

FIRST AMENDMENT

Bill No. 81-52

ORDINANCE NO. 2184

AN ORDINANCE TO AMEND TITLE VIII, CHAPTER 3, SECTIONS 8, 16 AND 17 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY AMENDING SECTION 8 TO REQUIRE THAT PERSONS WHO OWN OR OCCUPY PREMISES WHICH GENERATE GARBAGE SUBSCRIBE TO GARBAGE COLLECTION SERVICE BY THE CITY OF LAS VEGAS OR ITS CONTRACTOR, BY AMENDING SECTION 16 TO PROVIDE THE DUE DATE OF GARBAGE COLLECTION FEES AND TO PROVIDE FOR A TEN PERCENT (10%) PENALTY FOR THE NON-PAYMENT THEREOF, AND BY AMENDING SECTION 17 TO PROVIDE THAT GARBAGE COLLECTION CHARGES ARE A DEBT TO THE CITY'S CONTRACTOR FOR GARBAGE COLLECTION AS WELL AS TO THE CITY, TO PROVIDE A SPECIFIC PROCEDURE FOR THE IMPOSITION AND ENFORCEMENT OF LIENS, AND TO PROVIDE FOR THE TERMINATION OF SERVICE TO DELINQUENT ACCOUNTS MORE THAN NINETY (90) DAYS IN ARREARS; TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING HERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
COMMISSIONER RON LURIE

Summary: The proposed bill provides for mandatory garbage collection service. It also provides that garbage collection charges are a debt to the City's contractor for garbage collection as well as the City itself. This would clarify that the garbage contractor may personally sue to collect delinquent accounts. The bill would also provide a specific procedure for the imposition and enforcement of liens, and would permit the termination of service of all garbage accounts more than ninety (90) days in arrears.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title VIII, Chapter 3, Section 8 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

8-3-8: COLLECTING OR TRANSPORTING OF GARBAGE: It shall be unlawful for any person, other than the City, or its authorized contractor, or his duly appointed agents, to collect, haul, convey or transport any garbage, rubbish, dirt or dead animals as defined in this Chapter; provided, however, that construction rubbish and excavation debris may be removed from a building site by [duly] licensed building contractors; and

1 provided further, that [private] individual persons
2 for non-commercial purposes and not for pecuniary
3 profit may remove, convey and transport rubbish only,
4 as defined in this Chapter, from their residences
5 to a City or contractor owned [and] or operated
6 dumping ground.

7
8 To insure the uniform, safe and sanitary treatment of
9 garbage in the City, it shall be mandatory that any
10 person owning, occupying or managing any premises in
11 the City of Las Vegas which produces or generates
12 garbage subscribe to garbage collection services by
13 the City or its authorized contractor and pay the
14 charges therefor prescribed by Section 15 of this
15 Chapter.

16 SECTION 2: Title VIII, Chapter 3, Section 16 of the
17 Municipal Code of the City of Las Vegas, Nevada, 1960 Edition,
18 is hereby amended to read as follows:

19 8-3-16: [CHARGES; DUE AND PAYABLE: All such charges as
20 are prescribed for in Section 15 shall be due and
21 payable quarterly in advance on the first day of
22 each January, April, July and October. Such charges,
23 including the penalties provided for in Section 17,
24 shall constitute a lien against the premises served
25 as well as a debt and obligation of the person in
26 control and having the management of the place of
27 business, public building, multiple dwelling or resi-
28 dence as set forth and as defined in Section 1 of this
29 Chapter, as the case may be, to the City, and such
30 person shall be liable therefor in a civil action
31 commenced by the City in any court of competent juris-
32 diction for the recovery of such charges and penalties.]

1 DUE DATE OF GARBAGE COLLECTION FEES; PENALTY: All
2 garbage collection charges or fees prescribed in
3 Section 15 of this Chapter shall be due and payable
4 quarterly in advance on the first day of each January,
5 April, July and October. In the event any person shall
6 fail to pay such charge or fee within fifteen (15) days
7 after it becomes due and payable, such charge shall be
8 considered delinquent and a penalty of ten percent (10%)
9 of such charge or fee shall be added thereto.

