

NYE COUNTY ORDINANCE NO. 612

SUMMARY: An Ordinance Amending Nye County Code Title 8, Titled Health And Safety, Chapter 8.24 Titled Solid Waste Management, Section 8.24.020 Titled Definitions, By Adding The Definition Of Household Waste And State Of Nevada Identification Card; Article I Titled General Provisions, Section 8.24.050, Titled License Required For Solid Waste Haulers, By Changing The License Required For Solid Waste Haulers; Section 8.24.240 Titled Promulgation Of Regulations And Fee Schedule, By Increasing The Waiver Application Fee And Adding When Waivers Shall Not Be Granted; Chapter 8.24.250 Titled Waiver Of Use Fees, By Adding Verification Of A Nye County Resident For Household Waste And Other Waste Fees And Use Fees; And Providing For The Severability, Constitutionality And Effective Date Thereof; And Other Matters Properly Relating Thereto.

TITLE: AN ORDINANCE AMENDING NYE COUNTY CODE TITLE 8, TITLED HEALTH AND SAFETY, CHAPTER 8.24 TITLED SOLID WASTE MANAGEMENT, SECTION 8.24.020 TITLED DEFINITIONS, BY ADDING THE DEFINITION OF HOUSEHOLD WASTE AND STATE OF NEVADA IDENTIFICATION CARD; ARTICLE I TITLED GENERAL PROVISIONS, SECTION 8.24.050, TITLED LICENSE REQUIRED FOR SOLID WASTE HAULERS, BY CHANGING THE LICENSE REQUIRED FOR SOLID WASTE HAULERS; SECTION 8.24.240 TITLED PROMULGATION OF REGULATIONS AND FEE SCHEDULE, BY INCREASING THE WAIVER APPLICATION FEE AND ADDING WHEN WAIVERS SHALL NOT BE GRANTED; CHAPTER 8.24.250 TITLED WAIVER OF USE FEES, BY ADDING VERIFICATION OF A NYE COUNTY RESIDENT FOR HOUSEHOLD WASTE AND OTHER WASTE FEES AND USE FEES; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, at NRS 444.440, the Nevada Legislature has declared it to be the policy of Nevada to regulate the collection and disposal of solid waste in a manner that will: 1) Protect public health and welfare; 2) Prevent water or air pollution; 3) Prevent the spread of disease and the creation of nuisances; 4) Conserve natural resources; and 5) Enhance the beauty and quality of the environment; and

WHEREAS, pursuant to NRS 444.440 to 444.748, inclusive, Nye County is authorized and required to provide for a solid waste management system which adequately provides for the management and disposal of solid waste within the boundaries of the county, whether generated within or outside of the boundaries of the area; and

WHEREAS, the Nevada Division of Environmental Protection has adopted regulations regarding the design and operation of solid waste facilities located within Nevada; and

WHEREAS, pursuant to NRS 444.510 and the regulations adopted by the Nevada Division of Environmental Protection, the Nye County Board of Commissioners has developed a Solid Waste Management Plan for Nye County; and,

WHEREAS, pursuant to NRS 444.520, the Board of County Commissioners is authorized to enact an ordinance providing for the levy and collection of fees and charges and the issuance of licenses as may be appropriate and necessary to meet the Board of County Commissioners' responsibilities, as enumerated in NRS 444.460 to 444.610, inclusive; and,

WHEREAS, pursuant to NRS 444.530, the Board of County Commissioners must enact an ordinance establishing regulations for the operation of Nye County's solid waste management system,

NOW THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

CHAPTER 8.24 SOLID WASTE MANAGEMENT

8.24.010: DECLARATION OF POLICY

It is hereby declared to be the policy of Nye County to regulate the collection and disposal of solid waste in a manner that will protect public health and welfare; prevent water or air pollution; prevent the spread of disease and the creation of nuisances; conserve natural resources; and enhance the beauty and quality of the environment. Effectuation of this policy will be pursued through solid waste planning; maintenance of County sanitary landfills and transfer stations in compliance with all applicable State and Federal laws; the enactment, as needed, of rules, regulations and fee structures for the County's sanitary landfills and transfer stations; the vigorous enforcement of this chapter; and such other activities as may be needed to carry out the County's solid waste management plan. (Ord. 164, 1994)

8.24.020: DEFINITIONS

In construction of this chapter, the following definitions shall apply, unless the context clearly requires otherwise:

ASBESTOS: Any substance or material which contains the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite, or actinolite.

ASHES: The residue from the burning of wood, coal, coke, or other combustible solid waste.

BOARD: The Board of County Commissioners.

