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BILL NO. 2008-61

ORDINANCE NO. 6025

AN ORDINANCE TO AMEND THE CITY'S SOLID WASTE REGULATIONS CONCERNING MANDATORY WASTE COLLECTION SERVICE REQUIREMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Establishes electric utility service, rather than water service, as the basis for requiring a property to subscribe to mandatory solid waste collection service.

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

SECTION 1: Title 9, Chapter 8, Section 210, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

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

(B) In order to discontinue paying for solid waste collection service pursuant to Subsection (A) of this Section, a person must request discontinuation of service and provide proof that no [water] electric utility service to the premises is provided. No fee may be charged to discontinue service or to reestablish service to the premises after service has been discontinued pursuant to this Subsection (B).

(C) All charges for regular or periodic services provided by the City, its franchisees, or their duly appointed agents[,] pursuant to this Chapter shall be billed on the first business day of the quarterly or monthly billing period, as applicable, and shall be due and payable on the last day of the billing month; provided, however, that charges for on-call service may be billed at the time of service. All charges for services under this Chapter, including the penalties for delinquent payment,



1 shall constitute a debt and obligation of the legal owner of the premises to the City or its franchisee,
2 and such person shall be liable therefor in a civil action commenced by the City or its franchisee in
3 any court of competent jurisdiction for the recovery of such charges and penalties.

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

8 (E) A customer shall be entitled to a refund of any advance payment for service he
9 or she has made upon presenting proof that a connection to [water] an electric utility service did not
10 exist at the customer's premises during the entire billing period for which the advance payment was
11 made. All refunds from a franchisee to a customer shall be paid within thirty days from the date of the
12 customer's request for reimbursement or date of franchisee's knowledge that a refund is owed.

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

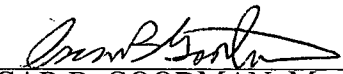
19 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or
20 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
21 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
22 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
23 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
24 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
25 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
26 invalid or ineffective.

27 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared
28 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is

1 required or the failure to do any act is made or declared to be unlawful or an offense or a
2 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
3 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
4 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
5 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

6 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
8 1983 Edition, in conflict herewith are hereby repealed.

9 PASSED, ADOPTED and APPROVED this 23ST day of JANUARY, 2009.

10 APPROVED:
11
12 By 
OSCAR B. GOODMAN, Mayor

13 ATTEST:
14 
15 BEVERLY K. BRIDGES, CMC
City Clerk

16 APPROVED AS TO FORM:
17 Val Hood 12-3-08
Date

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of December, 2008, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 21st day of January, 2009, which as a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, Wolfson, Ross, and Steinman
VOTING "NAY": None
EXCUSED: Tarkanian and Barlow
ABSTAINED: None

APPROVED:



OSCAR B. GOODMAN, Mayor

ATTEST:



BEVERLY K. BRIDGES, CMC City Clerk

**BUSINESS IMPACT STATEMENT
BILL NO. 2008-61**

(Establishes electric utility service, rather than water service, as the basis for requiring a property to subscribe to mandatory solid waste collection service)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2008-61, that will establish electric utility service, rather than water service, as the basis for requiring a property to subscribe to mandatory solid waste collection service.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable. Unable to identify particular businesses or types of businesses that might be affected

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

Unable to identify

Beneficial effects:

Potential decrease in number of properties whose landscaping is not maintained

Direct effects:

Unable to identify

Indirect effects:

Potential decrease in number of properties whose landscaping is not maintained

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: December 3, 2008

AFFP DISTRICT COURT
Clark County, Nevada

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CITY CLERK

AFFIDAVIT OF PUBLICATION

2009 JAN 16 P 1:54

STATE OF NEVADA)
COUNTY OF CLARK) SS:

STACEY M. LEWIS, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 4865225

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/10/2009 to 01/10/2009, on the following days:

01/10/2009

BILL NO. 2008-61

AN ORDINANCE TO AMEND THE CITY'S SOLID WASTE REGULATIONS CONCERNING MANDATORY WASTE COLLECTION SERVICE REQUIREMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven O. Ross
Summary: Establishes electric utility service, rather than water service, as the basis for requiring a property to subscribe to mandatory solid waste collection service.

At the City Council meeting of DECEMBER 17, 2008 BILL NO. 2008-61 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: January 10, 2009
LV Review-Journal

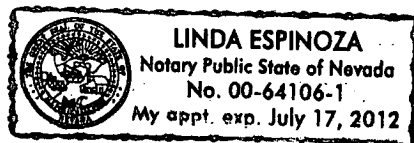
Signed:

Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

13th day of January, 2009.

Linda Espinoza
Notary Public



AFFP DISTRICT COURT
Clark County, Nevada

RECEIVED
CITY CLERK

AFFIDAVIT OF PUBLICATION

2009 FEB -2 A 11: 17

STATE OF NEVADA)
COUNTY OF CLARK) SS:

STACEY M. LEWIS, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 4909518

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/24/2009 to 01/24/2009, on the following days:

01/24/2009

BILL NO. 2008-61
ORDINANCE NO. 6025

AN ORDINANCE TO AMEND THE CITY'S SOLID WASTE REGULATIONS CONCERNING MANDATORY WASTE COLLECTION SERVICE REQUIREMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross
Summary: Establishes electric utility service, rather than water service, as the basis for requiring a property to subscribe to mandatory solid waste collection service.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of December 2008 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 21st day of January 2009, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and was adopted by the following vote:


VOTING "AYE": Mayor Goodman and Councilmembers Reese, Wolfson, Ross and Steinman
VOTING "NAY": NONE
EXCUSED: Councilmembers Tarkanian and Barlow

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: January 24, 2009
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE 21st day of January, 2009.

Linda Espinoza
Notary Public

 **LINDA ESPINOZA**
Notary Public State of Nevada
No. 00-64106-1
My appt. exp. July 17, 2012