

City of Las Vegas

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, NOVEMBER 2, 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. 2004-69 - ABEYANCE ITEM - Establishes new solid waste and recycling regulations. Proposed by: Mark R Vincent, Director of Finance and Business Services
- 2. Bill No. 2004-70 - Annexation No. ANX-4957 - Property location: On the north side of Ann Road, east and west of Mustang Road (aka Mustang Street); Petitioned by: Matrix Development Corporation, et al.; Acreage: 10.69 acres, Zoned: R-E (County zoning), U (R) and U (RE) (City equivalents). Sponsored by: Councilman Michael Mack

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

664

(Mailing required under the provisions of NRS Chapter 241)

 Notary Public-State Of Nevada
COUNTY OF CLARK
JO A WILLIAMS
My Appointment Expires
January 12, 2006
No 98-0389-1

RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 2, 2004

- CALL TO ORDER

MINUTES:

PRESENT: COUNCILWOMAN 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

(4:05)

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 2, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2004-69 - ABEYANCE ITEM - 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:

1. Bill No. 2004-69
2. Proposed First Amendment

MOTION:

COUNCILMAN WOLFSON recommended Bill 2004-69 be forwarded as a First Amendment to the Full Council with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

MARK VINCENT, Director, Finance and Business Services, said that since this matter first appeared on the Recommending Committee agenda, he met twice with representatives of Republic Services. Discussions at those meetings resulted in a Proposed First Amendment, a copy of which is included in the backup. The current 50-year ordinance needed updating. A lot of the changes are in line with the County's recycling ordinance, which was updated in 1996. He then outlined the proposed changes, principally adding definitions for the followings: hazardous waste, medical waste, sewage waste, recycling, gross revenue to gross cash receipts.

A late penalty fee was also added, which is included in most of the other franchise ordinances. A

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 2, 2004

MINUTES - Continued:

provision on customer service standards was added to Section 33 requiring the franchisee to record and respond to complaints within 48 hours. If the complaint cannot be resolved, a written report must be provided to the City as to the issues and why the complaint could not be resolved. If the City is not satisfied, the Director of Finance will have the ability to direct the franchisee to resolve the complaint in a manner acceptable to the City. Included in Section 34 is new language regarding a telephone answering system and language allowing the City to establish reasonable minimum performance standards

Under discontinuation of service, which has been a very difficult issue, a provision was added making the discontinuation of water service the trigger for discontinuation of solid waste and recycling services. Republic Services will be allowed to charge a \$15 processing fee for discontinuation of services, with no reactivation fee. Rates have also been added for rental of containers for medical and sewage waste.

As far as sewage waste service, the fees will escalate according to CPIU, as all other rates, but the franchisee shall be solely responsible for franchise fees and cannot pass these on to the City. This has been an issue, because the sewage, although collected from the Las Vegas hookups, eventually goes to the plant located in Clark County. The County has no interest in attaching a franchise fee onto revenues collected for processing the City's waste. In the event the County should reconsider, the City would be indemnified against such a fee structure.

ROBERT GROSSBECK, 5820 South Pecos Road, appeared on behalf of Republic Services, accompanied by ROBERT COIL, President of the Southern Nevada operation, and JENNIFER SIMICH, Director of Government Relations. MR. GROSSBECK concurred with the changes MR. VINCENT outlined.

COUNCILWOMAN MONCRIEF asked if the section regarding medical waste is more of a clean up in terminology or if it changes the rules on removal of medical waste. MR. VINCENT answered that it is more of a clean up on terminology. There was a legal case in Clark County that addressed this issue, and this is one of the definitions the court directed be cleaned up in the ordinance. MR. GROSSBECK concurred. He added that 50 years ago, when this ordinance was drafted, nobody thought about medical waste being separated from solid waste. The language in the proposed ordinance incorporates all the recent changes in federal regulations.

COUNCILMAN WOLFSON confirmed with MR. VINCENT that no immediate subsequent amendments are intended and that he worked closely with Republic Services on the proposed amendments.

MR. COIL expressed his appreciation to City staff for its efforts and cooperation on these changes.

