

Summary: Amends Chapter 13.06 of the Pershing County Code relating to Landfill Assessments.

**BILL NO.: 349
ORDINANCE NO.: 349**

AN ORDINANCE AMENDING CHAPTER 13.06, TITLE THIRTEEN, OF THE PERSHING COUNTY CODE BY PROVIDING THAT WASTE GENERATING ENTITIES SHALL BE DETERMINED BY "CLASSIFICATION" AND THAT ALL CLASSIFICATIONS IN LOVELOCK SHALL BE CHARGED A MULTIPLIER OF A BASE RATE OF \$12.00 EACH MONTH, WHILE CLASSIFICATIONS IN THE UNINCORPORATED AREAS OF PERSHING COUNTY SHALL BE CHARGED A MULTIPLIER OF THE BASE RATE OF \$13.00 EACH MONTH, EFFECTIVE JULY 1, 2021.

THIS ORDINANCE FURTHER PROVIDES FOR THE MANNER OF COLLECTION OF LANDFILL ASSESSMENTS, APPEALS, REDUCTIONS FOR SENIORS AT THE PROPERTY LINE, INTERLOCAL AGREEMENTS WITH GOVERNMENT ENTITIES FOR LANDFILL ASSESSMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO.

13.06.010: PURPOSE:

The purpose of this chapter is to create a method of generating sufficient revenues to fund federal and state mandates relating to municipal solid waste landfills. (Ord. 133, 1993)

13.06.020: GENERAL PROVISIONS:

A. There shall be an assessment for each waste generating classification on a parcel of property.

B. Unless the board of county commissioners determines that it is fair and equitable to assess an individual or business occupant generating waste on a parcel, the landowner thereof shall be assessed the full amount due as a result of such waste generating. (Ord. 133, 1993; Ord 349, 2021)

13.06.030: CLASSIFICATION DEFINED:

A "classification" is defined as any entity included herein that generates waste as defined by the U.S. and Nevada Environmental Protection Agencies.

- A. Business Classification: Any form of business, social organization, or governmental legal entity, including, but not limited to, a corporation, partnership, association, religious organization, trust or incorporated organization, who resides in or is located in Pershing County.
- B. Household: Where natural persons are living in the same residence.
- C. Improved Property Owner: The owner of a parcel of land within Pershing County with an assessed improvement on the parcel data as assessed by the Pershing County Assessor's Office or parcels upon which the above activities are located. (Ord. 349 2021.)

13.06.040: BASE ASSESSMENT RATE:

Except as provided herein, all classification members as defined in section 13.06.030 of this chapter shall be charged a multiple of the base rate of twelve dollars (\$12.00) per month, effective date July 1, 2021. The Rye Patch, Imlay, Mill City, and Grass Valley, areas of Pershing County shall be charged a multiple of the base rate of thirteen dollars (\$13.00) per month effective date July 1, 2021. Classifications shall be assessed separately for each solid waste producing activity, per non-contiguous parcel, as set forth in appendix A on file in the County, which appendix shall be adopted and modified from time to time by resolution. (Ord. 349, 2021)

13.06.050: RESIDENCES AND BUSINESSES ASSESSED ON REAL PROPERTY ROLL:

A. The billings for assessments shall be based on the ownership status and use of each parcel on the date the assessor closes ownership changes on the real property tax roll preceding the fiscal year for which the assessment is made.

B. The Assessor for Pershing County shall prepare the landfill assessment roll. The landfill assessment shall be billed as a part of the yearly real property tax statement and collected at the same time as the real property taxes.

C. The Treasurer of Pershing County shall collect and receive landfill assessment payments. The monies collected shall be maintained in separate funds, one fund shall be the Pershing County Landfill Fund and the other shall be a financial assurance trust fund. The monies collected are to be used only for the purposes of closing the existing landfill, opening and maintaining a new landfill site and/or transfer site and establishing a trust fund in order to provide financial assurance for corrective action as required by Federal law. Interest from the Landfill Fund will go to the General Fund to cover administrative costs. Interest will remain in the trust fund. No other use of such monies collected is authorized. (Ord. 133, 1993)

13.06.060: CLASSIFICATIONS NOT ASSESSED ON THE REAL PROPERTY ROLL:

A. Classifications on the unsecured tax roll shall be billed with the unsecured roll (i.e., privately owned businesses located on railroad land).