10 SECTION 3: Title VIII, Chapter 3, Section 17 of the
11 Municipal Code of the City of Las Vegas, Nevada, 1960 Edition,
12 is hereby amended to read as follows:

13 8-3-17: [FAILURE TO PAY CHARGES WHEN DUE; PENALTY: In case
14 any person shall fail to pay the charge for collecting,
15 hauling and disposing of garbage, rubbish, dirt and
16 dead animals within fifteen (15) days from and after
17 the same becomes due as herein provided, a penalty of
18 ten percent (10%) of such charge shall be added thereto.]

19 COLLECTION OF DELINQUENT CHARGES, FEES AND PENALTIES;
20 TERMINATION OF SERVICE:

21 (A) All garbage collection charges or fees, including
22 any penalties assessed under Section 16, shall
23 constitute a lien upon the real property of
24 the premises served until such charges or fees
25 are paid as well as constitute a debt and obli-
26 gation of the record owner(s) of the property and
27 of the person(s) occupying such premises
28 to the City of Las Vegas or to its contractor
29 in the event the City has entered into a contract
30 with a private business for the collection and
31 disposal of garbage and trash. The City or the
32 contractor, as the case may be, may bring a civil

1 action in any court of competent jurisdiction to
2 recover such charges, fees and penalties or
3 follow the lien procedures set forth in subsec-
4 tion (B).

5 (B) The lien established in subsection (A) shall be
6 enforced in the following manner:

7 (1) By recording in the office of the County
8 Recorder, within four hundred (400) days
9 following the date on which such charge or
10 fee became delinquent a notice of the
11 garbage lien signed by the City Clerk or
12 the City Clerk's designee, who may be a
13 representative of the contractor designated
14 by the City Clerk for this purpose, containing
15 the following:

16 (a) The amount of charges, fees, and
17 penalties due and the appropriate
18 period.

19 (b) The name of the record owner(s) of the
20 property.

21 (c) A description of the property sufficient
22 for identification.

23 (2) By an action for foreclosure by the City
24 or its Contractor, as the case may be,
25 against such property in the same manner as
26 an action for foreclosure of any other lien,
27 commenced within two (2) years after the
28 date of recording of the notice of lien,
29 and accompanied by reasonable notice to
30 other lienholders.

31 (C) No notice of lien provided for in subsection (B)
32 shall be recorded against any property unless

1 and until the record owner of the property has
2 been mailed written notice of the delinquency
3 at his last address shown by the records of
4 the County Assessor and given fifteen (15)
5 days to make payment.

6 (D) In the event any person becomes delinquent in
7 his account for more than ninety (90) days, the
8 City or its Contractor, as the case may be, may
9 terminate garbage collection services after
10 mailing thirty (30) day's written notice to the
11 record owner of the property and to the occupant
12 of the premises served. The owner and/or occupant
13 may appeal to the Board of Commissioners the
14 notice of intent to terminate by filing a notice
15 of appeal with the City Clerk within fifteen (15)
16 days after receipt of the termination notice.
17 Service shall not be terminated until the Board of
18 Commissioners decides the appeal.

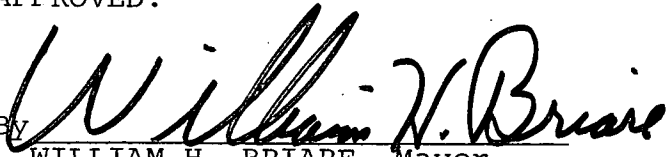
19 SECTION 4: If any section, subsection, subdivision,
20 paragraph, sentence, clause or phrase in this Chapter or any
21 part thereof, is for any reason held to be unconstitutional, or
22 invalid or ineffective by any court of competent jurisdiction,
23 such decision shall not affect the validity or effectiveness of
24 the remaining portions of this Chapter or any part thereof. The
25 Board of Commissioners of the City of Las Vegas hereby declares
26 that it would have passed each section, subsection, subdivision,
27 paragraph, sentence, clause or phrase thereof irrespective of
28 the fact that any one or more sections, subsections, subdivisions,
29 paragraphs, sentences, clauses or phrases be declared unconstitu-
30 tional, invalid or ineffective.

