

1 BILL NO. 2007-7

2 ORDINANCE NO. _____

3 AN ORDINANCE TO AMEND THE CITY'S REGULATIONS CONCERNING THE
4 COLLECTION, TRANSPORTATION, DEPOSIT AND DISPOSAL OF SOLID WASTE AND
RECYCLABLES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: Mark R. Vincent, Director
6 Department of Finance and Business Services

7 Summary: Amends solid waste and recycling
8 regulations by updating service charges, adding
9 charges for overflow collections, eliminating
10 charges for discontinuing service, deregulating
charges for competitive-service areas, increasing
frequency-of-service options, authorizing pilot
programs for recycling, adding customer service
standards, revising late-payment charges, adding
minimum container requirements, and
facilitating recycling by materials recovery
facilities.

11 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
12 AS FOLLOWS:

13 SECTION 1: Title 9, Chapter 8, Section 20, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **9.08.020:** In the construction of this Chapter, the following definitions shall apply, unless the
16 context clearly requires otherwise:

17 "Cash receipts" means all receipts derived from the collection of solid waste and curbside
18 recyclables collection services and includes, by way of illustration and not limitation, all cash, credits,
19 property or other consideration of any kind derived directly or indirectly by a franchisee (or any of its
20 authorized agents or affiliates) for the collection, transportation and disposal of solid waste, including
21 all revenue received from residential service (including any charges attributable to curbside recyclables
22 collection services), commercial and industrial service, medical-waste service, sewage-waste service,
23 container rentals, packaging, shipping and late fees, but excluding the following revenues from:

24 (A) The sale of recyclables.

25 (B) Any taxes on services furnished by a franchisee that are imposed by other
26 governmental entities, that are passed through to and collected from the franchisee's customers, and
27 that are separately itemized on customers' bills.

28 "Commercial recycler" means any licensed entity, including a licensed franchisee, that is in

1 the business of purchasing, accepting donations of, collecting, storing, transporting or processing
2 source-separated recyclables.

3 “Commingled recyclables” means recyclables that have been abandoned or discarded and that
4 are mixed with solid waste other than residual solid waste.

5 “Compacted solid waste” means solid waste reduced by mechanical equipment, in volume[,]
6 but not weight, by [two-thirds or more by mechanical equipment.] a minimum ratio of three to one.

7 “Construction or demolition waste” means solid waste resulting from the construction or
8 demolition of buildings and other structures, including but not limited to wood, plaster, metals,
9 asphaltic substances, bricks, block and concrete, and landscaping, native vegetation, excavation dirt,
10 rock, stone and gravel. The term “construction or demolition waste” does not include uncontaminated
11 soil, rock, stone, gravel, unused brick and block and concrete if they are separated from other
12 construction or demolition waste and are to be used as clean fill.

13 “CPI-U” means the Consumer Price Index, All Urban Consumers for All Items, U.S. City
14 Average (1982-84=100), as published by the Bureau of Labor Statistics, U.S. Department of Labor.

15 “Curbside recyclables collection” means a collection program operated by a solid waste
16 franchisee in which source-separated recyclables are collected from residential customers on a
17 regularly scheduled basis as a part of the franchisee’s solid waste business.

18 “Dead animals” means all dead animals or parts thereof (including condemned meats) that are
19 not intended to be used as food for man or animal.

20 “Dirt” means loose earth, ashes and manure, but exclusive of sand and gravel that is to be used
21 in construction work.

22 “Drop-off center” means a collection site where source-separated recyclables may be taken by
23 persons and deposited into designated containers.

24 “Duplex” means a building or dwelling containing residential dwelling units for two separate
25 families or occupants, each receiving individual solid waste curbside collection.

26 “Franchise agreement” means an agreement between the City and a third party by which such
27 third party is authorized to collect, transport and dispose of solid waste and perform curbside
28 recyclables collection services in the City.

1 “Franchise fee” means the fee required by a franchise agreement based upon a percentage of
2 a franchisee’s cash receipts derived from the collection, transportation and disposal of solid waste and
3 curbside recyclables collection services in the City.

4 “Franchisee” means any person who has contracted with the City for collection, transportation
5 and disposal of solid waste and the performance of curbside recyclables collection.

6 “Garbage” means putrescible animal and vegetable wastes, other than source-separated
7 recyclables, that result from the handling, storage, sale, preparation, cooking and serving of food, and
8 that have been discarded or abandoned.

9 “Hazardous waste” means any waste or combination of wastes, including solids, semisolids,
10 liquids or contained gases which:

11 (A) Because of its quantity or concentration or its physical, chemical or infectious
12 characteristics may:

13 (1) Cause or significantly contribute to an increase in mortality or serious
14 irreversible or incapacitating illness; or

15 (2) Pose a substantial hazard or potential hazard to human health, public
16 safety or the environment when it is given improper treatment, storage, transportation, disposal or
17 other management;

18 (B) Is identified as hazardous waste by the Nevada Department of Conservation and
19 Natural Resources as a result of studies undertaken for the purpose of identifying hazardous wastes;
20 and

21 (C) Includes, among other wastes, toxins, corrosives, flammable materials, irritants,
22 strong sensitizers and materials which generate pressure by decomposition, heat or otherwise.

23 “Materials recovery facility” means a facility that provides for the extraction from construction
24 or demolition waste of those recyclable materials that may be found in construction or demolition
25 waste. The term does not include:

26 (A) A facility that receives only source-separated recyclables;

27 (B) A facility for the recovery of used motor vehicle parts;

28 (C) A facility that receives, processes or stores only concrete, masonry waste,

1 asphalt pavement, brick, uncontaminated soil, or stone for the recovery of recyclables; and

2 (D) A facility that recovers less than twenty-five percent by weight of recyclables
3 from the solid waste received.

4 “Medical waste” means items, other than a culture or stock of an infectious substance, that
5 contain an infectious substance and are generated in:

6 (A) The diagnosis, treatment or immunization of human beings or animals;

7 (B) Research pertaining to the diagnosis, treatment or immunization of human
8 beings or animals; or

9 (C) The production or testing of biological products.

10 The term “medical waste” does not include the following if the items as packaged do not contain any
11 material otherwise subject to the requirements of 49 CFR Part 173, App. G, as amended:

12 (1) Biological products;

13 (2) Diagnostic specimens;

14 (3) Laundry or medical equipment that conforms to 29 CFR 1910.1030 of
15 the regulations of the Occupational Safety and Health Administration of the United States Department
16 of Labor;

17 (4) A material, including waste, that previously contained an infectious
18 substance and has been treated by steam sterilization, chemical disinfection or other appropriate
19 method, so that it no longer poses the hazard of an infectious substance;

20 (5) Any waste material, including garbage, trash and sanitary waste in septic
21 tanks, derived from households, including but not limited to single and multiple residences, hotels and
22 motels;

23 (6) Corpses, remains and anatomical parts that are intended for ceremonial
24 interment or cremations; or

25 (7) Animal waste generated in animal husbandry or food production.

26 “Motel” means a building or group of buildings whose main function is to provide temporary
27 lodging and which does not offer conference rooms, restaurants or similar amenities to its customers
28 in addition to sleeping quarters.

1 “Multiple dwellings” means [apartments and any other collection of two or more residences]
2 any premises on which there are three or more separate residential dwelling units which are grouped
3 together under the management of one person and which do not require separate individual collection
4 of solid waste.

