

**PYRAMID LAKE PAIUTE TRIBE
UTILITY DISTRICT**

SOLID WASTE ORDINANCE

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ORDINANCE NO. 52

PYRAMID LAKE PAIUTE TRIBE SOLID WASTE ORDINANCE

Chapter 1: General Provisions

- 52-01-010 **TITLE:** This Ordinance shall be known as and may be cited as the “Pyramid Lake Solid Waste Ordinance” or the “Solid Waste Ordinance.”
- 52-01-020 **FINDINGS:** The Pyramid Lake Paiute Tribal Council finds that:
1. It is in the best interest of the Pyramid Lake Paiute Tribe and tribal members to develop an organized and efficient system for the storage, collection, and transportation of solid waste; and
 2. The optimal method of disposing of the solid waste generated by all residents of the Pyramid Lake Paiute Reservation involves transporting such solid waste to a landfill off-reservation and/or recycling materials as the Tribe develops programs to recycle. Disposal in open dumps, private dumps, and dumping on Reservation lands and waters is forbidden.
- 52-01-030 **PURPOSES:** The purposes of this ordinance are to:
1. Establish standards for the operation of a sanitary waste collection, transportation, and disposal system within the exterior boundaries of the Reservation;
 2. Provide for the regulation of the storage, collection, transportation and disposal of solid waste, to protect the safety, health and welfare of the residents and visitors to the Reservation;
 3. Exercise Tribal sovereignty and self-governmental rights in the area of solid waste management;
 4. Continue the development of technical and administrative systems to implement this Ordinance, and other environmental protection ordinances and programs to be established by the Tribe and other agencies;
 5. Ensure solid waste is not imported onto the Reservation without Tribal Council approval; and
 6. Integrate solid waste management into an overall environmental protection system so as to protect the Reservation’s soil, water, air, plants, animals, residents and visitors.
- 52-01-040 **POLICY:** It shall be the policy of the Pyramid Lake Paiute Tribe to carry out the solid waste management program efficiently and in a financially responsible and self-sufficient manner. It shall also be the policy of the Pyramid Lake Paiute Tribe to work with the Pyramid Lake Utility District to enforce and regulate the Tribe’s ordinances. This Ordinance shall be interpreted in light of the purposes and policies provided.
- 52-01-050 **DEFINITION OF TERMS:** The following definitions shall apply to this Ordinance and its programs:

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(a) “Collection site” means any place designated for the collection of solid waste for proper disposal, including but not limited to transfer sites, trash cans, drop boxes, recycling bins, salvage yards and trash bins.

(b) “Hazardous waste” means any solid, liquid, or gaseous waste defined as hazardous by any federal, Tribal, or State of Nevada law, rule, ordinance or regulation. Hazardous waste includes but not limited to materials considered to be excessively toxic, poisonous, corrosive, radioactive, biologically infectious, explosive, flammable, or any combination of materials that have the potential to become hazardous.

(c) “Person” means any individual, group, corporation, firm, partnership, joint venture, association, social club, estate, trust, or similar entities, or governmental entity, unit, or agency whether Tribal, local, State, or Federal.

(d) “Premises” means a building or house and tract of realty, and includes but is not limited to a residence, farm, ranch, school, public and government buildings, business establishment, or industrial property.

(e) “Program Manager” shall mean the individual hired by the Tribe to oversee and manage the Solid Waste Program under the direction of the Pyramid Lake Utility Board. This person may be the Utility Manager as referred to in the Water and Sewer Ordinance.

(f) “Pyramid Lake Utility District” or “Utility District” means the program of the Tribe authorized to operate and maintain public utility services and to execute this ordinance on the Pyramid Lake Paiute Reservation.

(g) “Pyramid Lake Utility Board” or “Utility Board” shall mean the Board appointed under the Water and Sewer Ordinance Section ___-02-050, whose duties include to advise the Tribal Council on the operation and maintenance of public utilities and setting of fees and rates.

(h) “Pyramid Lake Paiute Reservation” or “Reservation” means all air, land, and water, both surface and underground, located within the exterior boundaries of the Reservation and on any acquired properties outside the exterior boundaries.

(i) “Scavenging” means reaching into or entering into a solid waste or recycling container, or handling solid waste or recyclable materials that have previously been disposed of at a transfer site.

(j) “Solid waste” means any garbage, wood, waste matter, plastic, metal, vegetation/debris, trash, paper, ashes, rubbish, refuse, and other discarded materials, including but not limited to: solids, liquids, semisolid or contained gaseous material resulting from commercial and community activities which are no longer deemed usable.

(k) “Solid Waste Program” means the collection, transport, disposal of solid waste and the management of the Solid Waste Program under the direction of the Pyramid Lake Utility Board.

