

**YOMBA SHOSHONE TRIBE
SOLID WASTE ORDINANCE**

**YOMBA SHOSHONE TRIBE
SOLID WASTE ORDINANCE NO. YT-ORD-01-08**

ARTICLE 1: GENERAL PROVISIONS

Section 1. Scope & Purpose

The purposes of this ordinance are to:

- (a) Provide for the regulation of the storage, collection, transportation and disposal of solid waste on the Yomba Shoshone Reservation;

- (b) Exercise Tribal sovereignty and self governmental rights in the area of solid waste management over tribal and non-tribal members;

- (c) 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;

- (d) Insure solid waste is not illegal dumped or imported onto reservation lands;

Section 2. Definition of Terms

The following definitions or "terms" pertain to the solid waste management ordinance and programs:

- (a) "Reservation" means all air, land, and water, both surface and underground, located within the exterior boundaries of the Yomba Shoshone Reservation;

- (b) "Tribal Council" means the elected Tribal Council of the Yomba Shoshone Tribe, Nevada;

- (c) "Tribal Chairman" means the elected Tribal Chairman of the Tribe;

- (d) "Tribal Official" means any employee of the Tribe who is designated by the Tribal Council, thru the Tribal Chairman, to undertake a duty mentioned in this ordinance, including the Solid Waste staff;

- (e) "Tribe" means the Yomba Shoshone Tribe of Nevada;

- (f) "Premises" means the 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;

- (g) "Solid Waste Program" means the collection, transport, disposal of solid waste and the management of the Solid Waste Program under the direction of the Tribal Office of Environmental Protection.

(h) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of solid waste or hazardous solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be discharged into the water, including groundwater.

(i) "Open Pit Dump" means a pit or trench where waste or refuse is disposed of and burned, thereby creating a public nuisance by being unsightly, breeding pests, creating a health hazard, polluting the air, and sometimes polluting groundwater and surface water.

(j) "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 the transfer site;

(k) "Solid waste" means any garbage, wood, 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;

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

(m) "Person" means any individual, group, corporation, firm, partnership, joint venture, association, social club, estate, trust, and government entity, unit, or agency whether Tribal, local, state, or Federal;

(n) "Hazardous waste" means any solid, liquid, or gaseous waste defined as hazardous by the U.S. Environmental Protection Agency, including 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;

(o) "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;

Section 3. Jurisdiction

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

ARTICLE 2: SOLID WASTE MANAGEMENT

Section 1. Solid Waste Management Standards

(a) The Tribe shall provide for the operation and maintenance of transfer site(s) on the Reservation. Persons living on the Reservation that pay usage fees shall use the transfer

site(s). The Tribe shall have waterproof containers that are structurally sound for the storage of solid waste on the sites.

(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 harborage, and is in accordance with Tribal ordinances. There shall be no private dumps.

(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 and effort.

(d) It shall be a violation of this ordinance to litter or to spill solid waste. This includes along roadways, trails, paths, rangelands, public areas, out-buildings or offices while transporting it to a transfer site or while unloading or disposing it at a transfer site.

(e) It shall be a violation of this ordinance to dispose of any solid waste within Reservation boundaries except at the transfer site(s) or at designated collection areas. Garbage disposal service shall be provided at the transfer sites, whereby the solid waste brought for storage shall be properly removed and disposed.

(f) The Yomba Shoshone Tribe shall establish a schedule of fees for residents. The Yomba Tribal Council shall have the authority to raise or lower the monthly fee. The Tribal Council may choose to offset the expenses of elders or those of low income or may choose to calculate fee using a sliding scale based on income. The Tribal Council reserves all rights in the establishment of the monthly fees for residential and commercial services.

(g) 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.

(h) Paint in paint cans may be disposed of at the transfer sites. All paint must be dried and hardened before disposal.

(i) It shall be a violation of this ordinance to dispose of medical or hazardous waste on the Reservation, in any manner not consistent with the statutes and regulations of the United States Environmental Protection Agency.