5 “Non-residential customer” means any solid waste disposal service customer of a franchisee
6 except for customers at single-family residences, duplexes or mobile home parks who receive
7 individual curbside collection of solid waste and who do not share containers with other residents.

8 “Overflow” or “overflowing solid waste” means solid waste of non-residential customers that
9 is deposited on the ground outside of a solid waste container (except for any items bundled in
10 accordance with Section 9.08.100(E)), or excess solid waste that has been piled onto a solid waste
11 container that is already full to such an extent that the excess solid waste will spill onto the ground in
12 the emptying process, requiring more than minimal manual cleanup of solid waste from the ground.

13 “Place of business” means any place of business in the City, other than multiple dwellings, to
14 conduct or carry on principally or exclusively any pursuit or occupation for the purpose of gaining a
15 livelihood.

16 “Premises” means [land together with all] a nonresidential or residential lot, including any
17 buildings, improvements, and personal property located thereon.

18 “Public building” means office buildings, clubs, churches, schools, hospitals or other places
19 of similar character.

20 “Putrescible” means capable of being decomposed by microorganisms with sufficient rapidity
21 as to cause nuisances from odors or gases.

22 “Recyclables” or “recyclable materials” has the same meaning as “recyclable material,” as that
23 term is defined in the [Clark County] Southern Nevada Health District’s Regulations Governing
24 Recycling Centers, as amended.

25 “Recycling center” has the same meaning as “recycling center,” as that term is defined in the
26 [Clark County] Southern Nevada Health District’s Regulations Governing Recycling Centers, as
27 amended.

28 “Refuse” means those discarded materials that have no useful physical, chemical or biological

1 properties after serving their original purpose and that cannot be reused or recycled for the same or
2 other purposes.

3 “Residual solid waste” has the same meaning as "residual solid waste," as that term is defined
4 in the [Clark County] Southern Nevada Health District’s Regulations Governing Recycling Centers,
5 as amended.

6 “Rubbish” means nonputrescible wastes, other than source-separated recyclables, that have
7 been discarded or abandoned such as paper, cardboard, automobiles, cans, wood, glass, bedding,
8 crockery and similar materials.

9 “Sewage waste” means any solid or semi-solid waste, including biosolids, sludge, screenings
10 and grit, generated from the operation of the City’s water pollution control facility.

11 “Single-family residence” means a building or dwelling [wherein not more than one family
12 resides or dwells, and where no business of any kind is conducted,] designed or used for single-family
13 residential occupancy and where no business is conducted (other than a licensed home occupation
14 business), and includes a mobile home, apartment and other unit in a multiple dwelling which receives
15 individual and heavy and bulky item collection.

16 “Solid waste” means all putrescible and nonputrescible materials in solid or semisolid form
17 that have been discarded or abandoned by their owner, including garbage, rubbish, junk vehicles and
18 parts, ashes or incinerator residue, street refuse, dead animals, construction or demolition waste,
19 commercial or industrial waste, medical waste, sewage waste, commingled recyclables and other
20 refuse. The term “solid waste” does not include any of the following:

21 (A) Hazardous waste managed pursuant to NRS 459.400 through 459.600,
22 inclusive.

23 (B) Source-separated recyclables.

24 “Source-separated recyclables” means recyclables that have been separated from the solid
25 waste stream at the source for recycling purposes and that are not mixed with solid waste other than
26 residual solid waste.

27 “Unforeseen economic circumstance” means:

28 (A) A percentage change in the CPI-U for a given [calendar year ending in

1 December] 12-month period that is greater than ten percent or below zero (a decrease);

2 (B) An adverse economic occurrence beyond a franchisee's reasonable control; or

3 (C) [An action by a governmental jurisdiction; or

4 (D)] A finding by the City Council that there have been economic occurrences during
5 that period that have caused specific additional economic costs for a franchisee which are not reflected
6 in changes to the CPI-U during that same period.

7 SECTION 2: Title 9, Chapter 8, Section 30, of the Municipal Code of the City of Las
8 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **9.08.030:** Any person collecting, transporting, processing or disposing of solid waste, hazardous
10 waste or recyclables shall do so subject to the ordinances, rules and regulations of the City, the [Clark
11 County] Southern Nevada Health District, the State of Nevada and the Federal Government.

12 SECTION 3: Title 9, Chapter 8, Section 40, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **9.08.040:** (A) It is unlawful for any person to:

15 [(A)] (1) Throw or deposit, or cause to be thrown or deposited, in any street, alley,
16 gutter or highway within the City, any solid waste, hazardous waste or recyclables.

17 [(B)] (2) Throw or deposit, or cause to be thrown or deposited, any solid waste,
18 hazardous waste or recyclables upon the private or public property or premises or into the [receptacles]
19 container of another person within the City, except [for the depositing of source-separated recyclables
20 at drop-off centers.] as may be provided for in this Chapter.

21 [(C)] (3) Place, deposit or accumulate, or cause to be placed, deposited or
22 accumulated, any solid waste, hazardous waste or recyclables in such a manner, or permit the same
23 to remain on his or her premises in such condition so that the same may be blown or carried over to
24 public or other private property by any means whatsoever.

25 [(D)] (4) Throw or deposit or cause to be thrown or deposited any solid waste,
26 hazardous waste or recyclables in any areas of the City not designated, authorized or licensed by the
27 City for deposit of these materials.

28 (B) There is hereby created a rebuttable presumption that the disposal of solid

1 waste, hazardous waste or recyclables in violation of this Section was done by the owner of such
2 items.

3 SECTION 4: Title 9, Chapter 8, Section 50, of the Municipal Code of the City of Las
4 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **9.08.050:** It is unlawful for any person, for the purpose of disposal of solid waste, hazardous
6 waste or recyclables by burning, to kindle or maintain any bonfire, or knowingly to furnish the
7 materials for any such fire, or to authorize any such fire to be kindled or maintained in any solid waste,
8 hazardous waste or recyclables [receptacle,] container, or on any street, alley, road, land or other
9 public grounds or upon any private property, within the City, unless a written permit to do so shall first
10 have been secured from the Department of Fire and Rescue; provided, however, that solid waste and
11 infectious waste may be burned in an incinerator duly approved by the Department of Fire and Rescue
12 and the Department of Building and Safety.

13 SECTION 5: Title 9, Chapter 8, Section 60, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **9.08.060:** Except in case of an emergency declared by the City Manager under Section 9.08.070,
16 it is unlawful for any person, other than the City, a franchisee or their duly appointed agents to collect
17 or transport any solid waste, or provide curbside recyclables collection service; provided, however,
18 that:

19 (A) Construction or demolition waste may be removed by any duly licensed
20 construction cleanup or demolition contractor and transported to a transfer station[or a], disposal site
21 or materials recovery facility operated in accordance with all applicable laws, rules and regulations.

22 (B) A duly licensed construction cleanup or demolition contractor, or a duly
23 licensed materials recovery facility may, after separating out recyclables, transport the solid waste
24 residue from an authorized materials recovery facility to a transfer station or disposal site operated in
25 accordance with all applicable laws, rules and regulations.

26 ~~[(B)]~~ (C) Any duly licensed and permitted septic tank or grease trap pumpers, lawn
27 maintenance services and tree trimmers may transport those materials accumulated in or generated by
28 the performance of licensed services to a transfer station or a disposal site operated in accordance with

1 all applicable laws, rules and regulations.

