

9.04.010 Definitions. (a) In the construction of this chapter, the following definitions shall apply, unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number, and words in the singular number include the plural number; the words "shall" and "will" are mandatory, and "may" is permissive:

- (1) "Agricultural waste" means all putrescible and nonputrescible waste material in solid or semi-solid form that is generated by the rearing of animals other than household pets, or the production and harvesting of crops or trees, for profit in an O-S, R-U, R-A, or R-E zoning district, and that has not been discarded or abandoned by its owner.
- (2) "Board" means the board of county commissioners of the county of Clark, Nevada.
- (3) "Buy-back center" means a facility operated by a licensed commercial recycler or registered charitable organization where persons may bring recyclables in exchange for payment.
- (4) "Commercial recycler" means any licensed entity, to include any licensed franchisee, that is in the business of purchasing, accepting donations of, collecting, storing, transporting or processing source-separated recyclable materials.
- (5) "Compacted solid waste" means solid waste reduced by mechanical equipment, in volume but not weight, by a minimum ratio of three to one.
- (6) "Construction or demolition waste" means waste resulting from the construction or demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, block, and concrete and landscaping, native vegetation, excavation dirt, rock, stone and gravel. The term "construction or demolition waste" does not include uncontaminated soil, rock, stone, gravel, unused brick and block and concrete if they are separated from other construction or demolition waste and are to be used as clean fill.
- (7) "County" means the county of Clark, Nevada, the geographic areas of the unincorporated county, and includes the districts and entities governed ex officio by the board.
- (8) "CPI-U" means Consumer Price Index, All Urban Consumers for All Items, U.S. City Average (1982-84=100), as published by the U.S. Department of Labor, Bureau of Labor Statistics, Washington, D.C.
- (9) "Curbside recyclables collection" means a collection program operated by a franchisee in which source-separated recyclables are collected from residential customers on a regularly scheduled basis as part of the franchisee's solid waste business.
- (10) "Dead animals" means all dead animals or parts thereof (including condemned meats) that are not intended to be used as food for man or animal.
- (11) "Dirt" means loose earth, ashes and manure, but exclusive of sand and gravel that is to be used in construction work.

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

(13) "Duplex" means a building or dwelling containing residential dwelling units for two separate families or occupants each receiving individual solid waste curbside collection.

(14) "Franchise agreement" means an agreement between the county and a franchisee by which such franchisee is authorized to collect, transport and dispose of solid waste and/or perform curbside recyclables collection services in the county.

(15) "Franchise license fee" means the fee required by a franchise agreement based upon a percentage of a franchisee's gross receipts derived from the collection, transportation and disposal of solid waste and/or curbside recyclables collection services in the county.

(16) "Franchisee" means any person who has contracted with the county for collection, transportation and disposal of solid waste and/or the performance of curbside recyclables collection.

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

(18) "Gross 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; and (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.

(19) "Hazardous waste" means any waste or combination of wastes, including without limitation solids, semi-solids, liquids or contained gases, which:

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

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

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

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

The term includes, but is not limited to, toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise.

(20) "Materials recovery facility (construction or demolition waste)" means a solid waste management facility, operating pursuant to a permit issued by the Southern Nevada health district, a business license issued by the county, and a land use permit issued by the county in accordance with Title 30 of this code, that provides for the extraction from construction or demolition waste of those recyclable materials that may be found in construction or demolition waste. The term does not include:

- (A) A facility that receives only recyclable materials that have been separated at the source of waste generation;
- (B) A salvage yard for the recovery of used motor vehicle parts;
- (C) A facility that receives, processes or stores only concrete, masonry waste, asphalt pavement, brick, uncontaminated soil or stone for the recovery of recyclable materials; and
- (D) A facility that recovers less than twenty-five percent by weight of recyclable material from the solid waste received.

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

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

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

- (i) Biological products;
- (ii) Diagnostic specimens;
- (iii) Laundry or medical equipment that conforms to 29 CFR 1910.1030 of the regulations of the Occupational Safety and Health Administration of the United States Department of Labor;
- (iv) A material, including waste, that previously contained an infectious substance and has been treated by steam sterilization, chemical disinfection or other appropriate method, so that it no longer poses the hazard of an infectious substance;
- (v) Any waste material, including garbage, trash and sanitary waste in septic tanks, derived from households, including but not limited to single and multiple residences, hotels and motels;

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

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

(22) "Mining waste" means residues which result from the extraction of raw materials from the earth and which are dumped on land owned by the mining operation that extracted them.