BUSINESS DAY: Weekdays, Monday through Friday, excluding Saturday, Sunday and all State and Federal holidays.

CALENDAR DAY: A period from twelve o'clock (12:00) midnight on a given day of the week to twelve o'clock (12:00) midnight on the next day of the week.

COLLECTION: The act of removing solid waste from storage at the place of waste generation.

COMMERCIAL RECYCLER: A licensed solid waste hauler that is permitted to collect and transport recyclables pursuant to subsection 8.24.310F of this chapter.

COMMERCIAL SOLID WASTE: All types of solid waste generated by stores, offices, and other commercial sources excluding residences, and excluding industrial wastes.

COMPACTED: Reduced in volume by two-thirds (2/3) or more, but not weight, by mechanical equipment.

COMPOSTING: A controlled process of biological degradation of solid waste to an inoffensive humus-like product.

CONSTRUCTION OR DEMOLITION DEBRIS: Solid waste resulting from the construction, remodeling, repair, and/or demolition of buildings and other structures, those solid wastes including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, block, and concrete and excavation dirt, rock, stone and gravel. The term does not include uncontaminated soil, rock, stone, gravel, unused brick and block and concrete if they are separate from other solid waste construction or demolition debris and are to be used as clean fill.

DISPOSAL: The deposit, discharge, or injection of any solid or liquid waste at an approved location intended for final disposition of that waste.

DISPOSAL SITE: Any land area used for the final disposal of solid waste, provided that the term does not include land used for the disposal of solid waste from a single-family residence, store, office or other commercial source, an occupant of which is the owner, occupant or lessee of the land.

FRANCHISEE: Any person who has contracted with the County or any municipality within the County for the exclusive collection of solid waste and/or recyclables.

FRIABLE ASBESTOS: Any material containing more than one percent (1%) asbestos by weight that hand pressure can crumble, pulverize, or reduce to powder when dry. (Only permitted landfills.)

GARBAGE: Putrescible animal and vegetable wastes resulting from the handling, storage, sale, preparation, cooking and serving of food.

GENERATOR: The person, business, corporation or facility that is directly responsible for the generation of a waste material.

HAZARDOUS WASTE: Those wastes that can cause injury, disease or property damage including, but not limited to, explosives, pathological wastes, radioactive materials and chemicals, and/or meet the criteria for hazardous waste in Nevada Administrative Code (NAC) 444.8632 (includes radioactive wastes or anything considered hazardous waste by the state of origin).

HOUSEHOLD WASTE: Waste including garbage, trash, and sanitary wastes, derived from households, including single and multiple family residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and recreation areas used during the daytime.

INCINERATOR: An engineered waste burner specially designed and constructed for the sole purpose of burning solid waste.

INDUSTRIAL WASTE: Solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under subtitle C of the Resources Conservation Recovery Act "RCRA".

INFECTIOUS WASTE: Waste materials derived in whole or in part from:

- A. Cultures and stocks of infectious agents and associated biological materials;
- B. Pathological wastes;
- C. Contaminated animal carcasses and body parts;
- D. All sharps;
- E. Human blood and blood products;
- F. Byproduct waste such as, but not limited to, dressings, bedding, swabs, pads and gloves; and/or
- G. Invasive disposable equipment which has been, or may have been, in contact with known infectious materials.

LANDFILL: An area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile.

LICENSING AUTHORITY: The Board of County Commissioners.

MINING WASTE: Solid waste residues which result from mining operations and which are dumped in permitted landfills on the land owned or leased by the mining operation that extracted them. For purposes of this chapter, these residues do not include overburden, heap leach materials, waste rock or soil, and other earth deposits resulting from extractive operations.

MULTIPLE DWELLINGS: Apartments and any other collection of two (2) or more residences which are grouped together under the management of one person and which do not require separate individual collection of solid waste.

MUNICIPAL SOLID WASTE LANDFILL: Any landfill or landfill unit that receives household solid waste, commercial waste, nonhazardous industrial waste, dried sewage sludge, or construction/demolition debris.

MUNICIPALITY: Any city or town within the County, whether incorporated or unincorporated.

NUISANCE:

- A. Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property;
- B. A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog;
- C. A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog, and:
 - 1. Which has not been deemed safe for habitation by the State Board of Health; or

2. From which materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed or remediated by an entity certified or licensed to do so within one hundred eighty (180) calendar days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog; or

D. A building or place regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of crimes by the criminal gang.

OPEN BURNING: Any fire from which the products of combustion are emitted directly into the atmosphere without passing through an approved control device.

PATHOLOGICAL WASTES: Human and animal remains, consisting of carcasses, organs and solid organic waste from hospitals, laboratories, abattoirs, animal pounds and similar sources.

