

City of Las Vegas

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RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
TUESDAY, OCTOBER 19, 2004
4:00 P.M.

RECOMMENDING COMMITTEE - COUNCILWOMAN MONCRIEF AND COUNCILMAN WOLFSON
THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL.

ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- 1. Bill No. 2004-68 - Annexation No. ANX-4777 – Property location: At and near the southeast corner of Iron Mountain Road and Maverick Street; Petitioned by: Quarterhorse Falls Estates, LLC; Acreage: 15.79 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Michael Mack
- 2. Bill No. 2004-69 - Establishes new solid waste and recycling regulations. Proposed by: Mark R. Vincent, Director of Finance and Business Services

CITIZENS PARTICIPATION. PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE. NO SUBJECT MAY BE ACTED UPON BY THE COMMITTEE UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: A tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition is made. Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Court Clerk's Office Bulletin Board, City Hall Plaza
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

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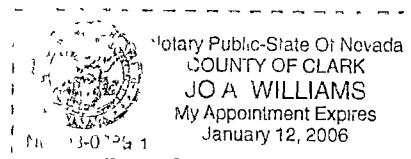
(Mailing required under the provisions of NRS Chapter 241)

Paula Clark, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **12th** day of **October**, 2004, a copy of a NOTICE, the attached of which is a true and correct copy of the Public Hearing - re: **Recommending Committee Meeting**, to be held on the **19th** day of **October, 2004**, was deposited in the United States Mail, Postage prepaid, First Class Mail, to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.

Paula Clark

13th day of October, 2004

NOTARY PUBLIC in and for said County and State



RECOMMENDING COMMITTEE AGENDA **RECOMMENDING COMMITTEE MEETING OF: OCTOBER 19, 2004**

- CALL TO ORDER

MINUTES:

PRESENT: COUNCIL WOMAN MONCRIEF and COUNCILMAN WOLFSON

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED, and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER *

- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

ANNOUNCEMENT MADE - meeting noticed and posted at the following locations:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge

Court Clerk's Office Bulletin Board, City Hall Plaza

Las Vegas Library, 833 Las Vegas Boulevard North

Clark County Government Center, 500 S. Grand Central Parkway

Grant Sawyer Building, 555 E Washington Avenue

(4:02)

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: OCTOBER 19, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2004-68 - Annexation No. ANX-4777 – Property location: At and near the southeast corner of Iron Mountain Road and Maverick Street; Petitioned by: Quarterhorse Falls Estates, LLC; Acreage: 15.79 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact:

☒ No Impact	Amount:
☐ Budget Funds Available	Dept./Division:
☐ Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located at and near the southeast corner of Iron Mountain Road and Maverick Street. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (November 12, 2004) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2004-68 and Location Map

MOTION:

COUNCILMAN WOLFSON recommended Bill 2004-68 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED stated this matter was in order and recommended approval.

No one appeared in opposition.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:02 - 4:03)

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BILL NO. 2004-68

ORDINANCE NO. _____

AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-4777)

Sponsored by: Councilman Michael Mack Summary: Annexes property described generally as located at and near the southeast corner of Iron Mountain Road and Maverick Street.

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

SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the following described real property:

Those portions of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 11, Township 19 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada, described as follows:

PARCEL 1

The West Half (W 1/2) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 11.

PARCEL 2

The East Half (E 1/2) of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 11, including the dedicated right of ways on IRON MOUNTAIN ROAD (50.00 feet wide as

1 measured from centerline thereof), MAGGIE AVENUE (60.00 feet wide as
2 measured from side to side and the Cul-De-Sac thereof), and on BRENT
3 LANE (30.00 feet wide as measured from centerline thereof), all of Clark
4 County, Nevada Records.

5 SECTION 2: The City Council hereby determines that the described territory
6 meets the requirements provided by law for annexation to the City for the following reasons:

- 7 A. The area to be annexed was contiguous to the City's boundaries at the
8 time the annexation proceedings were instituted;
- 9 B. More than one-eighth (1/8) of the aggregate external boundaries of
10 the area are contiguous to the City;
- 11 C. The territory proposed to be annexed is not included within the
12 boundaries of another incorporated city or within the boundaries of
13 any unincorporated town as those boundaries existed as of July 1,
14 1983;
- 15 D. The City is eligible to annex the described territory since the
16 landowners have signed a petition constituting one hundred percent
17 (100%) of the owners of record of individual lots or parcels of land
18 within the annexation area.

19 SECTION 3: The City will provide police protection through the Las Vegas
20 Metropolitan Police Department, fire protection, street maintenance, and library services
21 immediately upon annexation. Garbage collection by the company franchised by the City
22 will also be provided immediately. The City sanitary sewer system will serve the proposed
23 annexation area. Any connection to or extension of this sewer line to serve the annexation
24 area shall be at the expense of the landowners. Other services, such as participation in the
25 City's recreational programs, special education classes and programs, public works planning,
26 building inspections, and other City services will also be available immediately. Utilities
27 such as gas, electricity, telephone, and water are provided by private utility companies and
28 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
sidewalks and street lights which are not in place at the time of annexation will be installed

1 in the presently developed areas upon the request of the property owners and at their expense
2 by means of special assessment districts. Such improvements will be extended into the
3 undeveloped areas as development takes place and the need therefor arises, and will be
4 located according to the needs of the area at that time. Such installations will also be made
5 at the expense of the property owners, either by means of special assessment districts or as
6 prerequisites to the approval of subdivision plats, building permits or other land use or
7 development applications.

8 SECTION 4: The annexation of the described territory shall become
9 effective on the 12th day of November, 2004, and on that date the City will have the funds
10 appropriated in sufficient amount to finance the extension into the described territory of
11 police protection, fire protection, street maintenance, street sweeping, and street lighting
12 maintenance.

13 SECTION 5: The described territory, together with the inhabitants and
14 property thereof, shall, from and after the 12th day of November, 2004, be subject to all
15 debts, laws, ordinances and regulations in force in the City and shall be entitled to the same
16 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
17 levied by the City.