No one appeared in opposition.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:05 - 4:13)

1 **BILL NO. 2004-69**

2 **ORDINANCE NO. _____**

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

5 Proposed by: Mark R. Vincent, Director Summary: Establishes new solid waste and
6 Department of Finance and Business Services recycling regulations.

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

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

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

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

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

22 "Cash receipts" means all receipts derived from the collection of solid waste and curbside
23 recyclables collection services and includes, by way of illustration and not limitation, all cash, credits,
24 property or other consideration of any kind derived directly or indirectly by a franchisee (or any of
25 its authorized agents or affiliates) for the collection, transportation and disposal of solid waste,
26 including all revenue received from residential service (including any charges attributable to curbside
27 recyclables collection services), commercial and industrial service, medical-waste service, container
28 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

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

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

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

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

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

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

22 (D) For mobile home parks that receive individual service at each mobile home,
23 which shall include the same heavy and bulky item pickup as that provided to single-family
24 residences, the charges for collecting, transporting and disposing of solid waste and curbside
25 recyclables collection services shall be the same as for residences as set forth in Section 15 of this
26 Ordinance.

27 SECTION 17: The charge for collecting, transporting and disposing of solid waste
28 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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Section 17 Table (C)
Solid Waste Manual-Type Drop Box Rates*

<u>On-Call Rates</u> (with or without regular service)	<u>Regular</u>	<u>Sunday/Holiday</u>
10 cubic yards	\$78.20	\$117.30
20 cubic yards	\$156.40	\$234.60
28 cubic yards	\$218.96	\$328.44
35 cubic yards	\$273.70	\$410.55
50 cubic yards	\$391.00	\$586.50

All on-call rates are subject to additional charges of \$17.46 demurrage per 24 hours or any part thereof after the first 72 hours, excluding Sundays.

Monthly Rates

All other rates shall be calculated as follows:
(Base Charge x number of yards of capacity x number of pickups per week x 52 weeks per year, divided by 12 months per year) + Demurrage = total monthly rate, where:

- “Base Charge” for Monday - Saturday pickups = \$7.82 per cubic yard.
- “Base Charge” for Sunday pickups = \$11.73 per cubic yard.
- “Demurrage” = \$17.46 per 24 hours or any part thereof after the first 72 hours, excluding Sundays.

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

SECTION 18: The charges for container rentals for single-family residences, multiple dwellings, places of business and public buildings shall be as follows:

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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 RONEMUS, 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 _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17 _____
18 BARBARA JO RONEMUS, City Clerk
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1 **PROPOSED FIRST AMENDMENT**

2 **BILL NO. 2004-69**

3 **ORDINANCE NO. _____**

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

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

Summary: Establishes new solid waste and
recycling regulations.

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

10 SECTION 1: Title 9, of the Municipal Code of the City of Las Vegas, Nevada, 1983
11 Edition, is hereby amended by adding thereto a new Chapter, to be designated as Chapter 8, to consist
12 of the provisions set forth as Sections 2 to 34, inclusive, of this Ordinance.

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

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

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

23 "Cash receipts" means all receipts derived from the collection of solid waste and curbside
24 recyclables collection services and includes, by way of illustration and not limitation, all cash, credits,
25 property or other consideration of any kind derived directly or indirectly by a franchisee (or any of
26 its authorized agents or affiliates) for the collection, transportation and disposal of solid waste,
27 including all revenue received from residential service (including any charges attributable to curbside
28 recyclables collection services), commercial and industrial service, medical-waste service, sewage-

11/2/04
Rep. City.
H. J.

1 waste service, container rentals, packaging, shipping and late fees, but excluding the following
2 revenues from:

3 (A) The sale of recyclables.

4 (B) Any taxes on services furnished by a franchisee that are imposed by other
5 governmental entities, that are passed through to and collected from the franchisee's customers, and
6 that are separately itemized on customers' bills.

7 "Commercial recycler" means any licensed entity, including a licensed franchisee, that is in
8 the business of purchasing, accepting donations of, collecting, storing, transporting or processing
9 source-separated recyclables.