PERSON: Any individual, partnership, firm, private corporation, other entity, trust, estate, commission, board, public or private institution, utility or cooperative, and includes the State of Nevada and the United States, to the extent authorized by State and Federal law.

PLACE OF BUSINESS: Any place of business in the County, other than multiple dwellings, to conduct or carry on principally or exclusively any pursuit or occupation for the purpose of gaining a livelihood.

PUBLIC BUILDING: Office buildings, clubs, churches, schools, hospitals or other places of similar character.

PUTRESCIBLE: Capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases.

RECREATION: The process or means of refreshing or entertaining oneself by some pleasurable activity.

RECYCLABLE MATERIALS OR RECYCLABLES: Those materials in or out of the solid waste stream that have useful physical, chemical or biological properties after serving their original purpose and that can, therefore, be reused or recycled for the same or other purposes. Reusable materials and salvageable materials are considered to be recyclables for the purpose of this chapter. When separated from the solid waste stream, garbage for use as food for animals and restaurant grease are classified as recyclables.

Material that is otherwise recyclable shall be regulated and managed as solid waste, even if destined or intended for recycling: a) when commingled with other solid wastes, or b) when a charge or fee, in any form or amount, is directly or indirectly imposed on, charged or assessed to, or paid by, the generator in exchange for the collection, removal, transportation, processing, conversion, digestion, handling or disposal of such material. Any such "fee for service" recycling shall constitute solid waste handling for purposes of this chapter.

REFUSE: All putrescible and non-putrescible solid wastes, including garbage, rubbish, street cleanings, dead animals, yard clippings and market and industrial wastes.

RUBBISH: Non-putrescible solid waste, consisting of both combustible and noncombustible wastes, including, but not limited to, wood, leaves, dead trees or the branches of trees, chips, shavings, sawdust, woodenware, printed matter, paper, cardboard, grass, rags, straw, abandoned automobiles, tin cans,

wood, glass, bedding, crockery and similar materials not included in this chapter under the term "garbage".

SALVAGE YARD: Any approved and licensed place/location where salvaged material is accumulated and/or regularly dismantled, stored or offered for sale, and may include a recycling facility.

SALVAGING: The controlled collection of any material for reuse, sale, or recycling that otherwise would be destined for disposal.

SANITARY LANDFILL: A disposal site at which an engineered method is used to dispose of solid waste on land by spreading the waste in thin layers, compacting the waste to the smallest practical volume and covering the waste with soil each day of operation in a manner that safeguards against environmental pollution.

SCAVENGING: The uncontrolled and/or unauthorized removal of solid waste from a solid waste landfill, or of solid waste or recyclables from an authorized receptacle intended for the collection of such solid waste or recyclables, for any purpose.

SHARPS: Needles, syringes, blades, and related articles.

SINGLE-FAMILY RESIDENCE: A building or dwelling wherein not more than one family resides or dwells, and where no business, except a home-based office employing only family members at the residence, is conducted. A single-family residence also includes a mobile home, apartment or other unit in a multiple dwelling, provided that the person(s) residing in said mobile home, apartment or multiple dwelling is billed and pays personally and individually for solid waste collection services to that residence; that is, contracting and payment for solid waste collection services for the mobile home park, apartment complex or multiple dwelling is not made collectively, whether by the owner or its tenants.

SOLID WASTE: Any putrescible and nonputrescible refuse in solid or semisolid form that has been discarded or abandoned by its owners, including, but not limited to, garbage, rubbish, junk vehicles and parts, ashes or incinerator residue, dead animals, construction or demolition debris, commercial and industrial waste, and hazardous waste, including explosives, pathological waste, chemical waste and herbicide or pesticide waste, refuse, and recyclables that are commingled solid waste.

SOLID WASTE HAULER: Any person, including a commercial recycler but excluding the franchisee, who collects, transports and/or hauls waste, solid waste and/or recyclables within Nye County, including, without limitation, to a Nye County solid waste facility managed by Nye County or licensed under this chapter. The waste may originate within Nye County or outside of Nye County.

STATE OF NEVADA IDENTIFICATION CARD: A Nevada state identification card is a document that verifies the identity of Nevada residents. It's issued by the Nevada Department of Motor Vehicles (DMV).

TERMINATING OPERATIONS: At the time operations cease, either based on the term of the permit or the permit holder stops operation for any reason for more than six (6) consecutive months, the termination period will start. The termination process will include all closure activities including cleanup and remediation of the property, reclamation and post-closure monitoring if required. This process should be defined in all permits and include bonding and a Reclamation and Closure Agreement.