(l) “Transfer site” means a site that has been dedicated for the collection and storage of solid waste, pending its disposal/removal.

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- (m) “Tribal Chairperson” means the elected Tribal Chairperson of the Tribe.
- (n) “Tribal Council” means the elected Tribal Council of the Pyramid Lake Paiute Tribe.
- (o) “Tribal Official” means any employee of the Tribe who is designated by the Tribal Council, through the Tribal Chairman, to undertake a duty mentioned in this Ordinance, including the Solid Waste Manager.
- (p) “Tribal member” shall mean a member of the Pyramid Lake Paiute Tribe.
- (q) “Tribe” shall mean the Pyramid Lake Paiute Tribe of Nevada.
- (r) “Yard waste” means, but is not limited to, leaves, grass clippings, garden debris, weeds, limbs, and branches from shrubs, brush, and trees.

52-01-060 JURISDICTION

This ordinance shall apply uniformly on the Reservation. It shall be a civil violation for any person to store, collect, transport onto, or dispose of solid waste on the Reservation in any manner inconsistent with the requirements of this Ordinance.

Chapter 2: Operation

52-02-010 SOLID WASTE MANAGEMENT STANDARDS

- (a) The Pyramid Lake Utility District, through the Program Manager, shall provide for the operation and maintenance of transfer sites on the Reservation. Persons living on the Reservation that pay usage fees shall use the transfer sites located in or near the communities of Nixon, Sutcliffe, and Wadsworth. The Tribe shall have waterproof containers that are structurally sound for the storage of solid waste at the sites. The Tribe may contract solid waste removal/ disposal out to a private company or individual or direct the Solid Waste Program to arrange for removal/disposal.
- (b) Every person on the Reservation is responsible for the safe and sanitary storage of solid waste accumulated at his or her premises until it is removed. Every person shall provide their own refuse collection container for the storage of solid waste on their premises, and shall maintain such container in a manner that prevents disease and vector refuge, and is in accordance with Tribal ordinances. There shall be no private dumps. There shall be no unreasonable or excessive accumulation of solid waste.
- (c) The owner or occupant of any premises, including but not limited to a residence, business establishment, or industry, shall remove all solid waste accumulated at the premises, and to transport it to a transfer site on their own time, effort and expense. The Pyramid Lake Utility Board shall have the power to issue an order of removal within 30 days after which the appropriate Tribal Official may contract for the removal of said solid waste and bill the owner. Public complaints, health and safety considerations, unreasonable accumulations as determined by the Utility Board will be cause for orders to remove waste.
- (d) In accordance with the Pyramid Lake Illegal Dumping Ordinance, it shall be a violation to litter or to spill solid waste or dispose of any solid waste outside of any designated collection areas.

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- (e) Garbage disposal service shall be provided at the transfer sites, whereby the solid waste brought for storage shall be properly removed and disposed. The Utility Board shall establish a schedule of fees for Tribal members for this service. Non-Tribal members may dispose of solid waste at the transfer sites only upon obtaining a permit and paying the required fees. Such permits shall be provided by the Program Manager, upon payment of the fees established by the Pyramid Lake Utility Board and approved by Tribal Council.
- (f) Scavenging in transfer sites shall be illegal. Signs will be posted at each transfer site informing the public that scavenging is not allowed, unless by special permit issued by the Utility Board. Special permits shall be issued for the collection of recyclable materials only, as classified by the Program Manager.
- (g) Elder households occupied by Tribal members age 60 years or older shall be exempt from paying the solid waste fees set forth in this ordinance. The Program Manager or designee may pick up/manage the solid waste accumulated at these elder households, and transport/dispose of it at a transfer site, if the occupant(s) is unable to do so. Valid reasons for physical assistance must be provided in writing and the effort must not put an undue burden on the Pyramid Lake Utility District.
- (h) Transfer sites are exclusively for Tribal members and their families to use for the disposal of normal household solid waste. The Utility Board may issue permits for non-Tribal members residing or having businesses on the Reservation.
- (i) Transportation of solid waste onto the Reservation for the purpose of disposal is a violation of this Ordinance. No person and/or Tribal member shall assist any person or non-Tribal business in disposing of solid waste on the Reservation, including at transfer sites. No Tribal members or residents may accept solid waste from off reservation sources for disposal on the Reservation.
- (j) It shall be a violation of this Ordinance for any person to dump or dispose of yard waste without separating and removing all other solid waste from it first. Yard waste will be disposed of only in designated areas.
- (k) Paint in paint cans may be disposed of at the transfer sites; however the paint must be dried and hardened before disposal.