10 "Commingled recyclables" means recyclables that have been abandoned or discarded and that
11 are mixed with solid waste other than residual solid waste.

12 "Compacted" means reduced in volume, but not weight, by two-thirds or more by mechanical
13 equipment.

14 "Construction or demolition waste" means solid waste resulting from the construction or
15 demolition of buildings and other structures, including but not limited to wood, plaster, metals,
16 asphaltic substances, bricks, block and concrete, and excavation dirt, rock, stone and gravel. The term
17 "construction or demolition waste" does not include uncontaminated soil, rock, stone, gravel, unused
18 brick and block and concrete if they are separated from other construction or demolition waste and
19 are to be used as clean fill.

20 "CPI-U" means the Consumer Price Index, All Urban Consumers for All Items, U.S. City
21 Average (1982-84=100), as published by the Bureau of Labor Statistics, U.S. Department of Labor.

22 "Curbside recyclables collection" means a collection program operated by a solid waste
23 franchisee in which source-separated recyclables are collected from residential customers on a
24 regularly scheduled basis as a part of the franchisee's solid waste business.

25 "Dead animals" means all dead animals or parts thereof (including condemned meats) that are
26 not intended to be used as food for man or animal.

27 "Dirt" means loose earth, ashes and manure, but exclusive of sand and gravel that is to be used
28 in construction work.

1 “Drop-off center” means a collection site where source-separated recyclables may be taken
2 by persons and deposited into designated containers.

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

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

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

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

14 “Hazardous waste” means any waste or combination of wastes, including solids, semisolids,
15 liquids or contained gases which:

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

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

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

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

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

28 “Medical waste” means items other than a culture or stock of an infectious substance, that

1 contain an infectious substance and are generated in:

2 (A) The diagnosis, treatment or immunization of human beings or animals;

3 (B) Research pertaining to the diagnosis, treatment or immunization of human
4 beings or animals; or

5 (C) The production or testing of biological products.

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

8 (1) Biological products;

9 (2) Diagnostic specimens;

10 (3) Laundry or medical equipment that conforms to 29 CFR 1910.1030 of
11 the regulations of the Occupational Safety and Health Administration of the United States Department
12 of Labor;

13 (4) A material, including waste, that previously contained an infectious
14 substance and has been treated by steam sterilization, chemical disinfection or other appropriate
15 method, so that it no longer poses the hazard of an infectious substance;

16 (5) Any waste material, including garbage, trash and sanitary waste in
17 septic tanks, derived from households, including but not limited to single and multiple residences,
18 hotels and motels;

19 (6) Corpses, remains and anatomical parts that are intended for ceremonial
20 interment or cremations; or

21 (7) Animal waste generated in animal husbandry or food production.

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

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

28 "Place of business" means any place of business in the City, other than multiple dwellings,

1 to conduct or carry on principally or exclusively any pursuit or occupation for the purpose of gaining
2 a livelihood.

3 "Premises" means land together with all buildings, improvements, and personal property
4 located thereon.

5 "Public building" means office buildings, clubs, churches, schools, hospitals or other places
6 of similar character.

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

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

12 "Recycling center" has the same meaning as "recycling center," as that term is defined in the
13 Clark County Health District's Regulations Governing Recycling Centers, as amended.

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

17 "Residual solid waste" has the same meaning as "residual solid waste," as that term is defined
18 in the Clark County Health District's Regulations Governing Recycling Centers, as amended.

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

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

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

28 "Solid waste" means all putrescible and nonputrescible materials in solid or semisolid form

1 that have been discarded or abandoned by their owner, including garbage, rubbish, junk vehicles and
2 parts, ashes or incinerator residue, street refuse, dead animals, construction or demolition waste,
3 commercial or industrial waste, medical waste, sewage waste, commingled recyclables and other
4 refuse. The term "solid waste" does not include any of the following:

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

7 (B) 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

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

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

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

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

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

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

22 (D) For mobile home parks that receive individual service at each mobile home,
23 which shall include the same heavy and bulky item pickup as that provided to single-family
24 residences, the charges for collecting, transporting and disposing of solid waste and curbside
25 recyclables collection services shall be the same as for residences as set forth in Section 15 of this
26 Ordinance.

