

(A) The payment of the proceeds of the sale of bonds to the

trustee, officer, bank, or depository that may be determined under the trust indenture or resolution for the custody of the proceeds.

(B) The method of disbursement of the proceeds, with the safeguards and restrictions that are determined.

(8) Provide for the appointment of a receiver by the circuit or superior court of the county under terms and conditions that are considered reasonable.

(9) Contain other provisions that the district considers reasonable and proper for the security of the bondholders.

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

IC 13-21-12-3

Security exempt from registration requirement of IC 23

Sec. 3. A security issued in connection with a financing under this article, the interest on which is excludable from adjusted gross income tax, is exempt from the registration requirements of IC 23.

As added by P.L.1-1996, SEC.11. Amended by P.L.192-2002(ss), SEC.156.

IC 13-21-12-4

Bonds and anticipation notes exempt from taxation

Sec. 4. All:

(1) bonds, including grant and bond anticipation notes, issued under this article or IC 13-9.5-9 (before its repeal); and

(2) the interest on the bonds and notes;

are exempt from taxation in accordance with IC 6-8-5.

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

IC 13-21-12-5

Revenues received by board or district exempt from taxation

Sec. 5. All revenues received by the board or district under this article or IC 13-9.5-9 (before its repeal) are exempt from all taxation.

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

IC 13-21-12-6

Alternative financing methods

Sec. 6. The facilities or any part of the facilities to be financed under this article may be financed by any combination of one (1) or more of the methods provided for in this article.

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

IC 13-21-12-7

Action to contest validity bonds or to prevent issuance; time limitation

Sec. 7. An action to:

(1) contest the validity of the bonds; or

(2) prevent the issuance of the bonds;

must be brought within thirty (30) days following the first publication of public notice of the adoption of the resolution authorizing the

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

IC 13-21-12-8
Authority for issuance of bonds

Sec. 8. (a) This article constitutes full authority for the issuance of bonds. No procedure, proceedings, publications, notices, consents, approvals, orders, acts, or things by a board, officer, commission, department, agency, or instrumentality of the state is required to issue bonds or to do any act or perform anything under this article except as prescribed by this article.

(b) The:

(1) powers conferred by this article are in addition to and not in substitution for; and

(2) limitations imposed by this article do not affect;

the powers conferred by any other statute.
As added by P.L.1-1996, SEC.11.

IC 13-21-12-9
Facility and sale of byproducts exempt from regulation under IC 8-1-2 and IC 8-1.5

Sec. 9. The following are exempt from regulation under IC 8-1-2 and IC 8-1.5:

(1) A facility owned, operated, or financed under this article.

(2) The sale of byproducts from the facility.

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

IC 13-21-12-10
Covenant and agreement with bondholders

Sec. 10. The general assembly covenants and agrees with the holders of any bonds that as long as any bonds of a district issued under this article or IC 13-9.5-9 (before its repeal) are outstanding and unpaid, the state:

(1) will not limit or alter the rights of the district to:

(A) acquire, construct, reconstruct, improve, enlarge, extend, own, operate, and maintain any project or interest in any project;

(B) establish, maintain, revise, charge, and collect the fees and taxes referred to in this article; and

(C) fulfill the terms of any agreements made with the holders of the bonds; and

(2) will not in any way impair the rights and remedies of the bondholders;

until the bonds, together with interest on the bonds, interest on any unpaid installment of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the bondholders, are fully paid, met, and discharged.
As added by P.L.1-1996, SEC.11.

IC 13-21-12-11

Article supplemental to other statutes

Sec. 11. This article is supplemental to all other statutes covering the acquisition, construction, modification, use, and maintenance of facilities for solid waste disposal by a district.

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

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.

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.