2 [(C)] (D) Any person may transport his or her own solid waste to a transfer station or a
3 disposal site operated in accordance with all applicable laws, rules and regulations.

4 [(D)] (E) Any person may transport his or her own source-separated recyclables to
5 recycling centers or drop-off centers.

6 [(E)] (F) Any duly licensed commercial recycler may transport source-separated
7 recyclables in the legitimate course of business.

8 [(F)] (G) A charitable organization qualified as such under the Federal Internal Revenue
9 Code may collect source-separated recyclables from [single-family residences, places of business,
10 multiple dwellings and public buildings] any premises at the express request of the owner, tenant or
11 occupant and may transport those recyclables to drop-off centers or recycling centers.

12 SECTION 6: Title 9, Chapter 8, Section 80, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **9.08.080:** (A) It is unlawful for any person other than the owner, the City or a franchisee, or
15 their duly appointed agents, to interfere in any manner with any [receptacles] container containing
16 solid waste or recyclables or to remove any such [receptacle] container from the location where placed
17 for [pickup] collection by the owner, the City or a franchisee.

18 (B) It is unlawful for any person, other than the operator of a drop-off center or his
19 or her duly appointed agent, to interfere with or remove any recyclables from a drop-off center.

20 SECTION 7: Title 9, Chapter 8, Section 90, of the Municipal Code of the City of Las
21 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **9.08.090:** It is unlawful to use any cart or vehicle for the transportation or removal of solid waste
23 or recyclables unless such cart or vehicle is appropriately constructed and covered, within industry
24 standards and in accordance with NRS Chapter 484, to prevent or minimize odors from or leakage,
25 sifting, spilling, drifting or blowing of such solid waste or recyclables in or upon the streets through
26 which such cart or vehicle may be driven.

27 SECTION 8: Title 9, Chapter 8, Section 100, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **9.08.100:** (A) Every person owning or managing any [place of business, public building,
2 multiple dwelling or single-family residence,] premises, except as otherwise provided in Subsection
3 (E) of this Section, shall provide [a receptacle] one or more containers sufficient for the depositing of
4 all solid waste from the premises. A solid waste franchisee may rent solid waste [receptacles]
5 containers to its customers pursuant to the rates specified in this Chapter, but the responsibility for
6 placement of such rented [receptacles] containers remains with the person owning or managing the
7 [place of business, public building, multiple dwelling or single-family residence.] premises.

8 (B) A franchisee shall provide to its curbside recyclables collection customers, upon
9 request and at no additional cost to such customers, appropriate [receptacles] containers for the storage
10 and collection of recyclables.

11 (C) On any single-family or duplex residential [lot,] premises, it is unlawful to
12 place, keep, store or locate any solid waste or recyclables [receptacle] container within the
13 right-of-way of a street, sidewalk or alley, or within any front yard as defined in the zoning regulations
14 of the City; provided, however, that such [receptacles] containers may be placed within such area,
15 except for traffic lanes, for the purpose of the collection of solid waste and recyclables [from midnight
16 to midnight on the day designated for the pickup thereof and for a period not to exceed ten hours prior
17 to midnight of the day of pickup.] no earlier than two p.m. on the day prior to the designated collection
18 day, and that such containers must be removed from the right-of-way no later than midnight of the
19 collection day.

20 (D) On any [multi-family,] multiple dwellings, commercial or industrial [lot,]
21 premises, it is unlawful to place, keep, store or locate any [dumpster or other] solid waste or
22 recyclables [receptacle] container within the right-of-way of a street, sidewalk or alley. [Dumpsters]
23 Containers shall be stored within an enclosure if an enclosure was required in connection with
24 development approval or is otherwise provided on the [lot,] premises. The construction of [dumpster]
25 container enclosures is encouraged, if such construction was not required in accordance with a
26 development approval. To the extent reasonably possible, development plans and approvals
27 concerning the construction of [dumpster] container enclosures shall be coordinated with the solid
28 waste franchisee.

1 (E) Places of business whose rubbish consists principally of boxes, cartons and
2 other items of such bulk that the placing of the same in a [receptacle] container would be
3 impracticable may provide for such [rubbish] solid waste to be piled on the premises of such place of
4 business adjacent to a street or alley, provided such boxes or cartons shall be flattened and tied in
5 bundles. The monthly rate to be charged such places of business for collecting, transporting and
6 disposing of such rubbish shall be computed in accordance with the rates set forth in Section 9.08.160
7 and based upon the bulk of such piles.

8 (F) A franchisee shall not be required to pick up solid waste or recyclables from
9 any location that the franchisee, subject to the City's approval, determines is not safe to access with
10 its disposal vehicles due to space limitations restricting vehicle access or maneuverability, including
11 maneuvers requiring the unsafe backing up of vehicles.

12 [(F)] (G) The provisions of this Section may be enforced by the City's Department of
13 Neighborhood Services, as well as the Las Vegas Metropolitan Police Department.

14 SECTION 9: Title 9, Chapter 8, Section 110, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **9.08.110:** (A) [Each receptacle which is not] At any residence that receives individual
17 curbside collection service, each container which cannot be emptied by mechanical or hydraulic
18 equipment shall have a capacity of not less than three nor more than [thirty-three] thirty-six gallons
19 and shall weigh no more than fifty pounds, including the contents thereof. [Multiple dwellings, places
20 of business and public buildings] Each residence with individual curbside collection service shall also
21 be permitted to use the types and sizes of [receptacles] containers listed in Section 9.08.160, Table A.

22 (B) [Solid waste receptacles] Except for manual type drop-box containers listed in
23 Section 9.08.160, Table C, all solid waste containers shall be constructed watertight and shall be
24 provided with handles and tight-fitting covers. Each such [receptacle] container and cover shall be
25 made of a material approved for such use by the City. Covers shall not be removed except when
26 necessary to place solid waste therein. Each [receptacle] container and its cover shall be kept clean
27 from accumulating grease and decomposing material.

28 (C) It is unlawful for a non-residential customer to place out for collection a

1 container which has overflowing solid waste.

2 (D) Any non-residential customer who places a container out for collection with
3 solid waste overflowing from the container shall be subject to an overflow charge pursuant to Section
4 9.08.185.

5 SECTION 10: Title 9, Chapter 8, Section 120, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **9.08.120:** (A) No person other than the owner, the City or a franchisee, or their agents may:

8 (1) Remove any solid waste or recyclables from the solid waste
9 [receptacles] containers or recyclables [receptacles] containers that are intended for [pickup] collection
10 by a franchisee as part of its solid waste collection and curbside recyclables collection programs;

11 (2) Remove recyclables that have been tied, boxed, bundled or otherwise
12 collected and placed for [pickup] collection by a franchisee as part of its curbside recyclables
13 collection program; or

14 (3) Tamper with, engage in, interfere with or participate in curbside
15 recyclables collection.

16 (B) No person other than an owner or operator of a drop-off center, or their
17 authorized agents, may remove recyclables from the drop-off center or recyclables that have been
18 bundled, boxed, tied or otherwise collected and placed adjacent to the drop-off center.

19 SECTION 11: Title 9, Chapter 8, Section 130, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **9.08.130:** (A) All solid waste shall be placed in a [receptacle;] container; provided, however,
22 that:

23 (1) Places of business may place rubbish on their premises pursuant to
24 Section 9.08.100(E); and

25 (2) Tree trimmings, scrap lumber and other solid waste capable of being
26 bundled in accordance with Subsection (B) of this Section may be bundled if securely tied and placed
27 next to a [receptacle.] container.