18 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
19 an accurate map or plat of the described territory and to record the map or plat, together with
20 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
21 Nevada, which recording shall be done prior to the 12th day of November, 2004.

22 SECTION 7: The described territory, which previously has been zoned R-E
23 (County of Clark classification), is hereby classified as R-E (City of Las Vegas
24 classification), which is deemed to be the City equivalent of the County classification.

25 SECTION 8: If any section, subsection, subdivision, paragraph, sentence,
26 clause or phrase in this ordinance or any part thereof, is for any reason held to be
27 unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such
28 decision shall not affect the validity or effectiveness of the remaining portions of this

1 ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that
2 it would have passed each section, subsection, subdivision, paragraph, sentence, clause or
3 phrase thereof irrespective of the fact that any one or more sections, subsections,
4 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid
5 or ineffective.

6 SECTION 9: All ordinances or parts of ordinances, sections, subsections,
7 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
8 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

9 PASSED, ADOPTED and APPROVED this _____ day of _____,
10 2004.

11 APPROVED:

12
13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 BARBARA JO RONEMUS, City Clerk

17 APPROVED AS TO FORM:

18 *Val Steed* 9-17-04
Date

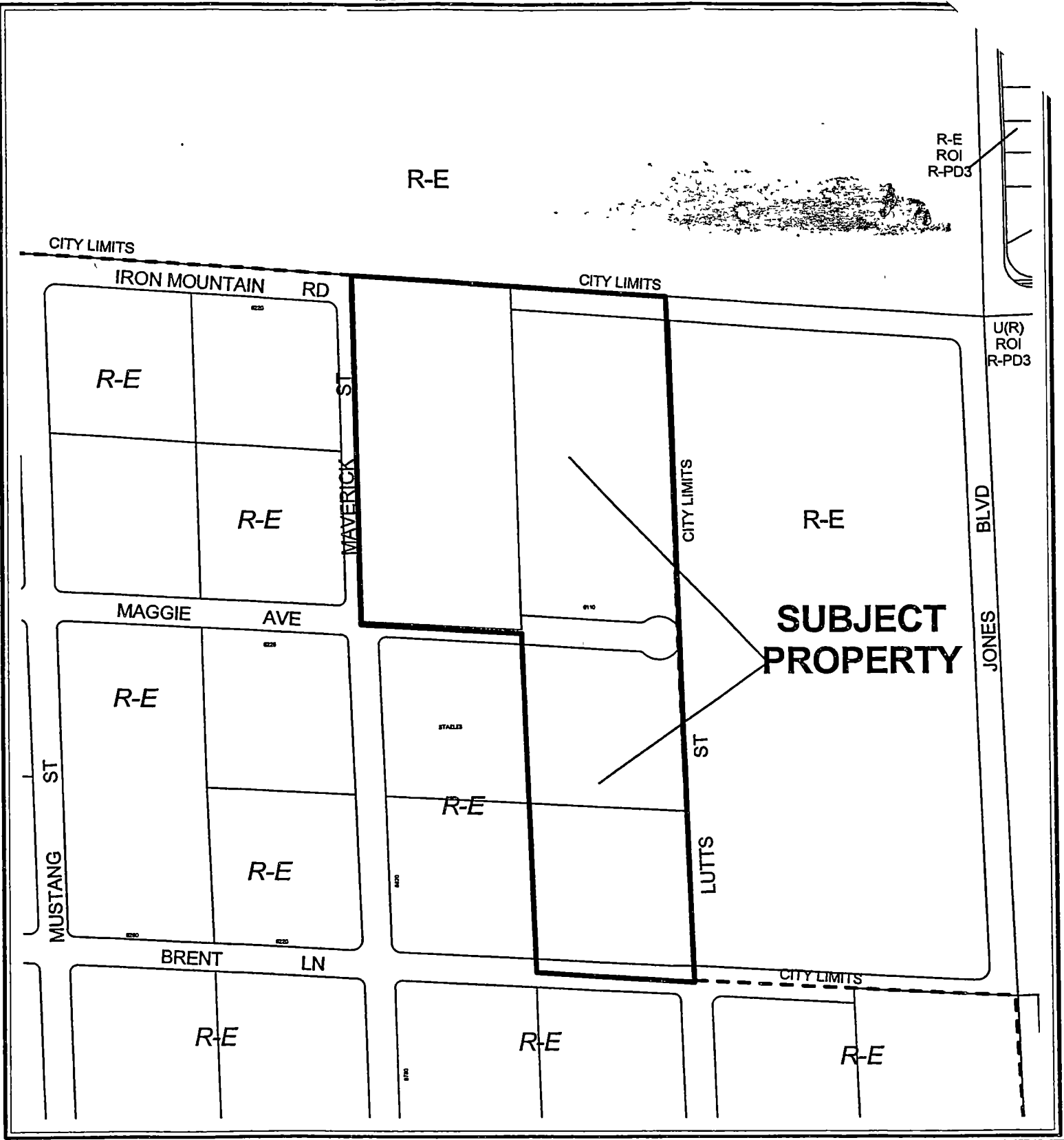
1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 ____ day of _____, 2004, and referred to the following committee
3 composed of _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2004, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:
8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____
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APPROVED:

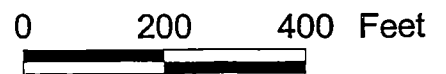
By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk



CASE: ANX-4777



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: OCTOBER 19, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2004-69 - Establishes new solid waste and recycling regulations. Proposed by: Mark R. Vincent, Director of Finance and Business Services

Fiscal Impact:

☒ No Impact	Amount:
☐ Budget Funds Available	Dept./Division:
☐ Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

The City's current solid waste code provisions were enacted more than fifty years ago and do not take into account many contemporary industry standards and practices as well as current state and federal regulatory provisions. Solid waste issues transcend the boundaries of the City and other local jurisdictions within the County metropolitan areas, each contracting with Republic Services, Inc. to perform solid waste collection and disposal services. Accordingly, this bill is modeled after recent changes made in the County code in order to achieve regulatory uniformity. This bill specifically designates the items included within the solid waste stream, hazardous waste stream, medical waste stream, and recyclable materials stream for regulatory purposes; restricts hours of solid waste collection in residential areas; and conditionally waives collection fees for absentee residents.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2004-69