52-02-020 MEDICAL AND HAZARDOUS WASTE

It shall be a violation of this Ordinance to dispose of any medical or hazardous waste on the Reservation in any manner not consistent with the statutes and regulations of the United States Environmental Protection Agency. Medical use sharps or hypodermic needles must have the needle broken off and returned by the user to the Pyramid Lake Health Clinic for proper biohazard disposal.

52-02-030 MOTOR VEHICLE WASTE

Special containers shall be provided at the transfer sites and the Recycling Workstation in Nixon for the disposal of motor vehicle batteries, oil, oil sludge, grease, antifreeze, and tires. Flammable liquids such as gasoline, diesel or solvents are prohibited at the dump and transfer sites. It is a violation of this Ordinance to dispose of these materials anywhere else on the Reservation. Vehicle batteries, oil, grease, antifreeze, and tires shall not be disposed of in the environment.

52-02-040 APPLIANCES

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Household or business appliances shall be disposed of at the Nixon Transfer Site only. Pick up of appliances can be arranged through the Program Manager, and must not impose an undue burden on the Solid Waste Program.

52-02-050 ANIMALS

- (a) There shall be an area designated for Dead Animal Disposal in Nixon. All carcasses shall be disposed of at this site. It shall be a violation of this ordinance to dispose of deceased animals in transfer site containers, or in a location other than the Dead Animal Disposal.
- (b) The Tribal Council recognizes the authority and responsibility of the Nevada Department of Transportation (NDOT) to remove deceased animal carcasses from state highway right of ways on the Reservation. NDOT shall dispose of deceased animals in compliance with the Pyramid Lake Solid Waste Ordinance.
- (c) The Pyramid Lake Utility Board shall protect the public health and welfare by taking all reasonable and necessary vector control measures, such as pest control, to minimize the transmission of diseases.
- (d) It shall be a violation of this Ordinance to abandon a pet or other animal at a transfer site or at any other location on the Reservation.
- (e) Dogs, which continually scavenge at transfer sites, will be caught and sent to an animal shelter at the owner's expense.

52-02-060 SALVAGE/RECYCLING YARD

There shall be a salvage/recycling yard located in Nixon, or other authorized drop-off point. All motor vehicles, large household appliances, and scrap metals shall be disposed of at the designated salvage/recycle yard(s). Tribal members who have items for disposal, but are unable to transport the materials to the salvage yard themselves, may request the Solid Waste Manager to transport and dispose of it. Collected recyclable items in the salvage yard will become property of the Solid Waste Program for the purpose of recycling, reuse, or resale.

52-02-070 CONSTRUCTION AND DEMOLITION WASTE

Any person, contractor, or program that produces waste from construction, demolition, or renovation projects shall be responsible for the proper disposal of all resulting waste. The disposal of solid waste on the Reservation shall be prohibited unless a permit is obtained from the Solid Waste Manager or Pyramid Lake Utility District. All permit fees must be paid in advance of disposal. This provision applies to all persons, homeowners, tribal programs, industry/ business, and contractors producing waste that is not classified as household waste.

52-02-080 SEPTIC WASTE AND RAW SEWAGE

It is a violation of this Ordinance to dispose of raw sewage waste pumped from septic systems or RV trailers at transfer sites or anywhere else on the Reservation, including land and water. There shall be designated areas for the disposal of sewage.

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52-02-090 OPEN BURNING

- (a) It is a violation of this Ordinance to dispose of solid waste by burning it in open air, unless the Pyramid Lake Utility Board grants a variance. A variance may be issued only for the disposal of leaves, weeds and tree limbs or branches not more than 10 feet long during the approved burning months of the year. A permit must be obtained after the variance is granted.
- (b) Burning barrels are prohibited.
- (c) Residential permits for open burning will be allowed and required for the burning of weeds, old lumber, and yard waste at all residences within the Reservation boundaries. There shall be no open burning during non-permitted months. Notices will be posted when fire hazard conditions exist. Non-burn months will be designated and posted when fire conditions exist. Open burning for the purpose of garbage disposal by any person is not allowed on the Reservation and shall subject the offender to civil and/or criminal misdemeanor liability. The Tribal Fire and Police Department(s) shall be notified prior to any burning so they are aware of and capable of responding to all controlled burns.
- (d) Bon-fires more than 4 feet in diameter and 5 feet high will require a special burn permit issued by the Pyramid Lake Utility Board.