28 (B) Items bundled pursuant to this Section shall not exceed six feet in length nor

1 weigh more than [seventy-five] fifty pounds.

2 [(C) Receptacles which are not emptied by mechanical or hydraulic equipment shall
3 not weigh more than seventy-five pounds, including their contents.]

4 SECTION 12: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas,
5 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
6 9.08.135, reading as follows:

7 **9.08.135:** (A) Every non-residential customer shall provide cubic-yard or 96-gallon mobile
8 containers for the solid waste generated from the customer's premises in accordance with the
9 minimum containers requirements set forth in this Section.

10 (B) For multiple dwellings with three dwelling units, the premises must have cubic-
11 yard container service of at least a one cubic-yard container serviced twice per week, irrespective of
12 occupancy or vacancy of any dwelling units;

13 (C) For multiple dwellings with four, five or six dwelling units, the premises must
14 have cubic-yard container service equivalent to at least a two cubic-yard container serviced twice per
15 week, irrespective of occupancy or vacancy of any dwelling units;

16 (D) For multiple dwellings with seven or more dwelling units, the premises must
17 have cubic-yard container service equivalent to at least the greater of the following:

18 (1) A three cubic-yard container serviced twice per week, irrespective of
19 occupancy or vacancy of any dwelling units; or

20 (2) One-fourth of a one cubic-yard container per dwelling unit per week,
21 irrespective of occupancy or vacancy of any dwelling units.

22 (E) For mobile home parks that do not have individual service at each mobile home
23 space, the premises must have cubic-yard container service equivalent to at least one-fourth of a one
24 cubic-yard container per mobile home space per week, irrespective of occupancy or vacancy of any
25 mobile home spaces.

26 (F) For motels with at least fifty percent of the total units having cooking facilities,
27 the premises must have cubic-yard container service equivalent to at least one-fifth of a one cubic-yard
28 container per unit per week, irrespective of occupancy or vacancy of any units; or

1 (G) For motels with less than fifty percent of the total units having cooking
2 facilities, the premises must have cubic-yard container service equivalent to at least one-tenth of a one
3 cubic-yard container per unit per week, irrespective of occupancy or vacancy of any units.

4 (H) For each place of business or public building that does not require more than
5 two 96-gallon mobile containers to contain the solid waste generated from the premises, subject to
6 bundling of rubbish in accordance with Section 9.08.100(E), the premises must have at least one but
7 not more than two 96-gallon mobile containers.

8 (I) For each place of business or public building that requires more than two 96-
9 gallon containers to contain the solid waste generated from the premises, subject to the bundling of
10 rubbish in accordance with Section 9.08.100(E), the premises must have cubic-yard container service
11 sufficient to contain such solid waste.

12 (J) The container requirements in this Section are intended to be only minimum
13 requirements for non-residential customers. Compliance with such requirements does not constitute
14 compliance with a customer's obligation to provide sufficient container capacity pursuant to Section
15 9.08.100 if the solid waste generated from the premises requires solid waste service that exceeds the
16 requirements in this Section.

17 SECTION 13: Title 9, Chapter 8, Section 140, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

19 SECTION 14: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas,
20 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
21 9.08.140, reading as follows:

22 **9.08.140:** (A) The charges for collecting, transporting and disposing of solid waste and for
23 collecting and transporting recyclables from single-family residences, duplexes and multiple dwellings
24 shall be determined in accordance with the following table:

25 ...
26 ...
27 ...
28 ...

Category	Collection Level	Monthly Charge*
Single-family Residence	Solid waste - twice/week; Recycling - every other week	\$11.82
Duplex	Solid waste - twice/week; Recycling - every other week	\$11.82 per unit
Multiple Dwellings (irrespective of occupancy or vacancy of any units)	Solid waste - 2 times/week	\$8.80 - 1st unit; \$6.15 - each additional unit
	Solid waste - 3 times/week	\$13.20 - 1st unit; \$9.23 - each additional unit
	Solid waste - 4 times/week	\$16.13 - 1st unit; \$11.27 - each additional unit
	Solid waste - 5 times/week	\$19.07 - 1st unit; \$13.33 - each additional unit
	Solid waste - 6 times/week	\$22.00 - 1st unit; \$15.39 - each additional unit
	Solid waste - 7 times/week	\$24.93 - 1st unit; \$17.45 - each additional unit

* subject to applicable CPI-U adjustments made pursuant to this Chapter.

(B) All charges for single-family residences, duplexes and multiple dwellings pursuant to this Section shall be billed quarterly in advance.

SECTION 15: Title 9, Chapter 8, Section 150, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 16: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding a new section, designated as Section 9.08.150, reading as follows:

9.08.150: (A) For mobile home parks that do not receive individual service at each mobile home and for motels, the charges for collecting, transporting and disposing of solid waste shall be determined in accordance with the following table:

Category	Collection Level (solid waste only)	Monthly Charge*
Motels and mobile home parks (irrespective of occupancy or vacancy of any units)	2 times/week	\$8.80 - each office; \$5.28 - each cooking unit; \$4.24 - each unit without cooking facilities
	3 times/week	\$13.20 - each office; \$7.92 - each cooking unit; \$6.36 - each unit without cooking facilities
	4 times/week	\$16.13 - each office; \$9.68 - each cooking unit \$7.77 - each unit without cooking facilities
	5 times/week	\$19.07 - each office; \$11.44 - each cooking unit \$9.19 - each unit without cooking facilities
	6 times/week	\$22.00 - each office; \$13.20 - each cooking unit; \$10.60 - each unit without cooking facilities
	7 times/week	\$24.93 - each office; \$14.96 - each cooking unit; \$12.00 - each unit without cooking facilities

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*subject to applicable CPI-U adjustments made pursuant to this Chapter.

(B) For mobile home parks that receive individual service at each mobile home, which shall include the same heavy and bulky item pickup as that provided to single-family residences, the charges for collecting, transporting and disposing of solid waste and curbside recyclables collection services shall be the same as for single-family residences as set forth in Section 9.08.140.

(C) All charges for mobile home parks and motels shall be billed quarterly in advance.

SECTION 17: Title 9, Chapter 8, Section 160, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 18: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 9.08.160, reading as follows:

9.08.160: (A) For places of business and public buildings, the charge for collecting, transporting and disposing of solid waste shall be determined by the number and type of containers required by each such place of business or public building and by the number of collections from each per week in accordance with Tables A, B and C that are included within this Section. The charge for collecting, transporting and disposing of compacted solid waste from containers other than compaction-type drop boxes shall be three times the otherwise applicable charge.

(B) All monthly charges set forth in Tables A, B and C that are included within this Section shall be billed as follows:

- (1) Table A shall be billed quarterly in advance.
- (2) Table B shall be billed monthly in advance.
- (3) Table C shall be billed monthly in arrears.