MOTION:

COUNCILMAN WOLFSON recommended Bill 2004-69 be held in ABEYANCE to the 11/2/2004 Recommending Committee meeting. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

MARK VINCENT, Director, Finance and Business Services, indicated that discussions have been held with Republic Services representatives regarding some amendments. Therefore, he requested Bill No. 2004-69 be held for two weeks. He offered to outline some of the proposed changes in this bill. COUNCILMAN WOLFSON commented that he could brief the members when the matter comes back in two weeks, but asked if the public would receive advance notice. MR. VINCENT answered that the agenda for this meeting would serve as notice. This bill would not be published until the Recommending Committee recommends its approval, and then it would go through the normal process for becoming an ordinance.

ROBERT GROSSBECK, 5820 South Pecos Road, appeared on behalf of Republic Services together with ROBERT COIL, President, and JENNIFER SIMICH, Director of Public Relations, Republic

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 19, 2004

MINUTES - Continued:

Services. MR. GROSSBECK concurred with holding this matter for two weeks.

No one appeared in opposition.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:03 - 4:06)

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BILL NO. 2004-69

ORDINANCE NO. _____

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

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

Summary: Establishes new solid waste and recycling regulations.

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

SECTION 1: Title 9, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new Chapter, to be designated as Chapter 8, to consist of the provisions set forth as Sections 2 to 32, inclusive, of this Ordinance.

SECTION 2: It is declared to be the policy of the City to regulate the collection, transportation, deposit, transfer, recycling and disposal of solid waste and recyclables in a manner that is consistent with State law and that will:

- (A) Protect public health and welfare.
- (B) Prevent water or air pollution.
- (C) Prevent the spread of disease and the creation of nuisances.
- (D) Conserve natural resources.
- (E) Enhance the beauty and quality of the environment.

SECTION 3: In the construction of this Chapter, the following definitions shall apply, unless the context clearly requires otherwise:

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

- 1 (A) The sale of recyclables.
- 2 (B) Sewage-waste service.
- 3 (C) Any taxes on services furnished by a franchisee that are imposed by other
- 4 governmental entities, that are passed through to and collected from the franchisee's customers, and
- 5 that are separately itemized on customers' bills.

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

7 the business of purchasing, accepting donations of, collecting, storing, transporting or processing

8 source-separated recyclables.

9 "Commingled recyclables" means recyclables that have been abandoned or discarded and that

10 are mixed with solid waste other than residual solid waste.

11 "Compacted" means reduced in volume, but not weight, by two-thirds or more by mechanical

12 equipment.

13 "Construction or demolition waste" means solid waste resulting from the construction or

14 demolition of buildings and other structures, including but not limited to wood, plaster, metals,

15 asphaltic substances, bricks, block and concrete, and excavation dirt, rock, stone and gravel. The term

16 "construction or demolition waste" does not include uncontaminated soil, rock, stone, gravel, unused

17 brick and block and concrete if they are separated from other construction or demolition waste and

18 are to be used as clean fill.

19 "CPI-U" means the Consumer Price Index, All Urban Consumers for All Items, U.S. City

20 Average (1982-84=100), as published by the Bureau of Labor Statistics, U.S. Department of Labor.

21 "Curbside recyclables collection" means a collection program operated by a solid waste

22 franchisee in which source-separated recyclables are collected from residential customers on a

23 regularly scheduled basis as a part of the franchisee's solid waste business.

24 "Dead animals" means all dead animals or parts thereof (including condemned meats) that are

25 not intended to be used as food for man or animal.

26 "Dirt" means loose earth, ashes and manure, but exclusive of sand and gravel that is to be used

27 in construction work.

28 "Drop-off center" means a collection site where source-separated recyclables may be taken

1 by persons and deposited into designated containers.

2 "Franchise agreement" means an agreement between the City and a third party by which such
3 third party is authorized to collect, transport and dispose of solid waste and perform curbside
4 recyclables collection services in the City.

5 "Franchise fee" means the fee required by a franchise agreement based upon a percentage of
6 a franchisee's cash receipts derived from the collection, transportation and disposal of solid waste and
7 curbside recyclables collection services in the City.

8 "Franchisee" means any person who has contracted with the City for collection, transportation
9 and disposal of solid waste and the performance of curbside recyclables collection.

10 "Garbage" means putrescible animal and vegetable wastes, other than source-separated
11 recyclables, that result from the handling, storage, sale, preparation, cooking and serving of food, and
12 that have been discarded or abandoned.

13 "Hazardous waste" means any waste or combination of wastes, including solids, semisolids,
14 liquids or contained gases which:

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

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

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

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

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

27 "Medical waste" means items other than a culture or stock of an infectious substance, that
28 contain an infectious substance and are generated in:

- 1 (A) The diagnosis, treatment or immunization of human beings or animals;
2 (B) Research pertaining to the diagnosis, treatment or immunization of human
3 beings or animals; or
4 (C) The production or testing of biological products.

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

- 7 (1) Biological products;
8 (2) Diagnostic specimens;
9 (3) Laundry or medical equipment that conforms to 29 CFR 1910.1030 of
10 the regulations of the Occupational Safety and Health Administration of the United States Department
11 of Labor;
12 (4) A material, including waste, that previously contained an infectious
13 substance and has been treated by steam sterilization, chemical disinfection or other appropriate
14 method, so that it no longer poses the hazard of an infectious substance;
15 (5) Any waste material, including garbage, trash and sanitary waste in
16 septic tanks, derived from households, including but not limited to single and multiple residences,
17 hotels and motels;
18 (6) Corpses, remains and anatomical parts that are intended for ceremonial
19 interment or cremations; or
20 (7) Animal waste generated in animal husbandry or food production.

