

THE EFFECTIVE DATE OF THIS RESOLUTION IS January 1, 1995

F.b
Rules &
Regs
S.C.P.'s

RESOLUTION NO. 94-26

RESOLUTION OF
BOARD OF COUNTY COMMISSIONERS OF
FREDERICK COUNTY, MARYLAND

Re: Modification of Landfill User Fee Regulations

PREAMBLE

Under Article 25, §14A of the Maryland Annotated Code, the Board of County Commissioners has broad authority to regulate refuse and garbage disposal facilities.

The Board of County Commissioners has previously established various regulations governing the policy and procedures at the County owned and operated landfill on Reichs Ford Road and in particular for the landfill tipping fee. Among the regulations relevant for this resolution are:

- a. Ordinance 92-05-040 (effective July 1, 1992) which amended §1-11-40 of the Frederick County Code to provide that the landfill user fee would be established by Board resolution.
- b. Resolution 92-04 (effective July 1, 1992) which established the policy of applying the tipping fee to all loads greater than 1/2 ton. For loads less than 1/2 ton, a twenty dollar annual permit must be obtained from the Department of Public Works. This permit entitles the permit holder to unlimited use of the landfill without a tipping charge. Recyclers are allowed to deposit nominal amounts of refuse without this annual permit.
- c. Resolution 93-17 (effective September 1, 1993) which eliminated the 1/2 ton exemption for commercial haulers, established a policy

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pc: Co. Atty., DPW, Landfill, Gordon, File

for charging a tipping fee when the scale at the landfill is inoperable; and continued the policies on delinquent accounts and residential permits.

The Board of County Commissioners now desires to make certain changes in these landfill regulations.

Commercial Haulers are in the business of hauling trash. Other companies, which are not in the business of hauling trash, use the landfill for trash debris that is generated incidental to their primary business. These Business Haulers currently obtain a Residential permit to use the landfill. However, an average Business Hauler generates five times the amount of trash that a Residential Hauler does.

In order to make the cost of the permits more equitable to the users of the landfill, the Board of County Commissioners is creating a Business Hauler permit. The cost of the permit will be \$100.

In recognition of the fact that some Business Haulers and Residential Haulers make infrequent trips to the landfill, and the cost of the annual permit would be inequitable, the Board of County Commissioners is also establishing a per trip fee of Nine Dollars (\$9.00). This per trip fee is available to Business Haulers and Residential Haulers and applies only to loads that weigh less than 1/2 ton.

The policy of prohibiting overweight vehicles from dumping at the landfill has resulted in the overweight vehicles

returning to their point of origin, off-loading some of the weight to another truck, and returning to the landfill. This policy has had the effect of increasing traffic on the roads near the landfill and creating safety questions. In order to increase safety and decrease traffic, the Board of County Commissioners will allow vehicles which exceed their Gross Vehicle Weight to dump their loads at the landfill. A fine will then be charged on this excess in the amount of \$1.00 per 20 pound increment, or portion thereof. The fine will be in addition to the regular tipping fee.

The Board finds that to the extent the regulations adopted in this resolution are inconsistent with any prior regulations of the Board, that the regulations newly adopted in this resolution shall prevail.

The Board of County Commissioners held duly advertised public hearings on these issues on July 19, 1994 and August 2, 1994. The public had an opportunity to make public comment to the Board of County Commissioners at these public hearings.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the following landfill policies, procedures and regulations are hereby established:

A. GENERAL

1. Definitions.

- a. Commercial Hauler: a business which derives income from the collection or transportation of any waste accepted at the Landfill.
- B. BUSINESS HAULER: A BUSINESS WHICH DISPOSES OF TRASH WHICH IS GENERATED INCIDENTAL TO:
 - (1) PERFORMING WORK FOR ANOTHER BUSINESS OR RESIDENTIAL CUSTOMER; OR
 - (2) SELLING A COMMODITY.
- C. RESIDENTIAL HAULER: AN INDIVIDUAL WHO GENERATES TRASH DEBRIS FROM HOME AND DISPOSES OF SUCH WASTE.
- [b.] D. Frederick County Resident: an individual residing or domiciled in Frederick County, Maryland.
- [c.] E. Landfill: the Frederick County owned and operated landfill located on Reichs Ford Road near Frederick, Maryland.

2. TO THE EXTENT ANY PREVIOUSLY ENACTED RESOLUTION OF THE BOARD IS INCONSISTENT WITH THESE POLICY PROCEDURES AND REGULATIONS ADOPTED IN THIS RESOLUTION, THE PRIOR INCONSISTENT RESOLUTIONS ARE HEREBY REPEALED. IN PARTICULAR (WITHOUT LIMITATION), RESOLUTION 92-04 CONCERNING THE 1/2 TON EXEMPTION IS HEREBY

REPEALED TO THE EXTENT INCONSISTENT WITH THIS RESOLUTION.