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Section 9.08.160 Table A
Monthly Collection Charges*
Places of Business and Public Buildings

Number & Type of Containers	1 Collection Per Week	2 Collections Per Week	3 Collections Per Week	4 Collections Per Week	5 Collections Per Week	6 Collections Per Week	7 Collections Per Week
96-Gallon Mobile Container							
First container	\$7.92	\$15.83	\$23.75	\$36.56	\$50.14	\$65.89	\$79.01
Each additional container	\$7.92	\$15.83	\$23.75	\$36.56	\$50.14	\$26.31	\$31.66
One Cubic-Yard Container							
First container	\$39.51	\$79.01	\$118.52	\$131.59	\$148.55	\$171.12	\$205.61
Each additional container	\$39.51	\$79.01	\$118.52	\$131.59	\$148.55	\$131.56	\$158.28
Two Cubic-Yard Container							
First container	\$79.15	\$158.28	\$237.42	\$250.68	\$271.73	\$302.69	\$363.87
Each additional container	\$79.15	\$158.28	\$237.42	\$250.68	\$271.73	\$263.11	\$316.55
Three Cubic-Yard Container							
First container	\$118.71	\$237.41	\$356.13	\$369.63	\$394.82	\$434.24	\$522.17
Each additional container	\$118.71	\$237.41	\$356.13	\$369.63	\$394.82	\$394.67	\$474.82
Four Cubic-Yard Container							
First container	\$158.28	\$316.55	\$474.83	\$488.59	\$517.92	\$565.80	\$680.41
Each additional container	\$158.28	\$316.55	\$474.83	\$488.59	\$517.92	\$526.19	\$633.12
Six Cubic-Yard Container							
First container	\$237.41	\$474.82	\$712.23	\$726.49	\$764.11	\$829.90	\$996.98
Each additional container	\$237.41	\$474.82	\$712.23	\$726.49	\$764.11	\$787.44	\$947.14
Eight Cubic-Yard Container							
First container	\$316.55	\$633.11	\$949.65	\$964.41	\$1,010.31	\$1,092.01	\$1,313.52
Each additional container	\$316.55	\$633.11	\$949.65	\$964.41	\$1,010.31	\$1,059.25	\$1,274.12

*subject to applicable CPI-U adjustments made pursuant to this Chapter.

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Section 9.08.160 Table (B)
Solid Waste Compaction-Type Drop Box Collection Charges*

Monthly Charges

Compactor Size	1 collection per week	2 collections per week	3 collections per week	4 collections per week	5 collections per week	6 collections per week	7 collections per week
10 cubic-yard container	\$1,756.06	\$2,347.56	\$3,216.32	\$3,493.39	\$3,770.48	\$4,047.56	\$5,912.89
17 cubic-yard container	\$2,172.63	\$2,868.06	\$4,042.42	\$4,441.49	\$4,840.53	\$5,239.61	\$6,976.12
26 cubic-yard container	\$2,434.93	\$3,392.67	\$4,829.31	\$5,228.36	\$5,627.42	\$6,026.48	\$7,894.24
36 cubic-yard container	\$2,873.22	\$3,831.02	\$5,267.51	\$5,722.61	\$6,177.69	\$6,632.87	\$8,500.66

Compactor Size	8 collections per week	9 collections per week	10 collections per week	11 collections per week	12 collections per week	13 collections per week	14 collections per week
10 cubic-yard container	\$7,671.94	\$8,263.47	\$9,132.25	\$9,409.31	\$9,686.36	\$9,963.45	\$11,831.79
17 cubic-yard container	\$9,148.73	\$9,844.76	\$11,018.54	\$11,417.60	\$11,816.67	\$12,215.74	\$13,952.24
26 cubic-yard container	\$10,329.15	\$11,286.91	\$12,723.56	\$13,122.61	\$13,521.69	\$13,920.72	\$15,788.49
36 cubic-yard container	\$11,373.89	\$12,331.70	\$13,768.19	\$14,223.27	\$14,678.38	\$15,133.54	\$17,001.32

Per Collection Charges (with regular service)	Regular	Sunday/Holiday
Special collection 0-49 cubic yards	\$431.01	\$646.52
Special collection 50-74 cubic yards	\$828.83	\$1,243.24
Special collection 75 cubic yards	\$1,351.92	\$2,027.88
Per Collection Charges (without regular service)		
On-call collection 0-49 cubic yards	\$672.80	\$1,009.20

*subject to applicable CPI-U adjustments made pursuant to this Chapter.

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Section 9.08.160 Table (C)
Solid Waste Manual-Type Drop Box Collection Charges*

On-Call Charges (with or without regular service)	<u>Regular</u>	<u>Sunday/Holiday</u>
10 cubic-yard container	\$83.00	\$124.50
20 cubic-yard container	\$166.00	\$249.00
28 cubic-yard container	\$232.40	\$348.60
35 cubic-yard container	\$290.50	\$435.75
50 cubic-yard container	\$415.00	\$622.50

All on-call charges are subject to additional charges of \$18.53 demurrage per 24 hours or any part thereof after the first 72 hours, excluding Sundays.

Monthly Charges

All other charges shall be calculated as follows:

(Base Charge x number of yards of capacity x number of collections per week x 52 weeks per year, divided by 12 months per year) + Demurrage = total monthly charge, where:

“Base Charge” for Monday - Saturday collections = \$8.30 per cubic yard.

“Base Charge” for Sunday collections = \$12.45 per cubic yard.

“Demurrage” = \$18.53 per 24 hours or any part thereof after the first 72 hours, excluding Sundays.

*subject to applicable CPI-U adjustments made pursuant to this Chapter.

SECTION 19: Title 9, Chapter 8, Section 170, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9.08.170: The charges for container rentals for [single-family residences, multiple dwellings, places of business and public buildings] any premises, which shall be billed quarterly in advance, shall be as follows:

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Container Size	Monthly Charge*
1 <u>Cubic-Yard Container</u>	[\$14.34] <u>\$15.22</u>
2 <u>Cubic-Yard Container</u>	[\$17.20] <u>\$18.26</u>
3 <u>Cubic-Yard Container</u>	[\$20.08] <u>\$21.31</u>
4 <u>Cubic-Yard Container</u>	[\$22.37] <u>\$23.75</u>
5 <u>Cubic-Yard Container</u>	[\$28.67] <u>\$30.43</u>
6 <u>Cubic-Yard Container</u>	[\$31.54] <u>\$33.48</u>
	[Quarterly Charge*]
7 Up to 96-gallon Mobile [Cart]	
8 <u>Container</u>	[\$10.32] <u>\$3.65</u>

9 *subject to applicable CPI-U adjustments made pursuant to this Chapter.

10 SECTION 20: Title 9, Chapter 8, Section 180, of the Municipal Code of the City of
 11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **9.08.180:** The charges for special one-time collections for [single-family residences, multiple
 13 dwellings, places of business and public buildings] any premises, which may be billed at the time of
 14 service as on-call services, shall be as follows:

<u>Container Size [of Receptacle]</u>	One Time Charge*
15 1 <u>Cubic-Yard Container</u>	[\$28.02] <u>\$29.75</u>
16 2 <u>Cubic-Yard Container</u>	[\$37.36] <u>\$39.65</u>
17 3 <u>Cubic-Yard Container</u>	[\$46.70] <u>\$49.57</u>
18 4 <u>Cubic-Yard Container</u>	[\$56.02] <u>\$59.46</u>
19 6 <u>Cubic-Yard Container</u>	[\$65.37] <u>\$69.39</u>
20 8 <u>Cubic-Yard Container</u>	[\$74.71] <u>\$79.30</u>

22 *subject to applicable CPI-U adjustments made pursuant to this Chapter.