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

(24) "Multiple dwellings" means three or more residential dwelling units which are grouped together under the management of one person and which do not require separate individual collection of solid waste.

(25) "Non-residential customer" means any solid waste disposal service customer of a franchisee except for customers at single-family residences, duplexes or mobile home residences that receive individual curbside collection of solid waste and do not share containers with other residents.

(26) "Overflow" or "overflowing solid waste" means solid waste of non-residential customers that is deposited on the ground outside of a solid waste container (except for any items bundled in accordance with Section 9.04.140) or excess solid waste that has been piled onto a solid waste container that is already full to such an extent that the excess solid waste will spill onto the ground in the emptying process, requiring more than minimal manual cleanup of waste from the ground.

(27) "Place of business" means any place of business in the county, other than multiple dwellings, motels or mobile home parks, to conduct or carry on principally or exclusively any pursuit or occupation for the purpose of gaining a livelihood.

(28) "Premises" means a commercial or residential lot, including any buildings, improvements, and personal property located thereon.

(29) "Public building" means office buildings, clubs, churches, schools, hospitals or other places of similar character.

(30) "Putrescible" means capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odor or gases.

(31) "Recyclable materials," or "recyclables" has the same meaning as that term is defined in the Southern Nevada health district's regulations governing recycling centers, as amended.

(32) "Recycling center" has the same meaning as that term is defined in the Southern Nevada health district's regulations governing recycling centers, as amended.

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

(34) "Residual solid waste" has the same meaning as the definition in the Southern Nevada health district's regulations governing recycling centers, as amended.

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

(36) "Rural solid waste service area" means the geographic area of the unincorporated county outside of special solid waste service areas and urban solid waste service areas, as may be further defined in a franchise agreement.

(37) "Sewage waste" means any solid or semi-solid waste, including biosolids, sludge, screenings and grit, generated from the operation of the Clark County water reclamation district.

(38) "Single-family residence" means a building or dwelling designed or used for single-family residential occupancy, and where no more than a licensed home-occupation business is conducted and includes a mobile home, apartment and other unit in a multiple dwelling which receives individual and heavy and bulky item collection.

(39) "Solid waste" means all putrescible and nonputrescible materials in solid or semi-solid form that have been discarded or abandoned by their owner, including garbage, rubbish, junk vehicles and parts, ashes or incinerator residue, street refuse, dead animals, construction or demolition waste, commercial or industrial waste, grease trap waste, septic tank waste, yard maintenance waste, medical waste, sewage waste, recyclable materials that are commingled with solid waste, and other refuse. The term "solid waste" does not include any of the following:

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

(B) Agricultural waste or mining waste.

(C) Source-separated recyclables.

(40) "Source-separated recyclables" means recyclables that have been separated from the solid waste stream at their collection point to be transported for recycling purposes to an authorized facility, and that are not mixed with solid waste other than residual solid waste.

(41) "Special solid waste service area" means a limited rural geographic area, generally conforming to an unincorporated town boundary or other special area of the unincorporated county in which solid waste collection and disposal service is provided through a franchise agreement or contract approved by the board that may set rates and terms separately from this chapter.

(42) "Unforeseen economic circumstance" means:

(A) A percentage change in the CPI-U for a given consecutive twelve-month period that is greater than ten percent or below zero percent (a decrease);

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

(C) A finding by the board or other governmental jurisdiction 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.

(43) "Urban solid waste service area" means the solid waste collection service areas defined in exclusive franchise agreements for solid waste collection service for unincorporated urban areas of Las Vegas, Blue Diamond, and Laughlin, excluding any special solid waste service area, as defined in those respective franchise agreements or subsequent franchise agreements, as from time to time amended.

(Ord. 3475 § 1 (part), 2006)

9.04.020 Authority of board. The board may, by contract or otherwise, or in any manner the board may deem necessary or desirable for the health, safety and welfare of the inhabitants of the county, provide for the collection and disposal of solid waste and recyclables from residences, multiple dwellings with or without kitchen facilities, places of business and public buildings, at the expense of the county or otherwise.