21 "Motel" means a building or group of buildings whose main function is to provide temporary
22 lodging and which does not offer conference rooms, restaurants or similar amenities to its customers
23 in addition to sleeping quarters.

24 "Multiple dwellings" means apartments and any other collection of two or more residences
25 which are grouped together under the management of one person and which do not require separate
26 individual collection of solid waste.

27 "Place of business" means any place of business in the City, other than multiple dwellings,
28 to conduct or carry on principally or exclusively any pursuit or occupation for the purpose of gaining

1 a livelihood.

2 “Premises” means land together with all buildings, improvements, and personal property
3 located thereon.

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

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

8 “Recyclables” or “recyclable materials” has the same meaning as “recyclable material,” as that
9 term is defined in the Clark County Health District’s Regulations Governing Recycling Centers, as
10 amended.

11 “Recycling center” has the same meaning as “recycling center,” as that term is defined in the
12 Clark County Health District’s Regulations Governing Recycling Centers, as amended.

13 “Refuse” means those discarded materials that have no useful physical, chemical or biological
14 properties after serving their original purpose and that cannot be reused or recycled for the same or
15 other purposes.

16 “Residual solid waste” has the same meaning as “residual solid waste,” as that term is defined
17 in the Clark County Health District’s Regulations Governing Recycling Centers, as amended.

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

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

23 “Single-family residence” means a building or dwelling wherein not more than one family
24 resides or dwells, and where no business of any kind is conducted, and includes a mobile home,
25 apartment and other unit in a multiple dwelling which receives individual and heavy and bulky item
26 collection.

27 “Solid waste” means all putrescible and nonputrescible materials in solid or semisolid form
28 that have been discarded or abandoned by their owner, including garbage, rubbish, junk vehicles and

1 parts, ashes or incinerator residue, street refuse, dead animals, construction or demolition waste,
2 commercial or industrial waste, medical waste, commingled recyclables and other refuse. The term
3 “solid waste” does not include any of the following:

4 (A) Hazardous waste managed pursuant to NRS 459.400 through 459.600,
5 inclusive.

6 (B) Sewage waste.

7 (C) Source-separated recyclables.

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

11 “Unforeseen economic circumstance” means:

12 (A) A percentage change in the CPI-U for a given calendar year ending in
13 December that is greater than ten percent or below zero (a decrease);

14 (B) An occurrence beyond a franchisee’s reasonable control;

15 (C) An action by a governmental jurisdiction; or

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

19 SECTION 4: Any person collecting, transporting, processing or disposing of solid
20 waste, hazardous waste or recyclables shall do so subject to the ordinances, rules and regulations of
21 the City, the Clark County Health District, the State of Nevada and the Federal Government.

22 SECTION 5: It is unlawful for any person to:

23 (A) Throw or deposit, or cause to be thrown or deposited, in any street, alley, gutter
24 or highway within the City, any solid waste, hazardous waste or recyclables.

25 (B) Throw or deposit, or cause to be thrown or deposited, any solid waste,
26 hazardous waste or recyclables upon the private property or premises or into the receptacles of
27 another person within the City, except for the depositing of source-separated recyclables at drop-off
28 centers.

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

5 (D) Throw or deposit or cause to be thrown or deposited any solid waste, hazardous
6 waste or recyclables in any areas of the City not designated, authorized or licensed by the City for
7 deposit of these materials.

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

16 SECTION 7: Except in case of an emergency declared by the City Manager under
17 Section 8 of this Ordinance, it is unlawful for any person, other than the City, a franchisee or their
18 duly appointed agents to collect or transport any solid waste, or provide curbside recyclables
19 collection service; provided, however, that:

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

23 (B) Any duly licensed and permitted septic tank or grease trap pumpers, lawn
24 maintenance services and tree trimmers may transport those materials accumulated in or generated
25 by the performance of licensed services to a transfer station or a disposal site operated in accordance
26 with all applicable laws, rules and regulations.

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

1 (D) Any person may transport his or her own source-separated recyclables to
2 recycling centers or drop-off centers.

3 (E) Any duly licensed commercial recycler may transport source-separated
4 recyclables in the legitimate course of business.

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

9 SECTION 8: (A) In the event of an interruption in the collection, transportation
10 or disposal of solid waste and recyclables by the City or its franchisees, problems affecting the public
11 health, safety and welfare may arise. These problems may include increases in pathogens, vectors,
12 fire hazards, unsightly litter, odor and traffic hazards from the accumulation of solid waste and
13 recyclables. This Section is intended to provide for the emergency collection, transportation and
14 disposal of solid waste and recyclables by private citizens in order to minimize the adverse impact
15 on the public health, safety and general welfare arising from an interruption in the collection,
16 transportation and disposal of solid waste and recyclables.

17 (B) In the event of an interruption in the collection, transporting or disposal of solid
18 waste and recyclables by the City or its franchisees, the City Manager may declare an emergency.

19 (C) If the City Manager declares an emergency under Subsection (B) of this
20 Section, the provisions of Section 7 of this Ordinance which relate to transporting solid waste and
21 recyclables shall be suspended and the following provisions shall apply until the date specified in the
22 declaration of emergency or in a subsequent declaration:

23 (1) The City Manager may designate, establish, operate and maintain
24 temporary emergency collection areas for solid waste and recyclables;

25 (2) Any person may transport the solid waste and recyclables generated or
26 found on real property in his or her possession to a designated temporary emergency collection area;

27 (3) Until hauled to a designated temporary emergency collection area, all
28 putrescible solid waste shall be stored indoors in plastic bags or outdoors in containers or receptacles

1 which will not permit access by flies or animals or constitute a fire hazard; and

2 (4) All putrescible solid waste hauled to a temporary emergency collection
3 area must be securely contained in plastic bags.

4 SECTION 9: (A) It is unlawful for any person other than the owner, the City or
5 a franchisee, or their duly appointed agents, to interfere in any manner with any receptacles containing
6 solid waste or recyclables or to remove any such receptacle from the location where placed for pickup
7 by the owner, the City or a franchisee.

