

SUMMARY – This ordinance imposes a host community fee on disposal sites (landfills) operating within Lincoln County based upon solid waste received.

**ORDINANCE NO. \_\_\_\_\_**  
**HOST COMMUNITY FEE FOR DISPOSAL SITES (LANDFILLS)**

TITLE — AN ORDINANCE THAT IMPOSES A HOST COMMUNITY FEE BASED UPON GROSS TONNAGE OF SOLID WASTE RECEIVED ON ALL DISPOSAL SITES OPERATING WITHIN THE JURISDICTION OF LINCOLN COUNTY.

WHEREAS, NRS 444.580 authorizes the Lincoln County Board of County Commissioners to adopt standards and regulations for the location, design, construction, operation and maintenance of solid waste disposal sites more restrictive than those adopted by the State Environmental Commission;

WHEREAS, NRS 444.520 authorizes the Lincoln County Board of County Commissioners, which has an approved plan for the management of solid waste, to provide for the levy and collection of other or additional fees and charges and require such licenses as may be appropriate and necessary to meet the requirements of its plan by ordinance;

WHEREAS, through Ordinance 2006-05, the Lincoln County Board of County Commissioners adopted a Solid Waste Management Plan;

WHEREAS, the Nevada Division of Environmental Protection adopted a Statewide Solid Waste Management Plan (2007) in which it acknowledged and planned for a County to “negotiate a ‘host’ fee with a private landfill developer that generates revenue for the County/municipality based on the tons of waste received at the landfill...”;

WHEREAS, the Lincoln County Board of County Commissioners finds that solid waste disposal sites within Lincoln County have several negative externalities, such as litter, dust, odor, noise, rodent, fire, traffic, and aesthetic impairment to the residents; and

WHEREAS, the Lincoln County Board of County Commissioners finds that owners of disposal sites should pay fees to the host community to offset the negative externalities caused by the sites.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, STATE OF NEVADA, DOES ORDAIN:

SECTION 1. As used in this Ordinance, unless the context otherwise requires, the words and terms defined in this section, inclusive, have the meanings ascribed to them in this section.

(a) “County” means Lincoln County, a subdivision of the State of Nevada.

(b) “Board” means the current Lincoln County Board of Commissioners and any future board constituting the legislative body of the County;

(c) “Class I site” means a disposal site pursuant to NAC 444.5705, which is comprised of at least one municipal solid waste landfill unit including all contiguous land and structures, other appurtenances and improvements on the land used for the disposal of solid waste; and is not a Class II or Class III site.

(d) “Class II site” means a disposal site pursuant to NAC 444.571, which is comprised of at least one municipal solid waste landfill unit including all contiguous land and structures, other appurtenances and improvements on the land used for the disposal of solid waste, which is comprised of at least one municipal solid waste

landfill unit; which accepts less than 20 tons of solid waste per day on an annual average; for which there is no evidence of contamination of groundwater originating from the site; which serves a community that has no other practicable alternatives for waste management; and which is located in an area which annually receives no more than 25 inches of precipitation.

(e) “Class III site” means a disposal site pursuant to NAC 444.5715, which accepts only industrial solid waste.

(f) “Company” means a business operating a landfill within Lincoln County.

(g) “Disposal site” is used interchangeably with the term “landfill” and means any place at which solid waste is dumped, abandoned, or accepted or disposed of by incineration, land filling, composting or any other method pursuant to NRS 444.460. The term includes a municipal solid waste landfill.

(h) “Host Community Fee” means a per ton fee payable to Lincoln County.

(i) “Treasurer” means the Lincoln County Treasurer.

SECTION 2. Host Community Fee Required. All Companies operating a landfill within Lincoln County shall pay a Host Community Fee.

SECTION 3. Payment. A Company operating a solid waste disposal site shall prepare and file monthly host community fee returns with the Treasurer. These host community fee returns shall indicate, at a minimum, the total tonnage of waste received at a site, the class designation of the site, and the host community fee total for the month. Monthly host community fee returns shall be filed on a form prescribed by the Treasurer.

Not later than thirty days after the end of the month to which such a return applies, the Company shall remit to the Treasurer the return for that month together with the host community fees that were required to be levied on all waste received during the month as indicated on the host community fee return. All facts presented by a Company in a host community fee return shall be validated by sworn affidavit or unsworn declaration made under penalty of perjury.

SECTION 4. Calculation. The host community fee shall be calculated as follows:

Class III sites.....	\$0.25 per ton
Class II sites.....	\$1.50 per ton
Class I sites .....	\$1.85 per ton

SECTION 5. Weighing. All Companies operating a disposal site within Lincoln County shall maintain and operate a scale certified by the State of Nevada at least once a year at the Company's expense. Such a scale shall be used to measure daily tonnage of solid waste received by each Company.

SECTION 6. Penalty. If a host community fee return or host community fees are not remitted within thirty days of the last day of the month to which the return applies, the Company shall pay an additional fifty percent of the amount of the host community fees for each month or fraction thereof that the fees were late. The late fee shall continue to accrue each month until the Company remits the host community fees. The late fee shall be calculated using the following formula: total late fee due = (amount of host community fees that are late) x (.5) x (number of months that the host community fees are late, expressed as a whole number or fraction).