23 SECTION 21: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas,
 24 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
 25 9.08.185, reading as follows:

26 **9.08.185:** (A) Any non-residential customer whose solid waste container or containers have
 27 overflowing solid waste prior to being emptied on a collection day shall be subject to an overflow
 28 charge as provided in this Section.

1 (B) No overflow charges may be assessed unless:

2 (1) Written notice of an overflow, delivered by regular U. S. mail, e-mail
3 or facsimile (fax) or personal delivery, has been provided to the owner or manager of the premises,
4 and a subsequent overflow occurs at the premises within 90 days after:

5 (a) Such notice has been given; or

6 (b) The last overflow charge has been assessed at the premises; and

7 (2) There is significant overflow from a container, as defined in this Chapter
8 and as evidenced by a photograph; and

9 (3) The overflow has actually been collected by the City or its franchisee.

10 (C) No overflow charge may be assessed for an overflow that is caused by a prior
11 collection being missed or being performed improperly, or by containers being repositioned by a
12 franchisee after collection such that a container is inaccessible to tenants of the premises, resulting in
13 overuse of and overflow occurring in another container.

14 (D) No overflow charge may be assessed for an overflow that is caused because the
15 time of day of collection was more than four hours later than the time of day when the last regularly
16 scheduled collection occurred.

17 (E) Overflow charges assessed pursuant to this Section may be waived by the City
18 Manager, or his or her designee, or by a franchisee if it is determined that the owner or manager of the
19 premises has taken reasonable steps to avoid future overflows, including but not limited to increasing
20 the container capacity or collection frequency, installing locks on the lids of containers or on access
21 gates to curtail illegal dumping by third parties, or other property-management measures designed to
22 avoid overflows.

23 (F) The charge for any overflow for any non-residential customer, which may be
24 billed at the time of service as an on-call service, shall be \$30.00, subject to applicable CPI-U
25 adjustments made pursuant to this Chapter.

26 SECTION 22: Title 9, Chapter 8, Section 190, of the Municipal Code of Las Vegas,
27 Nevada, 1983 Edition, is hereby repealed in its entirety.

28 SECTION 23: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas,

1 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
 2 9.08.190, reading as follows:

3 **9.08.190:** The charges for preparation, collection, transportation and disposal of medical waste,
 4 and the charges for the optional purchase and rental of medical waste containers shall be determined
 5 in accordance with Tables A, B and C that are included within this Section. All charges for medical
 6 waste service, except for on-call service which may be billed at the time of service, shall be billed
 7 monthly in advance.

8 **Section 9.08.190 Table (A)**
 9 **Basic Service Charges***

10 (MONDAY - FRIDAY; IF NO SERVICE IS REQUIRED, FRANCHISEE MUST BE NOTIFIED BY 2:00 P.M. ON
 11 DAY BEFORE SCHEDULED SERVICE, OR MINIMUM SERVICE CHARGE WILL APPLY)

Item	Size & Volume	Price Per Item		Minimum Charge Per Service Call	
		Delivered	Picked Up	Prescheduled Once/Month or Greater Frequency	On-Call/Special Collection
Bio-Hazardous Accumulation Containers	Medium 10-14 Gallons	\$4.78	\$4.78	\$27.26 (If total for containers delivered and collected is less than \$27.26, then \$27.26 will be charged)	\$61.35 (If total for containers delivered and collected is less than \$61.35, then \$61.35 will be charged)
	Large 27-32 Gallons	\$6.82	\$6.82		
	X-Large 48-50 Gallons	\$10.23	\$10.23		

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 18 *subject to applicable CPI-U adjustments made pursuant to this Chapter.

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**Section 9.08.190 Table (B)
Additional Service Charges***

Charges for prescheduled once/month or greater frequency service:			
Type	Size Code	Container	Disposal Price
Chemotherapy Waste Disposal	Large	33 Gallon	\$33.65
	Extra Large	55 Gallon	\$59.71
Pharmaceutical (non-controlled substance) Disposal	Extra Small	5 Gallon	\$43.42
	Small	10 Gallon	\$78.70
	Medium	20 Gallon	\$157.40
	Large	30 Gallon	\$236.12
	Extra Large	55 Gallon	\$393.53
Charges for on-call / special collections or special services:			
Item			Charge
Special collections (after 5:00 p.m., same day requests, holidays, weekends or greater than 20 polyurethane containers per collection)			\$65.14 Per Hour
Special services (account balancing, reconciliation, usage reports, certificates)			\$65.14 Per Hour
Preparation of waste to make suitable for transportation			\$27.14 Per Container
Collection delay			\$1.09 Per minute after 10 minutes; minimum charge of \$10.90
Over weight charge (Over 50 lbs)			\$43.42 Per Container

*subject to applicable CPI-U adjustments made pursuant to this Chapter.

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**Section 9.08.190 Table C
Purchase or Rental Items***

ALL ITEMS OPTIONAL, IF OFFERED AT FRANCHISEE'S DISCRETION				
Item	Size	Volume	Dimensions	Price
Sharp Containers	Small	1 Quart	4" x 4" x 6"	\$5.43 plus tax
	Medium	5 Quarts	4" x 10" x 9"	\$8.68 plus tax
	Large	8 Quarts	6" x 9" x 10"	\$10.86 plus tax
	Extra Large	32 Quarts	9" x 13" x 17"	\$21.71 plus tax
Red Bio-Hazard Bags	Small (500 bags per case)	8-10 Gallons	24" x 32" (8-10 gallons)	\$75.99 plus tax
	Large/Extra Large (25 bags per roll)	50 Gallons	43" x 48" (50 gallons)	\$13.03 plus tax
Locker Rental	Small	5 Cubic yards	7-1/2' x 5-1/2' x 3-1/2'	\$65.14 per month (includes transportation)
	Large	30 Cubic yards	20' x 8' x 8'	\$151.98 per month (includes transportation)
Roll-Off Box Rental	Extra Large	40 Cubic yards		\$358.25 per month
Trailer Rental (Special collection charge of \$65.14 per hour does not apply to customers with trailer service, unless after hours or holiday collections are requested)		30 feet long or less		\$519.53 per month
		48 feet long or less		\$692.71 per month
		53 feet long or less		\$779.30 per month

* subject to applicable CPI-U adjustments made pursuant to this Chapter.

SECTION 24: Title 9, Chapter 8, Section 200, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9.08.200: The charge for sewage-waste service shall be [\$15.78] sixteen dollars and seventy-five cents per wet ton of sewage waste, subject to applicable CPI-U adjustments made pursuant to this Chapter. Additional terms and conditions for collection, transportation and disposal of sewage waste shall be specified in a separate sewage-waste service agreement between the City and its franchisee.

If any jurisdiction other than the City imposes any franchise fee on a franchisee based upon its cash receipts or gross revenues from sewage-waste services provided by the franchisee, the franchisee shall be solely responsible for such franchise fees and shall not pass such franchise fees through to the City.

SECTION 25: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section

1 9.08.205, reading as follows:

2 **9.08.205:** The charges specified in this Chapter for collecting, transporting and disposing of solid
3 waste shall not apply to construction or demolition waste, septic-tank waste, grease-trap waste, or
4 landscaping or tree-trimming waste handled in accordance with Section 9.08.060. A franchisee or
5 other licensed service provider may set its own charges for the collection, transportation and disposal
6 of such solid waste.