27 SECTION 17: The charge for collecting, transporting and disposing of solid waste
28 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)*

Regular

Sunday/Holiday

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 **Section 17 Table (C)**

2 **Solid Waste Manual-Type Drop Box Rates***

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<u>On-Call Rates</u> (with or without regular service)	<u>Regular</u>	<u>Sunday/Holiday</u>
4 10 cubic yards	\$78.20	\$117.30
5 20 cubic yards	\$156.40	\$234.60
6 28 cubic yards	\$218.96	\$328.44
7 35 cubic yards	\$273.70	\$410.55
8 50 cubic yards	\$391.00	\$586.50

9

10 All on-call rates are subject to additional charges of \$17.46 demurrage per 24 hours or any part
11 thereof after the first 72 hours, excluding Sundays.

12 Monthly Rates

13 All other rates shall be calculated as follows:

14 (Base Charge x number of yards of capacity x number of pickups per week x 52 weeks per year,
15 divided by 12 months per year) + Demurrage = total monthly rate, where:

16 "Base Charge" for Monday - Saturday pickups = \$7.82 per cubic yard.

17 "Base Charge" for Sunday pickups = \$11.73 per cubic yard.

18 "Demurrage" = \$17.46 per 24 hours or any part thereof after the first 72 hours, excluding
19 Sundays.

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

21 SECTION 18: The charges for container rentals for single-family residences, multiple
22 dwellings, places of business and public buildings shall be as follows:

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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 basic and additional service charges per container for preparation,
22 collection, transportation and disposal of medical waste, and the charges for the optional purchase and
23 rental of medical waste containers shall be 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 Mmimum
Over weight charge (Over 50 lbs)			\$40 91 Per Container

PURCHASE OR RENTAL ITEMS (OPTIONAL SERVICES)*				
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: The charge for sewage-waste service shall be \$15.78 per wet ton of
2 sewage waste, subject to applicable CPI-U adjustments made pursuant to this Chapter. If any
3 jurisdiction other than the City imposes any franchise fee on a franchisee based upon its cash receipts
4 or gross revenues from sewage-waste services provided by the franchisee, the franchisee shall be
5 solely responsible for such franchise fees and shall not pass such franchise fees through to the City.

6 SECTION 22: (A) To ensure the uniform, safe and sanitary treatment of solid waste
7 in the City and to discourage the illegal handling and disposal of solid waste, it shall be mandatory
8 for any person owning, occupying or managing any premises in the City which are connected to water
9 service to subscribe to solid waste collection service provided by the City or its authorized franchisee
10 and to pay the charges specified in this Chapter. No person may discontinue paying for solid waste
11 collection service for his or her premises, unless such premises are not connected to water service for
12 the entire billing period.

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

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

27 (D) A customer shall be entitled to a refund of any advance payment for service
28 he or she has made, minus any administrative fee paid pursuant to Subsection (B) of this Section,

1 upon presenting proof that a connection to water service did not exist at the customer's premises
2 during the entire billing period for which the advance payment was made. All refunds from a
3 franchisee to a customer shall be paid within thirty days from the date of the customer's request for
4 reimbursement or date of franchisee's knowledge that a refund is owed.

5 (E) No person shall accept and no franchisee shall offer or give any solid waste
6 collection, transportation and disposal services or curbside recyclables collection services without
7 charge, or shall offer or give a discount, refund or rebate of any charge authorized by this Chapter,
8 except that this provision does not apply to charitable organizations which are exempt from federal
9 income tax pursuant to Section 501(c) of the Internal Revenue Code or as further provided by
10 franchise agreement.

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

14 SECTION 23: (A) In addition to all other charges established by this Chapter, a
15 franchisee may pass through to its customers such charges as are necessary for the franchisee to
16 recoup all State business license taxes paid pursuant to Section 187 of Chapter 5, Statutes of Nevada
17 2003, 20th Special Session. The franchisee shall list such charges separately on its bills.