B. Classifications located on tax-exempt property shall be billed on the unsecured tax roll (i.e., post office; residences or businesses on BLM land).

C. Classifications not located on real property, but generate solid waste, may pay a yearly assessment equivalent or pay a gate fee on a per load basis as set from time to time by resolution and set forth in appendix A on file in the Office of the County Clerk. (Ord. 349, 2021)

13.06.070: OTHER ASSESSED USERS:

All persons not assessed for the support and operation of a landfill or system of transfer sites serving Pershing County, Nevada, shall pay for the use of such facilities on a per load basis, such fees being set by the Board. (Ord. 133, 1993)

13.06.080: PERMITS AND OTHER CHARGES:

A. All Classifications that have been properly assessed under this ordinance shall be issued a constructive permit. Any Classification issued such a permit shall be exempt from the payment

of per load fees, except as set forth in subsection B of this Section, at any landfill or transfer site in Pershing County.

B. The existence of a permit by a Classification does not exempt such Classification from payment for extraordinary load fees, such as, but not necessarily limited to, demolition of structures or disposal of other non-compactible materials or oversize loads. An oversize load shall consist of more than two (2) cubic yards of noncompacted waste.

C. Any person using the permit of another in order to avoid payment of the assessment fee or a load fee shall be guilty of a misdemeanor and subject to prosecution. (Ord.349, 2021)

13.06.090: REVIEW FOR MODIFICATION AND APPEAL PROCESS:

A. Any Classification may seek a review for modification of the landfill assessment.

B. A review for modification of the landfill assessment may be obtained by filing a request in writing to the Assessor, requesting that the landfill assessment be modified. This request must be made to the Assessor between July 1 and October 1 of each fiscal year.

C. The Assessor shall, within twenty (20) days of the date of receipt of the request for modification, investigate the facts presented by the Classification and grant or deny the request for modification in writing.

D. If the request for modification of the assessment is granted, the Treasurer shall prepare a modified bill.

E. Any Classification may appeal the Assessor's decision to the Board of County Commissioners. The request for an appeal hearing shall be made within ten (10) days of the Assessor's decision.

F. The Board of Commissioners shall set a date for the appeal hearing no later than thirty (30) days from receipt of the request for appeal. The board shall send notice of the hearing to the Classification no less than ten (10) days prior to the date set for a hearing on the matter.

G. The board shall hear the appeal of the Assessor's decision in an open meeting and shall within ten (10) days of the date of the hearing render a decision. (Ord. 140, 1994; Ord. 133, 1993)

13.06.100: REDUCTION OF ASSESSMENTS:

A. Reductions of assessments may be sought by application to the board by persons over the age of sixty two (62) years.

B. Application shall be made directly to the Assessor and shall be subject to approval of the Board of Commissioners. Income verification shall be required. Yearly income under annual published poverty guidelines shall be considered as a proper basis for a reduction in any assessment imposed under this section. A reduction authorized for any person over the age of sixty-two (62) years shall consist of one-half ($1/2$) a residential equivalent. (Ord. 349, 2021)

13.06.110: EMERGENCY SERVICES EXEMPTIONS:

All entities that have undertaken to provide emergency or essential services which inure to the benefit of the county may be exempt from an assessment for landfill fees. Such entities may include, but are not limited to, food and clothing banks or repositories, the Salvation Army, the

Red Cross, and other agencies. Only the board has the authority to grant such exemptions. (Ord. 349, 2021)

13.06.120: GOVERNMENTAL ENTITIES:

The board shall be authorized to enter into an agreement with local, state, and federal agencies or entity for a determination of the landfill assessment to be imposed upon any such agency or entity. (Ord. 349, 2021)

13.06.130: INDIAN LANDS:

The board shall be authorized to enter into an agreement with the Lovelock Paiute Tribe or the bureau of Indian affairs for the creation of a transfer facility and the creation of any assessments to be imposed upon the residents of the Lovelock Paiute Indian Colony, should such entities desire the provision of landfill user services. (Ord. 133, 1993)

13.06.140: SPECIAL USER FEES:

The board shall be authorized to impose special landfill user fees, in addition to any assessments set forth in this chapter, for the disposal of renewable or hazardous materials including, but not limited to, tires, oil products, household and commercial chemicals. The board shall contract for disposal of such items with any reputable contractor and shall provide for the temporary retention of such materials at the landfill or central transfer site for Pershing County in specially designated areas or receptacles. The board retains the authority to add any other necessary special user fees. (Ord. 133, 1993)

