

ORDINANCE NO. 313

AN ORDINANCE DEFINING GARBAGE, RUBBISH, DIRT, AND DEAD ANIMALS: REGULATING THE COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH, DIRT AND DEAD ANIMALS IN THE CITY OF LAS VEGAS: THE FEES TO BE PAID THEREFOR, AND MATTERS RELATING THERETO; AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS THEREOF; AND REPEALING ORDINANCES NO. 138 AND NO. 267, AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DO ORDAIN:

Section 1. The Board of Commissioners of the City of Las Vegas may, by contract or otherwise, or in any manner said commissioners may deem necessary for the health, safety and welfare of said inhabitants, provide for the collecting and disposal of garbage, rubbish, dirt, and dead animals and other refuse from residences, multiple dwellings with or without kitchen facilities, places of business and public build-

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ings, at the expense of the City or otherwise.

Section 2. Any person, firm, or corporation entering into a contract with the City of Las Vegas for the collecting, hauling and disposal of garbage, rubbish, dirt and dead animals in the City of Las Vegas shall do so subject to the rules and regulations of the Board of Health, the Charter and Ordinances of said City.

Section 3. DEFINITIONS FOR THE PURPOSE OF THIS ORDINANCE:

(a) GARBAGE is defined as refuse, animal and vegetable matter from a kitchen, market or store, including every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that attends preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, and all foul, noisome and filthy substance.

(b) RUBBISH is defined as old tin and iron cans and containers, old wood and paper boxes, old metals, wire, rope, cordage, bottles, bags and bagging, rubber and rubber tires, paper, wood shavings, and all used or cast off articles or material, including old plaster, brick, cement, glass, old building material, leaves and yard trimmings.

(c) DIRT is defined to include loose earth, ashes and manure, but exclusive of sand and gravel that is to be used in construction work.

(d) DEAD ANIMALS, as the term is used in this Ordinance, is defined as all dead animals or parts thereof (including condemned meats) and not intended to be used as food for man or animal.

(e) GARBAGE, RUBBISH, DIRT AND DEAD ANIMALS, as defined and for the purpose of this Ordinance, are declared to be a nuisance per se.

(f) SCAVENGER is hereby defined to be a person or persons, firm or corporation, other than the duly authorized agents or contractors with the City of Las Vegas, or their employees, in the business of collecting, hauling, or trans-

porting through the streets of the City of Las Vegas any garbage, rubbish, or dead animals, bones or any noisome or offensive material or matter for disposal or for any other purpose.

(g) PLACE OF BUSINESS is hereby defined as any place of business in Las Vegas licensed by said City, other than multiple dwellings, to conduct or carry on principally or exclusively any pursuit or occupation for the purpose of gaining a livelihood.

(h) PUBLIC BUILDINGS is hereby defined to be office buildings, clubs, churches, schools, hospitals or other places of similar character.

(i) MULTIPLE DWELLINGS is hereby defined to be two (2) or more family unit constructions (including apartments, motels, trailer courts, and auto courts), grouped together under the management of one person, firm or corporation.

(j) RESIDENCE is hereby defined to be a building or dwelling wherein not more than one family resides or dwells and where no business of any kind is conducted.

Section 4. It shall be unlawful for any person to throw or cause to be thrown or deposited upon the premises or in the garbage receptacle of another any garbage, rubbish, dirt or dead animal.

Section 5. It shall be unlawful for any person to throw or deposit or cause to be thrown or deposited, in any street, alley, gutter or highway within the limits of the City of Las Vegas, any dirt, rubbish, garbage or dead animal.

Section 6. It shall be unlawful for any person for the purpose of burning garbage, rubbish, dead animals, or dirt, to kindle or maintain any bonfire or knowingly to furnish the materials for any such fire, or to authorize any such fire to be kindled or maintained in any garbage or rubbish receptacle, or on any street, alley, road, land or public grounds or upon any private lot, unless a written permit so to do shall first have been secured from the City Fire Department.

Provided, however, that rubbish may be burned in an incinerator duly approved by both the Fire Chief and the Building Inspector.

Section 7. It shall be unlawful for any person, firm or corporation other than the City of Las Vegas or its authorized contractor, or their duly appointed agents, to collect, haul, convey or transport any garbage, rubbish, dirt or dead animals or to interfere in any manner with any receptacles containing garbage, rubbish, dirt or dead animals, or to remove any such receptacle from the location where placed by the owner thereof, or to remove any of the contents of such receptacles.