7 SECTION 26: Title 9, Chapter 8, Section 210, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **9.08.210:** (A) To ensure the uniform, safe and sanitary treatment of solid waste in the City and
10 to discourage the illegal handling and disposal of solid waste, it shall be mandatory for any person
11 owning, occupying or managing any premises in the City which are connected to water service to
12 subscribe to solid waste collection service provided by the City or its authorized franchisee and to pay
13 the charges specified in this Chapter. No person may discontinue paying for solid waste collection
14 service for his or her premises, unless such premises are not connected to water service for the entire
15 billing period.

16 (B) In order to discontinue paying for solid waste collection service pursuant to
17 Subsection (A) of this Section, a person must request discontinuation of service and provide proof that
18 no water service to the premises is provided. [Such request is subject to an administrative fee of
19 fifteen dollars for the costs of processing the request.] No fee may be charged to discontinue
20 service or to reestablish service to the premises after service has been discontinued pursuant to this
21 Subsection (B).

22 (C) All charges for regular or periodic services provided by the City, its franchisees,
23 or their duly appointed agents, pursuant to this Chapter shall be billed [in advance] on the first
24 business day of the quarterly or monthly billing period, as applicable[. Bills will be due and payable
25 on the fifteenth day after the applicable billing date.], and shall be due and payable on the last day of
26 the billing month; provided, however, that charges for on-call service may be billed at the time of
27 service. All charges for services under this Chapter, including the penalties for delinquent payment,
28 shall constitute a debt and obligation of the legal owner [and the person having the management] of

1 the [places of business, public buildings, multiple dwellings and residences] premises to the City or
2 its franchisee, and such [persons] person shall be liable therefor in a civil action commenced by the
3 City or its franchisee in any court of competent jurisdiction for the recovery of such charges and
4 penalties.

5 (D) If any person fails to pay the charges authorized by this Chapter by the date they
6 become due and payable, a penalty shall be added thereto of three dollars per quarter (or fraction
7 thereof) for residential accounts and two percent per month (or fraction thereof) of the delinquent
8 amount for commercial accounts.

9 [(D)] (E) A customer shall be entitled to a refund of any advance payment for service he
10 or she has made[, minus any administrative fee paid pursuant to Subsection (B) of this Section,] upon
11 presenting proof that a connection to water service did not exist at the customer's premises during the
12 entire billing period for which the advance payment was made. All refunds from a franchisee to a
13 customer shall be paid within thirty days from the date of the customer's request for reimbursement
14 or date of franchisee's knowledge that a refund is owed.

15 [(E)] (F) No person shall accept and no franchisee shall offer or give any solid waste
16 collection, transportation and disposal services or curbside recyclables collection services without
17 charge, or shall offer or give a discount, refund or rebate of any charge authorized by this Chapter,
18 except that this provision does not apply to any credits or refunds issued pursuant to Section 9.08.340,
19 charitable organizations which are exempt from federal income tax pursuant to Section 501(c) of the
20 Internal Revenue Code or as further provided by franchise agreement.

21 [(F)] (G) If any person fails to pay the charges authorized by this Chapter within fifteen
22 days after they become due and payable, such charge shall be considered delinquent and a penalty of
23 two percent per month (or fraction thereof) of the delinquent amount shall be added thereto.]

24 SECTION 27: Title 9, Chapter 8, Section 230, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **9.08.230:** All solid waste collection charges [or fees] authorized and established by this Chapter,
27 including any penalties assessed under Section 9.08.210, shall constitute a lien upon the real property
28 of the premises served until such charges [and fees] have been paid. Such lien shall be enforced in

1 the [following manner:] manner specified in NRS 444.520.

2 [(A) A lien shall not be recorded against any property until the record owner of the
3 property has been mailed written notice of the delinquency at his or her last address shown by the
4 records of the County Assessor, and such delinquency has not been cured within fifteen days after the
5 mailing of the notice.

6 (B) The provider of solid waste collection may record in the office of the County
7 Recorder, no later than four hundred days following the date on which such charges or fees become
8 delinquent, a notice of solid waste service lien in favor of the person claiming the lien and signed by
9 an authorized representative of the person claiming the lien. The notice of solid waste lien shall
10 contain the amount of the charges or fees due, the periods for which such charges or fees are due, the
11 name of the record owner(s) of the property, and a legal description of the property.

12 (C) The provider of solid waste collection may bring an action for foreclosure
13 against such property in the same manner as an action for foreclosure of any other lien, commenced
14 within two years after the date of recording the notice of solid waste lien.]

15 SECTION 28: Title 9, Chapter 8, Section 240, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **9.08.240:** (A) The [rates and] charges established pursuant to this Chapter shall be adjusted
18 annually based upon the percentage of change in the CPI-U.

19 (B) [Rate changes] Changes in charges shall be made effective as of July 1, each
20 year, and shall be based upon the percentage change in the CPI-U for the twelve-month period of the
21 preceding calendar year.

22 (C) Annual increases to [rates and] charges adjusted in accordance with the
23 percentage change in the CPI-U shall not be greater than six and one-half percent when the percentage
24 change in CPI-U is within the range of zero (no change) to ten percent and shall be done in the
25 following manner:

26 (1) When the percentage change in the CPI-U is between zero and six and
27 one-half percent, the charges are to be adjusted by the actual percentage change; and

28 (2) When the percentage change is between six and one-half percent and

1 ten percent, the [rates and] charges adjustment shall not be greater than six and one-half percent.

2 (D) When an unforeseen economic circumstance has occurred during the preceding
3 calendar year, the City Council may consider and may approve a method for adjusting [rates] charges
4 which is not based on changes to the CPI-U. In any year following a period when the adjustment to
5 [rates] charges was based on some other method, [rate] charge adjustments shall again be based on
6 changes in the CPI-U.

7 (E) A minimum of one annual [rate] charge adjustment based on the CPI-U method
8 must occur between annual [rate] charge adjustments based on methods other than the CPI-U method.

9 SECTION 29: Title 9, Chapter 8, Section 250, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **9.08.250:** (A) Every franchisee shall pay a quarterly franchise fee, in the amount specified in
12 the franchise agreement, based on its cash receipts derived from the collection of solid waste and
13 curbside recyclables collection for the preceding calendar quarter. All franchise fees shall be due no
14 later than thirty days after the end of each calendar quarter.

15 (B) [All rates that a franchisee charges its customers] All charges to customers for
16 the collection of solid waste and curbside recyclables collection pursuant to this Chapter and the
17 franchise agreement shall be deemed to include the franchise fee which the franchisee pays to the City.
18 The franchisee may pass such fees through to its customers only as a part of the general service [rates]
19 charges charged to its customers, not as a separate charge that is additional to the general service
20 [rates] charges.

21 (C) If a franchise fee is received by the City after the due date, a late fee of two
22 percent per month (or fraction thereof) of the delinquent amount will be assessed to the franchisee.

23 SECTION 30: Title 9, Chapter 8, Section 260, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **9.08.260:** All solid waste and hazardous waste collected from the public and private places and
26 premises in the City shall not be deposited at any place other than at a transfer station, disposal site
27 or materials recovery facility operated in accordance with all applicable laws, rules and regulations.

28 SECTION 31: Title 9, Chapter 8, Section 270, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **9.08.270:** (A) Any person may dispose of solid waste at any disposal site operated in
3 accordance with all applicable laws, rules and regulations.