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

10 SECTION 10: It is unlawful to use any cart or vehicle for the transportation or removal
11 of solid waste or recyclables unless such cart or vehicle is appropriately constructed and covered,
12 within industry standards, to prevent or minimize odors from or leakage, sifting, spilling, drifting or
13 blowing of such solid waste or recyclables in or upon the streets through which such cart or vehicle
14 may be driven.

15 SECTION 11: (A) Every person owning or managing any place of business, public
16 building, multiple dwelling or single-family residence, except as otherwise provided in Subsection
17 (E) of this Section, shall provide a receptacle sufficient for the depositing of all solid waste from the
18 premises. A solid waste franchisee may rent solid waste receptacles to its customers pursuant to the
19 rates specified in this Chapter, but the responsibility for placement of such rented receptacles remains
20 with the person owning or managing the place of business, public building, multiple dwelling or
21 single-family residence.

22 (B) A franchisee shall provide to its curbside recyclables collection customers,
23 upon request and at no additional cost to such customers, appropriate receptacles for the storage and
24 collection of recyclables.

25 (C) On any single-family residential lot, it is unlawful to place, keep, store or locate
26 any solid waste or recyclables receptacle within the right-of-way of a street, sidewalk or alley, or
27 within any front yard as defined in the zoning regulations of the City; provided, however, that such
28 receptacles may be placed within such area for the purpose of the collection of solid waste and

1 recyclables from midnight to midnight on the day designated for the pickup thereof and for a period
2 not to exceed ten hours prior to midnight of the day of pickup.

3 (D) On any multi-family, commercial or industrial lot, it is unlawful to place, keep,
4 store or locate any dumpster or other solid waste or recyclables receptacle within the right-of-way of
5 a street, sidewalk or alley. Dumpsters shall be stored within an enclosure if an enclosure was required
6 in connection with development approval or is otherwise provided on the lot. The construction of
7 dumpster enclosures is encouraged, if such construction was not required in accordance with a
8 development approval. To the extent reasonably possible, development plans and approvals
9 concerning the construction of dumpster enclosures shall be coordinated with the solid waste
10 franchisee.

11 (E) Places of business whose rubbish consists principally of boxes, cartons and
12 other items of such bulk that the placing of the same in a receptacle would be impracticable may
13 provide for such rubbish to be piled on the premises of such place of business adjacent to a street or
14 alley, provided such boxes or cartons shall be flattened and tied in bundles. The monthly rate to be
15 charged such places of business for collecting, transporting and disposing of such rubbish shall be
16 computed in accordance with the rates set forth in Section 17 of this Ordinance and based upon the
17 bulk of such piles.

18 (F) The provisions of this Section may be enforced by the City's Department of
19 Neighborhood Services, as well as the Las Vegas Metropolitan Police Department.

20 SECTION 12: Each receptacle which is not emptied by mechanical or hydraulic
21 equipment shall have a capacity of not less than three nor more than thirty-three gallons. Multiple
22 dwellings, places of business and public buildings shall also be permitted to use the types and sizes
23 of receptacles listed in Section 17 of this Ordinance. Solid waste receptacles shall be constructed
24 watertight and shall be provided with handles and tight-fitting covers. Each such receptacle and cover
25 shall be made of a material approved for such use by the City. Covers shall not be removed except
26 when necessary to place solid waste therein. Each receptacle and its cover shall be kept clean from
27 accumulating grease and decomposing material.

28 SECTION 13: (A) No person other than the owner, the City or a franchisee, or their

1 agents may:

2 (1) Remove any solid waste or recyclables from the solid waste receptacles
3 or recyclables receptacles that are intended for pickup by a franchisee as part of its solid waste
4 collection and curbside recyclables collection programs;

5 (2) Remove recyclables that have been tied, boxed, bundled or otherwise
6 collected and placed for pickup by a franchisee as part of its curbside recyclables collection program;
7 or

8 (3) Tamper with, engage in, interfere with or participate in curbside
9 recyclables collection.

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

13 SECTION 14: (A) All solid waste shall be placed in a receptacle; provided,
14 however, that:

15 (1) Places of business may place rubbish on their premises pursuant to
16 Subsection (E) of Section 11 of this Ordinance; and

17 (2) Tree trimmings, scrap lumber and other solid waste capable of being
18 bundled in accordance with Subsection (B) of this Section may be bundled if securely tied and placed
19 next to a receptacle.

20 (B) Items bundled pursuant to this Section shall not exceed six feet in length nor
21 weigh more than seventy-five pounds.

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

24 SECTION 15: (A) The charge for collecting, transporting and disposing of solid
25 waste from single-family residences on a twice-a-week basis, and providing curbside recyclables
26 collection services on an every-other-week basis, shall be thirty-three dollars and thirty-eight cents
27 per quarter.

28 (B) The charge for collecting, transporting, and disposing of solid waste from

multiple dwellings on a twice-a-week basis shall be twenty-four dollars and eighty-seven cents per quarter for the first multiple dwelling unit on one stop and seventeen dollars and forty-one cents per quarter for each additional unit on one stop, irrespective of occupancy or vacancy of any units.

(C) If requested by the owner of multiple dwellings, the charge for collecting, transporting and disposing of solid waste three times per week shall be one and one-half times the charge for service two times per week.

(D) If requested by the owner of multiple dwellings, the charge for collecting, transporting and disposing of solid waste six times per week shall be two and one-half times the charge for service two times per week.

SECTION 16: (A) For mobile home parks that do not receive individual service at each mobile home and for motels, the charge for collecting, transporting and disposing of solid waste on a twice-a-week basis shall be twenty-four dollars and eighty-seven cents per quarter for each office, plus eleven dollars and ninety-seven cents per quarter for each mobile home and motel room without cooking facilities, or fourteen dollars and ninety-four cents per quarter for each mobile home and motel room with cooking facilities, irrespective of occupancy or vacancy of any units.