Section 8. It shall be unlawful to use any cart or vehicle for the conveyance or removal of garbage, dirt or dead animals unless the said cart or vehicle is staunch, tight, and closely covered with a wooden, metal or tarp cover so as wholly to prevent leakage, sifting, spilling, drifting, blowing or smell; or to use any cart or vehicle for the conveyance or removal of dirt or rubbish unless the said cart or vehicle be provided with a canvas cover securely fastened over the top thereof, and be so constructed as to prevent sifting, spilling, drifting or blowing the deposit of such dirt or rubbish or any portion thereof, in or upon the streets through which said cart or vehicle may be driven.

Section 9. Every person, firm, association or corporation owning or managing any place of business, public building, multiple dwelling or residence, except as provided in Section 13 of this ordinance shall provide a receptacle or receptacles sufficient for the depositing of all garbage, rubbish and dirt from his, its or their premises; provided that no single receptacle shall have a capacity in excess of 50 gallons or 6.68 cu.ft.; and no person shall remove any such garbage, rubbish or dirt from such receptacles after it has been deposited therein except the City of Las Vegas, its authorized agents or contractors, or their employees.

Section 10. Before placing garbage in the receptacle, the liquid shall be drained therefrom and the garbage

shall be wrapped in paper; provided however unwrapped garbage may be placed in metal receptacles having fly-tight lids and provided, further, such wrapped garbage may be placed in the receptacle with rubbish.

Section 11. FEES.

(a) The charge for collecting, hauling and disposing of garbage, rubbish, dirt and dead animals from a residence shall be \$1.00 per month, payable \$3.00 each and every three months in advance but such charge may be paid annually in advance;

(b) The charge for collecting and hauling garbage, rubbish, dirt and dead animals from multiple dwellings where kitchen facilities are available, shall be \$1.00 per month for the first family unit, and \$.50 per month for each additional family unit, payable in advance every third month but such charge may be paid annually in advance;

(c) The charge for collecting and hauling garbage, rubbish, dirt and dead animals from multiple dwellings where kitchen facilities are not available, or where approved incinerators are used, shall be \$1.00 per month for the first family unit, and \$.25 per month for each additional unit payable in advance, each and every three months or annually.

(d) The monthly charge for collecting, hauling and disposing of garbage, rubbish, dirt and dead animals from places of business and public buildings shall be determined by the capacity of the receptacles, the number of receptacles required by each such place of business or public building, and by the number of daily collections from each per week in accordance with the following table:

<u>Number of Receptacles</u>	<u>6 Collections per week.</u>	<u>7 Collections per week.</u>
1	\$ 7.50	\$ 9.00
2	10.00	12.00

For each additional receptacle over two there shall be added \$2.50 for six collections per week or \$3.00 for seven collections per week;

Provided, however, that places of business or public buildings which only require one receptacle having a capacity not in excess of 25 gallons, or 3.34 cubic feet the monthly rate shall be \$5.00 for six collections per week or \$6.00 for seven collections per week, and provided further that places of business or public buildings which only require one receptacle having a capacity not in excess of 10 gallons or 1.336 cubic feet, the monthly rate shall be \$2.50 for six collections per week or \$3.00 for seven collections per week, and provided further that places of business or public buildings which only require one receptacle having a capacity of less than five gallons or .668 cubic feet, the monthly rate shall be \$1.50 for six collections per week or \$2.00 for seven collections per week.

Section 12. All such charges shall be due and payable on the first day of each January, April, July and October, provided, however, that any multiple dwelling or place of business that pays a license for carrying on or conducting such business shall pay such charge quarterly in advance at the time of paying for such license.

Section 13. Places of business whose rubbish consists principally of boxes, cartons and other items of such bulk that the placing of same in a receptacle or receptacles would be impracticable, may provide for such rubbish to be piled on the premises of such place of business adjacent to a street or alley, provided such boxes or cartons shall be flattened and tied in bundles, and the monthly rate to be charged such place of business for collecting, hauling and disposal of such rubbish shall be computed in accordance with the foregoing table based upon the bulk of such piles.

Section 14. In case any person, firm or corporation shall fail to pay the charge for collecting, hauling and disposing of garbage, rubbish, dirt and dead animals within fifteen days from and after the same becomes due as herein provided, a penalty of 10% of such charge shall be added thereto.

