RESOLUTION SW 98-15
ASSESSED FEES
FOR FLATHEAD COUNTY LANDFILL

A Resolution establishing the basis for the charging of assessed fees for the use of the Flathead County Landfill effective July 1, 1999.

WHEREAS, the Flathead County Solid Waste District was established by the Flathead County Board of Commissioners, by Resolution Number 89 on June 22, 1970, and its operation is governed by Resolution 1205 dated September 26, 1996, and

WHEREAS, the Board of Directors of the Flathead County Solid Waste District (FCSWD) has determined that it is in the public interest and necessity to establish fair and equitable fees for the use of the landfill, and

WHEREAS, the FCSWD Board of Directors has held appropriate public hearings to address the establishment of fees and charges in order to meet operational needs (including maintenance and collection of residential wastes at container sites, transportation and disposal of collected wastes at the landfill) support recycling, household hazardous waste reduction, and long term requirements of environmental compliance with Federal and State laws, and has made recommendations for a fee schedule to the Flathead County Commissioners,

NOW THEREFORE BE IT RESOLVED that the following will serve to define the policy regarding District fees:

1. Fees will be charged on the general principle that those individuals or entities who have availability to District services must pay for the service.

2. The fee is based on a fiscal year (July 1 through June 30). The Montana Department of Revenue and the County Assessor and Treasurer's office has established a system for billing solid waste charges on property tax notices. If not paid, the fee will become delinquent and become a lien on the property. It is subject to the same penalties and the same rate of interest as property taxes.

3. The fee will be placed on tax statements for real or mobile home property whenever possible; properties without tax statements will be billed directly for services.

4. Every residence in the District will be charged one Average Residential Unit (ARU) per year, with the fee per unit being recommended by the FCSWD Board of Directors and approved by the Flathead County Commissioners after the required public comment period.

5. The assessment schedule for commercial property is based upon the average residential waste generated by Flathead County residents. This average residential unit

(ARU) will be set by the FCSWD Board of Directors based upon available data. Based on fiscal year 1998-1999 data, the Average Residential Unit is 1.59 tons. The ARU is a relative term relating to the establishment of the assessment. All other assessments are based upon multiples of the ARU.

6. Commercial assessments based upon the ARU are listed below. The assessments represent minimum charges for specific property uses. If it is determined that a specific parcel generates more refuse than the stated ARU, the parcel will be charged the higher figure. Special assessments will be made according to type or volume of refuse for classifications not listed below.

7. Seasonal Cabins. The ARU for a "Seasonal Cabin" may be one half the established ARU fee upon application to the District. To qualify as a "Seasonal Cabin", a structure must be owned by a resident of Flathead County who owns and maintains another living unit in Flathead County as a permanent residence. The "Seasonal Cabin" must be utilized as a temporary living unit for no more than five months in a year by the owners or members of his immediate family. Application for "Seasonal Cabin" classification must be made annually to the District Office on the form provided therefore upon acquisition of the property or on or before the 15th of January of the year for which the Seasonal Cabin is claimed. Sale or transfer of the property will terminate the classification and thereafter assessment will be made at the established ARU fee unless application is made and granted for "Seasonal Cabin" classification.

8. Businesses. A business is defined as a permanent location where either goods or services are offered for sale; operated out of a structure separate from a residence; or with a separate, identifiable entrance. A business may be part of a larger office or condominium, but if it can be identified as a separate business (separate telephone, separate address, separate function) will be charged a minimum of one ARU. Every business will be charged an annual refuse fee. Each category of business shall be assessed a minimum number of refuse units based upon the listing below, however the number of ARU can be increased or decreased if, in the judgment of the Director, a higher or lessor quantity of refuse is actually generated on the site. ARU categories are listed in enclosure 1.

9. A home business exemption will be given if the business has the same address as the home; has the same entrance as the home; and there is no additional refuse generated from the home due to the operation of the business.

10. Contractors (licensed or not), ranches and farms are considered commercial businesses, 3 units each.

11. Establishment of ARU. The Flathead County Solid Waste District Director will make a determination of number of ARU to be assigned to each business and other non-residential uses, and send this determination to the names and address receiving the tax bill. The commercial property owner will be given 60 days to submit information

refuting the determination, otherwise the property owner will be considered to have approved the determination. The number of ARU established by this process will be the basis for the following fiscal year's assessment.