(Ord. 3475 § 1 (part), 2006)

9.04.030 Authority to issue citations. Solid waste inspectors, fire inspectors and the immediate superior officers of said inspectors and code enforcement officers, are authorized to prepare, sign and serve misdemeanor citations, pursuant to NRS Chapter 171, to enforce the provisions of this chapter, and shall diligently prosecute violations thereof.

(Ord. 3475 § 1 (part), 2006)

9.04.040 Contractors subject to rules and regulations. 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 county, Southern Nevada health district, the state of Nevada and the federal government.

(Ord. 3475 § 1 (part), 2006)

9.04.050 Unlawful disposal of solid waste--Identification of violator. It is unlawful for any person to:

(a) Throw or deposit, or cause to be thrown or deposited, in any street, alley, gutter or highway within the limits of the county, any solid waste, hazardous waste or recyclables.

(b) Throw or deposit, or cause to be thrown or deposited, any solid waste, hazardous waste, or recyclables upon private or public property or premises or into the containers of another person or entity, except as may be provided for in this chapter.

(c) 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) Throw or deposit or cause to be thrown or deposited any solid waste, hazardous waste or recyclables in any areas of the county not designated, authorized or licensed by the county for deposit of these materials. Identification of the owner of any solid waste which is disposed of in violation of this section creates a reasonable inference that the owner is the person who disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.

(Ord. 3475 § 1 (part), 2006)

9.04.060 Burning of solid waste or recyclables. It is unlawful for any person, for the purpose of disposal of solid waste, hazardous waste or recyclables by burning, to kindle or maintain any bonfire, or knowingly to furnish the materials for any such fire, or to authorize any such fire to be kindled or maintained in any solid waste, hazardous waste or recyclables container, or on any street, alley, road, land or public grounds or upon any private property, within Clark County, unless a written permit so to do shall first have been secured from the county fire department; provided, however, that solid waste and infectious waste may be burned in an incinerator duly approved by the fire chief, the building inspector, and the air pollution control officer.

(Ord. 3475 § 1 (part), 2006)

9.04.070 Collecting or transporting solid waste and recyclables. Except in case of an emergency declared by the board under Section 9.04.080, it is unlawful for any person, other than the county, or a franchisee, or their duly appointed agents, to collect, haul, convey or transport any solid waste, or provide curbside recyclables collection; provided, however, that:

(a) Construction or demolition waste may be removed by any duly licensed construction, construction cleanup or demolition contractor and transported to a transfer station or disposal site operated by the county or its franchisee, to a materials recovery facility (construction or demolition waste), or other

transfer station or disposal facility legally authorized by the solid waste management authority having jurisdiction over the facility;

(b) A duly licensed construction company, construction cleanup company, demolition contractor or materials recovery facility (construction or demolition) may transport the solid waste residue from an authorized materials recovery facility (construction or demolition waste), after separating out recyclable materials, to a transfer station or disposal facility legally authorized by the solid waste management authority having jurisdiction over the facility

(c) Any person may transport his or her own solid waste to a transfer station disposal site operated by the county or its franchisee;

(d) Any person may transport his or her own source-separated recyclable materials to recycling centers, drop-off centers, or buy-back centers;

(e) Any duly licensed commercial recycler may transport source-separated recyclables in the legitimate course of business;

(f) Any duly licensed and permitted septic tank or grease trap pumpers, licensed yard maintenance services and licensed tree trimmers may transport those materials accumulated in or generated by the performance of licensed services to a transfer station or disposal site operated by the county or its franchisee;

(g) Any licensed person may haul, convey or transport recyclables from his drop-off center to recycling centers or buy-back centers; and

(h) A commercial recycler or charitable organization qualified under the Federal Internal Revenue Code may collect source-separated recyclables from a residential or commercial premises at the express request of the owner, tenant, or occupant and may transport those recyclables to drop-off centers, recycling centers, or buy-back centers.

(Ord. 3475 § 1 (part), 2006)

9.04.080 Emergency collections. (a) Purpose. In the event of an interruption in the collection, transportation or disposal of solid waste and recyclables by the county or its franchisee, problems affecting the public health, safety and welfare may arise. These problems may include increases in pathogens, vectors, fire hazards, unsightly litter, odor and traffic hazards from the accumulation of solid waste. The purpose of this section is to provide for the emergency collection, transportation and disposal of solid waste by private citizens in order to minimize the adverse impact on the public health, safety and general welfare arising from an interruption in the collection, transportation and disposal of solid waste and recyclables.