Section 15. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction of the same, shall be punished by a fine of not less than Five (\$5.00) Dollars, nor more than Five hundred (\$500.00) Dollars, or by imprisonment in the City Jail until such fine is paid at the rate of, but not exceeding, Two (\$2.00) Dollars for each day of such fine, in case such fine is not paid, or by imprisonment in the City Jail for a period not to exceed thirty days, or by both such fine and imprisonment.

Section 16. Ordinance No. 138, entitled, "An Ordinance regulating the collection and fixing and establishing rates, and compensation to be collected by any person, company or corporation collecting garbage in the City of Las Vegas, and repealing Ordinance 80 entitled, "An Ordinance regulating the storage and removal of garbage, offal, and refuse, animal and vegetable matter" approved June 6, 1921, and all ordinances and parts of ordinances in conflict herewith." is hereby repealed.

Section 17. Ordinance 267 entitled, "An Ordinance defining garbage and rubbish; and regulating the collection and disposal of garbage and rubbish in the City and matters relating thereto, and providing penalties for the violation of the provisions thereof; and repealing Ordinance 216 and Ordinances in conflict herewith." is hereby repealed.

Section 18. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 19. EFFECT OF INVALIDITY - If any part, provision or section of this Ordinance or the application thereof to any person or circumstance shall be held invalid by any Court of competent jurisdiction, the remainder of this Ordinance or the application of such part, provision or section to any other person or circumstances, shall not be ef-

ected thereby.

Section 20. EFFECTIVE DATE- This Ordinance shall be in effect on and after its passage, adoption and publication thereof in the Las Vegas Evening Review Journal, a daily newspaper published in the City of Las Vegas, for a period of once a week for two consecutive weeks immediately following its first reading.

Section 21. The City Clerk is hereby authorized to have this Ordinance published in the Las Vegas Evening Review-Journal, a daily newspaper printed and published in the City of Las Vegas, County of Clark, State of Nevada, for a period of two (2) weeks, that is to say, once each week for a period of two weeks.

W. W. Wray
Mayor

ATTEST:

Helen Scott Reed
City Clerk

The above and foregoing Ordinance was first proposed and read by title to the Board of City Commissioners on the 28th day of December, 1945, and referred to the following committee composed of Commissioners Baskin and Clark for recommendation; thereafter the said committee reported favorably on the said Ordinance on the 7th day of January, 1946 which was the next regular meeting of said Board of City Commissioners;

That at said regular meeting held on the 7th day of January, 1946, the proposed Ordinance was read in full to the Board of City Commissioners as first introduced and adopted by the following vote:

Voting "Aye": Commissioners Bates, Baskin, Clark
& His Honor

Voting "No": Louise Caradette

Absent: None

ATTEST:

Helen Scott Reed
City Clerk

APPROVED:

W. W. Wray
Mayor

The above and foregoing Ordinance was thereafter read aloud to the said Board of City Commissioners for a second time at a regular meeting of the said Board held on the 22nd day of January 1946, and passed by the following vote:

Voting "Aye": Commissioners Barkin, Clark & Hi

Honor Mayor Craig

Voting "Nay": Commissioners Bates & Carradette

Absent: None

E. W. Craig

Mayor

ATTEST:

Helen Scott Reed
City Clerk

ORDINANCE NO. 313
AN ORDINANCE RELATING TO
GARBAGE, RUBBISH, DIRT AND
DEAD ANIMALS, PROVIDING
FOR THE COLLECTION AND DIS-
POSAL OF GARBAGE, RUBBISH,
DIRT AND DEAD ANIMALS IN
THE CITY OF LAS VEGAS; THE
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AND MATTERS RELATING
THERE TO; AND PROVIDING
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Section 1. The Board of Commis-
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by contract or otherwise, or in any
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for the collecting and disposal of gar-
bage, rubbish, dirt, and dead animals
and other refuse from residences,
multiple dwellings with or without
kitchen facilities, places of business
and public buildings, at the expense
of the City or otherwise.

Section 2. Any person, firm, or cor-
poration entering into a contract with
the City of Las Vegas for the collect-
ing, hauling and disposal of garbage,
rubbish, dirt and dead animals in the
City of Las Vegas shall do so subject
to the rules and regulations of the
Board of Health, the Charter and Or-
dinances of said City.