(B) If requested by the owner of a mobile home park or motel that utilizes bin service, the charge for collecting, transporting and disposing of solid waste three times per week shall be one and one-half times the charge for service two times per week.

(C) If requested by an owner of a mobile home park or motel that utilizes bin service, the charge for collecting, transporting and disposing of solid waste six times per week shall be two and one-half times the charge for service two times per week.

(D) 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 residences as set forth in Section 15 of this Ordinance.

SECTION 17: The charge for collecting, transporting and disposing of solid waste from places of business and public buildings others than those mentioned in Section 16 of this

1 Ordinance shall be determined by the number and type of receptacles required by each such place of
2 business or public building and by the number of collections from each per week in accordance with
3 Tables A, B and C that are included within this Section. The charge for collecting, transporting and
4 disposing of compacted solid waste from receptacles other than compaction-type drop boxes shall be
5 three times the otherwise applicable charge.

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Section 17 Table (A)
Collection Charges (Quarterly Rates)*
Places of Business and Public Buildings

<u>Number & Type of Receptacles</u>	<u>2 Collections Per Week</u>	<u>6 Collections Per Week</u>	<u>7 Collections Per Week</u>
One can	44.73	186.24	223.31
Two cans	89.46	260.59	312.79
Three cans	134.19	334.99	402.30
Each additional can	44.73	74.36	89.50
<u>One Cubic Yard Container</u>			
One container	223.31	483.67	581.17
Two containers	447.35	855.08	1,028.52
Each additional container	223.31	371.84	447.35
<u>Two Cubic Yard Container</u>			
One container	447.35	855.50	1,028.52
Two containers	894.72	1,599.17	1,923.23
Each additional container	447.35	743.67	894.71
<u>Three Cubic Yard Container</u>			
One container	671.03	1,227.34	1,475.86
Two containers	1,342.05	2,342.84	2,817.93
Each additional container	671.03	1,115.51	1,342.05
<u>Four Cubic Yard Container</u>			
One container	894.71	1,599.17	1,923.15
Two containers	1,789.42	3,086.49	3,712.57
Each additional container	894.71	1,487.23	1,789.43
<u>Six Cubic Yard Container</u>			
One container	1,342.05	2,342.84	2,817.93
Two containers	2,684.09	4,685.67	5,635.84
Each additional container	1,342.05	2,225.68	2,677.02
<u>Eight Cubic Yard Container</u>			
One container	1,789.42	3,086.49	3,712.57
Two containers	3,578.84	6,172.99	7,425.14
Each additional container	1,789.42	2,993.88	3,601.20

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

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Section 17 Table (B)

Solid Waste Compaction Type Drop Boxes

Monthly Rates*

<u>Compactor Size</u>	<u>1 pull per week</u>	<u>2 pulls per week</u>	<u>3 pulls per week</u>	<u>4 pulls per week</u>	<u>5 pulls per week</u>	<u>6 pulls per week</u>	<u>7 pulls per week</u>
10-yard	1,654.47	2,211.76	3,030.26	3,291.30	3,552.36	3,813.41	5,573.66
17-yard	2,046.94	2,702.14	3,808.57	4,184.55	4,560.51	4,936.50	6,572.55
26-yard	2,294.07	3,196.41	4,549.93	4,925.90	5,301.88	5,677.85	7,437.56
36-yard	2,707.00	3,609.40	4,962.79	5,391.55	5,820.31	6,249.16	8,008.90

<u>Compactor Size</u>	<u>8 pulls per week</u>	<u>9 pulls per week</u>	<u>10 pulls per week</u>	<u>11 pulls per week</u>	<u>12 pulls per week</u>	<u>13 pulls per week</u>	<u>14 pulls per week</u>
10-yard	7,228.12	7,785.43	8,603.95	8,864.98	9,126.01	9,387.06	11,147.32
17-yard	8,619.48	9,275.25	10,381.12	10,757.09	11,133.08	11,509.06	13,145.11
26-yard	9,731.61	10,633.97	11,987.50	12,363.47	12,739.46	13,115.41	14,875.13
36-yard	10,715.92	11,618.31	12,971.70	13,400.46	13,829.24	14,258.07	16,017.80

Per Pickup Rates (with regular service)*

	<u>Regular</u>	<u>Sunday/Holiday</u>
Special pickup 0-49 yards	406.08	609.12
Special pickup 50-74 yards	780.88	1,171.32
Special pickup 75 yards	1,273.71	1,910.57

Per Pickup Rates (without regular service)*

On-call pickup 0-49 yards	633.88	950.82
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*subject to applicable CPI-U adjustments made pursuant to this Chapter

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1	Container Size	Monthly Charge*
2	1 Yard	\$14.34
3	2 Yard	\$17.20
4	3 Yard	\$20.08
5	4 Yard	\$22.37
6	6 Yard	\$28.67
7	8 Yard	\$31.54

8		Quarterly Charge*
9	Up to 96 gallon Mobile Cart	\$10.32

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

11 SECTION 19: The charges for special one-time collections for single-family
12 residences, multiple dwellings, places of business and public buildings shall be as follows:

13	Size of Receptacle	One Time Charge*
14	1 Yard Container	\$28.02
15	2 Yard Container	\$37.36
16	3 Yard Container	\$46.70
17	4 Yard Container	\$56.02
18	6 Yard Container	\$65.37
19	8 Yard Container	\$74.71

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

21 SECTION 20: The charges per container for preparation, collection, transportation and
22 disposal of medical waste and the charges for sales and rentals of medical waste containers shall be
23 determined in accordance with the following schedules:

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BASIC SERVICE CHARGES*					
Item	Size & Volume	Price Per Item		Minimum Charge Per Service Call	
		Delivered	Picked Up	Prescheduled Once/Month or Greater Frequency	On-Call/Special Pickup
Bio-Hazardous Accumulation Containers	Medium 10-14 Gallons	\$4 50	\$4 50	\$25 69 (If total for containers delivered and picked up is less than \$25 69, then \$25 69 will be invoiced)	\$57 81 (If total for containers delivered and picked up is less than \$57 81, then \$57 81 will be invoiced)
	Large 27-32 Gallons	\$6 43	\$6 43		
	X-Large 48-50 Gallons	\$9 63	\$9 63		

