

RESOLUTION NO. 1382

A RESOLUTION OF THE PARK COUNTY COMMISSION TO AMEND THE PARK COUNTY SOLID WASTE DISTRICT #1 FEE POLICY AND SCHEDULE OF CHARGES

WHEREAS, the Park County Solid Waste Board recommended amendments to the Park County Solid Waste District #1 Fee Policy and Schedule of Charges as set forth in the attached.

WHEREAS, this resolution effects all parcels within Solid Waste District #1 which is comprised of all parcels located within Park County, Montana, with the exception of the City of Livingston;

WHEREAS, notice of the amendment to the fee policy and schedule of charges was given in accordance with State law and published twice in the Livingston Enterprise on August 10th and 17th, 2022;

WHEREAS, a public hearing was held on August 23rd, 2022, at 9:00 a.m. at the Commission Chambers, 414 East Callender Street, Livingston, MT. The Park County Commission considered all public comments and objections provided at this public hearing and all written public comments and objections submitted by the deadline; and

NOW THEREFORE, BE IT RESOLVED that a public hearing was held to receive written and oral comments and objections on August 23rd, 2022, at 9:00 a.m., before the Park County Commission in the Commission Chambers at the City-County Building, 414 East Callender Street, Livingston, Montana.

BE IT FURTHER RESOLVED that the Park County Commission considered all written or oral comments and objections on the amendment to the fee policy and schedule of charges for Solid Waste District #1.

BE IT FURTHER RESOLVED that the Park County Commission adopts the recommended amendments to the Park County Solid Waste District #1 Fee Policy and Schedule of Charges. See attached.

This resolution becomes effective upon its passage.

DATED this 23rd day of August, 2022.



Attest:

M. Reddington
Maritza Reddington
Park County Clerk & Recorder

PARK COUNTY COMMISSION

Steve Caldwell
Steve Caldwell, Chairman

Approved as to Form:


Kendra Lassiter
Park County Attorney


Clint Tinsley


Bill Berg

PARK COUNTY SOLID WASTE DISTRICT #1 FEE POLICY AND SCHEDULE OF RATES

Statement of Purpose

The purpose of this policy is to set a residential/business rate schedule for the use of solid waste services, dumpster collection costs, permits for out of county users and non-household garbage or business refuse within the Solid Waste District. The Solid Waste District is made up of all lands within Park County except the City of Livingston (Hereafter "District").

Statutory Requirements

Section 7-11-1024, MCA, requires that the governing body shall make assessments or impose fees for the costs and expenses of the special district based upon a budget proposed by the governing body in accordance with Section 7-11-1021, MCA. Section 7-11-1024, MCA, is included with this schedule as attachment A.

Procedures/Method

The Park County Solid Waste Board has examined the cost of providing solid waste services in Park County. Costs of providing service are broken into: Collection, Disposal, and Recycling. Each category shall be representative of its operation cost.

All households and businesses of Park County are considered members of the District, with the exception of any households and businesses located in an incorporated city, in this instance, the City of Livingston. Pursuant to the financing provisions set forth in Section 7-11-1024, MCA, a fee must be assessed to all lots, parcel of land, or condominium in the district that are receiving a service, for the purpose of maintenance and operation of the district.

Nonusers within the district shall be assessed in the same manner as users.

Any habitable building attached to real property shall be considered for assessment. All persons and businesses assessments shall be assessed to the lot, parcel of land, or condominium according to Section 7-11-1024, MCA.

Public notice was duly given and a public hearing on the proposed rates was held on August 23rd, 2022. The Solid Waste unit assessment price will be \$213.50, which is broken down to \$115.00 for Collection, \$90.00 for Disposal, and \$8.50 for Recycling.

Persons outside the District may use the collection sites for residential garbage after purchasing an out of district permit for their property.

Businesses outside the District may use the collection sites for commercial garbage after purchasing an Out of District Permit equal to \$213.50 times the number of units for their business type.

Policy Statement

It is the policy of Park County that the following rate schedule be established for commercial uses of solid waste services in and out of the District.