Section 3. DEFINITIONS FOR THE
PURPOSE OF THIS ORDINANCE:

(A) GARBAGE is defined as refuse,
animal and vegetable matter from a
kitchen, market or store, including
every refuse accumulation of animal
fruits or vegetable matter, liquid or
otherwise, that attends preparation,
use, cooking, dealing in or storing of
meat, fish, fowl, fruit or vegetables
and all foul, noisome and filthy sub-
stances.

(B) RUBBISH is defined as old tin
and iron cans and containers, old
wood and paper boxes, old metals,
wire, rope, cordage, bottles, bags and
bagging, rubber and rubber tires,
paper, wood shavings, and all used or
cast off articles or material, including
old plaster, brick, cement, glass, old
building material, leaves and yard
trimmings.

(C) DIRT is defined to include loose
earth, ashes and manure, but exclu-
sive of sand and gravel that is to be
used in construction work.

(D) DEAD ANIMALS, as the term
is used in this Ordinance, is defined
as all dead animals or parts thereof
(including condemned meats) and not
intended to be used as food for man
or animal.

(E) GARBAGE, RUBBISH, DIRT
AND DEAD ANIMALS, as defined
and for the purpose of this Ordinance,
are declared to be a nuisance per se.

(F) SCAVENGER is hereby defined
to be a person or persons, firm or
corporation, other than the duly
authorized agents or contractors with
the City of Las Vegas, or their em-
ployees, in the business of collecting,
hauling, or transporting through the
streets of the City of Las Vegas any
garbage, rubbish, or dead animals,
bones or any noisome or offensive

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

Dick Lochrie

being first duly sworn,

deposes and says: That he is *foreman* of the
LAS VEGAS EVENING REVIEW JOURNAL, a daily newspaper, of gen-
eral circulation, printed and published at Las Vegas, in the County of
Clark, State of Nevada, and that the attached was continuously published

in said newspaper for a period of *2 times*

from *Jan 9 - to Jan 16*

inclusive, being the issues of said newspaper for the following dates, to-wit:

Jan - 9 - 16, 1946

That said newspaper was regularly issued and circulated on each of the
dates above named.

Signed *Dick Lochrie*

Subscribed and sworn to before me this *16th*
day of *Jan. 1946*

R. Hallen
Notary Public in and for Clark County, Nevada.

My Commission Expires

Jan 12, 1947

material or matter for disposal or for any other purpose.

(g) PLACE OF BUSINESS is hereby defined as any place of business in Las Vegas licensed by said City, other than multiple dwellings, to conduct or carry on principally or exclusively any pursuit or occupation for the purpose of gaining a livelihood.

(h) PUBLIC BUILDINGS is hereby defined to be office buildings, clubs, churches, schools, hospitals or other places of similar character.

(i) MULTIPLE DWELLINGS is hereby defined to be two (2) or more family unit constructions (including apartments, motels, trailer courts, and auto courts), grouped together under the management of one person, firm or corporation.

(j) RESIDENCE is hereby defined to be a building or dwelling wherein not more than one family resides or dwells and where no business of any kind is conducted.

Section 4. It shall be unlawful for any person to throw or cause to be thrown or deposited upon the premises or in the garbage receptacle of another any garbage, rubbish, dirt or dead animal.

Section 5. It shall be unlawful for any person to throw or deposit or cause to be thrown or deposited, in any street, alley, gutter or highway within the limits of the City of Las Vegas, any dirt, rubbish, garbage or dead animal.

Section 6. It shall be unlawful for any person for the purpose of burning garbage, rubbish, dead animals, or dirt, to kindle or maintain any bonfire or knowingly to furnish the materials for any such fire, or to authorize any such fire to be kindled or maintained in any garbage or rubbish receptacle, or on any street, alley, road, land or public grounds or upon any private lot, unless a written permit so to do shall first have been secured from the City Fire Department. Provided, however, that rubbish may be burned in an incinerator duly approved by both the Fire Chief and the Building Inspector.

Section 7. It shall be unlawful for any person, firm or corporation other than the City of Las Vegas or its authorized contractor, or their duly appointed agents, to collect, haul, convey or transport any garbage, rubbish, dirt or dead animals or to interfere in any manner with any receptacles containing garbage, rubbish, dirt or dead animals, or to remove any such receptacle from the location where placed by the owner thereof, or to remove any of the contents of such receptacles.