TOURIST: A person whose sole purpose for visiting or being present within Nye County is to engage in recreation.

TRANSFER STATION: A solid waste processing site where solid waste is transferred from one vehicle to another vehicle or storage bin for temporary storage until transferred to a sanitary landfill.

VECTOR: A living insect or other arthropod or animal (not human) capable of carrying infectious disease from one person or animal to another.

WASTE: Useless, unwanted, or discarded materials resulting from any activity. (Ord. 516, 2017)

8.24.030: AUTHORITY OF BOARD OF COUNTY COMMISSIONERS

The Board may, by contract or otherwise, or in any manner such Board may deem necessary or desirable for the health, safety and welfare of the inhabitants of the County, provide for the collection and disposal of solid waste and recyclables from residences, multiple dwellings, places of business and public buildings, at the expense of the County or otherwise. Notwithstanding any other provision in this chapter, all matters relating to the collection, transporting, and/or hauling, but not the processing or disposal, of solid waste and recyclables in any town which has its own ordinance or franchise agreement the town shall be governed by that town's ordinance or franchise agreement to the extent that such ordinance is inconsistent with the provisions of this chapter. (Ord. 516, 2017)

8.24.040: AUTHORITY TO ISSUE CITATIONS

The Nye County Sheriff, Sheriff's deputies, and the County's Code Enforcement Officer are each authorized to prepare, sign and serve misdemeanor citations, pursuant to Nevada Revised Statutes chapter 171, and to act otherwise, in order to enforce the provisions of this chapter. (Ord. 516, 2017)

8.24.050: LICENSE REQUIRED FOR SOLID WASTE HAULERS

All solid waste haulers which haul solid waste to Public or Private facilities in Nye County shall be licensed by the County. The license shall be designated a solid waste hauler license. (Ord. 516, 2017)

8.24.060: LICENSE APPLICATION

Every person applying for a license under this chapter shall make such application on a form provided by the licensing authority. (Ord. 516, 2017)

8.24.070: ISSUANCE OF LICENSE

A solid waste hauler license shall be issued for a one-year period, upon submission of a completed license application; payment of the license fees; inspection of the vehicles, as provided for in section 8.24.080 of this article; and demonstration of insurance coverage, as provided for in section 8.24.090 of this article. The license shall be valid from July 1 to June 30 of the following year. There shall be no proration of license fees. (Ord. 516, 2017)

8.24.080: VEHICLE INSPECTIONS

All vehicles used by a licensed solid waste hauler for activities within Nye County will be inspected annually by a law enforcement agency or authorized and licensed vehicle inspector prior to issuance or reissuance of a license. The law enforcement agency or the authorized and licensed vehicle inspector will confirm that the vehicle is properly licensed by the Nevada Department of Motor Vehicles and will inspect it to ensure that it is in good operating condition. (Ord. 516, 2017)

8.24.090: INSURANCE REQUIREMENTS

- A. The applicant for a solid waste hauler license shall demonstrate that he or she carries insurance on all vehicles which will be used for collecting and/or hauling solid waste within Nye County. The insurance coverage must be sufficient in the view of the Nye County Department of Public Works, appropriate to commercial vehicle operation and comply with State and Federal regulations.
- B. In addition to motor vehicle insurance, the applicant shall carry liability insurance sufficient in the view of the Nye County Department of Public Works to reimburse Nye County for cleanup of any load spills on public highways or roads.
- C. Failure of a solid waste hauler to secure and maintain the required insurance coverages shall be grounds for immediate revocation of the solid waste hauler license held by that person. (Ord. 516, 2017)

8.24.100: REVIEW OF RECORDS AND OPERATIONS

- A. Every solid waste hauler licensed pursuant to this article shall allow the Nye County Department of Public Works to review and inspect its records and operations, for purposes of auditing the quantity and point of origination/generation of the solid waste disposed of within Nye County, and the solid waste hauler's compliance with the requirements of this chapter.
- B. The Nye County Department of Public Works shall request access to the records and/or operations of a solid waste hauler no later than two (2) business days prior to the planned inspection; and all such inspections shall be completed during the normal working hours of the business.
- C. A solid waste hauler's failure or refusal to allow the Nye County Department of Public Works to inspect its records and/or operations shall be grounds for immediate revocation of the solid waste hauler license held by that person.
- D. This section is intended to provide the Nye County Department of Public Works with a limited right of access to, and inspection and review of, certain records of the licensed solid waste hauler, which is to be exercised and undertaken at the licensee's premises. This section does not confer upon the County a right to remove, or retain, any of the licensee's records without the prior express, written permission of the licensee, which may be granted or withheld, at any time, in the licensee's sole and absolute discretion. Despite an agreement by a licensee to authorize the County to remove or retain any such records, the records may be considered public records pursuant to Nevada Revised Statutes 239.010, and open to public inspection and copying. Nye County will have a duty to disclose unless a particular record is confidential by law or a common law balancing of interests. (Ord. 516, 2017)

