

1 **BILL NO. 2012-10**

2 **ORDINANCE NO. \_\_\_\_\_**

3 AN ORDINANCE RELATING TO THE COLLECTION OF SOLID WASTE; AUTHORIZING A  
4 FRANCHISEE TO CHARGE CERTAIN FEES PERTAINING TO THE RECORDATION,  
5 MAINTENANCE AND RELEASE OF LIENS ASSOCIATED WITH SOLID WASTE  
6 COLLECTION SERVICES; AND PROVIDING FOR OTHER RELATED MATTERS.

6 Sponsored by: Councilman Steve Wolfson

Summary: Authorizes a solid waste collection franchisee to charge certain fees pertaining to the recordation, maintenance and release of liens associated with solid waste collection services.

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9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN  
10 AS FOLLOWS:

11 SECTION 1: Title 9, Chapter 8, Section 230, of the Municipal Code of the City of  
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **9.08.230:** (A) All solid waste collection charges authorized and established by this Chapter,  
14 including any penalties assessed under Section 9.08.210[,] and any fees assessed pursuant to Section  
15 9.08.235, shall constitute a lien upon the real property of the premises served until such charges have  
16 been paid. Such lien shall be enforced in the manner specified in NRS 444.520.

17 (B) Where solid waste collection service under this Chapter is provided by a  
18 contractor or franchisee, the City may:

19 (1) Execute, record and administer such liens in the name of the City;

20 (2) Authorize the contractor or franchisee to execute, record and administer  
21 such liens in the name of the City; or

22 (3) Authorize the contractor or franchisee to execute, record and administer  
23 such liens in its own name.

24 (C) In each case described in Subsection (B), the charges, penalties and fees secured  
25 by such liens shall run in favor of the contractor or franchisee consistent with the terms of the waste  
26 collection contract or franchise agreement.

27 SECTION 2: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas,  
28 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 235,

1 reading as follows:

2 **9.08.235:** (A) With respect to a property concerning which a lien has been filed pursuant to  
3 Section 9.08.230, a franchisee may:

4 (1) Pass through to the owner of that property any fees that have been  
5 charged by the county recorder's office for the recording of that lien and for its release;

6 (2) Charge the owner of that property a fee to recover administrative costs  
7 incurred by the franchisee in recording and maintaining such lien; and

8 (3) Charge the owner of that property a fee to recover administrative costs  
9 incurred by the franchisee in securing the release of such lien.

10 (B) Subject to the provisions of Subsection (C), each of the fees set forth in  
11 Paragraphs (2) and (3) of Subsection (A) shall not exceed sixty dollars.

12 (C) Commencing on July 1, 2012, each of the fees set forth in Paragraphs (2) and  
13 (3) of Subsection (A) shall be adjusted in accordance with Section 9.08.240.

14 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or  
15 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or  
16 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
17 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the  
18 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,  
19 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,  
20 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,  
21 invalid or ineffective.

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SECTION 4: 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 \_\_\_\_\_, 2012.

APPROVED:

By \_\_\_\_\_  
CAROLYN G. GOODMAN, Mayor

ATTEST:

\_\_\_\_\_  
BEVERLY K. BRIDGES, MMC  
City Clerk

APPROVED AS TO FORM:

Robert S. Sylvain 1-25-12  
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_\_ day of \_\_\_\_\_, 2012, 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 \_\_\_\_\_, 2012, 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 \_\_\_\_\_  
CAROLYN G. GOODMAN, Mayor

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ATTEST:

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\_\_\_\_\_  
BEVERLY K. BRIDGES, MMC  
City Clerk

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