B. LANDFILL TIPPING FEE - MINIMUM LOAD CHARGE

1. Commercial haulers must pay the landfill tipping fee on each and every load deposited at the landfill.
2.
 - a. A Frederick County resident OR A BUSINESS HAULER may obtain an annual permit from the Department of Public Works entitling the [Frederick County resident] PERMITTEE to use the landfill to deposit household generated solid waste, OR BUSINESS-GENERATED WASTE AS SET FORTH IN SECTION 11b ABOVE.
 - b. The cost of the RESIDENTIAL HAULER permit shall be twenty dollars (\$20.00).
 - c. THE COST OF THE BUSINESS HAULER PERMIT SHALL BE ONE HUNDRED DOLLARS (\$100.00).
 - [c.] D. Permits shall be valid for [the fiscal] ONE year [(July 1 to June 30) or portion thereof] FROM THE DATE OF ISSUE.
 - [d.] E. The maximum load which will be accepted under [this] THE resident permit OR THE BUSINESS PERMIT is 1/2 ton. Loads of greater than 1/2 ton must pay the landfill tipping fee.

F. IN LIEU OF OBTAINING A PERMIT, A RESIDENTIAL OR BUSINESS HAULER MAY PAY A PER-TRIP FEE OF NINE DOLLARS (\$9.00). THE MAXIMUM LOAD OF 1/2 TON, SET OUT IN SECTION B2e, REMAINS IN EFFECT.

[e.] G. In the discretion of the Department of Public Works employees, nominal amounts of refuse may be disposed of at the County landfill without this permit, provided that recyclable materials are also deposited into the Frederick County recycling facility at the same time.

C. LANDFILL TIPPING FEE - INOPERABLE SCALE

1.. In the event the weighing scales at the landfill are inoperable for any reason, the landfill tipping fee will be assessed based on the following estimated load for the vehicle type listed:

<u>Vehicle Type</u>	<u>Estimated Load (tons)</u>
Dump Truck (2 axle)	6
Dump Truck (3 axle)	10
Closed Vans (2 axle)	1.25

Closed Vans (3 axle) 2.25

Stake/Open Body/Trailer Dump

(2 axle) e.g. could mean a 1
ton to 5 ton truck, took max.
on each case

4

Front/Rear/Side Compactor

(under 16 cubic yards (c.y.)) 2.5

(16 to 24 c.y.) 5

(24 c.y. and over) 8.25

Semi-Trailers (same as a Roll-off) 7.25

Roll-off Beds w/Chassis

(under 25 c.y.) 8.1

(25 to 35 c.y.) 7.8

(over 35 c.y.) 7.6

2. The charge for the load shall be the appropriate
estimated load from section C1 above multiplied by the
applicable landfill tipping fee.

3. For a vehicle type other than those listed above, the
landfill employees, in their sole discretion, shall

charge a fee based on either:

- a. the vehicle type listed in section C1 above most closely resembling the vehicle or
- b. one-half of the load capable of being hauled by the vehicle.

4. In lieu of paying the landfill tipping fee based on the estimated load as provided above when the weighing scales are inoperable, the landfill user may:

- a. provide a certified weight ticket from a County approved scale and pay the landfill tipping fee according to Department of Public Works policy;
- b. pay the landfill tipping fee based on the average historic load deposited at the landfill from this vehicle provided, however, that in the opinion of the landfill weighmaster an adequate history of landfill use exists for this particular vehicle; or
- c. wait to deposit the load when the scale is again operable and pay the landfill tipping fee based on the actual weight.

D. DELINQUENT LANDFILL ACCOUNTS

1. Use of the landfill shall be denied to any landfill user whose account for landfill tipping fees is sixty days or more delinquent.

E. OVERWEIGHT VEHICLES

1. ANY VEHICLE WHICH EXCEEDS ITS GROSS VEHICLE WEIGHT SHALL PAY A FINE OF ONE DOLLAR (\$1.00) FOR EVERY 20 POUND INCREMENT OVER THE ALLOWED WEIGHT. THIS FINE IS IN ADDITION TO THE TIPPING FEE CHARGES, AND SHALL BE ADDED TO THE HAULER'S BILL.

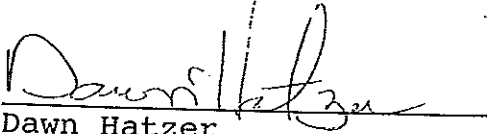
F. EFFECTIVE DATE

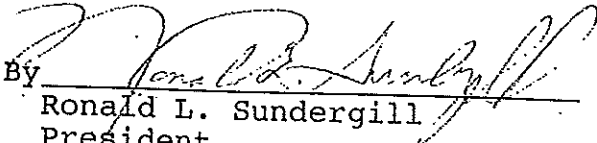
The effective date of this resolution shall be January 1, 1995.

The undersigned hereby certifies that this Resolution was approved and adopted on the 8th day of August, 1994.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND


Dawn Hatzer
Administrative Officer

By 
Ronald L. Sundergill
President

