

City of Las Vegas

S. ✓

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>
FEBRUARY 20, 2007
4:00 P.M.

CORRECTED

RECOMMENDING COMMITTEE: COUNCILWOMAN TARKANIAN AND COUNCILMAN **ROSS**

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.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. ~~Bill No. 2007-5—Allows the use “accessory massage” as an accessory use in certain zoning districts.~~
Sponsored by: Councilman Larry Brown
4. Bill No. 2007-6 - Levies Assessment for Special Improvement District No. 1506 – Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street) Sponsored by: Step Requirement
5. Bill No. 2007-7 – Amends solid waste and recycling regulations by updating service charges, adding charges for overflow collections, eliminating charges for discontinuing service, deregulating charges for competitive-service areas, increasing frequency-of-service options, authorizing pilot programs for recycling, adding customer service standards, revising late-payment charges, adding minimum container requirements, and facilitating recycling by materials recovery facilities. Proposed by: Mark R. Vincent, Director of Finance and Business Services
6. 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
7. ADJOURNMENT

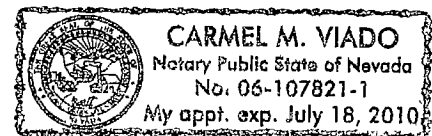
City of Las Vegas

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: 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:

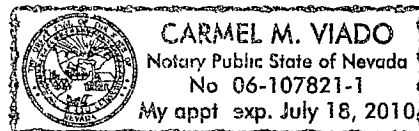
City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

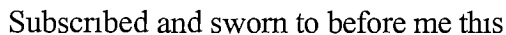


STATE OF NEVADA)
COUNTY OF CLARK)

Paula Clark
SIGNATURE

Carmel M. Virochs
NOTARY PUBLIC in and for said County and State





City of Las Vegas

RECOMMENDING COMMITTEE MEETING
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RECOMMENDING COMMITTEE: COUNCILWOMAN TARKANIAN AND COUNCILMAN BROWN

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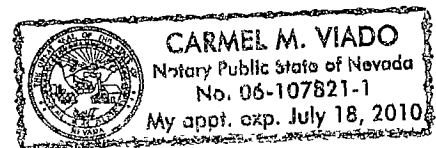
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Grant Sawyer Building, 555 E. Washington Avenue

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Paula Clark
SIGNATURE

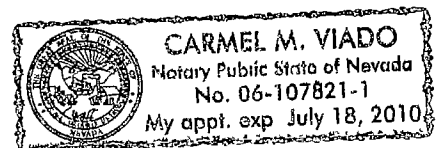
Carmel M. Viaso
NOTARY PUBLIC in and for said County and State



STATE OF NEVADA)) ss
COUNTY OF CLARK)

Paula Clark
SIGNATURE

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NOTARY PUBLIC in and for said County and State



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 20, 2007

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES, ACTING

SUBJECT:

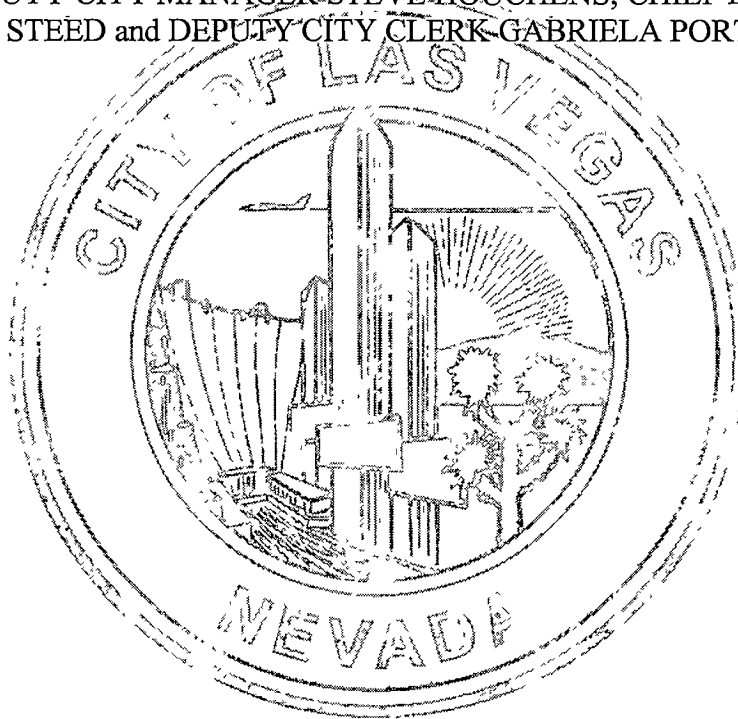
CALL TO ORDER

Minutes:

COUNCILWOMAN TARKANIAN called the meeting to order at 4:03 p.m.

PRESENT: COUNCILMEMBERS TARKANIAN and ROSS

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



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 20, 2007

DEPARTMENT: CITY CLERK

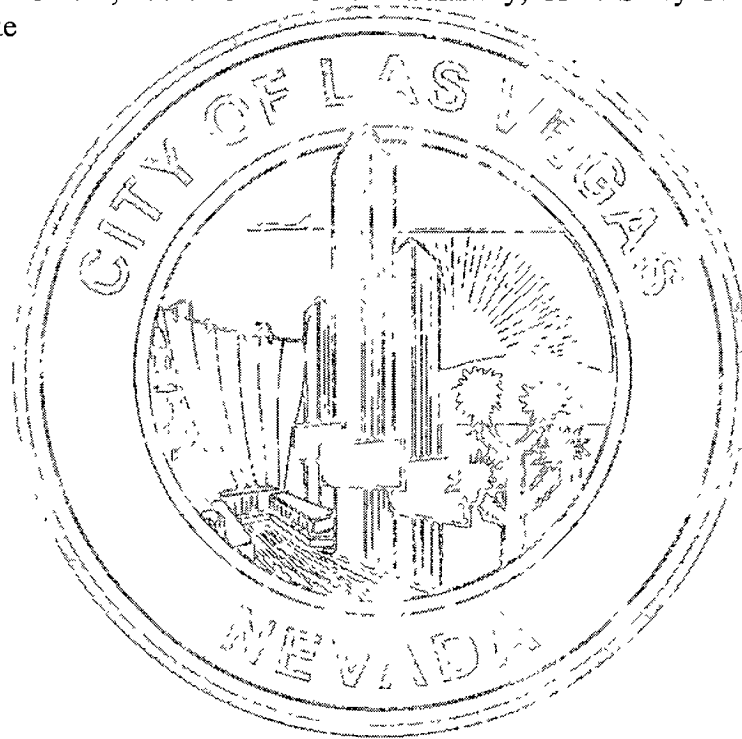
DIRECTOR: BEVERLY K. BRIDGES, ACTING

SUBJECT:

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 Bulletin Board, City Hall Plaza (next door to Metro Records), Las Vegas Library, 833 Las Vegas Boulevard North, Clark County Government Center, 500 S. Grand Central Parkway, Grant Sawyer Building, 555 E. Washington Avenue



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 20, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-5 – Allows the use “accessory massage” as an accessory use in certain zoning districts. Sponsored by: Councilman Larry Brown

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

It has been determined that current zoning regulations do not provide sufficient distinction between establishments that provide massage therapy as a principal use and those that do so on an ancillary or accessory basis. This bill will create the use “accessory massage” and set forth the circumstances under which it will be permitted as an accessory use.

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. 2007-5

Motion made by STEVEN D. ROSS to Approve as a Do-Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

MARGO WHEELER, Director of the Planning and Development Department, stated that this bill would allow massage therapy as an accessory use to a principal use, as delineated, without a public hearing, as it would not be the primary use on site. All license requirements would remain in place.

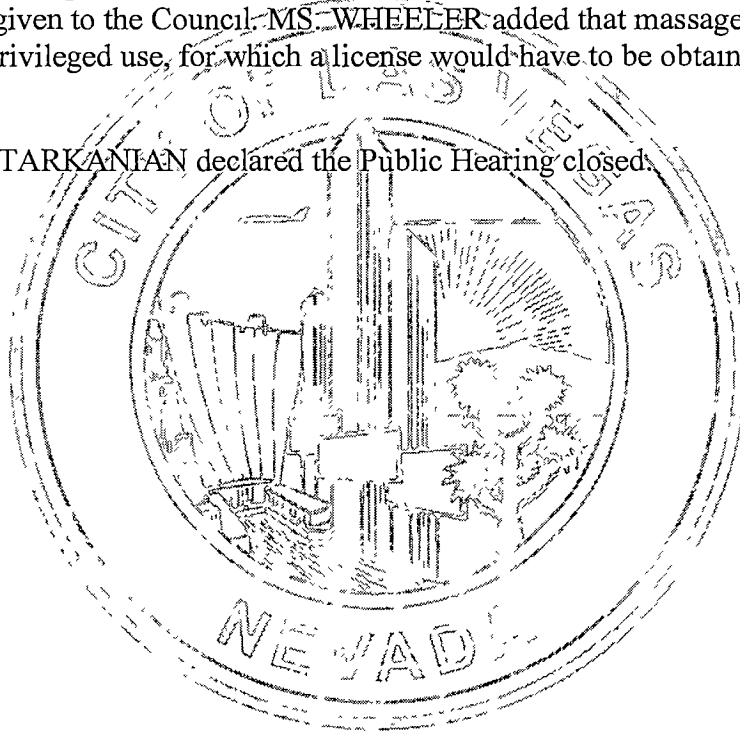
RECOMMENDING COMMITTEE MEETING: FEBRUARY 20, 2007

COUNCILWOMAN TARKANIAN asked how staff would be policing accessory uses. MS WHEELER replied that all applicants would be required to undergo a background check, as part of the licensing process. Also, outside signage will be limited to advertising the principal use only, eliminating any visible impact to the neighborhood.

COUNCILWOMAN TARKANIAN noted that, when she was newly elected to the Council, she had to vote on a matter involving a doctor who wanted to be able to perform massage, and that business was classified as a massage parlor. She asked MS. WHEELER how that would change under this bill. MS. WHEELER replied that it would fall under the proposed bill, and the massage therapy use would be considered ancillary to the primary doctor's office.

COUNCILMAN ROSS confirmed with MS. WHEELER that the best way to protect the community would be to require applicants to go through the background-check process, with full discretion ultimately given to the Council. MS. WHEELER added that massage therapy, ancillary or not, is a privileged use, for which a license would have to be obtained through the licensing process.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.



SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Accessory Massage" is permitted as an accessory use in the P-R, N-S, O, C-D, C-1, C-2, C-M and M Zoning Districts. In order to reflect the amendment, the Retail and Personal Services" element of the Land Use Tables is amended to add thereto a new row for the use, reading as follows:

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
Massage, Accessory	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
													A	A	A	A	A	A	A	A	A
	Description: The performing of massage therapy or therapeutic massage that 1. Is accessory to a principal permitted use that is one of the following a. A medical office or physical rehabilitation clinic, b. A fitness and health center, c. A country club or golf course clubhouse; d. A hotel with more than one hundred rooms, or e. A facility similar in nature to any of the facilities listed above, 2. Does not occupy more than 150 square feet of space, and 3. Is not advertised on any exterior signage																				
On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site																					

SECTION 3: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the use "Massage Establishment" to read as follows:

"Massage Establishment" means a facility which is occupied and used for the purpose of practicing massage therapy as defined in LVMC Chapter 6.52. The term does not include the use "accessory massage," as defined in this Title.