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

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

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

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

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

28 (5) The method that the franchisee will use to pass through such taxes to

1 its customers for the current year, including any adjustments to the pass-through tax charges necessary
2 to correct for any excess or under charges during the prior calendar year.

3 SECTION 24: All solid waste collection charges or fees authorized and established
4 by this Chapter, including any penalties assessed under Section 22 of this Ordinance, shall constitute
5 a lien upon the real property of the premises served until such charges and fees have been paid. Such
6 lien shall be enforced in the following manner:

7 (A) A lien shall not be recorded against any property until the record owner of the
8 property has been mailed written notice of the delinquency at his or her last address shown by the
9 records of the County Assessor, and such delinquency has not been cured within fifteen days after the
10 mailing of the notice.

11 (B) The provider of solid waste collection may record in the office of the County
12 Recorder, no later than four hundred days following the date on which such charges or fees become
13 delinquent, a notice of solid waste service lien in favor of the person claiming the lien and signed by
14 an authorized representative of the person claiming the lien. The notice of solid waste lien shall
15 contain the amount of the charges or fees due, the periods for which such charges or fees are due, the
16 name of the record owner(s) of the property, and a legal description of the property.

17 (C) The provider of solid waste collection may bring an action for foreclosure
18 against such property in the same manner as an action for foreclosure of any other lien, commenced
19 within two years after the date of recording the notice of solid waste lien.

20 SECTION 25: (A) The rates and charges established pursuant to this Chapter shall
21 be adjusted annually based upon the percentage of change in the CPI-U.

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

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

28 (1) When the percentage change in the CPI-U is between zero and six and

1 one-half percent, the charges are to be adjusted by the actual percentage change; and

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

4 (D) When an unforeseen economic circumstance has occurred during the preceding
5 calendar year, the City Council may consider and may approve a method for adjusting rates which
6 is not based on changes to the CPI-U. In any year following a period when the adjustment to rates
7 was based on some other method, rate adjustments shall again be based on changes in the CPI-U.

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

10 SECTION 26: (A) Every franchisee shall pay a quarterly franchise fee, in the
11 amount specified in the franchise agreement, based on its cash receipts derived from the collection
12 of solid waste and curbside recyclables collection for the preceding calendar quarter. All franchise
13 fees shall be due no later than thirty days after the end of each calendar quarter.

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

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

21 SECTION 27: All solid waste and hazardous waste collected from the public and
22 private places and premises in the City shall not be deposited at any place other than at a disposal site
23 operated in accordance with all applicable laws, rules and regulations.

24 SECTION 28: (A) Any person may dispose of solid waste at any disposal site
25 operated in accordance with all applicable laws, rules and regulations.

26 (B) Any single-family resident of the City who is a current customer of a franchisee
27 may dispose of the solid waste generated at his or her own single-family dwelling at any authorized
28 disposal site operated by the franchisee within the "urban solid waste service area" in Clark County,

1 without charge, upon presentation of a current quarterly bill for residential service from the franchisee
2 and a valid, government-issued photo identification.

3 SECTION 29: The City, in addition to the remedies and penalties above named, may
4 seek injunctive relief against any violator of this Chapter, with or without prior notice, to prevent or
5 correct any solid waste, hazardous waste or recyclable materials problem.

6 SECTION 30: Nothing in this Chapter shall limit the right of any person to donate or
7 sell his or her source-separated recyclable materials.

8 SECTION 31: Nothing in this Chapter shall limit the right of the City to collect,
9 transport, process or dispose of any solid waste, hazardous waste or recyclable material including the
10 operation of transfer stations and recycling centers.

11 SECTION 32: Solid waste and hazardous waste, as defined in Section 3 of this
12 Ordinance and for the purpose of this Chapter, are a nuisance per se.

13 SECTION 33: The following customer service standards shall apply to each franchisee:

14 (A) The franchisee shall be required to implement a complaint resolution procedure
15 to handle all complaints received by either the City or the franchisee. The complaint resolution
16 procedure shall include the following:

17 (1) The franchisee shall be required to record all complaints and if possible
18 resolve them within forty-eight hours of their receipt.