ADDITIONAL SERVICE CHARGES*			
Charges for prescheduled once/month or greater frequency service:			
Type	Size Code	Container	Disposal Price
Chemotherapy Waste Disposal	Large	33 Gallon	\$31 71
	Extra Large	55 Gallon	\$56.25
Pharmaceutical (non-controlled substance) Disposal	Extra small	5 Gallon	\$40 91
	Small	10 Gallon	\$74 15
	Medium	20 Gallon	\$148 30
	Large	30 Gallon	\$222 46
	Extra Large	55 Gallon	\$370 77
Charges for on-call / special pickups or special services.			
Item			Charge
Special pick ups (after 5 00 p m , same day requests, holidays, weekends or greater than 20 polyurethane containers per pickup)			\$61 37 Per Hour
Special services (account balancing, reconciliation, usage reports, certificates)			\$61 37 Per Hour
Preparation of waste to make suitable for transportation			\$25 57 Per Container
Collection delay - \$1 02 per minute after 5 minutes			\$5 10 Minimum
Over weight charge (Over 50 lbs)			\$40 91 Per Container

PURCHASE OR RENTAL ITEMS*				
Item	Size	Volume	Dimensions	Price
Sharp Containers	Small	1 Quart	4" x 4" x 6"	\$5 11 plus tax
	Medium	5 Quarts	4" x 10" x 9"	\$8 18 plus tax
	Large	8 Quarts	6" x 9" x 10"	\$10 23 plus tax
	Extra Large	32 Quarts	9" x 13" x 17"	\$20 46 plus tax
Red Bio-Hazard Bags	Small (500 bags per case)	8-10 Gallons	24" x 32" (8-10 gallons)	\$71 60 plus tax
	Large/Extra Large (25 bags per roll)	50 Gallons	43" x 48" (50 gallons)	\$12 27 plus tax
Locker Rental	Small	5 Cubic yards	7-1/2' x 5-1/2' x 3-1/2'	\$61 37 per month (includes transportation)
	Large	30 Cubic yards	20' x 8' x 8'	\$143.19 per month (includes transportation)
Item	Size	Volume	Dimensions	Price
Roll-Off Box Rental	Extra Large	40 Cubic yards		\$337 52 per month
Trailer Rental (Special pickup charge of \$61.37 per hour does not apply to customers with trailer service, unless after hours or holiday pickups are requested)		30 feet long or less		\$489 48 per month
		48 feet long or less		\$652 64 per month
		53 feet long or less		\$734 22 per month

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

1 SECTION 21: (A) To ensure the uniform, safe and sanitary treatment of solid waste
2 in the City and to discourage the illegal handling and disposal of solid waste, it shall be mandatory
3 for any person owning, occupying or managing any premises in the City which are connected to water
4 service to subscribe to solid waste collection service provided by the City or its authorized franchisee
5 and to pay the charges specified in this Chapter. No person may discontinue paying for solid waste
6 collection service for his or her premises, unless such premises are not connected to water service for
7 the entire billing period.

8 (B) In order to discontinue paying for solid waste collection service pursuant to
9 Subsection (A) of this Section, a person must request discontinuation of service and provide proof that
10 no water service to the premises is provided. Such request is subject to an administrative fee of
11 fifteen dollars for the costs of processing the request. No fee may be charge to reestablish service to
12 the premises after service has been discontinued pursuant to this Subsection (B).

13 (C) All charges for regular or periodic services provided by the City, its
14 franchisees, or their duly appointed agents, pursuant to this Chapter shall be billed in advance on the
15 first business day of the quarterly or monthly billing period, as applicable. Bills will be due and
16 payable on the fifteenth day after the applicable billing date. All charges for services under this
17 Chapter, including the penalties for delinquent payment, shall constitute a debt and obligation of the
18 legal owner and the person having the management of the places of business, public buildings,
19 multiple dwellings and residences to the City or its franchisee, and such persons shall be liable
20 therefor in a civil action commenced by the City or its franchisee in any court of competent
21 jurisdiction for the recovery of such charges and penalties.

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

28 (E) No person shall accept and no franchisee shall offer or give any solid waste

1 collection, transportation and disposal services or curbside recyclables collection services without
2 charge, or shall offer or give a discount, refund or rebate of any charge authorized by this Chapter,
3 except that this provision does not apply to charitable organizations which are exempt from federal
4 income tax pursuant to Section 501(c) of the Internal Revenue Code or as further provided by
5 franchise agreement.

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

9 SECTION 22: (A) In addition to all other charges established by this Chapter, a
10 franchisee may pass through to its customers such charges as are necessary for the franchisee to
11 recoup all State business license taxes paid pursuant to Section 187 of Chapter 5, Statutes of Nevada
12 2003, 20th Special Session. The franchisee shall list such charges separately on its bills.

13 (B) A franchisee shall provide to the City, on or before March 1 each year and in
14 a form satisfactory to the City, a detailed report for the preceding calendar year containing the
15 following information concerning the franchisee's State business license taxes:

16 (1) The amount of taxes paid during the prior calendar year;

17 (2) How such taxes were calculated including the number of employees
18 upon which such taxes were based;

19 (3) The number of customers in the City served by the franchisee during
20 the prior calendar year;

21 (4) The total pass-through tax charges collected from customers during the
22 prior calendar year; and

23 (5) The method that the franchisee will use to pass through such taxes to
24 its customers for the current year, including any adjustments to the pass-through tax charges necessary
25 to correct for any excess or under charges during the prior calendar year.

26 SECTION 23: All solid waste collection charges or fees authorized and established
27 by this Chapter, including any penalties assessed under Section 21 of this Ordinance, shall constitute
28 a lien upon the real property of the premises served until such charges and fees have been paid. Such

1 lien shall be enforced in the following manner:

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 24: (A) The rates and charges established pursuant to this Chapter shall
16 be adjusted annually based upon the percentage of change in the CPI-U.