31 SECTION 5: All ordinances or parts of ordinances,
32 sections, subsections, phrases, sentences, clauses or paragraphs

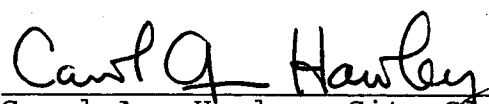
1 contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1960 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this 2nd day of
4 September, 1981.

5 APPROVED:

6 
7 By WILLIAM H. BRIARE, Mayor
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9 ATTEST:

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11 Carol Ann Hawley, City Clerk
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The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 19th day of August, 1981, and referred to the following committee composed of Commissioners Lurie and Levy for recommendation; thereafter the said committee reported favorably on said ordinance on the 2nd day of September, 1981, which was a regular meeting of said Board; that at said regular meeting, the proposed ordinance was read by title to the Board of Commissioners as amended and adopted by the following vote:

VOTING "AYE" Commissioners: Christensen, Levy, Lurie and Mayor Briare

VOTING "NAY" Commissioners: None

ABSENT: Commissioner Woofter

APPROVED:

APPROVED:

By William H. Briare
WILLIAM H. BRIARE, Mayor

ATTEST:

Carol Ann Hawley
Carol Ann Hawley, City Clerk

FIRST AMENDMENT
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PROPERLY RELATING
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Sponsored by:
COMMISSIONER RON LURIE
Summary:

The proposed bill provides that
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The bill would also provide a
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termination of service of all
garbage accounts more than
ninety (90) days in arrears.

At a Commission Meeting on
August 19, 1981
BILL NO. 81-52 WAS READ BY
TITLE AND REFERRED TO RE-
COMMENDING COMMITTEE:
COMMISSIONERS Lurie
and Levy

COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE
FOR PUBLIC INFORMATION
IN THE OFFICE OF THE CITY
CLERK, 10TH FLOOR, CITY
HALL, 400 EAST STEWART
AVENUE, LAS VEGAS,
NEVADA.

PUB: August 26, 1981
Las Vegas SUN

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.
COUNTY OF CLARK

REX TAYLOR

, being first duly sworn,

COMPOSING ROOM FOREMAN

deposes and says: That he is _____ of the
LAS VEGAS SUN, a daily newspaper of general 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 1 time

from August 26

to August 26

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

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

Signed

Rex Taylor

Subscribed and sworn to before me this 26TH
day of August, 1981

Ruth V. Deskin



Notary Public in and for Clark County, Nevada

RUTH V. DESKIN

Notary Public-State of Nevada

COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985

My Commission Expires

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Sponsored by:
COMMISSIONER
RON LURIE

Summary:

The proposed bill provides for mandatory garbage collection service. It also provides that garbage collection charges are a debt to the City's contractor for garbage collection as well as the City itself. This would clarify that the garbage contractor may personally sue to collect delinquent accounts. The bill would also provide a specific procedure for the imposition and enforcement of liens, and would permit the termination of service of all garbage accounts more than ninety (90) days in arrears.

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
COUNTY OF CLARK

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DEX TAYLOR

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VOTING "AYE"
Commissioners:
Christensen, Levy,
Lurie and Mayor Briare.
VOTING "NAY":
Commissioners: None

ABSENT:
Commissioner Woolter
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CLERK, 10th FLOOR, CITY
HALL, 400 EAST STEWART
AVENUE, LAS VEGAS,
NEVADA.
Pub: September 5, 1981
Las Vegas SUN

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published in said newspaper for a period of 1 times

September 5 to September 5

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

newspaper was regularly issued and circulated on each of the dates
ad.

Signed

Rex Taylor

Subscribed and sworn to before me this 5TH
day of

SEPTEMBER, 1981

Ruth V. Deskin

My Commission Expires

Notary Public in and for Clark County, Nevada
RUTH V. DESKIN
Notary Public-State of Nevada
COUNTY OF CLARK
My Appointment Expires Apr. 14, 1985



RECEIVED

SEP 9 2 18 PM '81

CITY CLERK

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