SECTION 7. Distribution and Use. Moneys received by the Treasurer shall be paid into the solid waste fund of the County or the general fund if no solid waste fund exists. Moneys collected under this chapter shall be used exclusively for solid waste enforcement, County disposal sites, or solid waste collection.

SECTION 8. Audits. A Lincoln County representative may, upon reasonable written notice, review and audit the records of a Company to the extent necessary to ensure payment of a host community fee pursuant to this Ordinance. Lincoln County shall not request such an audit more than once every year. If the results of such a review and audit identify an underpayment of the host community fee in an amount that requires corrective action, Lincoln County may perform a subsequent compliance review and audit to determine whether the Company has corrected the underpayment of the franchise fee. Lincoln County representatives shall perform the compliance review and audit not later than 24 months after the date on which the Company submitted the results of the initial review and audit to Lincoln County.

Lincoln County and the Company shall each pay their own costs and fees relating to each review and audit performed pursuant to this Ordinance, except that if the Company elects to have the County representatives review and audit the requested business records of the Company at a location outside the territorial boundaries of Lincoln County, the Company shall pay the per diem allowances and travel expenses incurred by the Lincoln County representatives to perform the review and audit at that location.

SECTION 9. This Ordinance shall not restrict the right of Lincoln County to impose on a Company any generally applicable and nondiscriminatory fees, ad

valorem taxes, sales taxes or other taxes that are lawfully imposed on other businesses within Lincoln County.

UPON ADOPTION, the County Clerk of Lincoln County shall have this Ordinance published, by title only, together with an adequate summary including any amendments, once in a newspaper published in the County, if any, otherwise in a newspaper published in the County, and having a general circulation in the County. The County Clerk shall post this Ordinance in full at the Lincoln County Courthouse. This Ordinance shall take effect twenty (20) days after its publication.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by the following vote of the County Board of Commissioners:

AYES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

By: \_\_\_\_\_  
Edwin Higbee, *Chairperson*

ATTEST: \_\_\_\_\_  
Lisa Lloyd, *County Clerk*

**AFFIDAVIT OF POSTING**

STATE OF NEVADA        )  
                                  ) ss.  
COUNTY OF LINCOLN    )

Lisa Lloyd, being first duly sworn, deposes and says:

- 1. That she is and was at the time of posting hereafter mentioned,
- 2. That she is a citizen of the United States, over the age of twenty-one years;
- 3. That she is the duly appointed, qualified County Clerk of Lincoln County, State of Nevada;
- 4. That on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, Affiant posted on a public bulletin board in the Lincoln County Courthouse, a full, true and correct copy of Ordinance No. \_\_\_\_\_ entitled:

**HOST COMMUNITY FEE FOR DISPOSAL SITES (LANDFILLS)**

TITLE — AN ORDINANCE THAT IMPOSES A HOST COMMUNITY FEE BASED UPON GROSS TONNAGE OF SOLID WASTE RECEIVED ON ALL DISPOSAL SITES OPERATING WITHIN THE JURISDICTION OF LINCOLN COUNTY.

\_\_\_\_\_  
Lisa Lloyd, *County Clerk*

SIGNED AND SWORN TO (or affirmed) before me on \_\_\_\_\_, 2014 by

\_\_\_\_\_  
(Seal)

\_\_\_\_\_  
NOTARY PUBLIC

**PUBLIC NOTICE OF THE FILING OF A LINCOLN COUNTY ORDINANCE  
PURSUANT TO N.R.S. 244.100**

LINCOLN COUNTY HEREBY GIVES NOTICE that it filed Ordinance

No. \_\_\_\_\_, as follows, with the Lincoln County Clerk on \_\_\_\_\_, 2014:

SUMMARY – This ordinance imposes a host community fee on disposal sites (landfills) operating within Lincoln County based upon solid waste received.

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LINCOLN COUNTY GIVES FURTHER NOTICE that copies of the Ordinance are available for public examination and distribution upon request at the office of the Clerk of Lincoln County, Nevada, at #1 Main Street, Pioche; that said Ordinance was proposed and read by title on \_\_\_\_\_, 2014, and that the Lincoln County Board of Commissioners intends to take final action on the adoption of said Ordinance on its regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 as a regular measure.

IN WITNESS WHEREOF, the Board of Commissioners for Lincoln County, Nevada gives this Notice by reference to its Title and Summary.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

LINCOLN COUNTY

\_\_\_\_\_  
Edwin Higbee, *Chairperson*

PUBLISHED: on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**NOTICE OF ORDINANCE APPROVAL**

NOTICE IS HEREBY GIVEN that on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, 2014, the Lincoln County Board of Commissioners, in Lincoln County, Nevada, approved the adoption of an Ordinance for Lincoln County, Nevada, with the Summary and Title as follows:

SUMMARY – This ordinance imposes a host community fee on disposal sites (landfills) operating within Lincoln County based upon solid waste received.

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NOTICE IS FURTHER GIVEN that, pursuant to N.R.S. 244.100, notice of the adoption of the above-entitled Ordinance is being published by title, together with an adequate summary, including any amendments, once a week for a period of 2 weeks before it goes into effect in the Lincoln County Record. Typewritten copies of the ordinance in its entirety are available for inspection at the office of the county clerk and posted in full in the Lincoln County Courthouse. The Ordinance shall become effective twenty (20) days after its publication.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

LINCOLN COUNTY

\_\_\_\_\_  
Edwin Higbee, *Chairperson*

PUBLISHED: on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.