SECTION 4: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding, at the appropriate place, a new definition for the term "Accessory Massage," to be listed for alphabetical purposes as "Massage, Accessory," reading as follows:

"Massage, Accessory" means the performing of massage therapy or therapeutic massage that:

- (1) Is accessory to a principal permitted use that is one of the following:
 - (a) A medical office or physical rehabilitation clinic;

- 1 (b) A fitness and health center;
2 (c) ~~A country club or golf course clubhouse;~~
3 (d) A hotel with more than one hundred rooms; or
4 (e) A facility similar in nature to any of the facilities listed above;
5 (2) Does not occupy more than one hundred fifty square feet of space; and
6 (3) Is not advertised on any exterior signage.

7 SECTION 5: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010
8 and 19.20.020 are deemed to be subchapters rather than sections.

9 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or
10 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
11 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
12 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
13 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
14 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
15 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
16 invalid or ineffective.

17 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
18 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
19 1983 Edition, in conflict herewith are hereby repealed.

20 PASSED, ADOPTED and APPROVED this _____ day of _____, 2007.

21 APPROVED:

22
23 By _____
OSCAR B. GOODMAN, Mayor

24 ATTEST:

25 BARBARA JO RONEMUS, City Clerk

26 APPROVED AS TO FORM:

27 Val Steel 1-23-07
Date

28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2007, 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 _____, 2007, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

13

14

By _____
OSCAR B. GOODMAN, Mayor

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ATTEST:

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BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 20, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No 2007-6 - Levies Assessment for Special Improvement District No. 1506 – Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street) Sponsored by: Step Requirement

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$1,970,000

Funding Source: Capital Projects Fund - Special Assessments

Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:

Construction of pedestrian enhancements which include sidewalk bulb-outs, mid-block pedestrian crossings with landscaping and decorative and directional signage, gateway arches, removal and installation of new curb, gutter, sidewalk, streetlights, and related traffic signalization and drainage improvements

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. 2007-6

Motion made by STEVEN D ROSS to Approve as a Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0, Excused: 0

LOIS TARKANIAN, STEVEN D. ROSS, (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes

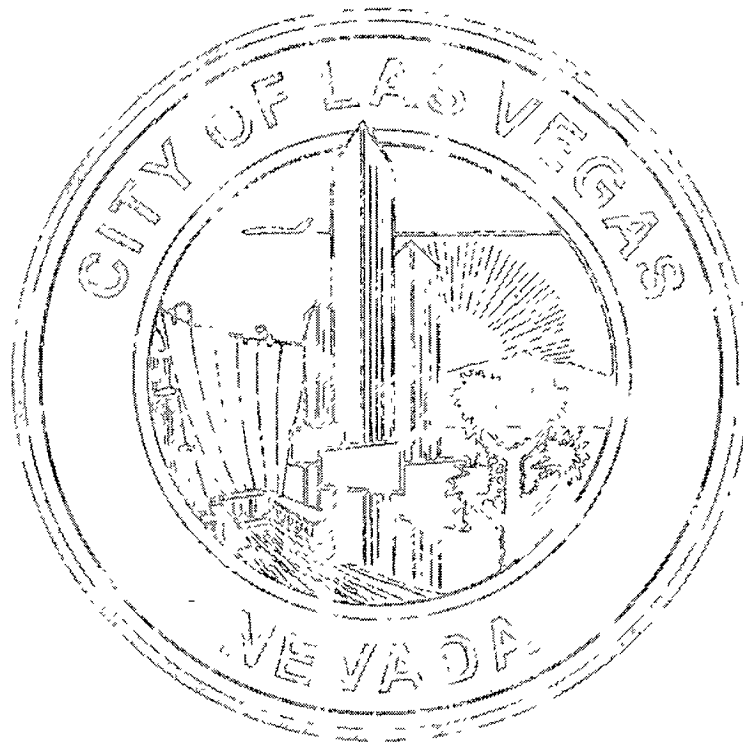
COUNCILWOMAN TARKANIAN declared the Public Hearing open.

MIKE THOMPSON, Supervisor of the Special Improvement District Section, stated that this item is in order.

RECOMMENDING COMMITTEE MEETING: FEBRUARY 20, 2007

COUNCILMAN ROSS discussed with MR. THOMPSON that the business owners are eagerly awaiting the street improvements and that they caught on to the vision of the Council to beautify and upgrade the area.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.



ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1506 – FREMONT STREET PEDESTRIAN IMPROVEMENTS (LAS VEGAS BOULEVARD TO 8TH STREET) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF LOCAL IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

Summary: Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (the "City Council" and "City," respectively) in the County of Clark and State of Nevada (the "State"), has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No. 1506 – Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street) (the "District"), for the purpose of acquiring and improving local improvements (the "Project") and has provided that a portion of the entire cost and expense of the Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the District has been properly created by an ordinance heretofore adopted under the provisions of Nevada Revised Statutes ("NRS") Chapter 271; and

WHEREAS, the City Council has heretofore determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the Project; and

WHEREAS, in accordance with NRS 271.360, the City Council has heretofore determined, and does hereby declare, that the net cost of the Project (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$5,506,280, of which \$3,536,280 is available from other sources and \$1,970,000 is to be assessed upon the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the Project; and

WHEREAS, the City Council, by resolution heretofore adopted, directed the City Engineer of the City (the "City Engineer") to make out a final assessment roll for the District; and

WHEREAS, after a determination of the portion of the costs of such work to be paid by the property specially benefited, the City Council, together with the City Engineer (with the assistance of the City Engineer Division) made out a final assessment roll for the District containing, among other things, the names and addresses of the last known owners of the property to be assessed, a description of each lot, tract, or parcel of land to be assessed, and the amount of the assessment thereon. The City Engineer has reported the final assessment roll to the City Council and the City Engineer has filed the final assessment roll with the City Clerk; and

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, January 17, 2007, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the Project, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council; and

WHEREAS, the City Engineer (with the assistance of City Engineer Division) has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for the Project should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, January 17, 2007, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada; and

WHEREAS, the City Council caused the final assessment roll for the District to be filed in the records of the office of the City Clerk on December 20, 2006. The City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing, of the filing of the final assessment roll in her office, of the date of filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection; and

WHEREAS, at the time and place so designated, the City Council met to hear and determine all objections filed or made orally by any interested party; and

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No. 1506 Assessment Protest Resolution; and

WHEREAS, by the District No. 1506 Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form; and

WHEREAS, the assessments do not exceed the benefits to the property assessed nor that portion of the total cost of the Project payable from assessments as heretofore determined; and

WHEREAS, it is incumbent upon the City Council to provide when said assessments shall become due and penalties payable after any delinquency; and

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Project, in part, with funds derived from the levy of assessments, and the City will pay one-half or more of the costs of the Project with monies derived from other than the levy of special assessment, and that the exception provided by NRS 271.306(2) (a) does exist with respect to the Project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

Section 1. This Ordinance shall be known as, and may be cited by, the short title "District No. 1506 Levy Ordinance" (the "Ordinance").

Section 2. The City Council has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District and the Project is without sufficient merit and the same be, and hereby is, overruled, and finally passed on by the City Council, except as provided in the District No. 1506 Assessment Protest Resolution.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the creation of the District, the acquisition of the Project, the amount of the construction contract, the levy of assessments for those purposes, the

determination that the tracts in the District will receive special benefits and market value increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed.

Section 4. For the purpose of paying a portion of the costs and expenses of the Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by the Project) and described in the final assessment roll for the District, as filed in the office of the City Clerk on December 20, 2006, and as modified and confirmed by the District No. 1506 Assessment Protest Resolution duly adopted by the City Council on February 7, 2007.

Section 5. The assessments shall be due and payable at the office of the City Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand, provided that all or any part of such assessments may, at the election of the owner, be paid in installments, with interest, as hereinafter provided. Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments, the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in forty (40) substantially equal semiannual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the effective date of this Ordinance, both principal and interest on such assessments being payable semiannually at the office of the City Treasurer on April 1 and October 1 in each year, commencing on October 1, 2007. After the effective date of this Ordinance, the City Director of Finance and Business Services shall provide the rate of interest on unpaid installments of assessments, which will not exceed the maximum rate of interest permitted under the statutes of the State. If assessment bonds are issued, such rate will not exceed by more than 1% of the highest rate of interest on the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than 3% the "Index of Twenty Bonds," which shall have been most recently published before the time bids for the bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. If assessment bonds are not issued, such rate shall not exceed 9%. Failure to pay any installment, whether

of principal or interest, when due, shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City. The exercise of said option to be indicated by the commencement of foreclosure proceedings by the City. The whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether or not said option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in default as to any installment or payment may at any time (at the option of such owner) pay the whole or any semiannual installment of the unpaid principal with interest accruing thereon to the next interest payment date, together with the payment of a penalty for such prepayment of three percent (3%) of the principal of the installments so prepaid. If such prepayment takes place after March 27, 2007, but before the rate of interest on deferred installments of assessments is fixed by the City Director of Finance and Business Services, such interest accruing thereon to the next interest payment date shall be calculated at seven and 25/100 percent (7.25%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus one percent).

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the term of the bonds expire; (c) the property owner's application for renewal of the Hardship Determination is disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely

manner; or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 hereof.

Section 6. The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. February 25, 2007) until paid. The lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

Section 7. ~~Should any lot, tract or parcel of land within the District be divided after the effective date of this Ordinance and before the collection of all the assessment installments, or if any property in the District makes a request to do so, the City Treasurer may apportion, combine or reapportion the uncollected amounts upon the several parts of land so divided or combined in accordance with the provisions of NRS 271.425. The report of such an apportionment, combination or reapportionment, when approved, shall be conclusive on all the parties, and all assessments thereafter made upon the tracts shall thereafter be according to the subdivision. The report, when approved, shall be recorded in the office of the County Recorder of Clark County, Nevada, together with a statement that the current payment status of any of the assessments may be obtained from the City Treasurer. Neither the failure to record the report, nor any defect in the report as recorded, shall affect the validity of the assessments, the lien for the payment thereof or the priority of that lien.~~

Section 8. In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal or interest, the City Council shall forthwith cause the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last known address. If such delinquency is not paid within 10 days after such notice was given by deposit in the United States mail, then said assessment shall be enforced by the City Treasurer and other officers of the City, as provided in NRS 271.545 to NRS 271.630. Nothing herein shall be construed as preventing the City, at

the direction of the City Council, from collecting any assessment by suit in the name of the City Council.

The final assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor. If a foreclosure is not promptly filed and prosecuted, then any bondholder may file and prosecute said foreclosure action in the name of the City. Any bondholder may also proceed against the City to protect and enforce the rights of the bondholders under this Ordinance by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provision contained herein or in an award of execution of any power herein granted for the enforcement of any proper, legal or equitable remedy as such bondholder or bondholders may deem most effective to protect and enforce the rights aforesaid. All such proceedings, at law or in equity, shall be instituted, had and maintained for the equal benefit of all owners of the bonds then outstanding. The failure of the bondholders to foreclose such delinquent assessments or to proceed against the City shall not relieve the City or any of its officers, agents or employees of any liability for its failure to foreclose such delinquent assessments.