19 (2) If the franchisee cannot resolve a complaint within forty-eight hours
20 of its receipt, the franchisee shall within that period, provide the City with a written report detailing
21 why resolution could not be reached within that period, the actions that will be taken to resolve the
22 complaint and the timeline to reach a resolution of the complaint.

23 (B) If the City is not satisfied with the franchisee's proposed resolution of a
24 complaint, the Director of Finance and Business Services, or his or her designee, shall have the
25 authority to direct the franchisee to resolve the complaint in a manner that is satisfactory to the City.

26 (C) No later than thirty days after the end of each month, the franchisee shall
27 provide the City with a written monthly report, in a form satisfactory to the City, summarizing the
28 complaints received by the franchisee and the resolutions thereof for the preceding month.

1 SECTION 34: (A) Each franchisee shall at all times maintain a telephone answering
2 system that measures the:

3 (1) Average wait time from the time that customer calls reach the franchisee
4 to the time that such calls are answered by a person (not a machine);

5 (2) Number of calls that reach the franchisee but are dropped before a
6 representative of the franchisee answers such calls; and

7 (3) Percentage of time during which all of the franchisee's customer service
8 telephone lines are busy.

9 (B) No later than thirty days after the end of each month, the franchisee shall
10 provide the City with a written monthly report regarding its telephone answering system, in a form
11 satisfactory to the City, summarizing the average wait time, the number of dropped calls and the
12 percentage of time during which all lines were busy during the preceding month.

13 (C) The franchisee shall establish, after consultation with the City, reasonable
14 minimum standards for its telephone answering system for the average wait times, number of dropped
15 calls and percentage of time during which all lines are busy.

16 (D) Each monthly report required by Subsection (B) of this Section shall include
17 a summary of whether the franchisee is or is not in compliance with the agreed upon standards
18 established pursuant to Subsection (C) of this Section and, if the franchisee is not in compliance, what
19 actions the franchisee will take to meet the standards in future months.

20 SECTION 35: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas,
21 Nevada, 1983 Edition, is hereby repealed.

22 SECTION 36: Section 35 of this Ordinance shall become effective as of 12:01 A.M.
23 the day after publication of this Ordinance by title.

24 SECTION 37: Sections 1 through 34, inclusive of this Ordinance shall become
25 effective as of 12:02 A.M. the day after publication of this Ordinance by title.

26 SECTION 38: If any section, subsection, subdivision, paragraph, sentence, clause or
27 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
28 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

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

6 SECTION 39: Whenever in this ordinance any act is prohibited or is made or declared
7 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
8 required or the failure to do any act is made or declared to be unlawful or an offense or a
9 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
10 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
11 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
12 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

13 SECTION 40: All ordinances or parts of ordinances or sections, subsections, phrases,
14 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
15 1983 Edition, in conflict herewith are hereby repealed.

16 PASSED, ADOPTED and APPROVED this ____ day of _____, 2004.

17 APPROVED:

18
19 By _____
20 OSCAR B. GOODMAN, Mayor

21 ATTEST:

22 _____
23 BARBARA JO RONEMUS, City Clerk

24 APPROVED AS TO FORM:

25 _____
26 Date
27
28

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 _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

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18 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 2, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2004-70 - Annexation No. ANX-4957 – Property location: On the north side of Ann Road, east and west of Mustang Road (aka Mustang Street); Petitioned by: Matrix Development Corporation, et al.; Acreage: 10.69 acres; Zoned: R-E (County zoning), U (R) and U (RE) (City equivalents). 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 on the north side of Ann Road, east and west of Mustang Road (aka Mustang Street). The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (November 3, 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. 2004-70 and Location Map

MOTION:

COUNCILMAN WOLFSON recommended Bill 2004-70 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

DEPUTY CITY ATTORNEY STEED indicated that this matter involves a relatively straightforward annexation. He recommended approval.