(j) All disposals of motor vehicle batteries, oil, oil sludge, grease, antifreeze, and tires will be allowed at the transfer site(s). The Tribe will provide appropriate containers for collection of motor vehicle waste. The disposal of flammable liquids such as gasoline, diesel or solvents is prohibited. Vehicle batteries, oil, grease, antifreeze, and tires shall not be disposed of in the environment.

(k) All appliances shall be disposed of at the transfer station only. Pick up of appliances can be arranged through the Office of Environmental Protection at the discretion of the staff.

(l) There shall be an area designated for the disposal of dead animals. 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 site designated for dead animal disposal.

(m) 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 off of the Reservation.

(n) It is a violation of this ordinance to dispose of raw sewage waste, pumped from septic systems, or RV trailers, in any areas that are not designated areas for sewage disposal.

(o) It is a violation of this ordinance to dispose of solid waste by burning such waste. Open burning of leaves, weeds, and tree limbs or branches not more than 20 feet long and open burning by farmers is exempt from this section. All residents of the Yomba Shoshone Tribe are required to notify the Yomba Tribal Council of any controlled burn and the date/time of such burn.

ARTICLE 3: VIOLATIONS & ENFORCEMENT

Section 1: Enforcement

The provisions of this Ordinance shall be enforced by all tribal law enforcement officers and members of staff in the Tribal Office of Environmental Protection. The Tribal Office of Environmental Protection and tribal law enforcement officers is authorized to take all action necessary or appropriate to carry out provisions of this ordinance.

Section 2: Penalties

(a) Violation of the provisions of this Ordinance shall be punishable by a civil penalty not to exceed five hundred dollars (\$500.00);

(b) The fine for littering shall not be less than fifty dollars (\$50.00);

(c) The fine for first time violator of this Ordinance shall not be less than one hundred dollars (\$100.00);

(d) The fine for a repeat violator of this Ordinance shall not be less than two hundred dollars (\$200.00);

(e) In addition to the civil penalty, any property including vehicles and other equipment which has been used in connection with the violation of this Ordinance may be seized and forfeited pursuant to the appropriate sections of the Tribal Court Code;

(f) To prevent or remediate violations of this Ordinance, the court may order remedial action, restoration, community service, injunctive relief, damages, forfeitures, penalties, costs, reasonable attorney fees, and/or other relief.

Yomba Shoshone Tribe

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Resolution No. YT-08-08

RESOLUTION OF THE GOVERNING BODY
OF THE
YOMBA SHOSHONE TRIBE

WHEREAS: The Yomba Shoshone Tribe is organized under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended, to exercise certain rights of home rule and be responsible for the general welfare of its membership; and

WHEREAS: The Yomba Shoshone Tribal Council finds that it is in the best interest of the Tribe and Tribal members to develop an organized and efficient system for the storage, collection and transportation of solid waste; and

WHEREAS: The optimal method of disposing of solid waste that is generated by residents and non-residents of the Yomba Shoshone Tribe involves transporting such solid waste to a regional landfill off the reservation; and


WHEREAS: Nye County has offered to accept solid waste from the Yomba Shoshone Tribe that is hauled to the landfill in Tonopah, NV.

NOW THEREFORE BE IT RESOLVED that the Yomba Shoshone Tribal Council hereby enacts, adopts and incorporates by reference Solid Waste Ordinance No. YT-ORD-01-08; and

BE IT FURTHER RESOLVED that this resolution rescinds all previous resolutions and ordinances, including but not limited to Resolution No. YT-15-03 and Resolution No. YT-05-08, pertaining to Solid Waste.

CERTIFICATION

It is hereby certified that the Yomba Shoshone Tribal Council is the governing body of the Yomba Shoshone Tribe of Nevada, and is composed of six members of whom 10, constituting a quorum were present at a duly held meeting on the 9th day of May, 2008, and that the foregoing resolution was adopted by an affirmative vote of 5 for, 0 against and 0 abstentions. (Chairman presiding and not voting)



Wayne K. Dyer, Chairman
YOMBA SHOSHONE TRIBE