8.24.110: ALL PERSONS SUBJECT TO RULES AND REGULATIONS

Any person (including, without limitation, a solid waste hauler) collecting, transporting, hauling, processing, or disposing of solid waste or recyclable materials within Nye County shall do so subject to the rules and regulations of the County and all applicable Federal and State laws and County ordinances. (Ord. 516, 2017)

8.24.120: UNLAWFUL DISPOSAL OF SOLID WASTE

- A. It is unlawful for any person to throw or deposit, or cause to be thrown or deposited, in any road, street, alley, or other thoroughfare within the limits of the County, any solid waste or recyclables.
- B. No person shall throw, or cause to be thrown, or deposited, any solid waste, or recyclables upon the property or premises (without written permission of the legal owner), or into the receptacles of, any other person within the limits of Nye County.
- C. No person shall place, deposit, or accumulate, or cause to be placed, deposited or accumulated, any solid waste or recyclables in such a manner, or permit the same to remain on his premises in such condition, so that the same may be blown or carried over to public or other private property by any means whatsoever.
- D. No person shall throw, dump or deposit or cause to be thrown, dumped or deposited any solid waste or recyclables in any areas, including vacant lots, yards and any desert areas, located within Nye County not authorized or licensed for deposit of these materials.
- E. No person shall knowingly arrange for solid waste hauling service from any person who does not possess the requisite authorization (license or franchise) from the County of Nye to operate as a solid waste hauler.
- F. No person shall place a roll-off container, front load bin, or other container for the storage and removal of any solid waste from any real property within the limits of the County who does not possess the requisite authorization (license or franchise) from the County of Nye to operate as a solid waste hauler.
- G. Any person or persons convicted of violating any portion of this section may be convicted of a misdemeanor; carrying up to six (6) months in jail and/or one thousand dollars \$1,000.00 in fines. (Ord. 516, 2017)

8.24.130: IDENTIFICATION OF VIOLATOR

- A. Identification of the owner of any solid waste which is disposed of in violation of this chapter creates a reasonable inference that the owner is the person who disposed of the solid waste.
- B. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude identification of its owner. (Ord. 516, 2017)

8.24.140: BURNING OF SOLID WASTE OR RECYCLABLES

It is unlawful for any person, for the purpose of disposal of solid waste or recyclables by burning, to kindle or maintain any bonfire, or knowingly to furnish the materials for such fire, or to authorize any such fire to be kindled or maintained in any solid waste or recyclables receptacle, or on any road, street, alley, land or other thoroughfare, public grounds or upon any private property, within Nye County, unless a written permit so to do shall first have been secured from the appropriate municipal Fire Department, or except as permitted for energy recovery and/or incinerator permits. (Ord. 516, 2017)

8.24.150: TRANSPORTATION OF SOLID WASTE

It is unlawful to use any cart, trailer, or other vehicle for the conveyance or removal of solid waste or recyclables unless such cart or vehicle is staunch, tight or otherwise appropriately constructed and closely covered with a wooden, metal, wire, canvas or tarp cover or otherwise covered or contained, so as wholly

to prevent leakage, sifting, spilling, drifting or blowing of such solid waste or recyclables or odors from such solid waste or recyclables or any portion thereof, in or upon the roads, streets, alleys or other thoroughfares through which such cart, trailer, or vehicle may be driven or pulled. (Ord. 516, 2017)

8.24.160: SOLID WASTE RECEPTACLES

- A. It shall be the duty of every tenant, lessee, manager, owner or occupant of any place of business, public building, multiple dwelling or single-family residence to provide, without expense to the County, and at all times to keep within the dwelling, residence or business or on the lot upon which the building is situated, suitable and sufficient watertight cans or receptacles with suitable bales or handles, each having a tight-fitting cover for receiving and holding, without leakage or escape of odors, all garbage which would ordinarily accumulate on the premises in one week's time. All garbage shall be placed in such receptacles. Covers shall not be removed except when necessary to place solid waste therein. Each receptacle and its cover shall be kept clean from accumulating grease and decomposing waste.
- B. It shall be the duty of every tenant, lessee, manager, owner or occupant of any place of business, public building, multiple dwelling or single-family residence to provide, without expense to the County, and at all times to keep within the dwelling, residence or business or on the lot upon which the building is situated, boxes, barrels or other proper receptacles sufficient to hold the rubbish and other non-putrescible refuse which would ordinarily accumulate on the premises in one week's time. All rubbish and other non-putrescible refuse shall be placed in such boxes, barrels or other proper receptacles. No such box, barrel or other receptacle shall, with its contents, weigh more than seventy-five (75) pounds, unless that receptacle is specially equipped to be mechanically manipulated by the franchisee.
- C. It is unlawful for any person to place ashes in any receptacle other than one constructed entirely of metal. (Ord. 516, 2017)