Chapter 3: Fee Schedules and Billing

- 52-03-010 FEE SCHEDULE ESTABLISHMENT: The schedule of fees for utility services shall be set by the Utility Board with approval of the Tribal Council. The fee schedule shall be based on the estimated average annual costs for operation of the particular utility service. The monthly fee schedule shall include a basic rate for all services, payment of which shall be required of each customer regardless of whether, or the extent to which, the customer uses any of the services during the month. The fee schedule may be adjusted as needed to meet utility operating expenses. The fee schedule may include: user fees, meter fees, construction permit fees, connection fees, disconnection fees, reconnection fees, inspection fees, penalties, late payment charges, and other assessments determined by the Utility Board and approved by the Tribal Council.
- 52-03-020 PUBLIC HEARING: The Utility Board shall hold a public hearing whenever a new or revised fee schedule is proposed for adoption. At least five days in advance of the hearing, a notice of the public hearing with the proposed fee schedule shall be sent to current customers and posted in a public location. Following the public hearing, the Utility Board shall set a fee schedule to be presented for Tribal Council approval, taking into consideration comments received at the hearing.
- 52-03-030 NOTICE TO CUSTOMERS: A copy of the new or revised fee schedule adopted by the Tribal Council shall be sent to each customer at least 30 days prior to the date the established schedule takes effect.
- 52-03-040 BILLING RESPONSIBILITY: The Pyramid Lake Finance Department shall be responsible for billing customers for utility services.

Chapter 4: Enforcement

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- 52-04-010 **REMEDIES AUTHORIZED:** One or more of the following remedies are available to the Utility District for failure of any person to comply with any provisions of this Ordinance or with any duly adopted regulation of the Utility District:
- (1) Termination of utility service(s);
 - (2) Assessment of penalties based upon regulations established by the Utility District;
 - (3) Assessment of late charges based upon regulations established by the Utility District;
 - (4) Assessment of damages resulting from the person's non-compliance;
 - (5) Forfeiture of all or part of a deposit and any accumulated interest;
 - (6) Seeking damages from the person in the Pyramid Lake Tribal Court; and/or
 - (7) Referring violations that may involve criminal conduct to the Tribal Police;

In all cases, the billing Policy established by the Utility District and due process must be followed.

- 52-04-020 **REMEDY GUIDELINES:** The Utility Board shall use the following guidelines when considering the appropriate sanctions to be imposed in any given case:
- (1) Whether the sanction is required by this Ordinance or other applicable law, or whether imposition is discretionary;
 - (2) The minimum sanction needed to effect compliance;
 - (3) The harm to operation of the District Utility and to the Tribe, if the sanction is not imposed;
 - (4) The person's past record of compliance or non-compliance, or good faith efforts to achieve compliance;
 - (5) The harm to other persons or property if the sanction is not imposed; and
 - (6) The effectiveness of similar sanctions in securing compliance in other cases.

Chapter 5: **Grievances**

- 52-05-010 **DETERMINATION FOR GRIEVANCE:** Any person aggrieved by a determination of the Utility District to terminate service(s) or assess damages or penalties may file a written grievance with the Utility Manager.
- 52-05-020 **TIME PERIOD:** The aggrieved person must file a written grievance with the Utility Manager within ten (10) working days from the date of the action from which the grievance arises, which may be the date the aggrieved person receives the determination letter or other notification of a determination by the Utility District, or else the person's right to grieve the matter is forfeited
- 52-05-030 **CONTENTS OF GRIEVANCE:** The written grievance must be addressed to the Utility Manager and set forth the specific grounds for the grievance. The person shall submit all documentary evidence the person wants the Utility Manager to take into consideration.
- 52-05-040 **MANAGER DECISION:** The Utility Manager shall issue a written decision on the grievance within ten (10) working days of receipt of the grievance. The written decision shall set forth a statement of facts leading up to the grievance and the grounds for the decision on the grievance.
- 52-05-050 **ADMINISTRATIVE APPEAL:** If the person is not satisfied with the Utility Manager's decision on the grievance, he may submit a written request for an administrative appeal to

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the Utility Board. The written request for an administrative appeal to the Utility Board must be submitted within ten (10) calendar days from the date the person receives or should have received notice of the Utility Manager's decision.

52-05-060 UTILITY BOARD HEARING: The person may request an administrative hearing in his request for an administrative appeal. If the person requests a hearing, the Utility Board shall schedule the hearing within twenty (20) calendar days of the date of receiving the administration appeal request. The Utility Board shall send the person written notice of the time and location of the hearing. At the hearing, the person may present evidence, inspect the evidence of the Utility District and be represented by legal counsel.

52-05-070 FINALITY OF DECISION: The decision of the Utility Board shall be final.

Chapter 6: Miscellaneous Provisions

52-06-010 SOVEREIGN IMMUNITY: The Utility District and the Utility Board, as a governmental entities of the Pyramid Lake Paiute Tribe, are immune from suit. Nothing contained herein is intended to waive the Tribe's, the Utility District's or the Utility Board's sovereign immunity from suit.

52-06-020 SEVERABILITY: The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part(s).