Access and Disposal at Park County Collection Sites shall be restricted to those who have paid refuse assessments. Disposal at Park County Collection Sites shall be restricted to residential waste only. Disposal of large bulky items, furniture, construction, and demolition debris is not allowed at County Collection Sites and must be transported to a licensed sanitary landfill or transfer station for disposal.

Hazardous materials including friable and un-friable asbestos containing materials including vermiculite are not allowed at county collection Sites.

Disposal of green waste is only allowed at specific County Collection Sites.

Fee Schedule

1. Each single Dwelling Unit on the tax rolls will be charged one (1) assessment. Each house, cabin, apartment, condominium unit, rental unit, mobile home, summer home, vacation rental, and any structure deemed habitable is considered a Dwelling Unit. A Dwelling Unit is defined as having power, water and sanitation facilities.
2. Each business will be charged a minimum of three (3) assessments. A business is defined as an organization or enterprise engaged in commercial, industrial, or professional activities regardless of number of lots or parcels of land.
3. A building serving as both a residence and a business will be charged a minimum of four (4) assessments.
4. A business with both a bar and restaurant on the same parcel will be charged a minimum of six (6) assessments.
5. Rural/volunteer Fire departments shall not be charged assessment.
6. Nightly Lodging (Motels/hotels/Bed and Breakfasts) will be charged one (1) assessment for every five (5) rooms.
7. Schools will be charged one (1) assessment for every thirty-five (35) students. Smaller schools with less than thirty-five (35) students will be charged one-half (1/2) assessment.
8. Each State of Montana fishing access site will be charged one-half (1/2) assessment per parcel.
9. Each Forest Service Campground will be charged one (1) assessment per parcel.

10. Commercial Campgrounds and facilities for temporary recreational vehicles, camper trailers and/or tents will be charged one (1) assessment per five (5) spaces.
11. Mini Storage warehouses will be charged:
 - a. One (1) assessment for 0 to 100 units,
 - b. Two (2) assessments for 101 to 200 units,
 - c. Three (3) assessments for 201 to 300 units,
 - d. Four (4) assessments for 301 to 400 units,
 - e. Five (5) assessments for 401 to 499 units, and
 - f. Six (6) assessments for 500 units or more.
12. Each church and each church camp will each be assessed (1) assessment, parsonages will be charged one (1) assessment.
13. Community Halls will be charged as a business with three (3) assessments.
14. Wedding and Music venues hosting events with over 100 in attendance shall be charged six (6) assessments in addition to other assessments.
15. Each residence or business owned by a non-profit will be assessed the same as taxable properties.
16. The schedule of charges and assessments apply to both occupied and unoccupied structures, mobile home sites and campground/recreation sites.
17. New construction wishing to utilize county facilities shall pay a full fee during the year of construction prior to evaluation through the Department of Revenue by contacting the Park County Finance Department. The full fee may be prorated to ½ fee if the request is 6 months prior to the next scheduled tax assessment and the fee is added for the following year ahead of the Depart of Revenue evaluation.
18. Residents with 100% VA Disability will not be charged an assessment.
19. Assessments shall be compiled of all buildings, structures, activities, and businesses taking place on a property.
20. Fees for Dwelling Units, business, or other facilities identified in this schedule that are located on or adjacent to the Main Boulder road will be charged one-half (1/2) of the scheduled rate identified in items 1-18.

Transportation

Solid waste must be covered, containerized, or secured to the vehicle during transportation to County Collection Sites. Solid waste shall be loaded and transported in such a manner that none of it shall fall, drop or spill upon the roadway or ground.

Roll-off rates for tires are set according to the following schedule:

Per Day Rental	\$5.00
28cy Roll-off Box	\$200.00 + \$2.50 per mile to Livingston (round trip)

Dumpster rates are set according to the following schedule:

Dumpster collection at private locations is available along the front load collection route. This area is shown on the map included as attachment B. Dumpsters are emptied once

per week. Dumpsters must be accessible to refuse collection vehicle. Park County is not responsible for any unauthorized use of dumpsters at private locations. Private pickups are charged based on number and size of containers. The rates below are on a monthly basis.

