

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

**BILL NO.: 351
ORDINANCE NO.: 351**

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 \$13.00 EACH MONTH, WHILE CLASSIFICATIONS IN THE UNINCORPORATED AREAS OF PERSHING COUNTY SHALL BE CHARGED A MULTIPLIER OF THE BASE RATE OF \$14.00 EACH MONTH, EFFECTIVE JULY 1, 2022.

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 within Pershing County.

B. Unless the Board of County Commissioners determines that it is fair and equitable to assess an individual or single classification generating waste on a parcel, the landowner thereof shall be assessed the full amount due as a result of each waste generating classification. (Ord. 133, 1993; Ord 349, 2022)

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 entity, including, but not limited to, a sole proprietorship, corporation, partnership, association, religious organization, trust, or incorporated organization, who resides in or is located in Pershing County.
- B. Household: Where a natural person or 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 classifications are located. (Ord. 349, 2022)

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 thirteen (\$13.00) per month, effective date July 1, 2022. The areas of Imlay (Tax Map Book 6 and 8), Unionville (Tax Map Book 12 and 15), and Grass Valley (Tax Map Book 9), shall be charged a multiple of the base rate of fourteen dollars (\$14.00) per month effective date July 1, 2022. Classifications shall be charged separately for each solid waste producing activity occurring on a parcel, as set forth in Appendix A on file in the Pershing County Clerk's Office, which appendix shall be adopted and modified from time to time by resolution. (Ord. 349, 2022)

13.06.050: RESIDENCES AND BUSINESSES ASSESSED ON REAL PROPERTY ROLL:

A. The billings for assessments shall be based on the ownership status and classification of each parcel on the date the Pershing County Assessor closes ownership changes on the real or personal 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. Classifications shall be billed on the secured or unsecured rolls at the discretion of the Pershing County Assessor.

D. Classifications not located on real property within the County, but generate solid waste, may pay a yearly assessment or pay a gate fee on a per load basis, as established by Appendix A on file in the office of the Pershing County Clerk.

E. The Treasurer of Pershing County shall collect and receive landfill assessment payments. The monies collected shall be maintained in a separate fund, designated as the Pershing County Landfill Fund. The monies collected are to be used only for the purposes of operating and maintaining the landfill and transfer sites and to provide funds for corrective action as required by State or Federal law. Interest from the Landfill Fund will go to the General Fund to cover administrative costs. No other use of such monies collected is authorized. (Ord. 133, 1993, Ord. 349, 2022)

13.06.060: 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 Pershing County Board of Commissioners. (Ord. 133, 1993)

13.06.070: PERMITS AND OTHER CHARGES:

A. All Classifications properly assessed under this chapter shall be exempt from the payment of per load fees at any landfill or transfer site in Pershing County, except as set forth in subsection B of this Section.

B. All Classifications shall be required to pay extraordinary load fees for loads consisting of demolition debris, non-compactible materials, oversized loads, and tires. An oversize load shall consist of more than two (2) cubic yards of noncompacted waste.

C. Any Classification failing to pay a landfill fee as required by this section shall be guilty of a misdemeanor and subject to prosecution. (Ord. 349, 2022)

13.06.080: 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 Pershing County Assessor. The request must be made to the Assessor before June 1st for assessments billed on the unsecured role and not later than September 30th for assessments billed on the secured roll of the fiscal year for which modification is sought.

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, Ord. 349, 2022).

13.06.090: REDUCTION OF ASSESSMENT FOR SENIORS:

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

B. Application under this section must be made 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 ($1/2$) of the base rate and applicable multiplying factor. (Ord. 349, 2022)

13.06.100: 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 of County Commissioners has the authority to grant such exemptions. (Ord. 349, 2022)

13.06.110: GOVERNMENTAL ENTITIES:

The Board of County Commissioners 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, 2022)

13.06.120: INDIAN LANDS:

The Board of County Commissioners 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)

13.06.130: SPECIAL USER FEES:

The Board of County Commissioners 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)

13.06.140: VACANT LAND:

There shall be no assessment on vacant land where waste is not generated. (Ord. 133, 1993).

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 16th day of February 2022.

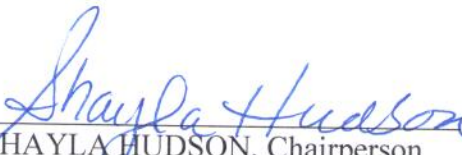
PROPOSED by Commissioner Shank.

PASSED on the 16th day of March 2022.


VOTE: Ayes:

Nays:

Absent:


SHAYLA HUDSON, Chairperson
PERSHING COUNTY
BOARD OF COMMISSIONERS

ATTEST:


Clerk