Section 9. The City Clerk is hereby directed to deliver to the City Treasurer a copy of the final assessment roll for the District containing a description of the lots, tracts and parcels of land being assessed, with the amount of the assessment levied upon each and the name and address of the owner or owners against whom the assessment was made. The final assessment roll is to be recorded in the office of the Clark County Recorder together with the statement that the current payment status of any assessment may be obtained from the City Treasurer. The City Treasurer is additionally directed to collect the several sums so assessed as a tax upon the several tracts to which they were assessed.

Section 10. In accordance with NRS 271.405(7) the City Clerk shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable. The notice shall further state that payment must be made in full prior to the end of the 30 day period to avoid paying interest on the assessment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days

shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher and filed with the City Clerk. In accordance with NRS 271.390(2), the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her last known address or addresses. Proof of such mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk. Failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) shall have been paid in full, both principal and interest, or until any claim is barred by an appropriate statute of limitations. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

~~Section 11. The notice provided for in NRS 271.390(2) and NRS 271.405(7) and in~~
Section 10 of this Ordinance shall be in substantially the following form:

(Form of Notice)

NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS
FOR IMPROVEMENTS IN CITY OF LAS VEGAS, NEVADA SPECIAL
IMPROVEMENT DISTRICT NO. 1506 – FREMONT STREET
PEDESTRIAN IMPROVEMENTS (LAS VEGAS BOULEVARD TO 8TH
STREET).

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1506 Levy Ordinance (the "Levy Ordinance") was duly passed, adopted, signed and approved by the City Council of the City of Las Vegas on February 21, 2007. The Levy Ordinance levied and assessed a portion of the cost and expense of such improvements against the lots, tracts and parcels of land specially benefited by the local improvements in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1506 – Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street)," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the Levy Ordinance).

Assessments are due and payable at the office of the City Treasurer, in Las Vegas, Nevada, on or before March 27, 2007, being 30 days after the effective date of the Levy Ordinance, ~~without interest and without demand, provided that all, or any part of such assessments may, at the~~ election of the owner, be paid in installments, with interest as hereinafter provided. Failure to pay the ~~whole assessment within the 30-day period will be conclusively considered and held an election on the~~ part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in forty (40) substantially equal semi-annual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from February 25, 2007 (i.e., the effective date of the Levy Ordinance) both principal and interest being payable semi-annually at the office of the City Treasurer, Las Vegas, Nevada, on April 1 and October 1 in each year, commencing on October 1, 2007. After the effective date of the Levy Ordinance, the City Director of Finance and Business Services shall provide the rate of interest on unpaid installments of assessments, which will not exceed the maximum rate of interest permitted under the statutes of the State. If assessment bonds are issued, such rate will not exceed by more than 1% of the highest rate of interest on the assessment bonds for the

District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than 3% the "Index of Twenty Bonds," which shall have been most recently published before the time bids for the bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. If assessment bonds are not issued, such rate shall not exceed 9%. Failure to pay any assessment installment, whether principal or interest, when due will cause the whole of the unpaid principal of such assessment to become due and payable immediately at the City's option, and the whole amount of the unpaid principal and accrued interest will, after such delinquency, whether or not the City's option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of payment, with the interest thereon and all penalties accrued, and will thereupon be restored the right, thereafter, to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any semi-annual installment of the unpaid principal with interest accruing thereon to the next interest payment date, together with the payment of a penalty for such prepayment of three percent (3%) of the principal of the installments so prepaid. If such prepayment takes place after March 27, 2007, but before the rate of interest on deferred installments of assessments is fixed by the City Director of Finance and Business Services, such interest accruing thereon to the next interest payment date shall be calculated at seven and 25/100 percent (7.25%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus one percent).

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the

term of the bonds expires; (c) the property owner's application for renewal of a Hardship Determination is disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner; or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 of the Levy Ordinance.

Pursuant to NRS 271.395, within 15 days after the effective date of the Levy Ordinance, any person who has filed a complaint, protest or objection in writing, pursuant to NRS 271.380, shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination. Thereafter, all actions or suits attacking the regularity, validity and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, of the amount of special benefits and market value increases, and of the amount thereof levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation shall be perpetually barred.

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from February 25, 2007 (i.e., the effective date of the Levy Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

----- Dated this February 21, 2007.

BARBARA JO RONEMUS, City Clerk

(End of Form of Notice)

Section 12. The officers of the City be, and they hereby are, authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, the recording of the final assessment roll, and other items necessary or desirable for the completion of the levying of the assessments of the District and the issuance of the bonds therefor.

Section 13. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14. In accordance with Section 2.110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request; thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before February 21, 2007, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF NOTICE OF DEPOSIT OF AN ORDINANCE)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1506 – FREMONT STREET PEDESTRIAN IMPROVEMENTS (LAS VEGAS BOULEVARD TO 8TH STREET) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF LOCAL IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 7th day of February, 2007, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 21st day of February, 2007.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form)

Section 15. — ~~This Ordinance~~ shall be in effect on the day after its publication, as hereinafter provided. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2.110 of the Charter and all laws thereunto enabling, such publication is to be in substantially the following form:

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1506 – FREMONT STREET PEDESTRIAN IMPROVEMENTS (LAS VEGAS BOULEVARD TO 8TH STREET) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF LOCAL IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on February 7, 2007, and was passed at a regular meeting held on February 21, 2007, by the following vote

of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

Oscar B. Goodman
Gary Reese
Larry Brown
Lawrence Weekly
Steve Wolfson
Lois Tarkanian
Steven D. Ross

Those Voting Nay: _____

Those Absent: _____

This Ordinance shall be in full force and effect from and after February 25, 2007, i.e., the day after its publication by title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

This _____ day of _____, 2007.

/s/ OSCAR B. GOODMAN

Mayor
City of Las Vegas, Nevada

(SEAL)

Attest:

/s/ BARBARA JO RONEMUS
City Clerk

~~Section 16.~~ That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

INTRODUCED FEBRUARY 7, 2007, PASSED, ADOPTED AND APPROVED
FEBRUARY 21, 2007.

OSCAR B. GOODMAN, Mayor

Attest:

BARBARA JO RONEMUS, City Clerk

Approved as to Form:

Date Deputy City Attorney
23 JAN 07 W Flury

STATE OF NEVADA)
)
COUNTY OF CLARK) SS
)
CITY OF LAS VEGAS)

I, Barbara Jo Ronemus, the duly chosen, qualified City Clerk of the City of Las Vegas (the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on February 7, 2007 and finally adopted and approved on February 21, 2007.

2. The following members of the City Council were present at the February 7, 2007 meeting:

Mayor:	Oscar B. Goodman
Councilmembers:	Gary Reese
	Larry Brown
	Lawrence Weekly
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross

3. The foregoing Ordinance was first proposed and read by title to the City Council on February 7, 2007, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on February 21, 2007, which was a regular meeting of said City Council, that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The following members of the City Council were present at the February 21, 2007 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Larry Brown
	Lawrence Weekly
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross

Those Voting Nay:	_____
Those Absent:	_____

~~4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.~~

5. All members of the City Council were given due and proper notice of the meetings held on February 7, 2007 and February 21, 2007. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three (3) working days before the meetings at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

- (i) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas, Nevada
- (ii) Bulletin Board
City Hall Plaza (next door to Metro Records)
Las Vegas, Nevada
- (iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada
- (vi) The City of Las Vegas website

and

(b) By mailing a copy of the notice by 9:00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council.

6. A copy of such notice so given of the meeting of the City Council on February 7, 2007, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on February 21, 2007, is attached to this certificate as Exhibit B.

7. A copy of the affidavit of publication of notice of deposit of the Ordinance is attached to this certificate as Exhibit C. A copy of the affidavit of publication of adoption of the Ordinance is attached to this certificate as Exhibit D.

8. Upon request, the City Council provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the City Council for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand on this February 21, 2007.

BARBARA JO RONEUMUS, City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of February 7, 2007 Meeting)

EXHIBIT B
(Attach Copy of Notice of February 21, 2007 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Filing of Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Ordinance)

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 20, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL

Bill No 2007-7 – Amends solid waste and recycling regulations by updating service charges, adding charges for overflow collections, eliminating charges for discontinuing service, deregulating charges for competitive-service areas, increasing frequency-of-service options, authorizing pilot programs for recycling, adding customer service standards, revising late-payment charges, adding minimum container requirements, and facilitating recycling by materials recovery facilities. Proposed by: Mark R. Vincent, Director of Finance and Business Services

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will make the City's regulations consistent with State law, Health District regulations, and the Clark County and Henderson Codes. This bill will: (1) update, but not increase, basic service charges; (2) increase frequency-of-service options for businesses; (3) establish minimum container requirements for non-residential customers; (4) add overflow charges for collecting overflowing waste; (5) eliminate discontinuation-of-service charges; (6) deregulate rates for categories of waste for which competitive markets exist (e.g., construction or demolition waste); (7) facilitate recycling of construction or demolition waste, and authorize other pilot programs to increase recycling; (8) revise late-payment charges for residential customers; and (9) add customer service requirements

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. 2007-7
2. Business Impact Statement

Motion made by STEVEN D. ROSS to Approve as a Do Pass

Passed For: 2; Against 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RECOMMENDING COMMITTEE MEETING: FEBRUARY 20, 2007

LOIS TARKANIAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

CHRIS WARE, Franchise Officer, Finance and Business Services, noted that, with regard to solid waste, the City's code was last updated prior to 2004, and there were significant differences between jurisdictions. But, even after the update, things continued to evolve, and changes were made by Henderson and Clark County. City staff has worked closely with Clark County and Henderson toward achieving uniformity. MR. WARE then outlined the code changes, as described under the Purpose/Background section.

COUNCILWOMAN TARKANIAN asked how staff would ensure Republic Services' compliance with pick-up schedules in order to avoid overflow pick-ups. She explained that she has received many complaints about trash not being picked up, causing overflow. MR. WARE replied that there is no perfect solution, but the proposed bill states that Republic Services is not authorized to charge if the overflow is caused by a missed pick-up. Changes in procedure will require that a Republic supervisor follow-up to verify the overflow. There is a provision that City staff, if deemed appropriate, can require Republic to waive overflow charges. COUNCILWOMAN TARKANIAN stated that the key factor is for building owners to immediately report missed pick-ups.

MR. WARE then pointed out some of the more significant changes proposed in the bill: 1) an overflow charge of \$30; 2) an increase in the late fee from 71 cents a quarter to \$3 a quarter for residential customers; 3) a requirement that all businesses have 96-gallon plastic mobile containers with wheels; 4) timelines for Republic Services to respond to customer-service calls; 5) approval by the City of alternative pick-up locations in cases where the original site is deemed unsafe.

MR. WARE noted that all the changes would greatly assist City staff in enforcing the code. He thanked BOB COYLE, Republic Services, for his cooperation in drafting the ordinance. MR. WARE recommended approval.

COUNCILWOMAN TARKANIAN commented that extensive work was done and much appreciated.

MR. COYLE complimented MR. WARE for all his hard work and effort. He did all the work for Henderson and Clark County, because they copied his words. If adopted, the City will have a state-of-the-art solid waste ordinance. COUNCILWOMAN TARKANIAN noted that MR. WARE is an asset to the City.

