

ORDINANCE 2015-21
AN ORDINANCE REGARDING THE COLLECTION, DELIVERY AND
PROCESSING OF SOLID WASTE GENERATED WITHIN WARRICK COUNTY

WHEREAS, pursuant to I.C. § 13-21-3-1 Warrick County created the Warrick County Solid Waste Management District (the "District") in 1991, and the District has been in continuous operation ever since; and

WHEREAS, the District was created to promote solid waste source reduction, recycling and other solid waste management alternatives for the residents of Warrick County; and

WHEREAS, as one of the many enumerated powers of the District, I.C. § 13-21-3-12 *et seq* provides that the District may plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management within Warrick County, and that the District may establish solid waste management fees for collection from all persons in and outside the District who generate solid waste and who benefit from solid waste management, solid waste collection or a facility for solid waste processing, and

WHEREAS, the District currently manages the collection and disposal of solid waste within the county at several facilities, including several drop off centers and the main Pelzer Road facility; and

WHEREAS, the District, pursuant to its authority under I.C. § 13-21-3-12, has passed Resolution 2015-03 entitled "A Resolution by the Warrick County Solid Waste Management District Board of Directors Establishing a Curbside Waste and Recycling Management Program," which has the force of law in the County of Warrick and all unincorporated municipalities, and will include all incorporated municipalities in Warrick County that pass an identical resolution; and

WHEREAS, Renewable Resources, LLC, the District, and the Warrick County Board of Commissioners entered into that certain Construction and Operating Agreement as a public-private partnership dated November 10, 2014 ("Construction Agreement"), providing for the construction of a solid waste and recycling processing facility (the "Facility") in addition to a Waste to Energy Facility to be located at the District's main Pelzer Road operations; and

WHEREAS, the District is the owner in fee simple of that certain ten (10) acres of real estate purchased from Warrick County and located at its main Pelzer Road operations in Warrick County, upon which the recycling processing facility shall be built and open for operations on or before October 1, 2015; and

WHEREAS, the Construction Agreement requires that the Facility include a transfer station for the purpose of receiving certain residential and commercial solid waste for

processing (the "Transfer Station"), which shall be owned, operated and managed by the District; and

WHEREAS, construction of the Facility and the Transfer Station shall be completed in accordance with the terms of the Construction Agreement on or before December 1, 2015; and

WHEREAS, the Board of Commissioners have indicated their desire and intent to enact this ordinance in passage of Resolution 2014-06 on May 12, 2014.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA THAT:

The Code of Ordinances of Warrick County, Indiana, is hereby amended to provide for a new CHAPTER 136 entitled "Collection, Delivery and Processing of Solid Waste Within Warrick County" as follows:

§136.01. Definitions:

"Acceptable Waste" means all "solid waste" as defined in Indiana Code § 36-9-33-2 as may be amended from time to time, including all putrescible and nonputrescible solid and semisolid wastes and recyclables generated by residences, institutions, and commercial businesses situated within the County, other than Prohibited Waste. Acceptable Waste expressly includes garbage, rubbish, household appliances, yard waste, demolition and construction debris, and inert fill.

"County" means Warrick County, Indiana.

"Designated Facility" means the Transfer Station located at 1111 S. Pelzer Road, Boonville, Indiana, to be owned, operated and managed by the District, or such other facility as might be designated from time to time by the District.

"District" means the Warrick County Solid Waste Management District created by Warrick County.

"Effective Date" means December 1, 2015, which may be extended by a period not to exceed thirty (30) days in the event the Facility and/or Designated Facility are not yet operational and the Board of Commissioners determines it to be in Warrick County's best interest, provided notice is given of the change in Effective Date.

"Person" means any individual, group, business, association, proprietorship, partnership, corporation, limited liability company, or other entity.

"Prohibited Waste" means (i) human excreta, including septic tank sludge, (ii) hazardous waste as defined by the Indiana Department of Environmental Management from time to time, (iii) industrial waste, (iv) agricultural waste, (v) biomedical waste, (vi) dead animals,

ORDINANCE 2015-21
WASTE FLOW

(vii) asphalt, (viii) automobiles and other vehicles, and (ix) other items specified by the District and/or Designated Facility from time to time.

§136.02. Delivery of Acceptable Waste.

Beginning on the Effective Date, and at all times thereafter, any Person may dispose of Acceptable Waste by delivering or causing the delivery of such Acceptable Waste to the District at its Designated Facility in accordance with this ordinance and any applicable laws, rules, procedures, and instructions promulgated by the Warrick County Board of Commissioners or the District. Notwithstanding the foregoing, yard waste may be accumulated on residential property for composting purposes in a manner which will not create odor, harbor rodents, or become a public nuisance. Yard waste may be collected commercially as provided by the District's curbside waste and recycling pickup program.

Passed and adopted by the Warrick County Board of Commissioners, upon third reading herein, this 28th day of September, 2015.

WARRICK COUNTY
BOARD OF COMMISSIONERS


By:


Don Williams, President

Richard A. Reid, Vice-President

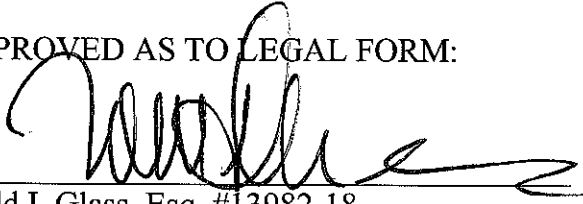

Marlin Weisheit, Member

Attest:


Deborah K. Stevens, Auditor
Warrick County, Indiana

ORDINANCE 2015-21
WASTE FLOW

APPROVED AS TO LEGAL FORM:

A handwritten signature in black ink, appearing to read 'Todd I. Glass', written over a horizontal line.

Todd I. Glass, Esq. #13982-18
FINE & HATFIELD, A Professional Corporation
520 N.W. Second Street, P.O. Box 779
Evansville, Indiana 47705-0779
Telephone: (812) 425-3592
Warrick County Attorney