

Resolution of the Knox County, Indiana Solid Waste Management District

Resolution No. 2021-1

WHEREAS, the Knox County Solid Waste Management District (“District”) was established by the Knox County Council for the purpose of performing all the functions authorized and directed under the applicable statutes, including, but not necessarily limited to assisting the State in meeting its waste reduction goals; and

WHEREAS, pursuant to Ind. Code §13-21-14-1, the District, through action of its Board of Directors (“Board”), has the power to establish, change, and readjust solid waste management fees (“Fees”) to be imposed upon all persons owning real property or generating solid waste within the territory covered by 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; and

WHEREAS, the last adjustment to the Fees occurred in 2003 whereby the then Board established an annual flat charge of Fifteen Dollars (\$15.00); and

WHEREAS, over the course of the last eighteen (18) years, the costs associated with the facilities for solid waste management, the operation and maintenance of such facilities, and the costs of implementing the District’s solid waste management plan have increased significantly; and

WHEREAS, additional funds are required in order for the District to meet its statutory obligations; and

WHEREAS, during the public meeting on February 23, 2021, by Motion duly made and seconded, a proposed resolution in a form identical to the present resolution was proposed, and a public hearing was scheduled for March 23, 2021 whereby all persons using the District’s facilities, owning property, generating solid waste, and/or other interested persons (“Interested Persons”) were given an opportunity to be heard concerning the proposed fee increase; and

WHEREAS, subsequent to the February 23, 2021 public meeting, and in compliance with Ind. Code §13-21-14-5, notice of the March 23, 2021 public hearing along with the schedule of fees was given in the Vincennes Sun Commercial which said notice ran on March 12, 2021; and

WHEREAS, the public meeting was held on March 23, 2021 and all Interested Persons given an opportunity to be heard; and

WHEREAS, the Board subsequently considered the amount of the fee to be imposed and this resolution was presented for consideration by the Board to set the fees; and

WHEREAS, after discussion of the proposed form of this resolution, upon motion duly made and seconded, the District **HEREBY RESOLVED AS FOLLOWS:**

1. Effective March 23, 2021, there is hereby imposed an annual flat charge of Twenty Dollars (\$20.00) for each residence or building in the Knox County Solid Waste Management District.

2. A "residence" for purposes of this resolution shall mean a dwelling or portion of a dwelling, building, structure, or other enclosed space that is permanent or temporary, movable or fixed, and is a home or place of lodging by one family, an individual, or a group of individuals, and shall include without limitation any home and each: apartment, condominium, town home, mobile home, manufactured home, and other resident used structure which is occupied or suitable for occupancy, for all or part of the calendar year. If a residence is not occupied, a determination of whether it is "suitable for occupancy" shall be based on whether it can be occupied under applicable building and health codes, and exempt only if an order of condemnation requiring the removal or razing of such structure has been entered by the State of Indiana or by a political subdivision within Knox County. In addition, each habitable residence is assessed a fee, even if several residences reside on a single piece of real estate.

3. A "building" for purposes of this resolution shall mean any structure, whether owned by a for-profit business or not-for-profit organization, that benefits from solid waste management, solid waste collection, a facility for solid waste disposal, or a facility for solid waste processing, or the presence of the District.

4. Fees imposed and collected under this resolution, together with any other revenues, may be used for any reason set forth in Ind. Code §13-21-14-7, including:

- a. The cost of facilities for solid waste management;
- b. The operation and maintenance of facilities;
- c. The charges that may be pledged to the payment of principal and of interest on any current or future District or revenue bonds; or
- d. The costs of implementing the District's plan.

5. In accordance with Ind. Code §13-21-14-8, any Fee that is not paid within sixty (60) days of the due date will be considered delinquent and the individual responsible for said Fees shall be subject to a late Fee penalty of Twenty-Five Dollars (\$25.00). In addition, in the event a civil action is required in order to recover the Fee and late penalty, the District shall be entitled to recover its reasonable attorney's fees from the individual responsible for the Fee. In the event an individual responsible for the Fee disputes the amount, any such disputes must be made in writing to the District office prior to the due date.

ADOPTED this 16th day of March, 2021 by a vote of the Directors.

KNOX COUNTY SOLID WASTE MANAGEMENT DISTRICT



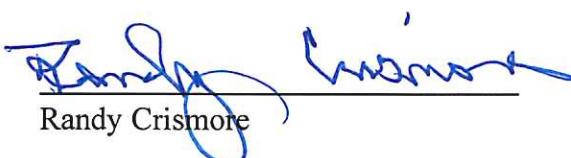
Thomas Estabrook, Chair

Kellie Streeter



Trent Hinkle

T.J. Brink



Randy Crismore

Tim Salters



Joe Yochum