4 (B) Any [single-family resident of the City] person in the City who receives
5 individual service at a single-family residence, duplex or mobile home park and who is a current
6 customer of a franchisee may dispose of the solid waste generated at his or her [own single-family
7 dwelling] residential premises at any authorized disposal site owned or operated by the franchisee
8 within the “urban solid waste service area” in Clark County, without charge, upon presentation of a
9 current quarterly bill for residential service from the franchisee and a valid[,] government-issued photo
10 identification[.], such as a current Nevada driver’s license, and in accordance with such other rules
11 and regulations as the County may adopt.

12 SECTION 32: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas,
13 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
14 9.08.295, reading as follows:

15 **9.08.295:** Notwithstanding any provision in this Chapter to the contrary, the City Manager, a
16 franchisee and specific property owners in designated control areas may agree upon alternative
17 collection schedules for specified test periods for the purpose of testing recycling options.

18 SECTION 33: Title 9, Chapter 8, Section 320, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **9.08.320:** The following customer service standards shall apply to each franchisee:

21 (A) The franchisee shall be required to implement a complaint resolution procedure
22 to handle all complaints received by either the City or the franchisee. The complaint resolution
23 procedure shall include the following:

24 (1) The franchisee shall be required to record all complaints and if possible
25 resolve them within forty-eight hours of their receipt.

26 (2) If the franchisee cannot resolve a complaint within forty-eight hours of
27 its receipt, the franchisee shall within that period, provide the City with a written report detailing why
28 resolution could not be reached within that period, the actions that will be taken to resolve the

1 complaint and the timeline to reach a resolution of the complaint.

2 (B) If the City is not satisfied with the franchisee's proposed resolution of a
3 complaint, the Director of Finance and Business Services, or his or her designee, shall have the
4 authority to direct the franchisee to resolve the complaint in a manner that is satisfactory to the City.

5 (C) [No later than thirty days after the end of each month,] Upon request, the
6 franchisee shall provide the City with a written monthly report, in a form satisfactory to the City,
7 summarizing the complaints received by the franchisee and the resolutions thereof for the preceding
8 month.

9 SECTION 34: Title 9, Chapter 8, Section 330, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **9.08.330:** (A) Customer service telephone operators of a franchisee shall be trained to screen
12 requests and assist in solving problems and shall identify themselves by at least their first names
13 immediately upon initial contact with a customer.

14 (B) A customer shall be transferred to a supervisor upon request or, if none is
15 available, receive a return call from a supervisor within one working day of the request.

16 (C) Unless otherwise agreed to by the City, customer service operators of a
17 franchisee shall be available to answer telephone calls from customers during normal business hours,
18 which shall be from at least eight a.m. to six p.m. each Monday through Friday and for at least four
19 hours each Saturday, except for any Monday through Saturday that falls on any of the following
20 holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.
21 When customer service operators are not available to answer telephone calls from customers, the
22 franchisee shall employ an answering machine or service capable of receiving and recording calls from
23 customers. Calls received by such answering machine or service shall be returned on the next business
24 day.

25 [(A)] (D) Each franchisee shall at all times maintain a telephone answering system that
26 measures the:

27 (1) Average wait time from the time that customer calls reach the franchisee
28 to the time that such calls are answered by a person (not a machine);

1 (2) Number of calls that reach the franchisee but are dropped before a
2 representative of the franchisee answers such calls; and

3 (3) Percentage of time during which all of the franchisee's customer service
4 telephone lines are busy.

5 ~~[(B)] (E)~~ [No later than thirty days after the end of each month, the] Upon request, a
6 franchisee shall provide the City with a written monthly report regarding its telephone answering
7 system, in a form satisfactory to the City, summarizing the average wait time, the number of dropped
8 calls and the percentage of time during which all lines were busy during the preceding month.

9 ~~[(C)] (F)~~ [The franchisee shall establish, after consultation with the City, reasonable
10 minimum standards for its telephone answering system for the average wait times, number of dropped
11 calls and percentage of time during which all lines are busy.] During normal business hours as
12 specified in Subsection (C) of this Section, a franchisee shall meet the following minimum standards
13 for its telephone answering system at least ninety percent of the time, measured monthly:

14 (1) Telephone answering time, including wait time, shall not exceed sixty
15 seconds.

16 (2) No more than five percent of incoming customer service callers shall
17 receive a busy signal.

18 ~~[(D)] (G)~~ Each monthly report required by Subsection ~~[(B)] (E)~~ of this Section shall
19 include a summary of whether the franchisee is or is not in compliance with the [agreed upon]
20 standards established pursuant to Subsection ~~[(C)] (F)~~ of this Section and, if the franchisee is not in
21 compliance, what actions the franchisee will take to meet the standards in future months.

22 SECTION 35: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas,
23 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
24 9.08.340, reading as follows:

25 **9.08.340:** (A) For purposes of this Section, a "container damaged beyond proper use" shall
26 mean a solid waste container used by a non-residential customer that has been damaged to such an
27 extent that it can no longer be properly used for solid waste collection, including but not limited to a
28 container that has broken wheels so that it cannot be rolled in and out of an enclosure in which it is

1 stored.

2 (B) For purposes of this Section, a franchisee shall be deemed to have notice that
3 a container has been damaged beyond proper use no later than the earlier of the following dates:

4 (1) the date on which the franchisee receives oral or written notice of the
5 damage; or

6 (2) the first regularly scheduled collection day after the damage has
7 occurred.

8 (C) If a franchisee provides a container to a non-residential customer and such
9 container is damaged beyond proper use through the franchisee's own actions or through normal wear
10 and tear, or if the franchisee damages any other container that is used by a non-residential customer
11 through the franchisee's own negligence or misconduct, the franchisee shall:

12 (1) Fix or repair such container, at its own cost, no later than seven calendar
13 days after it has notice of the damage;

14 (2) Be deemed to have missed each collection that is regularly scheduled
15 from the date on which the franchisee has notice of the damage until such time as the container is
16 fixed or replaced; and

17 (3) Automatically issue a credit to the customer for each missed pickup in
18 accordance with Subsection (E) of this Section.

19 (D) If a franchisee misses or improperly performs a collection for a non-residential
20 customer for any reason other than a container being damaged beyond proper use, resulting in solid
21 waste that the customer has properly put out for collection not being collected, the franchisee shall,
22 within twenty-four hours of receiving notice of such missed or improper collection, send a second
23 vehicle to the premises to properly collect such solid waste.

24 (E) If a franchisee fails to fix or replace a container damaged beyond proper use as
25 required by this Section, or to correct a missed or improper collection for a non-residential customer
26 as required by this Section, the franchisee shall automatically issue a prorated credit to such
27 customer's account, based on the charges for regularly scheduled collection service to the premises
28 for the applicable billing period, regardless of whether the customer makes any request for such a

1 credit.

2 SECTION 36: Sections 14, 16, 18 and 23 of this Ordinance shall become effective as
3 of 12:01 a.m. the day after publication of this Ordinance by title.

4 SECTION 37: If any section, subsection, subdivision, paragraph, sentence, clause or
5 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
6 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
7 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
8 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
9 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
10 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
11 invalid or ineffective.

12 SECTION 38: Whenever in this ordinance any act is prohibited or is made or declared
13 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
14 required or the failure to do any act is made or declared to be unlawful or an offense or a
15 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
16 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
17 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
18 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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SECTION 39: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2007.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Jerry G. Bellis 1-24-07
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2007, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2007, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

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ATTEST:

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BARBARA JO RONEMUS, City Clerk

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