

No. 06-65

**AN ORDINANCE REPEALING ORDINANCE 00-37,
AN ORDINANCE IMPOSING A FEE, TAX OR SURCHARGE ON THE PERMANENT
DISPOSAL, OF SOLID WASTE IN KENDALL COUNTY, ILLINOIS**

WHEREAS, on October 17, 2000 the Kendall County Board did enact Ordinance No. 00-37, An Ordinance Imposing A Fee, Tax Or Surcharge On The Permanent Disposal, Of Solid Waste In Kendall County, Illinois, attached hereto as Exhibit A (hereafter "Ordinance 00-37"); and

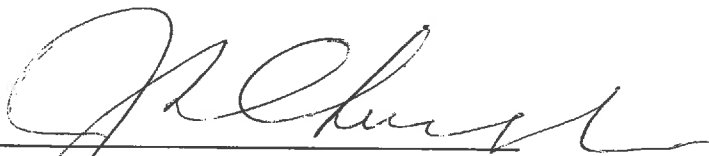
WHEREAS, upon further consideration and review the Board has determined that it is in the public interest that Ordinance 00-37 be repealed in its entirety; and

NOW, THEREFORE, BE IT RESOLVED that Ordinance 00-37 is hereby repealed in its entirety. This Ordinance is shall become effective immediately upon its adoption by the County Board of Kendall County, Illinois.

ADOPTED by the **KENDALL COUNTY BOARD** on this

30TH day of NOVEMBER, 2006.

ATTEST:



County Board Chairman



County Clerk

ORDINANCE NO. 00-37

**ORDINANCE IMPOSING A FEE, TAX OR SURCHARGE
ON THE PERMANENT DISPOSAL, OF SOLID WASTE
IN KENDALL COUNTY, ILLINOIS**

WHEREAS, Section 22.15 (j) of the Environmental Protection Act (415 ILCS 5/22.15 (j)) authorizes units of local government in which a solid waste disposal facility is located to establish a fee, tax, or surcharge with regard to the permanent disposal of solid waste; and

WHEREAS, the proceeds from said fee, tax, or surcharge may be utilized for solid waste management purposes, including long term monitoring and maintenance of landfill, inspection, enforcement, planning, implementation, and other activities consistent with the Solid Waste Management Act, or for any other environment-related purpose, including but not limited to an environment-related public works project, but not for the construction of a new pollution control facility other than a household hazardous waste facility; and

WHEREAS, Kendall County is a unit of local government as defined in the Environmental Protection Act; and

WHEREAS, Kendall County has not previously imposed such a fee, tax, or surcharge; and

WHEREAS, the total amount of any such fee, tax, or surcharge cannot exceed the sum of \$1.27 per ton in facilities in which more than 150,000 tons are disposed of annually; and

WHEREAS, no solid waste facilities are currently requesting site approval from the County or applicable municipality.

NOW, THEREFORE, BE IT ORDAINED by the County Board of Kendall County, as follows:

Section 1: That Kendall County hereby imposes upon the operators of all solid waste disposal facilities permitted or required to be permitted by the Illinois Environmental Protection Agency ("the Agency") within the County, the maximum fee, tax, or surcharge permitted by statute at which time the current amounts are as follows:

(1) \$0.60 per cubic yard if more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year, unless the owner or operator weighs the quantity of the solid waste received with a device for which certification has been obtained under the Weights and Measures Act [225 ILCS 470/1 et seq.], in which case the fee shall not exceed \$1.27 per ton of solid waste permanently disposed of.

(2) \$33,350 if more than 100,000 cubic yards, but not more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(3) \$15,500 if more than 50,000 cubic yards, but not more than 100,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(4) \$4,650 if more than 10,000 cubic yards, but not more than 50,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(5) \$650 if more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

Section 2: That the fee, tax, or surcharge imposed shall not apply to:

- A. Waste which is hazardous waste; or
- B. Waste which is pollution control waste; or
- C. Waste from recycling, reclamation or reuse processes which has been approved by the Agency as being designed to remove any contaminant from wastes so as to render such wastes reusable, provided that the process renders at least 50% of the waste reusable; or
- D. Non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Agency; or
- E. Any landfill which is permitted by the Agency to receive only demolition or construction debris or landscape waste; or
- F. Any waste with an exemption granted in accordance with 415 Illinois Compiled Statutes 5/22.16 and 5/22.16a. Any request for exemption under this provision shall contain the Agency's approval.

- Section 3. That payment of said fees, taxes, or surcharges shall be made to the County on a quarterly basis as described below. Said payment shall be in the form of a check or order payable to the Treasurer, County of Kendall.
- Section 4. All operators of solid waste disposal facilities shall make quarterly reports and fee payments based upon the quantity of solid waste reported in the quarterly solid waste summary. This quarterly report is due on January 15th, April 15th, July 15th, and October 15th of each calendar year and shall contain a summary of all wastes received during the applicable quarter for which the report is submitted, as well as computations reflecting the total fees to be paid, and any approved exemptions.
- Section 5. Fees, taxes, or surcharges collected pursuant to this ordinance shall be deposited in the Kendall County Solid Waste Management Fund and shall be expended only for approved purposes.
- Section 6. Should any section, clause, or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part declared to be invalid.
- Section 7. This Ordinance shall be in full force and effect on November 17, 2000. The County Clerk is hereby authorized and directed to publish the text of this ordinance in a newspaper of general circulation upon passage by this County Board.

Dated: OCTOBER 17, 2000


Chairman

ATTEST:


Clerk