8.24.170: PLACEMENT OF SOLID WASTE IN RECEPTACLES; EXCEPTIONS

- A. Except as hereafter expressly provided, all solid waste shall be placed in a receptacle.
- B. Tree trimmings, scrap lumber and other solid waste which can be bundled may be bundled if securely tied. Bundles shall not exceed three feet (3') in length nor weigh more than seventy-five (75) pounds.
- C. Recycling facilities may store bulk recyclable solid wastes in appropriate bins, constructed to control blowing litter or potentially dangerous materials. (Ord. 516, 2017)

8.24.180: LOCATION OF SOLID WASTE RECEPTACLES

All receptacles for the receiving and holding of solid waste shall at all times be located in such places as to be readily accessible for removing and emptying the matter therefrom, but they shall not be placed within the limits of any road, street, alley or other thoroughfares (except on designated trash pickup days), or where they will become a nuisance or in any degree offensive. (Ord. 516, 2017)

8.24.190: INTERFERING WITH OR REMOVAL OF RECEPTACLES

It is unlawful for any person, other than the owner, the County, a town or city within the County, a franchisee or other solid waste hauler acting pursuant to a services contract, or their duly appointed agents, to interfere in any manner with any receptacles containing un-compacted solid waste or to remove any such receptacle from the location where placed for pickup by the solid waste hauler. (Ord. 516, 2017)

8.24.200: REMOVAL OF SOLID WASTE FROM RECEPTACLES

No other person other than the tenant, lessee, manager, resident or property owner, the County, a town or city within the County, a franchisee or other solid waste hauler acting pursuant to a services contract, or their duly appointed agents shall remove any un-compacted solid waste or recyclable material from solid waste receptacles maintained by a resident, owner, or a franchisee or solid waste hauler.

From the time of placement of the solid waste receptacles, rigid container or collection bag at the curbside, the contents thereof become the property of the solid waste hauler. Solid waste hauler does not assume ownership of any toxic or hazardous substances or other materials that are not solid wastes. (Ord. 516, 2017)

8.24.210: DEPOSIT OF SOLID WASTE AT AUTHORIZED DISPOSAL SITES

Except as provided in section 8.24.220 of this article, all solid waste collected within the County shall not be deposited at any place within the County limits, except at a sanitary landfill site or transfer station operated by the County (or a licensed recycling facility) or its authorized contractor. (Ord. 516, 2017)

8.24.220: DEPOSIT OF SOLID WASTE AT AUTHORIZED DISPOSAL SITES; EXCEPTIONS

- A. Mining waste may be disposed of in a landfill operated by the mine from which the waste is generated; provided, however, that such landfills must meet all applicable State and Federal laws, rules and regulations and, provided further, that the County shall have the right to periodically review planning documents for landfills operated by mines, to certify their compliance with applicable laws.
- B. Junk vehicles will not be accepted at any sanitary landfill or transfer station operated by the County, or its authorized contractor (as it pertains to the landfill permit or Nevada Revised Statutes).
- C. Commercially generated hazardous waste, industrial sludge and asbestos, shall not be disposed of in any sanitary landfill or transfer station operated by the County, or its authorized contractor. Commercially generated hazardous waste, industrial sludge and asbestos must be disposed of in an approved facility (or permitted landfill as it pertains to the landfill permit or Nevada Revised Statutes).
- D. Except as hereafter provided, solid waste generated by Federal facilities within Nye County, excepting Federal public facilities such as parks or national forest facilities, shall be disposed of at landfills established within the boundaries of that facility or another Federal facility, and shall not be disposed of at any sanitary landfill or transfer station operated by the County, or its authorized contractor.