13.06.150: TIME LIMITS FOR REQUESTS OF REFUNDS OF LANDFILL FEES:

The owner of property who pays a landfill fee under this chapter shall have three (3) years from the date of paying the fee to request a refund provided that the owner can establish and show the Pershing County commissioners that the owner has not used the property in any manner as established in this chapter for the entire length of time for which the refund is requested. If the property was used for any use described within this chapter during the period of time for which the refund is requested, the commissioners may only grant a refund for the most recent period of time for which the property was not used in a manner described in this chapter. (Ord. 221, 2005)

REPEAL: All ordinances or resolutions or parts thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

SEVERABILITY: If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance and the provisions of this ordinance are declared severable.

THIS ORDINANCE shall take effect from and after passage, and after final adoption, the Pershing County Commissioners are hereby authorized and directed to have this published by title together with the names of the Commissioners voting for or against its passage once a week for a

period of two (2) weeks in the Lovelock Review Miner, a newspaper published in a general circulation in the County of Pershing, State of Nevada.

PROPOSED on the 2nd day of June 2021.


PROPOSED by Commissioner Shank.

PASSED on the 18th day of June 2021.

VOTE: Ayes: 3


 Nays: 0

 Absent: 0



Shayla Hudson, Commissioner
BOARD OF PERSHING COUNTY
COMMISSIONERS

ATTEST:


Clerk

1	Car Wash in Lovelock	2.00
2	Child Care in Lovelock	1.25
3	Cemetery	1.25
4	Church	1.25
5	Cleaners	2.00
6	Contractor	2.00
7	Daycare Center	2.00
8	Drive-Up Fast Food:	
9	No indoor seating	1.25
10	With indoor seating	10.00
11	Duplex	2.00
12	Firehouse	1.00
13	Fourplex	4.00
14	Golf Course	2.00
15	Government Offices, per entity	1.00
16	Grocery Store	
17	Under 2,000 sq. ft.	3.00
18	Over 2,000 sq. ft.	10.00
19	Highway Rest Area	5.00
20	Hospital	10.00
21	Laundromat	2.00
22	Light Industry	2.50
23	Liquor Store	1.25
24	Medical/Dental	2.00
25	Mill Site (w/o residence)	1.25
26	Active Mines	3.00
27	Active Mines with verified landfill	0.00
28	Mini-Mart	5.00

1	Mini-Storage (for all units)				1.25
2	Mobile Home on Residential Parcel				1.00
3	Mobile Home Park, Spaces Rented				1.00
4	Motel, per unit				
5	With kitchen				0.25
6	Without kitchen				0.10
7	Movie Theater				2.00
8	Newspaper				2.00
9	Office Buildings (per office)				1.00
10	Active Patented Mine				3.00
11	Post Office	Lovelock			5.00
12		Imlay			1.25
13	Racetrack				1.25
14	Realty				1.00
15	Residence				1.00
16	If occupied less than six (6) months per year but more than				
17	Three (3) months per year				0.75
18	If occupied ninety days or less per year				0.50
19	Restaurants				
20			Hours Open:		
			1-6	7-04	15-24
21	Under 40 seating capacity		1.25	1.50	2.00
	41-80 seating capacity		3.00	4.50	8.00
22	Over 80 seating capacity		4.50	6.00	12.00
23	Retail				2.00
24	Retail Auto Service				1.25
25	Retail, Hardware				3.00
26	Rodeo Grounds				1.25
27	RV Park, per space				0.10
28	School (per student)				0.02

1	Service Station	2.00
2	Storage	1.25
3	Parks or Recreation Facility	5.00
4	Television Station	1.25
5	All Other Uses	2.50
6	<i>No Multiplier (flat rate), no reductions</i>	
7	Vacant Lot-Clean with Minor Assessed Improvements	20.00 Yearly

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9 Signed this 24th day of June 2021.

10 BOARD OF PERSHING COUNTY COMMISSIONERS

11 By: Shayla Hudson

12 Shayla Hudson, Commissioner

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14 ATTEST:

15 Lacey Donaldson

16 Lacey Donaldson, Clerk of the Board

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