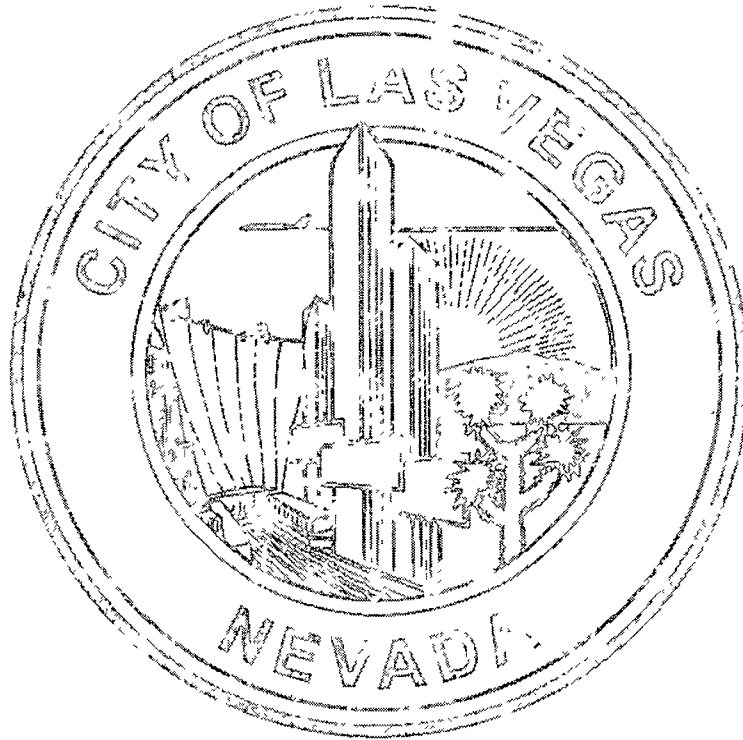
RECOMMENDING COMMITTEE MEETING: FEBRUARY 20, 2007

COUNCILMAN ROSS stated that Republic Services has been committed to the City for sometime. Both have worked together to make this a better place to live. He volunteered to start a residential recycling pilot program in his neighborhood.

COUNCILMAN ROSS then asked if residential customers could adjust pick-up schedules as well. MR. WARE replied that such a provision has never been considered and is not included in this bill.

COUNCILWOMAN TARKANIAN remarked that more changes are necessary, but it is wonderful to see the industry and the City working together to make things better.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.



BILL NO. 2007-7

ORDINANCE NO. _____

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

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

Summary: Amends solid waste and recycling regulations by updating service charges, adding charges for overflow collections, eliminating charges for discontinuing service, deregulating charges for competitive-service areas, increasing frequency-of-service options, authorizing pilot programs for recycling, adding customer service standards, revising late-payment charges, adding minimum container requirements, and facilitating recycling by materials recovery facilities.

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

SECTION 1: Title 9, Chapter 8, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

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

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

(A) The sale of recyclables.

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

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

1 the business of purchasing, accepting donations of, collecting, storing, transporting or processing
2 source-separated recyclables.

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

5 "Compacted solid waste" means solid waste reduced by mechanical equipment, in volume[,]
6 but not weight, by [two-thirds or more by mechanical equipment.] a minimum ratio of three to one.

7 "Construction or demolition waste" means solid waste resulting from the construction or
8 demolition of buildings and other structures, including but not limited to wood, plaster, metals,
9 asphaltic substances, bricks, block and concrete, and landscaping, native vegetation, excavation dirt,
10 rock, stone and gravel. The term "construction or demolition waste" does not include uncontaminated
11 soil, rock, stone, gravel, unused brick and block and concrete if they are separated from other
12 construction or demolition waste and are to be used as clean fill.

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

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

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

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

22 "Drop-off center" means a collection site where source-separated recyclables may be taken by
23 persons and deposited into designated containers.

24 "Duplex" means a building or dwelling containing residential dwelling units for two separate
25 families or occupants, each receiving individual solid waste curbside collection.

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

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

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

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

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

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

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

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

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

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

23 "Materials recovery facility" means a facility that provides for the extraction from construction
24 or demolition waste of those recyclable materials that may be found in construction or demolition
25 waste. The term does not include:

26 (A) A facility that receives only source-separated recyclables;

27 (B) A facility for the recovery of used motor vehicle parts;

28 (C) A facility that receives, processes or stores only concrete, masonry waste.

1 asphalt pavement, brick, uncontaminated soil, or stone for the recovery of recyclables; and

2 (D) A facility that recovers less than twenty-five percent by weight of recyclables
3 from the solid waste received.

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

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

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

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

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

12 (1) Biological products;

13 (2) Diagnostic specimens;

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

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

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

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

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

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

1 “Multiple dwellings” means [apartments and any other collection of two or more residences]
2 any premises on which there are three or more separate residential dwelling units which are grouped
3 together under the management of one person and which do not require separate individual collection
4 of solid waste.

5 “Non-residential customer” means any solid waste disposal service customer of a franchisee
6 except for customers at single-family residences, duplexes or mobile home parks who receive
7 individual curbside collection of solid waste and who do not share containers with other residents.

8 “Overflow” or “overflowing solid waste” means solid waste of non-residential customers that
9 is deposited on the ground outside of a solid waste container (except for any items bundled in
10 accordance with Section 9.08.100(E)), or excess solid waste that has been piled onto a solid waste
11 container that is already full to such an extent that the excess solid waste will spill onto the ground in
12 the emptying process, requiring more than minimal manual cleanup of solid waste from the ground.

13 “Place of business” means any place of business in the City, other than multiple dwellings, to
14 conduct or carry on principally or exclusively any pursuit or occupation for the purpose of gaining a
15 livelihood.

16 “Premises” means [land together with all] a nonresidential or residential lot, including any
17 buildings, improvements, and personal property located thereon.

18 “Public building” means ~~office buildings, clubs, churches, schools, hospitals or other places~~
19 ~~of similar character.~~

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

22 “Recyclables” or “recyclable materials” has the same meaning as “recyclable material,” as that
23 term is defined in the [Clark County] Southern Nevada Health District’s Regulations Governing
24 Recycling Centers, as amended.

25 “Recycling center” has the same meaning as “recycling center,” as that term is defined in the
26 [Clark County] Southern Nevada Health District’s Regulations Governing Recycling Centers, as
27 amended.

28 “Refuse” means those discarded materials that have no useful physical, chemical or biological

1 properties after serving their original purpose and that cannot be reused or recycled for the same or
2 other purposes.

3 "Residual solid waste" has the same meaning as "residual solid waste," as that term is defined
4 in the [Clark County] Southern Nevada Health District's Regulations Governing Recycling Centers,
5 as amended.

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

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

11 "Single-family residence" means a building or dwelling [wherein not more than one family
12 resides or dwells, and where no business of any kind is conducted,] designed or used for single-family
13 residential occupancy and where no business is conducted (other than a licensed home occupation
14 business), and includes a mobile home, apartment and other unit in a multiple dwelling which receives
15 individual and heavy and bulky item collection.

16 "Solid waste" means all putrescible and nonputrescible materials in solid or semisolid form
17 that have been discarded or abandoned by their owner, including garbage, rubbish, junk vehicles and
18 parts, ashes or incinerator residue, street refuse, dead animals, construction or demolition waste,
19 commercial or industrial waste, medical waste, sewage waste, commingled recyclables and other
20 refuse. The term "solid waste" does not include any of the following:

21 (A) Hazardous waste managed pursuant to NRS 459.400 through 459.600,
22 inclusive.

23 (B) Source-separated recyclables.

24 "Source-separated recyclables" means recyclables that have been separated from the solid
25 waste stream at the source for recycling purposes and that are not mixed with solid waste other than
26 residual solid waste.

27 "Unforeseen economic circumstance" means:

28 (A) A percentage change in the CPI-U for a given [calendar year ending in

December] 12-month period that is greater than ten percent or below zero (a decrease);

(B) An adverse economic occurrence beyond a franchisee's reasonable control; or

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

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

SECTION 2: Title 9, Chapter 8, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9.08.030: Any person collecting, transporting, processing or disposing of solid waste, hazardous waste or recyclables shall do so subject to the ordinances, rules and regulations of the City, the [Clark County] Southern Nevada Health District, the State of Nevada and the Federal Government.

SECTION 3: Title 9, Chapter 8, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9.08.040: (A) It is unlawful for any person to:

[(A)] (1) Throw or deposit, or cause to be thrown or deposited, in any street, alley, gutter or highway within the City, any solid waste, hazardous waste or recyclables.

[(B)] (2) Throw or deposit, or cause to be thrown or deposited, any solid waste, hazardous waste or recyclables upon the private or public property or premises or into the [receptacles] container of another person within the City, except [for the depositing of source-separated recyclables at drop-off centers.] as may be provided for in this Chapter.

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

[(D)] (4) Throw or deposit or cause to be thrown or deposited any solid waste, hazardous waste or recyclables in any areas of the City not designated, authorized or licensed by the City for deposit of these materials.

(B) There is hereby created a rebuttable presumption that the disposal of solid

1 waste, hazardous waste or recyclables in violation of this Section was done by the owner of such
2 items.

3 SECTION 4: Title 9, Chapter 8, Section 50, of the Municipal Code of the City of Las
4 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **9.08.050:** It is unlawful for any person, for the purpose of disposal of solid waste, hazardous
6 waste or recyclables by burning, to kindle or maintain any bonfire, or knowingly to furnish the
7 materials for any such fire, or to authorize any such fire to be kindled or maintained in any solid waste,
8 hazardous waste or recyclables [receptacle,] container, or on any street, alley, road, land or other
9 public grounds or upon any private property, within the City, unless a written permit to do so shall first
10 have been secured from the Department of Fire and Rescue; provided, however, that solid waste and
11 infectious waste may be burned in an incinerator duly approved by the Department of Fire and Rescue
12 and the Department of Building and Safety.

13 SECTION 5: Title 9, Chapter 8, Section 60, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **9.08.060:** Except in case of an emergency declared by the City Manager under Section 9.08.070,
16 it is unlawful for any person, other than the City, a franchisee or their duly appointed agents to collect
17 or transport any solid waste, or provide curbside recyclables collection service; provided, however,
18 that:

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

22 (B) A duly licensed construction cleanup or demolition contractor, or a duly
23 licensed materials recovery facility may, after separating out recyclables, transport the solid waste
24 residue from an authorized materials recovery facility to a transfer station or disposal site operated in
25 accordance with all applicable laws, rules and regulations.

26 [(B)] (C) Any duly licensed and permitted septic tank or grease trap pumpers, lawn
27 maintenance services and tree trimmers may transport those materials accumulated in or generated by
28 the performance of licensed services to a transfer station or a disposal site operated in accordance with

1 all applicable laws, rules and regulations.

2 ~~[(C)] (D)~~ Any person may transport his or her own solid waste to a transfer station or a
3 disposal site operated in accordance with all applicable laws, rules and regulations.

4 ~~[(D)] (E)~~ Any person may transport his or her own source-separated recyclables to
5 recycling centers or drop-off centers.

6 ~~[(E)] (F)~~ Any duly licensed commercial recycler may transport source-separated
7 recyclables in the legitimate course of business.