1. The Nye County Department of Public Works may approve the disposal of solid waste generated by a Federal facility at any sanitary landfill operated by the County, or its authorized contractor.
 2. Any person disposing of waste generated by a Federal facility, pursuant to subsection D1 of this section, shall pay the fees unless an alternative fee is negotiated with and approved by the Board of County Commissioners.
- E. Nothing in this chapter shall be deemed to prevent the diversion of solid waste from the solid waste stream for use in construction, land stabilization or other recycling endeavors by the generator of the solid waste. Any person other than the generator of the solid waste who uses the solid waste for construction, land stabilization or other recycling endeavors, must possess the requisite authorization (license or franchise) from the County of Nye to operate as a solid waste hauler and must strictly comply with this Code. (Ord. 516, 2017)

8.24.230: USE OF UNMANNED DISPOSAL SITES RESTRICTED

No person, not a resident of, or a tourist in, the County shall dispose of solid waste in any sanitary landfill or transfer station operated by the County or its authorized contractor, for which no person is employed to control access to and use of the landfill or transfer station. (Ord. 516, 2017)

8.24.240: PROMULGATION OF REGULATIONS AND FEE SCHEDULE

- A. The Board shall promulgate regulations to carry out and effect the provisions of this chapter and, from time to time as deemed necessary or advisable, may amend those regulations. Such regulations or amendments thereto shall not become effective until the resolution adopting such regulations is published at least one time in a newspaper of general circulation in the County, and the public is noticed of the place where a copy of the regulations or amended regulations may be reviewed or obtained.
- B. The Board, by resolution shall promulgate a schedule of the fees and penalties required by this chapter; and, from time to time as deemed necessary or advisable, the Board by resolution may amend that schedule of fees and penalties. The resolution adopting the fee or penalty schedule, or any amendments thereto, must be published at least one time in a newspaper of general circulation in the County prior to the fees or penalties going into effect.
 1. Waiver Of Fees: The Nye County Public Works Director or the Board of County Commissioners may, at its discretion, grant to a property owner a partial or full waiver of the annual landfill maintenance fees assessed to that property owner, where such a waiver is required to provide equity.
 2. Waiver Application: An application for a waiver, including a three-hundred-dollar (\$300.00) processing fee for each parcel shall be submitted to the Director of the Nye County Public Works Department, who will review the application and make a determination either granting a partial or full waiver or denying the application, based on the criteria for granting of a waiver as outlined below. Nye County Public Works shall notify the applicant by certified mail of its determination. Within ten (10) business days

after notice of the Public Works Director's determination has been served, the applicant may file with Nye County Public Works a written request for hearing before the Board. Nye County Public Works shall present it to the Board of County Commissioners with his or her determination. The Board shall review the application to grant or deny the waiver, based on the criteria for granting of a waiver as outlined below.

3. **Criteria For Granting Landfill Fee Waiver:** In order to grant a waiver of the landfill maintenance fees, the Board must find that at least one of the following conditions applies to the subject property:
 - a) **Patented Mining Claims:** For parcels where the surface rights are either severed or are not being used by the mining claim owner, the Board may grant a waiver of the landfill maintenance fees.
 - b) **Agricultural Uses:** Where separate parcels are used for active agricultural purposes (i.e., grazing, crop production, etc.), the Board may grant a waiver of the landfill maintenance fee for those properties, however, any parcel upon which a residential dwelling unit exists shall not be granted a waiver.
 - c) **Horse Corrals:** Where properties are being used as horse corrals only, where no residential dwelling unit exists, a waiver may be granted.
 - d) **Residential Lots Under A Common Use:** Where separate, adjoining properties are under the same residential use, a waiver may be approved for all but one of the subject properties. For example, when a primary residential dwelling unit is located on one parcel, and on an adjacent and contiguous parcel, there is an associated residential structure such as a storage building, garage, workshop, etc. Vacant, undeveloped lots having no buildings constructed thereon shall not qualify for approval of a waiver.
 - e) **Commercial Lots Under A Common Use:** For commercial uses, approval may be granted when adjacent and contiguous parcels are under a related business use, for example a hardware store being located on one parcel with an adjacent parcel containing a lumberyard associated with the primary business.
4. **Waivers Not Granted:** Waivers shall not be granted for the following:
 - a) **Multiple Parcels:** Waivers shall not be granted for any of multiple parcels owned by the same owner within an area where the parcels were created either through a parcel map or subdivision map, if the parcels are not under one common business or residential use.
 - b) **Vacant Parcels:** Waivers shall not be granted for vacant or undeveloped properties. For purposes of this section, parcels having only a perimeter fence or other minor improvements, with no buildings constructed thereon, shall be considered a vacant parcel.

- c) No Extenuating Circumstances: Waivers shall not be granted when there are no extenuating circumstances. (Ord. 516, 2017)
- d) Waivers shall not be granted for any solid waste hauler or solid waste being transported to Nye County for disposal.