No one appeared in opposition.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:13 - 4:15)

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BILL NO. 2004-70

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-4957)

Sponsored by: Councilman Michael Mack Summary: Annexes property described generally as located on the north side of Ann Road, east and west of Mustang Road (aka Mustang 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 Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 26, Township 19 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada including all dedicated right of way, lying inside the following described parcels:

PARCEL A

The East Half (E 1/2) of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 26.

PARCEL B

Parcel 3 and adjoining half street right of way as shown on Parcel Map in File

1 18, Page 90 recorded April 17, 1978 of Clark County, Nevada Records,
2 bounded as follows: bounded on the north by the north line of said Parcel 3
3 and westerly projection; bounded on the east by the east line of said Parcel
4 3 and southerly projection; bounded on the south by the south line of the
5 Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said
6 Section 26, also being the centerline of ANN ROAD (50.00 feet wide as
7 measured from centerline thereof); and bounded on the west by the east line
8 of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of the Southeast
9 Quarter (SE 1/4) of said Section 26, also being the centerline of MUSTANG
10 ROAD (30.00 feet wide as measured from centerline thereof).

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

- 13 A. The area to be annexed was contiguous to the City's boundaries at the
14 time the annexation proceedings were instituted;
- 15 B. More than one-eighth (1/8) of the aggregate external boundaries of
16 the area are contiguous to the City;
- 17 C. The territory proposed to be annexed is not included within the
18 boundaries of another incorporated city or within the boundaries of
19 any unincorporated town as those boundaries existed as of July 1,
20 1983;
- 21 D. The City is eligible to annex the described territory since the
22 landowners have signed a petition constituting one hundred percent
23 (100%) of the owners of record of individual lots or parcels of land
24 within the annexation area.

25 SECTION 3: The City will provide police protection through the Las Vegas
26 Metropolitan Police Department, fire protection, street maintenance, and library services
27 immediately upon annexation. Garbage collection by the company franchised by the City
28 will also be provided immediately. The City sanitary sewer system will serve the proposed
annexation area. Any connection to or extension of this sewer line to serve the annexation
area shall be at the expense of the landowners. Other services, such as participation in the
City's recreational programs, special education classes and programs, public works planning,
building inspections, and other City services will also be available immediately. Utilities

1 such as gas, electricity, telephone, and water are provided by private utility companies and
2 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
3 sidewalks and street lights which are not in place at the time of annexation will be installed
4 in the presently developed areas upon the request of the property owners and at their expense
5 by means of special assessment districts. Such improvements will be extended into the
6 undeveloped areas as development takes place and the need therefor arises, and will be
7 located according to the needs of the area at that time. Such installations will also be made
8 at the expense of the property owners, either by means of special assessment districts or as
9 prerequisites to the approval of subdivision plats, building permits or other land use or
10 development applications.

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

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

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

25 SECTION 7: The described territory, which previously has been zoned R-E
26 (County of Clark classification), is hereby classified with the following City of Las Vegas
27 classifications, which are deemed to be the City equivalents of the County classification:

28 ...

PROPERTY DESCRIPTION	CITY CLASSIFICATION
That portion of the property with an Interlocal Land Use Plan designation of RE	U (RE)
That portion of the property with an Interlocal Land Use Plan designation of R	U (R)

SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause of phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

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

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

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Valteef 10-6-04
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: _____