(b) Emergency declaration. In the event of an interruption in the collection, transportation or disposal of solid waste and recyclables by the county or its franchisee, the board may declare an emergency.

(c) Emergency provisions. If the board declares an emergency under this section, the provisions of Section 9.04.070 which relate to transporting solid waste and recyclables shall be suspended and the following provisions shall apply until the date specified in the declaration of emergency or in a subsequent declaration:

(1) The county manager may designate, establish, operate and maintain temporary emergency collection areas for solid waste and recyclables;

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

(3) Until hauled to a designated temporary emergency collection area, all putrescible solid waste shall be stored indoors in plastic bags or outdoors in containers which will not permit access by flies or animals or constitute a fire hazard;

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

(Ord. 3475 § 1 (part), 2006)

9.04.090 Interfering with or removal of containers. (a) It is unlawful for any person, other than the owner, the county or a franchisee, or their duly appointed agents, to interfere in any manner with any container containing solid waste or recyclables or to remove any such container from the location where placed for collection by the owner, the county or a franchisee.

(b) It is unlawful for any person, other than the operator of a drop-off center or his duly appointed agents, to interfere in any manner with any recyclables in or to remove any recyclables from the drop-off center.

(Ord. 3475 § 1 (part), 2006)

9.04.100 Requirements as to carts and vehicles. It is unlawful to use any cart or vehicle for the transportation or removal of solid waste or recyclables unless such cart or vehicle is appropriately constructed and covered, in accordance with Nevada Revised Statutes Section 484.771, to prevent or minimize odors from or leakage, sifting, spilling, drifting or blowing of such solid waste or recyclables in or upon the streets through which such cart or vehicle may be driven.

(Ord. 3475 § 1 (part), 2006)

9.04.110 Owners and residents to provide containers. Every person owning any premises or any person responsible for obtaining solid waste disposal service at premises, except as hereinafter provided, shall provide one or more containers sufficient for the depositing of all solid waste from the premises pursuant to minimum container requirements of this chapter. A solid waste franchisee may rent solid waste containers to its customers pursuant to the rates established by the board, but the responsibility for placement of such rented container remains with the customer who rents the container. A franchisee shall provide to its curbside recyclables collection customers, upon request and at no additional cost to such customers, appropriate containers for the storage and collection of recyclables.

(Ord. 3475 § 1 (part), 2006)

9.04.120 Container restrictions. (a) At any residence that receives individual curbside collection service, each container which cannot be emptied by mechanical or hydraulic equipment shall have a capacity of not less than three nor more than thirty-six gallons and shall weigh no more than fifty pounds, including the contents thereof.

(b) Except for manual type drop-box containers listed in Table 9.04.190C, all solid waste containers shall be equipped with handles and covers appropriate for the container design. Each such container and cover shall be made of a material approved for such use by the county. Covers shall not be removed except when necessary to place solid waste therein. Each container and its cover shall be kept clean from accumulating grease and decomposing material.

(c) Any non-residential customer who has a container overflowing with solid waste at the time of collection shall be subject to an overflow charge pursuant to Section 9.04.205 of this chapter.

(Ord. 3475 § 1 (part), 2006)

9.04.130 Removal of contents of containers. (a) No other person other than the owner, the county, or a franchisee or their duly appointed agents may:

(1) Remove any solid waste or recyclable material from solid waste or recyclables containers that are intended for collection by a franchisee as part of its solid waste collection and curbside recyclables collection programs;

(2) Except as provided in Section 9.04.070 of this chapter, remove recyclable materials that have been tied, boxed, bundled or otherwise collected and placed for collection by a franchisee as part of its curbside recyclables collection program;

(3) Except as provided in Section 9.04.070 of this chapter, tamper with, engage in, interfere with, or participate in curbside recyclables collection.

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

(Ord. 3475 § 1 (part), 2006)

9.04.140 Solid waste to be placed in containers--Exceptions. (a) All solid waste shall be placed in a container; provided, however, that:

(1) In residential districts tree trimmings, scrap lumber and other such solid waste may be bundled in accordance with subsection (b) of this section if securely tied and placed at curbside on a scheduled collection day.