Dumpster Size	Cost
2 Cubic Yards	\$100.00
4 Cubic Yards	\$125.00
6 Cubic Yards	\$150.00
8 Cubic Yards	\$175.00

Illegal dumping

No person whom has not paid county assessment shall dump, place or leave, cause to be dumped, placed or left any solid waste in county collection sites. No person shall dump, place or leave any solid waste outside of a dumpster or on the ground at a Park County Collection Site with or without a solid waste tag.

Persons must display solid waste tags in vehicle windshield when accessing sites regardless of attendant's presence.


Penalties

Violation of any part of this regulation shall constitute a misdemeanor punishable by imprisonment in the Park County Jail not to exceed 90 days or by a fine not to exceed \$150.00, or both. Each day of violation will constitute a separate offense.

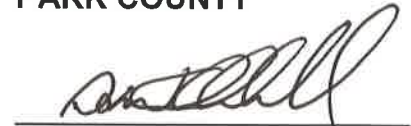
This policy shall remain in effect until such time as the Park County Solid Waste Board recommends it is amended, revised or rescinded and is reviewed and approved by the Park County Board of Commissioners.

On this day August 23, 2022 the Park County ~~Refuse Board~~ Commission reviewed and adopted this policy.

SOLID WASTE BOARD


Kerry Fee, Chairman

**BOARD OF COMMISSIONERS
PARK COUNTY**


Steve Caldwell, Chairman


Clint Tinsley, Commissioner


Bill Berg, Commissioner




Maritza Reddington, Clerk and Recorder

Attachment A

Financing For Special District

7-11-1024. Financing for special district. (1) The governing body shall make assessments or impose fees for the costs and expenses of the special district based upon a budget proposed by the governing body or separate board administering the district pursuant to **7-11-1021**.

(2) For the purposes of this section, "assessable area" means the portion of a lot or parcel of land that is benefited by the special district. The assessable area may be less than but may not exceed the actual area of the lot or parcel.

(3) The governing body shall assess the percentage of the cost of the program or improvements:

(a) against the entire district as follows:

(i) each lot or parcel of land within the special district may be assessed for that part of the cost that its assessable area bears to the assessable area of the entire special district, exclusive of roads, streets, avenues, alleys, and public places;

(ii) if the governing body determines that the benefits derived from the program or improvements by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the special district without regard to the assessable area of the lot or parcel;

(iii) each lot or parcel of land, including the improvements on the lot or parcel, may be assessed for that part of the cost of the special district that its taxable valuation bears to the total taxable valuation of the property of the district;

(iv) each lot or parcel of land may be assessed based on the lineal front footage of any part of the lot or parcel that is in the district and abuts the area to be improved or maintained;

(v) each lot or parcel of land within the district may be assessed for that part of the cost that the reasonably estimated vehicle trips generated for a lot or parcel of its size in its zoning classification bear to the reasonably estimated vehicle trips generated for all lots in the district based on their size and zoning classification;

(vi) each lot or parcel of land within the district may be assessed based on each family residential unit or one or more business units; or

(vii) any combination of the assessment options provided in subsections (3)(a)(i) through (3)(a)(vi) may be used for the special district as a whole; or

(b) based upon the character, kind, and quality of service for a residential or commercial unit, taking into consideration:

(i) the nature of the property or entity assessed;

(ii) a calculated basis for the program or service, including volume or weight;

(iii) the cost, incentives, or penalties applicable to the program or service practices; or

(iv) any combination of these factors.