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

12 SECTION 6: Title 9, Chapter 8, Section 80, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **9.08.080:** (A) It is unlawful for any person other than the owner, the City or a franchisee, or
15 their duly appointed agents, to interfere in any manner with any [receptacles] container containing
16 solid waste or recyclables or to remove any such [receptacle] container from the location where placed
17 for [pickup] collection by the owner, the City or a franchisee.

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

20 SECTION 7: Title 9, Chapter 8, Section 90, of the Municipal Code of the City of Las
21 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **9.08.090:** It is unlawful to use any cart or vehicle for the transportation or removal of solid waste
23 or recyclables unless such cart or vehicle is appropriately constructed and covered, within industry
24 standards and in accordance with NRS Chapter 484, to prevent or minimize odors from or leakage,
25 sifting, spilling, drifting or blowing of such solid waste or recyclables in or upon the streets through
26 which such cart or vehicle may be driven.

27 SECTION 8: Title 9, Chapter 8, Section 100, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **9.08.100:** (A) Every person owning or managing any [place of business, public building,
2 multiple dwelling or single-family residence,] premises, except as otherwise provided in Subsection
3 (E) of this Section, shall provide [a receptacle] one or more containers sufficient for the depositing of
4 all solid waste from the premises. A solid waste franchisee may rent solid waste [receptacles]
5 containers to its customers pursuant to the rates specified in this Chapter, but the responsibility for
6 placement of such rented [receptacles] containers remains with the person owning or managing the
7 [place of business, public building, multiple dwelling or single-family residence.] premises.

8 (B) A franchisee shall provide to its curbside recyclables collection customers, upon
9 request and at no additional cost to such customers, appropriate [receptacles] containers for the storage
10 and collection of recyclables.

11 (C) On any single-family or duplex residential [lot,] premises, it is unlawful to
12 place, keep, store or locate any solid waste or recyclables [receptacle] container within the
13 right-of-way of a street, sidewalk or alley, or within any front yard as defined in the zoning regulations
14 of the City; provided, however, that such [receptacles] containers may be placed within such area,
15 except for traffic lanes, for the purpose of the collection of solid waste and recyclables [from midnight
16 to midnight on the day designated for the pickup thereof and for a period not to exceed ten hours prior
17 to midnight of the day of pickup.] no earlier than two p.m. on the day prior to the designated collection
18 day, and that such containers must be removed from the right-of-way no later than midnight of the
19 collection day.

20 (D) On any [multi-family,] multiple dwellings, commercial or industrial [lot,]
21 premises, it is unlawful to place, keep, store or locate any [dumpster or other] solid waste or
22 recyclables [receptacle] container within the right-of-way of a street, sidewalk or alley. [Dumpsters]
23 Containers shall be stored within an enclosure if an enclosure was required in connection with
24 development approval or is otherwise provided on the [lot.] premises. The construction of [dumpster]
25 container enclosures is encouraged, if such construction was not required in accordance with a
26 development approval. To the extent reasonably possible, development plans and approvals
27 concerning the construction of [dumpster] container enclosures shall be coordinated with the solid
28 waste franchisee.

1 (E) Places of business whose rubbish consists principally of boxes, cartons and
2 other items of such bulk that the placing of the same in a [receptacle] container would be
3 impracticable may provide for such [rubbish] solid waste to be piled on the premises of such place of
4 business adjacent to a street or alley, provided such boxes or cartons shall be flattened and tied in
5 bundles. The monthly rate to be charged such places of business for collecting, transporting and
6 disposing of such rubbish shall be computed in accordance with the rates set forth in Section 9.08.160
7 and based upon the bulk of such piles.

8 (F) A franchisee shall not be required to pick up solid waste or recyclables from
9 any location that the franchisee, subject to the City's approval, determines is not safe to access with
10 its disposal vehicles due to space limitations restricting vehicle access or maneuverability, including
11 maneuvers requiring the unsafe backing up of vehicles.

12 [(F)] (G) The provisions of this Section may be enforced by the City's Department of
13 Neighborhood Services, as well as the Las Vegas Metropolitan Police Department.

14 SECTION 9: Title 9, Chapter 8, Section 110, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 9.08.110: (A) [Each receptacle which is not] At any residence that receives individual
17 curbside collection service, each container which cannot be emptied by mechanical or hydraulic
18 equipment shall have a capacity of not less than three nor more than [thirty-three] thirty-six gallons
19 and shall weigh no more than fifty pounds, including the contents thereof. [Multiple dwellings, places
20 of business and public buildings] Each residence with individual curbside collection service shall also
21 be permitted to use the types and sizes of [receptacles] containers listed in Section 9.08.160, Table A.

22 (B) [Solid waste receptacles] Except for manual type drop-box containers listed in
23 Section 9.08.160, Table C, all solid waste containers shall be constructed watertight and shall be
24 provided with handles and tight-fitting covers. Each such [receptacle] container and cover shall be
25 made of a material approved for such use by the City. Covers shall not be removed except when
26 necessary to place solid waste therein. Each [receptacle] container and its cover shall be kept clean
27 from accumulating grease and decomposing material.

28 (C) It is unlawful for a non-residential customer to place out for collection a

1 container which has overflowing solid waste.

2 (D) Any non-residential customer who places a container out for collection with
3 solid waste overflowing from the container shall be subject to an overflow charge pursuant to Section
4 9.08.185.

5 SECTION 10: Title 9, Chapter 8, Section 120, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **9.08.120:** (A) No person other than the owner, the City or a franchisee, or their agents may:

8 (1) Remove any solid waste or recyclables from the solid waste
9 [receptacles] containers or recyclables [receptacles] containers that are intended for [pickup] collection
10 by a franchisee as part of its solid waste collection and curbside recyclables collection programs;

11 (2) Remove recyclables that have been tied, boxed, bundled or otherwise
12 collected and placed for [pickup] collection by a franchisee as part of its curbside recyclables
13 collection program; or

14 (3) Tamper with, engage in, interfere with or participate in curbside
15 recyclables collection.

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

19 SECTION 11: Title 9, Chapter 8, Section 130, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **9.08.130:** (A) All solid waste shall be placed in a [receptacle;] container; provided, however,
22 that:

23 (1) Places of business may place rubbish on their premises pursuant to
24 Section 9.08.100(E); and

25 (2) Tree trimmings, scrap lumber and other solid waste capable of being
26 bundled in accordance with Subsection (B) of this Section may be bundled if securely tied and placed
27 next to a [receptacle.] container.

28 (B) Items bundled pursuant to this Section shall not exceed six feet in length nor

1 weigh more than [seventy-five] fifty pounds.

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

4 SECTION 12: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas,
5 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
6 9.08.135, reading as follows:

7 **9.08.135:** (A) Every non-residential customer shall provide cubic-yard or 96-gallon mobile
8 containers for the solid waste generated from the customer's premises in accordance with the
9 minimum containers requirements set forth in this Section.

10 (B) For multiple dwellings with three dwelling units, the premises must have cubic-
11 yard container service of at least a one cubic-yard container serviced twice per week, irrespective of
12 occupancy or vacancy of any dwelling units;

13 (C) For multiple dwellings with four, five or six dwelling units, the premises must
14 have cubic-yard container service equivalent to at least a two cubic-yard container serviced twice per
15 week, irrespective of occupancy or vacancy of any dwelling units;

16 (D) For multiple dwellings with seven or more dwelling units, the premises must
17 have cubic-yard container service equivalent to at least the greater of the following:

18 (1) A three cubic-yard container serviced twice per week, irrespective of
19 occupancy or vacancy of any dwelling units; or

20 (2) One-fourth of a one cubic-yard container per dwelling unit per week,
21 irrespective of occupancy or vacancy of any dwelling units.

22 (E) For mobile home parks that do not have individual service at each mobile home
23 space, the premises must have cubic-yard container service equivalent to at least one-fourth of a one
24 cubic-yard container per mobile home space per week, irrespective of occupancy or vacancy of any
25 mobile home spaces.

26 (F) For motels with at least fifty percent of the total units having cooking facilities,
27 the premises must have cubic-yard container service equivalent to at least one-fifth of a one cubic-yard
28 container per unit per week, irrespective of occupancy or vacancy of any units; or

1 (G) For motels with less than fifty percent of the total units having cooking
2 facilities, the premises must have cubic-yard container service equivalent to at least one-tenth of a one
3 cubic-yard container per unit per week, irrespective of occupancy or vacancy of any units.

4 (H) For each place of business or public building that does not require more than
5 two 96-gallon mobile containers to contain the solid waste generated from the premises, subject to
6 bundling of rubbish in accordance with Section 9.08.100(E), the premises must have at least one but
7 not more than two 96-gallon mobile containers.

8 (I) For each place of business or public building that requires more than two 96-
9 gallon containers to contain the solid waste generated from the premises, subject to the bundling of
10 rubbish in accordance with Section 9.08.100(E), the premises must have cubic-yard container service
11 sufficient to contain such solid waste.

12 (J) The container requirements in this Section are intended to be only minimum
13 requirements for non-residential customers. Compliance with such requirements does not constitute
14 compliance with a customer's obligation to provide sufficient container capacity pursuant to Section
15 9.08.100 if the solid waste generated from the premises requires solid waste service that exceeds the
16 requirements in this Section.

17 SECTION 13: Title 9, Chapter 8, Section 140, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

19 SECTION 14: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas,
20 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
21 9.08.140, reading as follows:

22 **9.08.140:** (A) The charges for collecting, transporting and disposing of solid waste and for
23 collecting and transporting recyclables from single-family residences, duplexes and multiple dwellings
24 shall be determined in accordance with the following table:

25 ...

26 ...

27 ...

28 ...

Category	Collection Level	Monthly Charge*
Single-family Residence	Solid waste - twice/week; Recycling - every other week	\$11.82
Duplex	Solid waste - twice/week; Recycling - every other week	\$11.82 per unit
Multiple Dwellings (irrespective of occupancy or vacancy of any units)	Solid waste - 2 times/week	\$8.80 - 1st unit; \$6.15 - each additional unit
	Solid waste - 3 times/week	\$13.20 - 1st unit; \$9.23 - each additional unit
	Solid waste - 4 times/week	\$16.13 - 1st unit; \$11.27 - each additional unit
	Solid waste - 5 times/week	\$19.07 - 1st unit; \$13.33 - each additional unit
	Solid waste - 6 times/week	\$22.00 - 1st unit; \$15.39 - each additional unit
	Solid waste - 7 times/week	\$24.93 - 1st unit; \$17.45 - each additional unit

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

(B) All charges for single-family residences, duplexes and multiple dwellings pursuant to this Section shall be billed quarterly in advance.

SECTION 15: Title 9, Chapter 8, Section 150, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 16: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding a new section, designated as Section 9.08.150, reading as follows:

9.08.150: (A) For mobile home parks that do not receive individual service at each mobile home and for motels, the charges for collecting, transporting and disposing of solid waste shall be determined in accordance with the following table:

Category	Collection Level (solid waste only)	Monthly Charge*
Motels and mobile home parks (irrespective of occupancy or vacancy of any units)	2 times/week	\$8.80 - each office; \$5.28 - each cooking unit; \$4.24 - each unit without cooking facilities
	3 times/week	\$13.20 - each office; \$7.92 - each cooking unit; \$6.36 - each unit without cooking facilities
	4 times/week	\$16.13 - each office; \$9.68 - each cooking unit \$7.77 - each unit without cooking facilities
	5 times/week	\$19.07 - each office; \$11.44 - each cooking unit \$9.19 - each unit without cooking facilities
	6 times/week	\$22.00 - each office; \$13.20 - each cooking unit; \$10.60 - each unit without cooking facilities
	7 times/week	\$24.93 - each office; \$14.96 - each cooking unit; \$12.00 - each unit without cooking facilities

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

2 (B) For mobile home parks that receive individual service at each mobile home,
3 which shall include the same heavy and bulky item pickup as that provided to single-family
4 residences, the charges for collecting, transporting and disposing of solid waste and curbside
5 recyclables collection services shall be the same as for single-family residences as set forth in Section
6 9.08.140.

