

Summary: An ordinance amending Chapter 2 of Title 4 of the City Code of the City of Ely providing residents who take their trash to an adjoining county's landfill and pay to that landfill may provide proof of that payment to the city clerk in order to receive a credit for the period of time the resident pays to the adjoining county's landfill. Change of "user/access fee" to "landfill fee" throughout Title 4.

TITLE:

PROPOSED ORDINANCE AMENDING CHAPTER 2 OF TITLE 4 OF THE CITY CODE OF THE CITY OF ELY PROVIDING RESIDENTS WHO TAKE THEIR TRASH TO AN ADJOINING COUNTY'S LANDFILL AND PAY TO THAT LANDFILL MAY PROVIDE PROOF OF THAT PAYMENT TO THE CITY CLERK IN ORDER TO RECEIVE A CREDIT FOR THE PERIOD OF TIME THE RESIDENT PAYS TO THE ADJOINING COUNTY'S LANDFILL AND CHANGING TERMINOLOGY IN TITLE 4 FROM "USER/ACCESS FEE" TO "LANDFILL FEE".

Whereas, Chapter 444 of the Nevada Revised Statutes provides the governing body of any municipality which has an approved plan for the management of solid waste may, by ordinance, provide for the levy and collection of other or additional fees and charges.

Therefore, the City Council of the City of Ely, State of Nevada, does AMEND and otherwise ordain that the sections of Chapter 2 of Title 4 of the City Code of the City of Ely specified below shall read as follows:

4-2-5: LIABILITY FOR PAYMENT:

All owners and occupants of commercial, agricultural, and residential premises shall, jointly and severally, be liable for and pay the landfill fee on structures in White Pine County in order to maintain and operate the local landfill for owner and occupant access. The landfill fee includes rates for dumping garbage, trash and waste matter as hereinafter set forth regardless of whether such commercial, agricultural, and residential premises be occupied or not. (Prior code § 11-2)

A. A property owner who takes his trash, refuse, waste, etc., accumulated on their property located in White Pine County to a landfill located in the adjoining Nevada counties of Eureka, Nye, Lincoln, and Elko, and the adjoining Utah counties of Juab, Tooele, and ~~another county~~ and Millard, and who pays a fee to that landfill, may

present proof of payment to said other landfill to the city clerk or his designee and the property owner will receive a complete credit toward his obligation to pay landfill fees to the city of Ely for the operation of the regional landfill for the time period within which he paid the fees to another landfill in a referenced adjoining county. This provision does not apply to any commercial, agricultural, or residential properties located within the City of Ely as the City does not border any referenced adjoining counties.

B. The property owner who is applying for and/or receiving credit must provide proof of payment to the other landfill at a minimum of an annual basis to the city clerk or his designee to receive continuing credit. (Ord. 659, 7-11-2013)

...
...
...

4-2-20: LANDFILL FEES

A. Limit On User/Access Landfill Fees: Pursuant to the provisions of Nevada Revised Statutes 444.520(2), the user/access landfill fees established or amended by this section are not subject to the limit on the maximum allowable revenue from fees established pursuant to Nevada Revised Statutes 354.5989.

B. Unpaid Fees Constitute Lien: Pursuant to Nevada Revised Statutes 444.520(3), until paid, any fee or charge levied pursuant to this section constitutes a perpetual lien against the property served, superior to all liens, claims and titles other than liens for general taxes and special assessments. The lien is not extinguished by the sale of any property on account of nonpayment of any other lien, claim or title, except liens for general taxes and special assessments. The lien may be foreclosed in the same manner as provided for the foreclosure of mechanics' liens.

C. Requirements To Establish Lien: A lien against property is not effective until notice of the lien, separately prepared for each lot affected, is:

1. Mailed to the last known owner at the owners' last known address according to the records of the county in which the property is located;

- 2. Delivered to the office of the county recorder of the county in which the property is located;
- 3. Recorded by the county recorder in a book kept for the purpose of recording instruments encumbering land; and
- 4. Indexed in the real estate index as deeds and other conveyances are required by law to be indexed. (Ord. 643, 7-8-2010)

This Ordinance shall take effect from and after passage, approval, and publication.

PROPOSED on the ____ day of _____, 2020.

PROPOSED by _____.

PASSED on the ____ day of _____, 2020.

Votes:

Aye: _____

Nay: _____

Absent: _____

MAYOR

ATTEST:

CITY CLERK