(2) Places of business that generate rubbish consisting of boxes, cartons and other items of such bulk that the placing of the same in a container would be impracticable may place for collection such solid waste on the premises provided that such boxes or cartons shall be flattened and tied in bundles in accordance with subsection (b) of this section

(b) Bundled solid waste shall not weigh more than fifty pounds and shall not exceed six feet in length.

(Ord. 3475 § 1 (part), 2006)

9.04.150 Container removal from public view and placement for collection. (a) On any single-family or duplex residential premises, it is unlawful to place, keep, store or locate within the public right-of-way of a street, sidewalk or alley, or within any front yard as defined in the zoning regulations of the county, any solid waste or recycling container; provided, however, that such container may be placed within such area, except for vehicle lanes, for the purpose of the collection thereof no earlier than two p.m. on the day prior to designated collection day and must be removed no later than midnight on the designated collection day.

(b) No person shall place a container for collection in a location that does not provide sufficient space for a disposal vehicle to safely access the location, including without limitation a location along a roadway that will not accommodate a vehicle the size of a disposal truck or provide for a safe exit of a disposal truck without unreasonable backing up.

(Ord. 3475 § 1 (part), 2006)

9.04.160 Commercial container storage and enclosure. On any multi-family, commercial or industrial premises, it is unlawful to place, keep, store or locate any solid waste or recyclables container within the right-of-way of a street, sidewalk or alley, except during collection days as specified in Section 9.04.150

of this chapter. Containers shall be stored within an enclosure if an enclosure was required in connection with development approval or is otherwise provided on the premises.

(Ord. 3475 § 1 (part), 2006)

.04.170 Charges--Single-family and multiple dwelling residential. (a) Single-family residential rates apply to those franchised service areas of the unincorporated county based on the urban or rural solid waste service area. A franchisee shall charge a monthly fee, billed quarterly in advance, for collecting, transporting and disposing of solid waste and collecting and transporting recyclables at residential premises in urban and rural solid waste service areas as determined in accordance with Table 9.04.170A. The county manager, a franchisee and specific property owners in designated controlled areas may agree upon alternate collection schedules for specified test periods for the purpose of testing recycling options. Rural solid waste service area residential customers shall be limited to a maximum of fifteen cans per collection.

(b) Multiple Dwellings.

(1) A franchisee shall charge a monthly fee, billed quarterly in advance, for collecting, transporting and disposing of solid waste at multiple dwellings, and the individual living units therein, in urban and rural solid waste service areas, that is determined in accordance with Table 9.04.170A, regardless of whether any of the units are vacant.

Table 9.04.170A

Single-Family Duplex and Multiple Dwelling Rates

TABLE INSET:

Category	Collection Level	Monthly Fee (Billed Quarterly)*
Urban Service Area Single-Family Residence and Duplex	Twice per week solid waste, every 2 weeks recycling	\$11.82
Rural Service Area Single-Family Residence and Duplex	Once per week solid waste, every 2 weeks recycling	\$12.02
Urban Service Area Multiple Dwellings (regardless of unit	Twice per week solid	\$8.80 for 1st unit on a stop;\$6.15 for each additional unit on a stop

vacancies)	waste	
	Three times per week	\$13.20 1st unit;\$9.23 each additional unit
	Four times per week	\$16.13 1st unit;\$11.27 each additional unit
	Five times per week	\$19.07 1st unit;\$13.33 each additional unit
	Six times per week	\$22.00 1st unit;\$15.39 each additional unit
	Seven times per week	\$24.93 1st unit;\$17.45 each additional unit
Rural Service Area Multiple Dwellings (regardless of unit vacancies)	Once per week solid waste	\$8.99 for 1st unit on a stop;\$6.30 for each additional units on a stop

* Effective July 1, 2006, and subject to applicable CPI-U adjustments made pursuant to this chapter.

(2) Multiple dwellings shall provide a minimum of one 96-gallon mobile solid waste container, and shall be allowed no more than two 96-gallon mobile containers, for use by the occupants of the premises. Such premises generating solid waste in excess of two 96-gallon mobile containers will be required to replace the two mobile containers with one or more cubic-yard type containers sufficient to store the solid waste generated on the premises until its scheduled collection day to prevent overflow. Any overflow shall be subject to overflow charges in accordance with Section 9.04.205 of this chapter.