7 (C) All charges for mobile home parks and motels shall be billed quarterly in
8 advance.

9 SECTION 17: Title 9, Chapter 8, Section 160, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

11 SECTION 18: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas,
12 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
13 9.08.160, reading as follows:

14 **9.08.160:** (A) For places of business and public buildings, the charge for collecting,
15 transporting and disposing of solid waste shall be determined by the number and type of containers
16 required by each such place of business or public building and by the number of collections from each
17 per week in accordance with Tables A, B and C that are included within this Section. The charge for
18 collecting, transporting and disposing of compacted solid waste from containers other than
19 compaction-type drop boxes shall be three times the otherwise applicable charge.

20 (B) All monthly charges set forth in Tables A, B and C that are included within this
21 Section shall be billed as follows:

22 (1) Table A shall be billed quarterly in advance.

23 (2) Table B shall be billed monthly in advance.

24 (3) Table C shall be billed monthly in arrears.

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26 ...

27 ...

28 ...

Section 9.08.160 Table A
Monthly Collection Charges*
Places of Business and Public Buildings

Number & Type of Containers	1 Collection Per Week	2 Collections Per Week	3 Collections Per Week	4 Collections Per Week	5 Collections Per Week	6 Collections Per Week	7 Collections Per Week
96-Gallon Mobile Container							
First container	\$7.92	\$15.83	\$23.75	\$36.56	\$50.14	\$65.89	\$79.01
Each additional container	\$7.92	\$15.83	\$23.75	\$36.56	\$50.14	\$26.31	\$31.66
One Cubic-Yard Container							
First container	\$39.51	\$79.01	\$118.52	\$131.59	\$148.55	\$171.12	\$205.61
Each additional container	\$39.51	\$79.01	\$118.52	\$131.59	\$148.55	\$131.56	\$158.28
Two Cubic-Yard Container							
First container	\$79.15	\$158.28	\$237.42	\$250.68	\$271.73	\$302.69	\$363.87
Each additional container	\$79.15	\$158.28	\$237.42	\$250.68	\$271.73	\$263.11	\$316.55
Three Cubic-Yard Container							
First container	\$118.71	\$237.41	\$356.13	\$369.63	\$394.82	\$434.24	\$522.17
Each additional container	\$118.71	\$237.41	\$356.13	\$369.63	\$394.82	\$394.67	\$474.82
Four Cubic-Yard Container							
First container	\$158.28	\$316.55	\$474.83	\$488.59	\$517.92	\$565.80	\$680.41
Each additional container	\$158.28	\$316.55	\$474.83	\$488.59	\$517.92	\$526.19	\$633.12
Six Cubic-Yard Container							
First container	\$237.41	\$474.82	\$712.23	\$726.49	\$764.11	\$829.90	\$996.98
Each additional container	\$237.41	\$474.82	\$712.23	\$726.49	\$764.11	\$787.44	\$947.14
Eight Cubic-Yard Container							
First container	\$316.55	\$633.11	\$949.65	\$964.41	\$1,010.31	\$1,092.01	\$1,313.52
Each additional container	\$316.55	\$633.11	\$949.65	\$964.41	\$1,010.31	\$1,059.25	\$1,274.12

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

Section 9.08.160 Table (B)
Solid Waste Compaction-Type Drop Box Collection Charges*

Monthly Charges

Compactor Size	1 collection per week	2 collections per week	3 collections per week	4 collections per week	5 collections per week	6 collections per week	7 collections per week
10 cubic-yard container	\$1,756.06	\$2,347.56	\$3,216.32	\$3,493.39	\$3,770.48	\$4,047.56	\$5,912.89
17 cubic-yard container	\$2,172.63	\$2,868.06	\$4,042.42	\$4,441.49	\$4,840.53	\$5,239.61	\$6,976.12
26 cubic-yard container	\$2,434.93	\$3,392.67	\$4,829.31	\$5,228.36	\$5,627.42	\$6,026.48	\$7,894.24
36 cubic-yard container	\$2,873.22	\$3,831.02	\$5,267.51	\$5,722.61	\$6,177.69	\$6,632.87	\$8,500.66

Compactor Size	8 collections per week	9 collections per week	10 collections per week	11 collections per week	12 collections per week	13 collections per week	14 collections per week
10 cubic-yard container	\$7,671.94	\$8,263.47	\$9,132.25	\$9,409.31	\$9,686.36	\$9,963.45	\$11,831.79
17 cubic-yard container	\$9,148.73	\$9,844.76	\$11,018.54	\$11,417.60	\$11,816.67	\$12,215.74	\$13,952.24
26 cubic-yard container	\$10,329.15	\$11,286.91	\$12,723.56	\$13,122.61	\$13,521.69	\$13,920.72	\$15,788.49
36 cubic-yard container	\$11,373.89	\$12,331.70	\$13,768.19	\$14,223.27	\$14,678.38	\$15,133.54	\$17,001.32

Per Collection Charges (with regular service)	Regular	Sunday/Holiday
Special collection 0-49 cubic yards	\$431.01	\$646.52
Special collection 50-74 cubic yards	\$828.83	\$1,243.24
Special collection 75 cubic yards	\$1,351.92	\$2,027.88
Per Collection Charges (without regular service)		
On-call collection 0-49 cubic yards	\$672.80	\$1,009.20

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

Section 9.08.160 Table (C)
~~Solid Waste Manual-Type Drop-Box Collection Charges*~~

On-Call Charges (with or without regular service)	<u>Regular</u>	<u>Sunday/Holiday</u>
10 cubic-yard container	\$83.00	\$124.50
20 cubic-yard container	\$166.00	\$249.00
28 cubic-yard container	\$232.40	\$348.60
35 cubic-yard container	\$290.50	\$435.75
50 cubic-yard container	\$415.00	\$622.50

All on-call charges are subject to additional charges of \$18.53 demurrage per 24 hours or any part thereof after the first 72 hours, excluding Sundays.

Monthly Charges

All other charges shall be calculated as follows:

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

“Base Charge” for Monday - Saturday collections = \$8.30 per cubic yard.

“Base Charge” for Sunday collections = \$12.45 per cubic yard.

“Demurrage” = \$18.53 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 19: Title 9, Chapter 8, Section 170, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9.08.170: The charges for container rentals for [single-family residences, multiple dwellings, places of business and public buildings] any premises, which shall be billed quarterly in advance, shall be as follows:

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1	Container Size	Monthly Charge*
2	1 <u>Cubic-Yard Container</u>	[\$14.34] <u>\$15.22</u>
3	2 <u>Cubic-Yard Container</u>	[\$17.20] <u>\$18.26</u>
4	3 <u>Cubic-Yard Container</u>	[\$20.08] <u>\$21.31</u>
5	4 <u>Cubic-Yard Container</u>	[\$22.37] <u>\$23.75</u>
6	6 <u>Cubic-Yard Container</u>	[\$28.67] <u>\$30.43</u>
7	8 <u>Cubic-Yard Container</u>	[\$31.54] <u>\$33.48</u>
8		[Quarterly Charge*]
9	Up to 96-gallon Mobile [Cart] <u>Container</u>	[\$10.32] <u>\$3.65</u>

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

SECTION 20: Title 9, Chapter 8, Section 180, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9.08.180: The charges for special one-time collections for [single-family residences, multiple dwellings, places of business and public buildings] any premises, which may be billed at the time of service as on-call services, shall be as follows:

15	Container Size [of Receptacle]	One Time Charge*
16	1 <u>Cubic-Yard Container</u>	[\$28.02] <u>\$29.75</u>
17	2 <u>Cubic-Yard Container</u>	[\$37.36] <u>\$39.65</u>
18	3 <u>Cubic-Yard Container</u>	[\$46.70] <u>\$49.57</u>
19	4 <u>Cubic-Yard Container</u>	[\$56.02] <u>\$59.46</u>
20	6 <u>Cubic-Yard Container</u>	[\$65.37] <u>\$69.39</u>
21	8 <u>Cubic-Yard Container</u>	[\$74.71] <u>\$79.30</u>

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

SECTION 21: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 9.08.185, reading as follows:

9.08.185: (A) Any non-residential customer whose solid waste container or containers have overflowing solid waste prior to being emptied on a collection day shall be subject to an overflow charge as provided in this Section.

1 (B) No overflow charges may be assessed unless:

2 (1) Written notice of an overflow, delivered by regular U. S. mail, e-mail
3 or facsimile (fax) or personal delivery, has been provided to the owner or manager of the premises,
4 and a subsequent overflow occurs at the premises within 90 days after:

5 (a) Such notice has been given; or

6 (b) The last overflow charge has been assessed at the premises; and

7 (2) There is significant overflow from a container, as defined in this Chapter
8 and as evidenced by a photograph; and

9 (3) The overflow has actually been collected by the City or its franchisee.

10 (C) No overflow charge may be assessed for an overflow that is caused by a prior
11 collection being missed or being performed improperly, or by containers being repositioned by a
12 franchisee after collection such that a container is inaccessible to tenants of the premises, resulting in
13 overuse of and overflow occurring in another container.

14 (D) No overflow charge may be assessed for an overflow that is caused because the
15 time of day of collection was more than four hours later than the time of day when the last regularly
16 scheduled collection occurred.

17 (E) Overflow charges assessed pursuant to this Section may be waived by the City
18 Manager, or his or her designee, or by a franchisee if it is determined that the owner or manager of the
19 premises has taken reasonable steps to avoid future overflows, including but not limited to increasing
20 the container capacity or collection frequency, installing locks on the lids of containers or on access
21 gates to curtail illegal dumping by third parties, or other property-management measures designed to
22 avoid overflows.

23 (F) The charge for any overflow for any non-residential customer, which may be
24 billed at the time of service as an on-call service, shall be \$30.00, subject to applicable CPI-U
25 adjustments made pursuant to this Chapter.

26 SECTION 22: Title 9, Chapter 8, Section 190, of the Municipal Code of Las Vegas,
27 Nevada, 1983 Edition, is hereby repealed in its entirety.

28 SECTION 23: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas,

Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 9.08.190, reading as follows:

9.08.190: The charges for preparation, collection, transportation and disposal of medical waste, and the charges for the optional purchase and rental of medical waste containers shall be determined in accordance with Tables A, B and C that are included within this Section. All charges for medical waste service, except for on-call service which may be billed at the time of service, shall be billed monthly in advance.