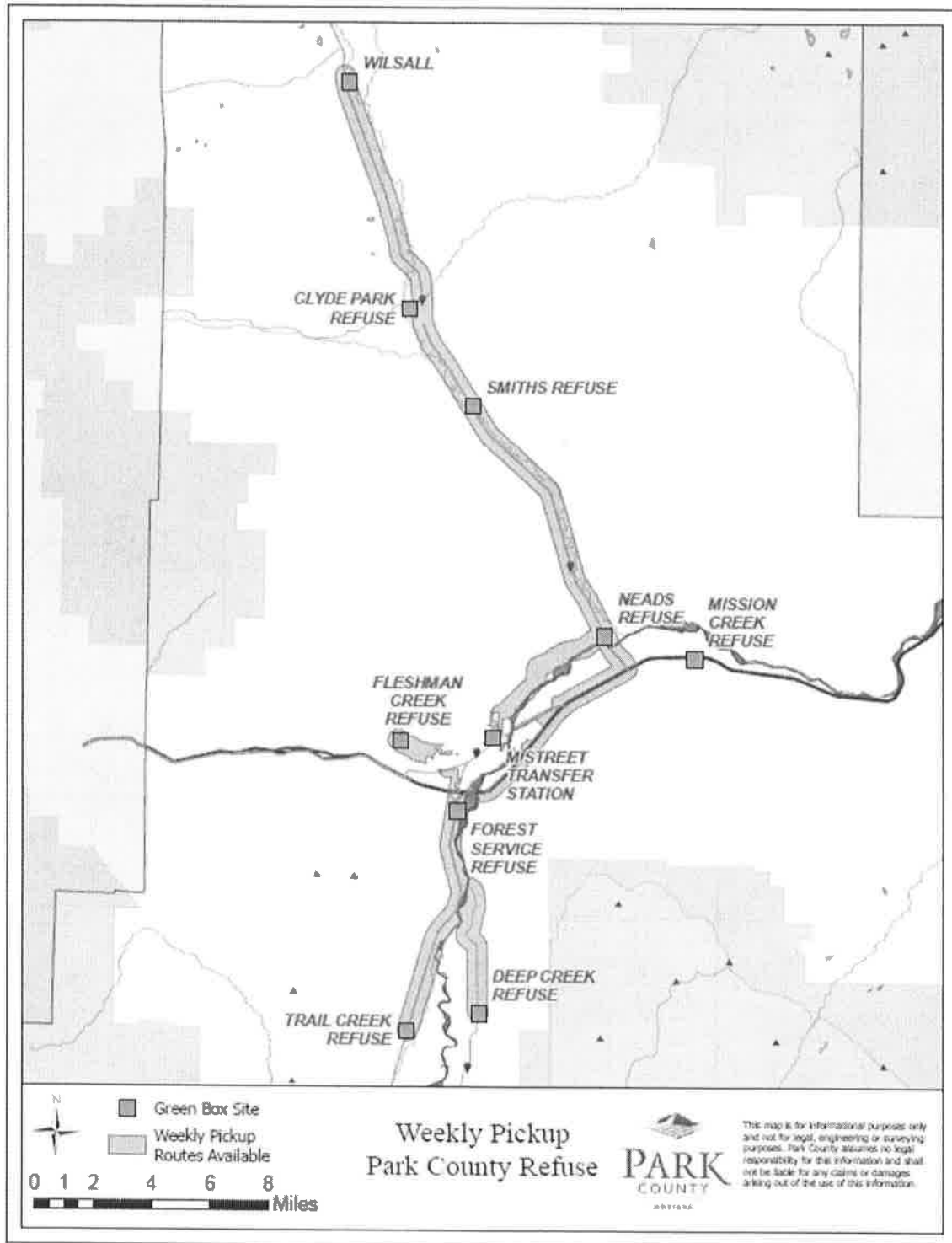
(4) If property created as a condominium is subject to assessment, each unit within the condominium is considered a separate parcel of real property subject to separate assessment and the lien of the assessment. Each unit must be assessed for the unit's percentage of

undivided interest in the common elements of the condominium. The percentage of the undivided ownership interest must be as set forth in the condominium declaration.

(5) A governing body may, by resolution, instruct the state or any applicable federal agency to designate a special district as the recipient of federal funds to be used for the costs and expenses of the special district.

History: En. Sec. 15, Ch. 286, L. 2009; amd. Sec. 14, Ch. 262, L. 2015; amd. Sec. 2, Ch. 133, L. 2021.