11 APPROVED:

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13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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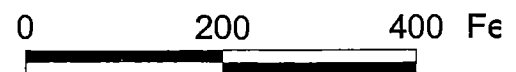
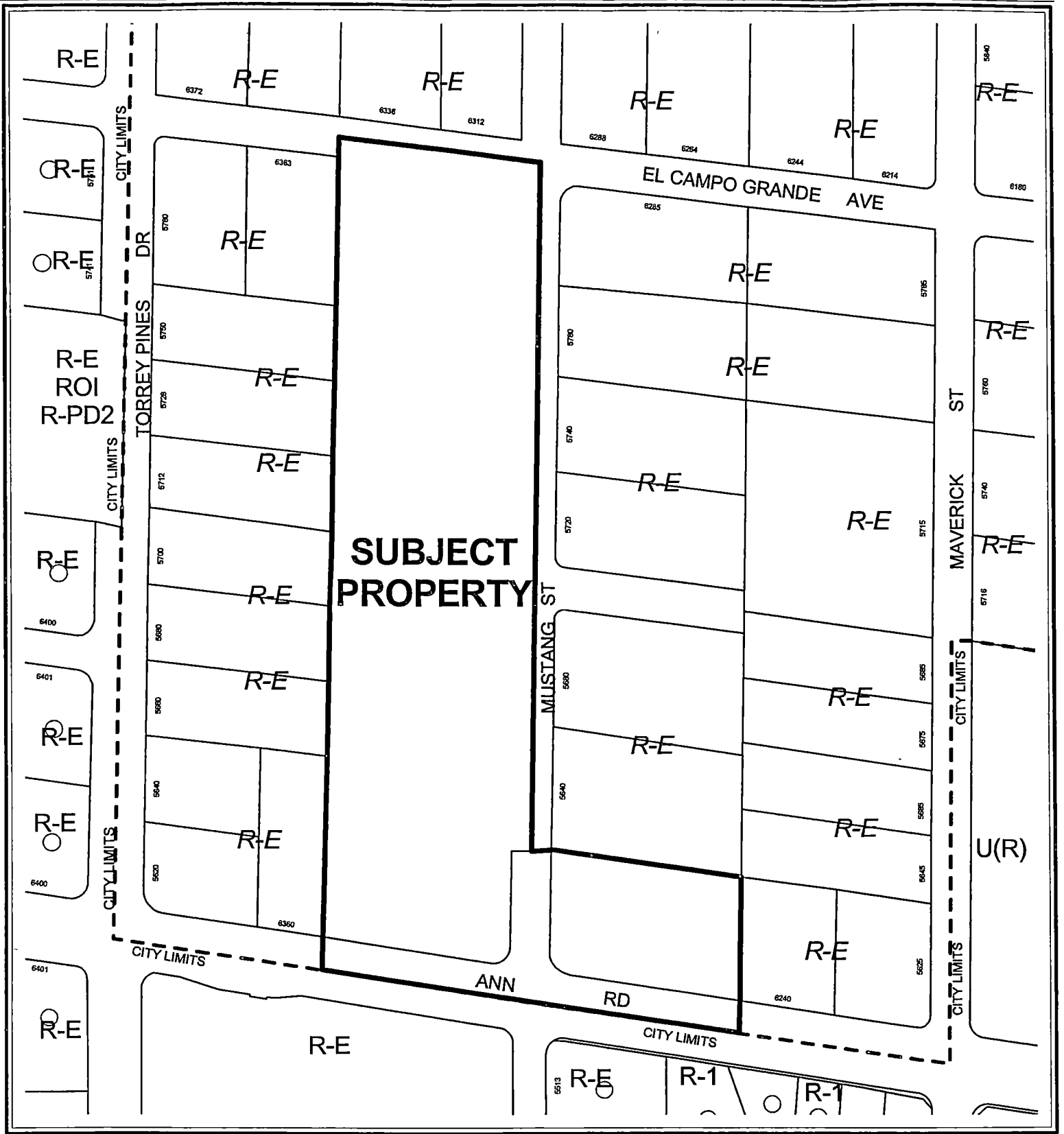
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CASE: ANX-4957



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 2, 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:

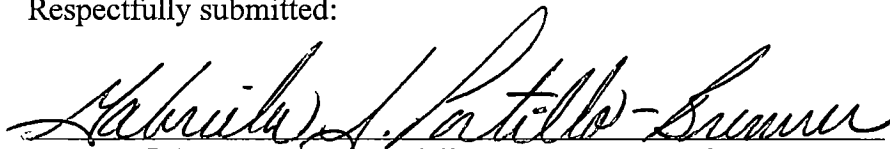
None.

(4:15)

1-292

THE MEETING ADJOURNED AT 4:15 P.M.

Respectfully submitted:

A handwritten signature in cursive script, reading "Gabriela S. Portillo-Brenner".

GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK

November 9, 2004