

RESOLUTION 2024-1

A RESOLUTION IMPOSING A FEE FOR SOLID WASTE COLLECTION SERVICE IN THE CEDAR MOUNTAIN AREA; AND ASSESSING INTEREST AND PENALTIES FOR LATE PAYMENT AND NONPAYMENT

WHEREAS, the Western Kane County Special Service District No. 1 (hereinafter the "District") now provides solid waste collection and disposal service within the District in the Cedar Mountain North-Western Kane County area and, which area is defined in Resolution 1986-4, as modified by Resolution 1999-2 and Resolution 2011-2.

WHEREAS, the service provided by the District benefits all property in the area by helping to insure that waste and litter in the area are properly collected and disposed of, and

WHEREAS, the District incurs substantial costs in providing such service and desires to impose a fee to recover those costs, and

WHEREAS, the fee recovers the costs of the service from those who benefit from the service, and

WHEREAS, the District has determined that it is more equitable to provide a ceiling on the fee assessed for any one person, and

WHEREAS, the District desires to provide procedures for the collection of the fee imposed hereby and to assess interest and penalties for late payment or non-payment of the fee, and

WHEREAS, the District desires to provide regulations for the collection and disposal of solid waste.

WHEREAS, the District desires to expand the service boundaries of the District to include sections 3,4,5,6,7,8,9,10 of Township 38 South, Range 5 West, Salt Lake Base and Meridian and also sections 1,11,12 of Township 38 South, Range 6 West, Salt Lake Base and Meridian.

BE IT RESOLVED BY THE ADMINISTRATIVE CONTROL BOARD OF THE WESTERN KANE COUNTY SPECIAL SERVICE DISTRICT NO. 1:

1. Definitions.

1.1. "Person" is any person, firm, partnership, limited liability company, association corporation, company or organization or entity of any kind.

1.2. "District" is the Western Kane County Special Service District No. 1, a separate body politic in the State of Utah.

1.3. "Dumpster" is any container constructed of metal having a capacity of from two to forty yards and constructed to be compatible with solid waste collection equipment.

1.4. "Solid waste" shall have the same meaning as contained in §19-6-502(7), Utah Code Ann. (1953, as amended). However; "solid waste" does not include any "hazardous waste" or "infectious waste", as those terms are defined in §19-6-102.

1.5. "Subdivision" means the division of a tract or parcel of real property into three or more parts for the purpose, whether immediate or future, of sale or of building development.

1.6. "Subdivider" means a person that recorded a plat with the office of the Kane County Recorder for the purpose of dividing a parcel of real property into two or more parcels of sale.

1.7. "Commercial establishment" is any business establishment that provides goods or services at retail, such as a restaurant, motel, store or service station.

2. Collection Services. The District shall provide solid waste collection services for the land parcels listed on Exhibit A attached hereto and incorporated herein. These services shall consist of centralized dumpster collection. The District shall determine the nature and extent of such services based on relevant economic and logistical factors.

3. Fees for Services. There is hereby imposed a fee for solid waste collection (as described above in Section 2) upon every parcel of real property identified in the parcel list on Exhibit A at the rate of \$155.00 per year for parcels with improvements (per the Kane County assessor records) and \$25 per year for parcels with no improvements (per the Kane County Assessor records) for collection services for the calendar year 2024. It is the intention of this Section that the fee be imposed on each subdivision lot, whether or not the subdivision is recorded or lawful under applicable law, and on every other parcel of real property whether or not in the configuration of a subdivision lot. By way of illustration, a separate fee is imposed for each subdivision lot, regardless of the fact that one person or a group of persons owns more than one contiguous lot. Further, by way of illustration, a separate fee is imposed for each other parcel of real property that is not a subdivision lot, no matter what the parcel size may be. It is the intention of this Section that the fee be imposed whether or not the real property is physically occupied by any person during the year. For purposes of this Resolution, "a parcel of real property" is defined to also include the assessed (for real property tax purposes) leasehold improvements placed on land leased from the United States of America or the State of Utah. Exhibit A contains a list of all parcels being assessed the \$155 and \$25 fees and is available in electronic format due to the size of the data.

4. Billing of Fee. The fees imposed by this Resolution shall be billed and collected by the Kane County Treasurer as a part of the regular, ad valorem property tax notice, billing and collection system of Kane County. The District shall reimburse Kane County for the actual costs of using that system, including materials, equipment and supplies used, and the labor involved, plus a factor added for overhead and general and administrative expenses.

5. Payments. All fees provided for under this Resolution are due and payable no later than November 30, 2024.

6. Interest and Penalties. There is hereby assessed a penalty of \$10.00 against every parcel of real property for which the fee imposed under Section 3 of this Resolution is not paid when due. In addition, all fees and penalties not paid on or before December 15, 2024, shall commence to accrue interest from and after January 1, 2025, at an annual rate equal to the Federal Discount Rate as of January 1, 2025, plus 6%.

7. Lien on Property. The fee imposed above by this Resolution that is not paid when due and that remains unpaid for a period of 90 days after the due date thereof, together with applicable interest and penalties, shall be certified to the Treasurer and Assessor of Kane County, Utah, and shall become a lien on the premises for which the fees are imposed. Such lien shall be on a parity with and collected at the same time and in the same manner as general Kane County taxes that are a lien on the premises.

8. Collection Regulations. The following shall apply to all collections:

8.1. Bulky solid waste, such as large cardboard boxes, shall be compacted as much as possible prior to being deposited in dumpsters.

8.2. Ashes containing hot embers shall not be placed in dumpsters.

8.3. Large items, such as large appliances, beds, mattresses, box springs and large quantities of building materials, shall not be placed in dumpsters.

8.4. Any chemical, compound, mixture, substance or article which is hazardous by reason of its pathological, explosive, radiological, or toxic characteristics or which has been designated to be "hazardous", "toxic" or "infectious" as the terms are defined by federal, state or local laws, ordinances, specifications or regulations shall not be deposited in dumpsters.

8.5. Petroleum products and wastes shall not be placed in the dumpsters.

9. Special Collections. The District may collect or receive refuse and waste not permitted to be deposited in dumpsters, after special application for such collection is made to the District and payment is made of a fee in an amount to be determined by the Clerk or Treasurer of the District at the time of application. The amount of the fee shall be based on the estimated reasonable cost of the service.

10. Commercial Establishments. The District shall provide seasonal commercial solid waste collection services at commercial establishments in the land area identified in the legal descriptions on Exhibit A. Those services shall be charged at fees equal to those imposed for commercial solid waste collection services in other areas in the District. Such commercial fees shall be billed to and collected from the commercial establishments directly by the District. Any commercial establishment that operates on real property that is assessed a \$155.00 fee pursuant to the provisions of this Resolution shall be entitled to a refund of the \$155.00 fee paid. A request for the aforementioned refund must be made in writing and must include proof of payment of the assessed fee in the form of a receipt from the Kane County Treasurer's office. Such request must be received by the District's finance office no later than March 31, 2025. Complete submissions will be accepted via email at billing@wkcssd.com or via mail at PO Box 36, Kanab, UT 84741.

11. Title to Solid Waste. Title to all solid waste or other refuse received by the District shall vest in the District.

12. Miscellaneous. This Resolution repeals any prior resolution in conflict herewith. The provisions of this Resolution are separate and the invalidity of any part of this Resolution shall not affect the validity of the rest.

13. Effective Date. This Resolution shall take effect on the 1st day of September 2024.

PASSED this 8th day of August 2024.

ATTEST:

CHAIRMAN

SECRETARY