Section 8. It shall be unlawful to use any cart or vehicle for the conveyance or removal of garbage, dirt or dead animals unless the said cart or vehicle is staunch, tight, and closely covered with a wooden, metal or tarp cover so as wholly to prevent leakage, sifting, spilling, drifting, blowing or smell; or to use any cart or vehicle for the conveyance or removal of dirt or rubbish unless the said cart or vehicle be provided with a canvas cover securely fastened over the top thereof, and be so constructed as to prevent sifting, spilling, drifting or blowing the deposit of such dirt or rubbish or any portion thereof, in or upon the streets through which said cart or vehicle may be driven.

Section 9. Every person, firm, association or corporation owning or managing any place of business, public building, multiple dwelling or residence, except as provided in Section 13 of this ordinance shall provide a receptacle or receptacles sufficient for the depositing of all garbage, rubbish and dirt from his, its or their premises; provided that no single receptacle shall have a capacity in excess of 50 gallons or 6.68 cu. ft.; and no person shall remove any such garbage, rubbish or dirt from such receptacles after it has been deposited therein except the City of Las Vegas, its authorized agents or contractors, or their employees.

Section 10. Before placing garbage in the receptacle, the liquid shall be drained therefrom and the garbage shall be wrapped in paper; provided however unwrapped garbage may be placed in metal receptacles having fly-tight lids and provided, further, such wrapped garbage may be placed in the receptacle with rubbish.

Section 11. FEES.

(a) The charge for collecting, hauling and disposing of garbage, rubbish, dirt and dead animals from a residence shall be \$1.00 per month, payable \$3.00 each and every three months in advance but such charge may be paid annually in advance;

(b) The charge for collecting and hauling garbage, rubbish, dirt and dead animals from multiple dwellings where kitchen facilities are available, shall be \$1.00 per month for the first family unit, and \$.50 per month for each additional family unit, payable in advance every third month but such charge may be paid annually in advance;

(c) The charge for collecting and hauling garbage, rubbish, dirt and dead animals from multiple dwellings where kitchen facilities are not available, or where approved incinerators are used, shall be \$1.00 per month for the first family unit, and \$.25 per month for each additional unit payable in advance, each and every three months or annually.

(d) The monthly charge for collecting, hauling and disposing of garbage, rubbish, dirt and dead animals from places of business and public buildings shall be determined by the capacity of the receptacles, the number of receptacles required, by each such place of business or public building, and by the number of daily collections with the following table in accordance with the following table:

No. of Receptacles per week

6 Collections per week

7 Collections per week

1 \$ 7.50

2 \$ 9.00

3 \$ 10.00

4 \$ 12.00

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"An Ordinance defining garbage and rubbish; and regulating the collection and disposal of garbage and rubbish in the City and matters relating thereto, and providing penalties for the violation of the provisions thereof; and repealing Ordinance 216 and Ordinances in conflict herewith," is hereby repealed.

Section 18. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 19. EFFECT OF INVALIDITY—If any part, provision or section of this Ordinance or the application thereof to any person or circumstance shall be held invalid by any Court of competent jurisdiction, the

remainder of this Ordinance or the application of such part, provision or section to any other person or circumstances, shall not be effected thereby.

Section 20. EFFECTIVE DATE—This Ordinance shall be in effect on and after its passage, adoption and publication thereof in the Las Vegas Evening Review Journal, a daily newspaper published in the City of Las Vegas, for a period of once a week for two consecutive weeks immediately following its first reading.

Section 21. The City Clerk is hereby authorized to have this Ordinance published in the Las Vegas Evening Review Journal, a daily newspaper, printed and published in the City of

Las Vegas, County of Clark, State of Nevada, for a period of two (2) weeks, that is to say, once each week for a period of two weeks.

E. W. CRAGIN,
Mayor.
Attest:
HELEN SCOTT REED,
City Clerk.

(SEAL)
The above and foregoing Ordinance was first proposed and read by title to the Board of City Commissioners on the 28th day of December, 1945, and referred to the following committee composed of Commissioners Baskin and Clark for recommendation; thereafter the said committee reported favorably on the said Ordinance on the 7th day of January, 1946 which

was the next regular meeting of said Board of City Commissioners;

That at said regular meeting, held on the 7th day of January, 1946, the proposed Ordinance was read in full to the Board of City Commissioners as first introduced and adopted by the following vote:

Voting "Aye": Commissioners Bates, Baskin, Clark and His Honor.
Voting "No": Commissioner Corradetti.

Absent: None.
Approved:

E. W. CRAGIN,
Mayor.
Attest:
HELEN SCOTT REED,
City Clerk.
(SEAL)