Attachment B



THE LIVINGSTON

ENTERPRISE

Phone (406) 222-2000

Post Office Box 2000

8/17/2022

INVOICE

Acct# 2829

Park County Accounting
 414 East Callender Street
 Livingston, MT 59047

Date	Items	Charges	Credits	Balance
08/10/22	Notice Of Public Hearing On Refuse District #1 To Amend The			
08/17/22	Park County Soild Waste District #1 Fee Police And			
	Schedule Of Changes			
08/10/22	3 Folios @ \$13.00	\$39.00		\$39.00
08/17/22	3 Folios @ \$11.00	\$33.00		\$33.00
				<u>\$72.00</u>
	TOTAL			

AFFIDAVIT OF PUBLICATION

STATE OF MONTANA)
) ss.
COUNTY OF PARK)

NOTICE OF PUBLIC HEARING ON REFUSE DISTRICT #1 TO AMEND THE PARK COUNTY SOLID WASTE DISTRICT #1 FEE POLICY AND SCHEDULE OF CHARGES

The Board of Park County Commissioners will meet on Tuesday, August 23rd, 2022 at 9:00am in the Commission Chambers/Meeting Room in the City/County Complex at 414 E. Callender Street, Livingston, MT, for the purpose of holding a public hearing on a proposed update to the Solid Waste District #1 fee policy and schedule of charges. The Park County Waste Board will meet at 1:00pm on August 18th, 2022 in the Commission Chambers/Meeting Room in the City/County Complex at 414 E. Callender Street, Livingston, MT, for the purpose of recommending proposed changes to the Solid Waste District #1 fee policy and schedule of charges to the Park County Commission. Any member of the district may appear at the hearing and be heard for or against any part of the proposed update. Written comments and objections can also be submitted either in person, by mailing them to the Park County Commissioners, 414 East Callender Street, Livingston, MT 59047, or by emailing them to commissioners@parkcounty.org until August 23rd, 2022, at 9:00 am. Solid Waste District #1 is comprised of all parcels located within Park County, Montana, with the exclusion of the City of Livingston. A copy of the proposed resolution can be viewed at the Park County Clerk and Recorder's Office, 414 E. Callender Street, Livingston, MT.

For more information, please call Matt Whitman, Public Works Director, at 406-222-4114.

Pub. Aug. 10, 17, 2022

MNAXLP

Denise Nevin of lawful age, being first duly sworn, upon oath deposes and says: That she is, and at the several times herein mentioned was, The Principal Clerk of The Livingston Enterprise, a daily newspaper regularly printed, published and circulated daily, except on Saturday and Sunday in every week, at Livingston, Montana; and as such she has knowledge of all legal publication had in the said newspaper; and that she is a citizen of the United States of the State of Montana, of the age of twenty-one years and upwards, and not a party to, nor interested in the Regular board meeting.

That the forgoing legal of which the annexed is a printed copy, was published in the said Livingston Enterprise, a daily newspaper as aforesaid, as follows, to-wit: the same was published in the regular and entire issues of said newspapers, and not in any supplement thereof on:

The 10th of August, A.D., 2022

The 17th of August, A.D., 2022

And that hereto annexed and by reference expressly incorporated in, and made a part of this affidavit at this point is a true, correct and exact clipping of the publication of the said Ad published in the newspaper aforesaid on the dates here-in before specified, and of the whole thereof.

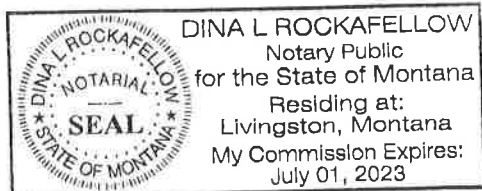
Denise Nevin

Subscribed and sworn to before me this *17th day of August, 2022*

Dina L. Rockafellow
Notary Public for the State of Montana,
Residing at Livingston, Montana.
My commission expires



ROCKAFELLOW
Notary Public
for the State of Montana
Residing at:
Livingston, Montana
My Commission Expires:
July 01, 2023



432514 Fee: \$0.00

Park County, MT Filed 8/29/2022 At 11:12 AM

Maritza H Reddington, Clerk & Recorder By MR *MR*