Section 9.08.190 Table (A)
Basic Service Charges*

(MONDAY - FRIDAY; IF NO SERVICE IS REQUIRED, FRANCHISEE MUST BE NOTIFIED BY 2:00 P.M. ON DAY BEFORE SCHEDULED SERVICE, OR MINIMUM SERVICE CHARGE WILL APPLY)					
Item	Size & Volume	Price Per Item		Minimum Charge Per Service Call	
		Delivered	Picked Up	Prescheduled Once/Month or Greater Frequency	On-Call/Special Collection
Bio-Hazardous Accumulation Containers	Medium 10-14 Gallons	\$4.78	\$4.78	\$27.26 (If total for containers delivered and collected is less than \$27.26, then \$27.26 will be charged)	\$61.35 (If total for containers delivered and collected is less than \$61.35, then \$61.35 will be charged)
	Large 27-32 Gallons	\$6.82	\$6.82		
	X-Large 48-50 Gallons	\$10.23	\$10.23		

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

Section 9.08.190 Table (B)
Additional Service Charges*

Charges for prescheduled once/month or greater frequency service:			
Type	Size Code	Container	Disposal Price
Chemotherapy Waste Disposal	Large	33 Gallon	\$33.65
	Extra Large	55 Gallon	\$59.71
Pharmaceutical (non-controlled substance) Disposal	Extra Small	5 Gallon	\$43.42
	Small	10 Gallon	\$78.70
	Medium	20 Gallon	\$157.40
	Large	30 Gallon	\$236.12
	Extra Large	55 Gallon	\$393.53
Charges for on-call / special collections or special services:			
Item			Charge
Special collections (after 5:00 p.m., same day requests, holidays, weekends or greater than 20 polyurethane containers per collection)			\$65.14 Per Hour
Special services (account balancing, reconciliation, usage reports, certificates)			\$65.14 Per Hour
Preparation of waste to make suitable for transportation			\$27.14 Per Container
Collection delay			\$1.09 Per minute after 10 minutes; minimum charge of \$10.90
Over weight charge (Over 50 lbs)			\$43.42 Per Container

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

**Section 9.08.190 Table C
Purchase or Rental Items***

ALL ITEMS OPTIONAL, IF OFFERED AT FRANCHISEE'S DISCRETION				
Item	Size	Volume	Dimensions	Price
Sharp Containers	Small	1 Quart	4" x 4" x 6"	\$5.43 plus tax
	Medium	5 Quarts	4" x 10" x 9"	\$8.68 plus tax
	Large	8 Quarts	6" x 9" x 10"	\$10.86 plus tax
	Extra Large	32 Quarts	9" x 13" x 17"	\$21 71 plus tax
Red Bio-Hazard Bags	Small (500 bags per case)	8-10 Gallons	24" x 32" (8-10 gallons)	\$75.99 plus tax
	Large/Extra Large (25 bags per roll)	50 Gallons	43" x 48" (50 gallons)	\$13.03 plus tax
Locker Rental	Small	5 Cubic yards	7-1/2' x 5-1/2' x 3-1/2'	\$65.14 per month (includes transportation)
	Large	30 Cubic yards	20' x 8' x 8'	\$151.98 per month (includes transportation)
Roll-Off Box Rental	Extra Large	40 Cubic yards		\$358.25 per month
Trailer Rental (Special collection charge of \$65.14 per hour does not apply to customers with trailer service, unless after hours or holiday collections are requested)		30 feet long or less		\$519.53 per month
		48 feet long or less		\$692 71 per month
		53 feet long or less		\$779.30 per month

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

SECTION 24: Title 9, Chapter 8, Section 200, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9.08.200: The charge for sewage-waste service shall be [\$15.78] sixteen dollars and seventy-five cents per wet ton of sewage waste, subject to applicable CPI-U adjustments made pursuant to this Chapter. Additional terms and conditions for collection, transportation and disposal of sewage waste shall be specified in a separate sewage-waste service agreement between the City and its franchisee.

If any jurisdiction other than the City imposes any franchise fee on a franchisee based upon its cash receipts or gross revenues from sewage-waste services provided by the franchisee, the franchisee shall be solely responsible for such franchise fees and shall not pass such franchise fees through to the City.

SECTION 25: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section

1 9.08.205, reading as follows:

2 **9.08.205:** The charges specified in this Chapter for collecting, transporting and disposing of solid
3 waste shall not apply to construction or demolition waste, septic-tank waste, grease-trap waste, or
4 landscaping or tree-trimming waste handled in accordance with Section 9.08.060. A franchisee or
5 other licensed service provider may set its own charges for the collection, transportation and disposal
6 of such solid waste.

7 SECTION 26: Title 9, Chapter 8, Section 210, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **9.08.210:** (A) To ensure the uniform, safe and sanitary treatment of solid waste in the City and
10 to discourage the illegal handling and disposal of solid waste, it shall be mandatory for any person
11 owning, occupying or managing any premises in the City which are connected to water service to
12 subscribe to solid waste collection service provided by the City or its authorized franchisee and to pay
13 the charges specified in this Chapter. No person may discontinue paying for solid waste collection
14 service for his or her premises, unless such premises are not connected to water service for the entire
15 billing period.

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

22 (C) All charges for regular or periodic services provided by the City, its franchisees,
23 or their duly appointed agents, pursuant to this Chapter shall be billed [in advance] on the first
24 business day of the quarterly or monthly billing period, as applicable[. Bills will be due and payable
25 on the fifteenth day after the applicable billing date.], and shall be due and payable on the last day of
26 the billing month; provided, however, that charges for on-call service may be billed at the time of
27 service. All charges for services under this Chapter, including the penalties for delinquent payment,
28 shall constitute a debt and obligation of the legal owner [and the person having the management] of

1 the [places of business, public buildings, multiple dwellings and residences] premises to the City or
2 its franchisee, and such [persons] person shall be liable therefor in a civil action commenced by the
3 City or its franchisee in any court of competent jurisdiction for the recovery of such charges and
4 penalties.

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

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

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

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

24 SECTION 27: Title 9, Chapter 8, Section 230, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **9.08.230:** All solid waste collection charges [or fees] authorized and established by this Chapter,
27 including any penalties assessed under Section 9.08.210, shall constitute a lien upon the real property
28 of the premises served until such charges [and fees] have been paid. Such lien shall be enforced in

1 the [following manner:] manner specified in NRS 444.520.

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 28: Title 9, Chapter 8, Section 240, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **9.08.240:** (A) The [rates and] charges established pursuant to this Chapter shall be adjusted
18 annually based upon the percentage of change in the CPI-U.

19 (B) [Rate changes] Changes in charges shall be made effective as of July 1, each
20 year, and shall be based upon the percentage change in the CPI-U for the twelve-month period of the
21 preceding calendar year.

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

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

28 (2) When the percentage change is between six and one-half percent and

ten percent, the [rates and] charges adjustment shall not be greater than six and one-half percent.

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

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

SECTION 29: Title 9, Chapter 8, Section 250, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

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

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

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

SECTION 30: Title 9, Chapter 8, Section 260, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9.08.260: All solid waste and hazardous waste collected from the public and private places and premises in the City shall not be deposited at any place other than at a transfer station, disposal site or materials recovery facility operated in accordance with all applicable laws, rules and regulations.

SECTION 31: Title 9, Chapter 8, Section 270, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **9.08.270:** (A) Any person may dispose of solid waste at any disposal site operated in
3 accordance with all applicable laws, rules and regulations.

4 (B) Any [single-family resident of the City] person in the City who receives
5 individual service at a single-family residence, duplex or mobile home park and who is a current
6 customer of a franchisee may dispose of the solid waste generated at his or her [own single-family
7 dwelling] residential premises at any authorized disposal site owned or operated by the franchisee
8 within the "urban solid waste service area" in Clark County, without charge, upon presentation of a
9 current quarterly bill for residential service from the franchisee and a valid[,] government-issued photo
10 identification[.], such as a current Nevada driver's license, and in accordance with such other rules
11 and regulations as the County may adopt.

12 SECTION 32: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas,
13 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
14 9.08.295, reading as follows:

15 **9.08.295:** Notwithstanding any provision in this Chapter to the contrary, the City Manager, a
16 franchisee and specific property owners in designated control areas may agree upon alternative
17 collection schedules for specified test periods for the purpose of testing recycling options.

18 SECTION 33: Title 9, Chapter 8, Section 320, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **9.08.320:** The following customer service standards shall apply to each franchisee:

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

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

26 (2) If the franchisee cannot resolve a complaint within forty-eight hours of
27 its receipt, the franchisee shall within that period, provide the City with a written report detailing why
28 resolution could not be reached within that period, the actions that will be taken to resolve the

1 complaint and the timeline to reach a resolution of the complaint.

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

5 (C) [No later than thirty days after the end of each month,] Upon request, the
6 franchisee shall provide the City with a written monthly report, in a form satisfactory to the City,
7 summarizing the complaints received by the franchisee and the resolutions thereof for the preceding
8 month.

9 SECTION 34: Title 9, Chapter 8, Section 330, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **9.08.330:** (A) Customer service telephone operators of a franchisee shall be trained to screen
12 requests and assist in solving problems and shall identify themselves by at least their first names
13 immediately upon initial contact with a customer.

14 (B) A customer shall be transferred to a supervisor upon request or, if none is
15 available, receive a return call from a supervisor within one working day of the request.

16 (C) Unless otherwise agreed to by the City, customer service operators of a
17 franchisee shall be available to answer telephone calls from customers during normal business hours,
18 which shall be from at least eight a.m. to six p.m. each Monday through Friday and for at least four
19 hours each Saturday, except for any Monday through Saturday that falls on any of the following
20 holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.
21 When customer service operators are not available to answer telephone calls from customers, the
22 franchisee shall employ an answering machine or service capable of receiving and recording calls from
23 customers. Calls received by such answering machine or service shall be returned on the next business
24 day.

25 ~~[(A)]~~ (D) Each franchisee shall at all times maintain a telephone answering system that
26 measures the:

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

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

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

5 [(B)] (E) [No later than thirty days after the end of each month, the] Upon request, a
6 franchisee shall provide the City with a written monthly report regarding its telephone answering
7 system, in a form satisfactory to the City, summarizing the average wait time, the number of dropped
8 calls and the percentage of time during which all lines were busy during the preceding month.

9 [(C)] (F) [The franchisee shall establish, after consultation with the City, reasonable
10 minimum standards for its telephone answering system for the average wait times, number of dropped
11 calls and percentage of time during which all lines are busy.] During normal business hours as
12 specified in Subsection (C) of this Section, a franchisee shall meet the following minimum standards
13 for its telephone answering system at least ninety percent of the time, measured monthly:

14 (1) Telephone answering time, including wait time, shall not exceed sixty
15 seconds.

16 ~~----- (2) -----~~ No more than five percent of incoming customer service callers shall
17 receive a busy signal.

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

22 SECTION 35: Title 9, Chapter 8, of the Municipal Code of the City of Las Vegas,
23 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
24 9.08.340, reading as follows:

25 **9.08.340:** (A) For purposes of this Section, a "container damaged beyond proper use" shall
26 mean a solid waste container used by a non-residential customer that has been damaged to such an
27 extent that it can no longer be properly used for solid waste collection, including but not limited to a
28 container that has broken wheels so that it cannot be rolled in and out of an enclosure in which it is

1 stored.