17 (B) Rate changes shall be made effective as of July 1, each year, and shall be based
18 upon the percentage change in the CPI-U for the twelve-month period of the preceding calendar year.

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

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

25 (2) When the percentage change is between six and one-half percent and
26 ten percent, the rates and charges adjustment shall not be greater than six and one-half percent.

27 (D) When an unforeseen economic circumstance has occurred during the preceding
28 calendar year, the City Council may consider and may approve a method for adjusting rates which

1 is not based on changes to the CPI-U. In any year following a period when the adjustment to rates
2 was based on some other method, rate adjustments shall again be based on changes in the CPI-U.

3 (E) A minimum of one annual rate adjustment based on the CPI-U method must
4 occur between annual rate adjustments based on methods other than the CPI-U method.

5 SECTION 25: (A) Every franchisee shall pay a quarterly franchise fee, in the
6 amount specified in the franchise agreement, based on its cash receipts derived from the collection
7 of solid waste and curbside recyclables collection for the preceding calendar quarter. All franchise
8 fees shall be due no later than thirty days after the end of each calendar quarter.

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

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

16 SECTION 26: All solid waste and hazardous waste collected from the public and
17 private places and premises in the City shall not be deposited at any place other than at a disposal site
18 operated in accordance with all applicable laws, rules and regulations.

19 SECTION 27: (A) Any person may dispose of solid waste at any disposal site
20 operated in accordance with all applicable laws, rules and regulations.

21 (B) Any single-family resident of the City who is a current customer of a franchisee
22 may dispose of the solid waste generated at his or her own single-family dwelling at any authorized
23 disposal site operated by the franchisee within the "urban solid waste service area" in Clark County,
24 without charge, upon presentation of a current quarterly bill for residential service from the franchisee
25 and a valid, government-issued photo identification.

26 SECTION 28: The City, in addition to the remedies and penalties above named, may
27 seek injunctive relief against any violator of this Chapter, with or without prior notice, to prevent or
28 correct any solid waste, hazardous waste or recyclable materials problem.

1 SECTION 29: Nothing in this Chapter shall limit the right of any person to donate or
2 sell his or her source-separated recyclable materials.

3 SECTION 30: Nothing in this Chapter shall limit the right of the City to collect,
4 transport, process or dispose of any solid waste, hazardous waste or recyclable material including the
5 operation of transfer stations and recycling centers.

6 SECTION 31: Solid waste and hazardous waste, as defined in Section 3 of this
7 Ordinance and for the purpose of this Chapter, are a nuisance per se.

8 SECTION 32: (A) Notwithstanding any provision of this Code to the contrary
9 (other than Subsection (D) of this Section), no franchisee shall perform solid waste collection or
10 curbside recyclables collection in the City other than from 6:00 a.m. to 10:00 p.m. on property which
11 is developed for residential use.

12 (B) A franchisee shall use its best efforts to respond immediately to any complaint
13 that it receives from the City or any of its residents concerning any alleged violation of Subsection
14 (A) of this Section. At a minimum, the franchisee shall:

15 (1) Promptly investigate whether such violation occurred;
16 (2) Take appropriate action to prevent further violations of Subsection (A)
17 no later than two days after receiving the complaint; and

18 (3) Notify the City, in writing, no later than two days after receiving the
19 complaint, of the franchisee's determination as to whether a violation occurred and, if so, what actions
20 the franchisee has taken to prevent further violations of Subsection (A).

21 (C) If a franchisee receives any complaint from the City or any of its residents
22 concerning unreasonable noise in a residential area that is being generated by solid waste collection
23 between the hours of 10:00 p.m and 6:00 a.m. near (but not within) that residential area, the franchisee
24 shall use its best efforts to respond promptly to the complaint and to take appropriate action to prevent
25 or minimize, to the extent reasonably possible, the noise that is being generated near the residential
26 area. At a minimum, the franchisee shall:

27 (1) Promptly investigate whether and to what extent noise is being
28 generated in the residential area by solid waste collection between the hours of 10:00 p.m and 6:00

1 a.m. near (but not within) that residential area; and

2 (2) Notify the City, in writing, of the franchisee's determination as to
3 whether such noise is being generated and, if so, what actions the franchisee has taken to prevent or
4 minimize such noise in the future.

5 (D) In case of an emergency or for other good cause shown, the City Manager or
6 his or her designee may grant temporary written approval to make collections of solid waste and
7 curbside recyclables outside of the hours specified in Subsection (A) of this Section.

8 SECTION 33: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas,
9 Nevada, 1983 Edition, is hereby repealed.

10 SECTION 34: Section 33 of this Ordinance shall become effective as of 12:01 A.M.
11 the day after publication of this Ordinance by title.

12 SECTION 35: Sections 1 through 32, inclusive of this Ordinance shall become
13 effective as of 12:02 A.M. the day after publication of this Ordinance by title.

14 SECTION 36: 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
16 or 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.

22 SECTION 37: Whenever in this ordinance any act is prohibited or is made or declared
23 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
24 required or the failure to do any act is made or declared to be unlawful or an offense or a
25 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
26 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
27 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
28 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

1 SECTION 38: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this _____ day of _____, 2004.

5 APPROVED:

6
7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 _____
11 BARBARA JO RONEUMUS, City Clerk

12 APPROVED AS TO FORM:

13 Val Steed 9-27-04
14 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2004, 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 _____, 2004, 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: _____

11

12

APPROVED:

13

14

By _____
OSCAR B. GOODMAN, Mayor

15

16

ATTEST:

17

BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 19, 2004

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE. NO SUBJECT MAY BE ACTED UPON BY THE COMMITTEE UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

MINUTES:

None

(4:06)

1-116

THE MEETING ADJOURNED AT 4:06 P.M.

Respectfully submitted:

A handwritten signature in cursive script, reading "Gabriela S. Portillo-Brenner", is written over a horizontal line.

GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK

October 22, 2004