8.24.250: WAIVER OF USE FEES

Except as provided in section 8.24.220 of this article, any person may dispose of solid waste at any sanitary landfill or transfer station operated by the County, or its authorized contractor, subject to the rules, rates and fees established for such sanitary landfill or transfer station, provided however, that:

- A. Any resident (as verified by State of Nevada Identification Card), lessee or tenant of Nye County may dispose of household waste generated at his or her own residence at any such sanitary landfill or transfer station operated by the County or its authorized contractor without charge, in accordance with such other rules and regulations as the Board of County Commissioners may from time to time adopt.
- B. Any business located within Nye County may dispose at any such sanitary landfill or transfer station of commercial solid waste generated at his or her own place of business without charge, upon presentation of a current, paid landfill maintenance fee bill from Nye County, and valid identification.
- C. All other types of waste from Nye County residents will be charged according to the sanitary landfill rates established by Nye County. A person who disposes of solid waste at the landfill must provide a State of Nevada Identification Card that proves residency in Nye County to be eligible for in-county disposal rates set forth by the Board of County Commissioners.
- D. Except as hereafter provided, the use fees shall be waived for any franchised solid waste hauler holding a license issued pursuant to this article.
 - 1. Except as otherwise provided by a specially negotiated fee agreement, pursuant to subsection 8.24.220D2 of this article, solid waste haulers licensed pursuant to this article shall pay the use fees for all out of County wastes (i.e., wastes generated or collected outside of Nye County) and wastes generated by Federal facilities (except parks, national forests and other public Federal facilities) deposited at any such sanitary landfill or transfer station owned or operated by Nye County or its authorized contractor.
 - 2. Each solid waste hauler licensed pursuant to this article, on a monthly basis shall report to the Nye County Department of Public Works the total yards of out of County wastes and wastes generated by Federal facilities deposited by the solid waste hauler at any such sanitary landfills and transfer stations owned or managed by Nye County or its authorized contractor.
 - 3. Concurrent with the filing of its monthly report, as required by subsection C2 of this section, each solid waste hauler shall remit to the Nye County Treasurer the total amount of fees due, based on the reported volumes. (Ord. 516, 2017)

8.24.260: RULES AND REGULATIONS FOR DISPOSAL OF SOLID WASTE

From time to time, the Board of County Commissioners, by resolution, may establish rules and regulations for any sanitary landfill or transfer station operated by the County or its authorized contractor. (Ord. 516, 2017)

8.24.270: INFECTIOUS WASTE DISPOSAL

- A. All requirements of this chapter, without regard to the quantity of infectious waste produced, shall apply to any health care facility which is a primary care clinic, surgical clinic or chronic dialysis clinic, acute psychiatric hospital, skilled nursing facility, intermediate care facility or intermediate care facility for the developmentally disabled, outpatient clinic or other similar facility, hospital, doctor's office, dental office, veterinarian office, home health care facility, prison facility, or related business.
- B. Infectious waste, except for sharps capable of puncturing or cutting shall be contained in one of the following ways:
 - 1. Contained in double disposable, red, plastic bags, which are impervious to moisture and have a strength sufficient to preclude ripping, tearing or bursting under normal conditions of usage, and of handling the waste-filled bags. Each bag shall be constructed of material of sufficient single strength to pass the 165-gram dropped dart impact resistant test, as prescribed by standard B 1709-75 of the American Society for Testing and Materials, and certified by the bag manufacturer. The bags shall be securely tied so as to prevent leakage or expulsion of solid or liquid wastes during storage, handling or transport.
 - 2. Contained in plastic-lined boxes specifically designed to store infectious waste, conspicuously labeled with the words "INFECTIOUS WASTE" or with the international biohazard symbol and the word "BIOHAZARD".
- C. Contaminated sharps shall be contained for disposal in leak proof, rigid, puncture-resistant containers such as cartons or metal cans which are taped closed or tightly lidded to preclude loss of the contents. These containers shall be labeled in the same way as other infectious wastes.
- D. All infectious waste shall be segregated from other solid waste during storage and transportation to a disposal site, as required by Nevada Administrative Code 444.662. (Ord. 516, 2017)

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application thereof to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit from and after the 23rd day of December, 2024.

Proposed on the 21st day of November, 2024

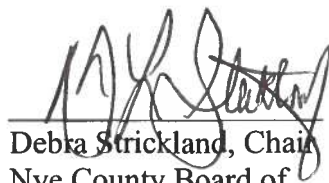
Proposed by: Commissioner Carbone

Adopted on the 3rd day of December, 2024.

Vote: Ayes:
Nays:
Absent:

Commissioners: Strickland, Boskovich, Carbone, Cox, Jabbour
Commissioners: Ø
Commissioners: Ø

BY:


Debra Strickland, Chair
Nye County Board of
County Commissioners

ATTEST:


Cori Fredhof
Clerk and Ex-Officio
Clerk of the Board