2 (B) For purposes of this Section, a franchisee shall be deemed to have notice that
3 a container has been damaged beyond proper use no later than the earlier of the following dates:

4 (1) the date on which the franchisee receives oral or written notice of the
5 damage; or

6 (2) the first regularly scheduled collection day after the damage has
7 occurred.

8 (C) If a franchisee provides a container to a non-residential customer and such
9 container is damaged beyond proper use through the franchisee's own actions or through normal wear
10 and tear, or if the franchisee damages any other container that is used by a non-residential customer
11 through the franchisee's own negligence or misconduct, the franchisee shall:

12 (1) Fix or repair such container, at its own cost, no later than seven calendar
13 days after it has notice of the damage;

14 (2) Be deemed to have missed each collection that is regularly scheduled
15 from the date on which the franchisee has notice of the damage until such time as the container is
16 fixed or replaced; and

17 (3) Automatically issue a credit to the customer for each missed pickup in
18 accordance with Subsection (E) of this Section.

19 (D) If a franchisee misses or improperly performs a collection for a non-residential
20 customer for any reason other than a container being damaged beyond proper use, resulting in solid
21 waste that the customer has properly put out for collection not being collected, the franchisee shall,
22 within twenty-four hours of receiving notice of such missed or improper collection, send a second
23 vehicle to the premises to properly collect such solid waste.

24 (E) If a franchisee fails to fix or replace a container damaged beyond proper use as
25 required by this Section, or to correct a missed or improper collection for a non-residential customer
26 as required by this Section, the franchisee shall automatically issue a prorated credit to such
27 customer's account, based on the charges for regularly scheduled collection service to the premises
28 for the applicable billing period, regardless of whether the customer makes any request for such a

1 credit.

2 SECTION 36: Sections 14, 16, 18 and 23 of this Ordinance shall become effective as
3 of 12:01 a.m. the day after publication of this Ordinance by title.

4 SECTION 37: If any section, subsection, subdivision, paragraph, sentence, clause or
5 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
6 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
7 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
8 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
9 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
10 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
11 invalid or ineffective.

12 SECTION 38: Whenever in this ordinance any act is prohibited or is made or declared
13 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
14 required or the failure to do any act is made or declared to be unlawful or an offense or a
15 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
16 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
17 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
18 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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1 SECTION 39: 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 _____, 2007.

5 APPROVED:

6
7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Jerry G. Bellis 1-24-07
13 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2007, 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 _____, 2007, 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:

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By _____
OSCAR B. GOODMAN, Mayor

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ATTEST:

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BARBARA JO RONEMUS, City Clerk

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BUSINESS IMPACT STATEMENT
BILL NO. 2007-7

**Regarding Proposed Ordinance Amendments to City's Solid Waste
Management Regulations (LVMC Chapter 9.08)**

This Business Impact Statement was prepared pursuant to NRS 237.090 to address the impact of proposed ordinance amendments to Chapter 9.08 of the Las Vegas Municipal Code concerning solid waste management, including the following changes: updating service charges; increasing frequency-of-service options; adding minimum container requirements; adding charges for overflow collections; eliminating discontinuation-of-service charges; deregulating charges for categories of waste for which competitive markets exist; adding customer service requirements concerning fixing damaged containers and correcting missed collections; and allowing solid waste collection at alternative locations to avoid unsafe driving maneuvers.

1. The following constitutes a description of the manner in which comments were solicited from affected businesses, a summary of their response, and an explanation of the manner in which other interested persons may obtain a copy of the summary. NRS 237.090(1)(a)

Affected Businesses: The proposed ordinance amendments may affect all businesses in the City.

Solicitation of Public Comments: A Public Notice of proposed amendments to the City's solid waste management regulations, including a solicitation of comments thereon, was published in the Las Vegas Review-Journal on December 29, 2006.

Prior to the publication of such Notice, three meetings were held at the City with representatives of several types of businesses, including property managers, to review and provide comments on the proposed changes. After making revisions to the proposed ordinance amendments, another meeting was held at Clark County to review the revisions with representatives from property managers' groups – particularly with regard to the provisions concerning minimum container requirements and charges for the collection of overflowing containers.

Copies of the proposed amendments were sent electronically to representatives of several types of businesses, including property managers, on December 22, 2006. A copy of the proposed amendments was also sent electronically to the Las Vegas Chamber of Commerce on December 26, 2006.

Availability of Documents: Copies of the proposed ordinance amendments were and are available for review at: City of Las Vegas, Business Services Division, 400 Stewart Avenue, 3rd floor, Las Vegas, Nevada 89101.

Summary of Public Comments: No comments were received in response to the Public Notice. At meetings prior to the publication of the Public Notice, representatives of various industry groups expressed the following concerns: (1) minimum container requirements were set at levels that were too high; (2) overflow charges were too high and required better definitions and more procedural

safeguards to avoid unfair or abusive charges; and (3) the issue of a franchisee collecting waste at alternative locations, if the normal location for collection would require unsafe maneuvers by the franchisee's trucks, should not be addressed in this ordinance.

2. The following summarizes the estimated economic effect of the proposed rule on businesses, including, without limitation, adverse, beneficial, direct and indirect effects. NRS 237.090(1)(b)

In General: Increases in charges for solid waste service reflect applicable Consumer Price Index adjustments, and are not increases to existing charges.

Adverse Effects: The amendments will require all businesses to meet minimum container requirements, which are intended to provide for adequate solid waste service for such customers. This may require some businesses to increase their service levels, by increasing their frequency of service or container size, or by renting or purchasing additional containers.

Properties that continue to have waste overflowing from their containers will be subject to overflow charges.

Service charges will be deregulated for certain categories of service for which competition is allowed – i.e., construction and demolition waste, septic-tank waste, grease-trap waste and yard waste. This could result in higher charges for these services by the City's solid waste franchisee.

Developers may incur increased costs in developing their properties, if they have to revise development plans that might otherwise require unsafe driving maneuvers by solid waste collection trucks in order to avoid alternative waste collection locations.

Beneficial Effects: New frequency-of-service options could result in some businesses paying less for service.

New customer service standards concerning the fixing or replacement of damaged containers, and the correction of missed collections, could result in credits to customers' accounts.

Discontinuation-of-service charges are eliminated.

Direct Effects: Adds once/week, three times/week, four times/week, five times/week and seven times/week service options; adds overflow charges; and eliminates discontinuation-of-service charges.

Indirect effects: Adds customer service standards; see possible effects above.

3. The following constitutes a description of the methods that the local government considered to reduce the impact of the proposed rule on businesses, and whether any of the following

methods were used: simplifying the proposed rule; establishing different standards of compliance for a business; and modifying a fee or fine set forth in the rule so that a business could pay a lower fee or fine. *NRS 237.080(4)(a), (b) and (c); NRS 237.090(1)(c)*

In General: City staff analyzed existing solid waste service levels for over 1400 nonresidential customers in order to determine a schedule of “conservative” minimum container requirements based on different types of businesses. As a result, the requirements that were initially proposed were reduced substantially, to levels equating to approximately 50% of the average existing service levels for these customers.

The definition of “overflow” was modified, so that certain situations that originally would have constituted an overflow no longer do. Procedural safeguards were added or clarified with regard to how and when an overflow charge can be assessed. The amount of the overflow charge originally proposed was reduced by approximately one-third.

No changes were made to the provisions that allow a franchisee, with the City’s approval, to collect solid waste from an alternative location if the normal collection location would require unsafe driving maneuvers by the franchisee’s trucks. This is a safety issue that should not be compromised based solely on decreased profits for developers.

Simplification of Rules: The changes requested by businesses were not based on simplification of the rules, but some definitional and procedural changes that were requested concerning overflow charges were made.

Establishing Different Standards for Businesses: Inapplicable; the rules for which comments were received were specifically intended for businesses.

Modifying Fees or Fines: The lowering of the minimum container requirements lessens any increased costs that businesses may incur in order to meet such requirements. The changes to the overflow charge provisions decrease the likelihood of a business being assessed an overflow charge. The amount of the overflow charge that can be assessed was decreased by approximately one-third.

4. The following summarizes the governing body’s estimate of the annual costs to the local government for enforcement of the proposed rule. *NRS 237.090(1)(d)*

No additional costs.

5. The following summarizes the total annual amount that the local government expects to collect from any new or increased fees, and the manner in which the money will be used. *NRS 237.090(1)(e)*

New/Increased Fees: There are no new fees to the City. (See Section 2, “In General”) The City may indirectly receive additional franchise fees based on revenue received by its franchisee resulting

from minimum container requirements and overflow charges, the amount of which cannot be estimated at this time.

Use of Money: Any additional franchise fees received by the City will go into the City's general fund.

6. The following summarizes any provisions of the proposed rule which duplicate or are more stringent than federal, state or local standards regulating the same activity, and explains why such provisions are necessary. NRS 237.090(1)(f)

Duplicative Rules: NRS 444.440 et seq. provides a framework under which the City is required to establish by ordinance regulations for a solid waste management system, provided that no such ordinance shall be in conflict with any regulation adopted by the State Environmental Commission. This proposed ordinance amendments are in compliance with NRS.

Reason for Duplication: Inapplicable.

Date: February 7, 2007

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 20, 2007

DEPARTMENT: CITY CLERK

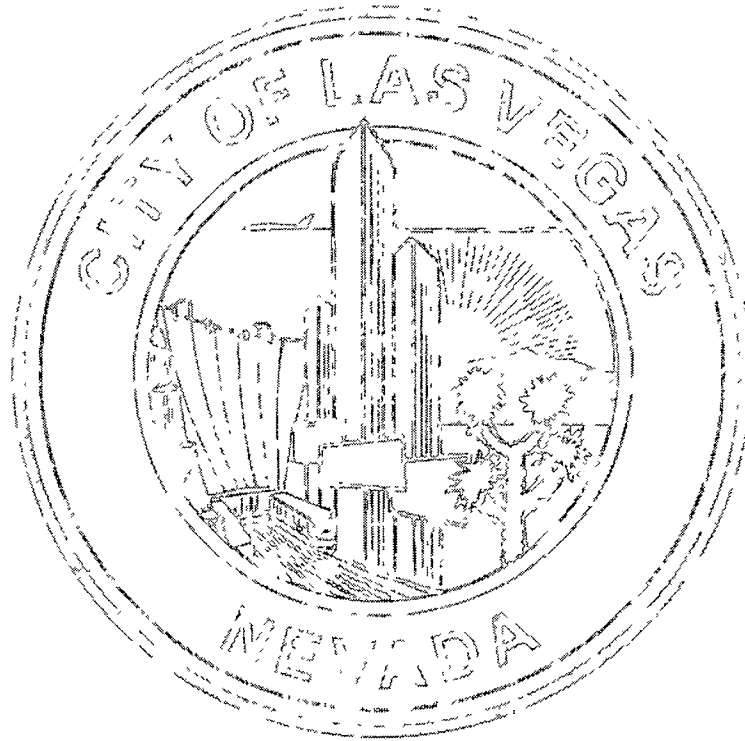
DIRECTOR: BEVERLY K. BRIDGES, ACTING

SUBJECT:

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.



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 20, 2007

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES, ACTING

☐ Consent ☒ Discussion

SUBJECT:

ADJOURNMENT

Minutes:

The meeting adjourned at 4:29 p.m.

Respectfully submitted:

Gabriela Portillo-Brenner, Deputy City Clerk II
February 26, 2007