12. Appeal. It is the District's goal to fairly assess all waste generators based on the average volume of waste generated by all similar waste generators in Flathead County, and based upon available records presented by commercial haulers, if applicable. Appeals must be made to the Director, within 30 days of notice of the refuse fee. Appeals must be factual, and backed up with one year's refuse hauler's records or other documentation acceptable to the Director. The Director will provide a written decision on the initial appeal within 15 days. The decision of the Director may be further appealed to the FCSWD Board of Directors within 30 days of the Director's decision. The Board's decision will be final. Appeals are granted for the present year's tax liability only and will not be made for past years. Appeals using this resolution to refute previous billings will not be honored.

13. Rescindment. This resolution rescinds the REFUSE DISPOSAL DISTRICT FEE POLICY & SCHEDULE OF CHARGES, dated October 7, 1997, and passed by the Board of Directors of the Flathead County Solid Waste Management District.

PASSED by the Board of Directors of the Flathead County Solid Waste Management District on the 9th day of March, 1999 and signed by the Chairman.

BY: _____
Cy Appel, Chairman

Attest: _____
Steven D. Johnson, Director

FCSWD
MINIMUM FEE SCHEDULE

Commercial	Units
Auto Dealer	Volume Generation
Auto Dealer-Small	3 units
Auto Repair	3 units
Automotive Supplies	4 units
Aviation Businesses	3 units
B&B	.25 per bedroom
Bakery	4 units
Bar	3 units
Bar/Casino	10 units
Bar/Food	6 units
Bar/Food/Bowling	10 units
Beverage Distributor	15 units
Bicycle Shops	2 units
Brewery	5 units
Car Wash	2 units
Carpet Store	5 units
Cement	3 units
Cleaners	3 units
Contractor, Construction	3 units
Convenience Store, Large	15 units
Convenience Store, Small	5 units
Dairy Retail/Wholesale	2 units
Dental Lab	15 units
Entertainment	2 units
Equipment Dealers	5 units
Equipment Rental	2 units
Equipment Repair	3 units
Espresso Shops	2 units
Farm/Grain Store	3 units
Farms/Ranches	1 unit
Fast Food, Large	50 units
Fast Food, Medium	30 units
Fast Food, Small	5 units
Freight/Moving	3 units
Fuel, Bulk	2 units
Gas Station w/Service	4 units
Glass Shops	4 units
Golf Course	10 units
Grocery Mini	5 units
Grocery, Wholesale	10 units
Guest Ranch	2 units plus .25 per bdr
Hardware/Bldg. Material	6 units
Insurance	2 units
Janitorial	3 units
Landscaping	2 units
Laundromat	2 units
Machine/Fabrication	2 units
Mailing/Shipping	4 units
Mall	Volume Generation
Manufacturer	Volume Generation
Media	3 units
Mobile Home Sales	4 units
Movie Rental	3 units
Newspaper	Volume Generation
Nursing Home	.5 unit per bed
Pawn	1 unit
Printing	3 units
Real Estate	2 Realtors per unit
Recreation	1 unit
Rental/Hotel/Motel	.25 ea per room

Commercial, Continued	Units
Resort	.25 ea per room
Restaurant	3 units
Restaurant, Bar	3 units
Restaurant, Small	3 units
Restaurant, Small w/bar	3 units
Retail	2 units
Retail, Appliance	15 units
Retail, Beverage	3 units
Retail, Food	2 units
Retail, Furniture	3 units
Retail, Gas Station	3 units
Retail, Grocery	25 units
Retail, Lumber	1 unit
Retail, Small	1 unit
Riding Stables	1 unit
RV Park	.25/space
Salons/Barber	2 units
Salvage	2 units
Service	1 unit
Sign Companies	1 unit
Social/Fraternal	1 unit
Sporting Goods	3 units
Sports Complex	2 unit
Storage	1 unit
Theater	25 units
Tires	3 units
Towing	1 unit
Transportation	Volume Generation
Travel Agencies	1 unit
Utilities	Volume Generation
Vending Machine Co.	1 unit
Government/Churches	
Church	2 units
Post Office	Volume Generation
Municipal	Volume Generation
Professional	
Attorney	2 Attorney's per unit
Bank	5 units
Counseling	2 Counselor's per unit
CPA	1 CPA per unit
Dentist	1 Dentist per unit
Developers	2 units
Financial/Non-bank	2 units
Hospital	Volume Generation
Medical	1 Doctor per unit
Pharmacy	5 units
Professional, Misc.	1 unit
Schools/Training	2 units
Veterinarians	2 units
Residential	
Apartments	1 unit/each
Residence	1 unit
An ARU is currently 1.59 tons per year	
A unit value is $80.73	

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