(Ord. 3475 § 1 (part), 2006)

9.04.180 Charges--Motels and mobile home parks. (a) For urban and rural solid waste service area motels, and the individual room units therein, and urban and rural solid waste service area mobile home parks with shared solid waste containers that do not receive individual curbside solid waste collection service at each mobile home, a franchisee shall charge a monthly fee, billed quarterly in advance, for collecting, transporting and disposing of solid waste as determined in accordance with Table 9.04.180A.

(b) For urban or rural solid waste service area mobile home parks that receive individual curbside solid waste collection service at each mobile home, which shall include the same heavy and bulky item pickup as that provided to single-family residences, the charges for collecting, transporting and disposing of

solid waste and curbside recyclables collection services shall be the same as for urban or rural single-family residences as set forth in Table 9.04.170A of this chapter.

Table 9.04.180A

Motels and Mobile Home Parks Rates

TABLE INSET:

Category	Collection Level	Monthly Fee (Billed Quarterly)*
Urban Service Area Motels and Mobile Homes (regardless of unit vacancies)	Twice per week solid waste	\$8.80 for each office; \$5.28 per unit with cooking facilities; \$4.24 per unit without cooking facilities
	Three times per week	\$13.20 office; \$7.92 per cooking unit; \$6.36/non-cooking
	Four times per week	\$16.13 office; \$9.68 per cooking unit; \$7.77/non-cooking
	Five times per week	\$19.10 office; \$11.44 per cooking unit; \$9.19/non-cooking
	Six times per week	\$22.00 office; \$13.20 per cooking unit; \$10.60/non-cooking
	Seven times per week	\$24.93 office; \$14.96 per cooking unit; \$12.00/non-cooking
Rural Service Area Motels and Mobile Homes (regardless of unit vacancies)	Once per week solid waste	\$8.99 for each office; \$5.38 for each unit
	Twice per week	May be available in certain areas at double the weekly rate

* Effective July 1, 2006, and subject to applicable CPI-U adjustments made pursuant to this chapter.

(c) Motels and mobile home parks with shared solid waste containers shall provide a minimum of one 96-gallon mobile solid waste container, and shall be allowed no more than two 96-gallon mobile containers, for use by the occupants of the premises. Such premises generating solid waste in excess of

two 96-gallon mobile containers will be required to replace the two mobile containers with one or more cubic-yard type containers sufficient to store the solid waste generated on the premises until its scheduled collection day to prevent overflow. Any overflow shall be subject to overflow charges in accordance with Section 9.04.205 of this chapter.

(Ord. 3475 § 1 (part), 2006)

9.04.190 Charges--Urban service area hotels, places of business and public buildings. (a) Except for the types of solid waste specified in Section 9.04.070 of this chapter, a franchisee shall charge for collecting, transporting and disposing of solid waste from hotels, places of business and public buildings in the urban solid waste service area a fee that is determined by the number and type of containers required by each such hotel, place of business or public building and by the number of collections from each per week in accordance with Tables 9.04.190A (billed quarterly in advance), 9.04.190B (billed monthly in advance) and 9.04.190C (billed monthly in arrears) of this section. A franchisee shall charge for collecting, transporting and disposing of compacted solid waste, from containers other than compaction-type drop boxes, three times the otherwise applicable charge.

(b) Each hotel, place of business or public building premises shall provide a minimum of one 96-gallon mobile container for depositing its solid waste, and shall be allowed no more than two 96-gallon mobile containers. Such premises generating solid waste in excess of two 96-gallon mobile containers shall replace the two mobile containers with one or more cubic-yard type containers, as listed in Table 9.04.190A, sufficient to store the solid waste generated on the premises until its scheduled collection day to prevent overflow. Any overflow shall be subject to overflow charges in accordance with Section 9.04.205 of this chapter.

Table 9.04.190A

Collection Charges (Monthly Rates Billed Quarterly*)

Urban Hotels, Places of Business and Public Buildings

TABLE INSET:

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-gal.	\$7.92	\$15.83	\$23.75	\$36.56	\$50.14	\$65.89	\$79.01

mobile container 1 container 1 additional container	7.92	15.83	23.75	36.56	50.14	26.31	31.66
1 cu-yd container 1 container each additional container	39.51 39.51	79.01 79.01	118.52 118.52	131.59 131.59	148.55 148.55	171.12 131.56	205.61 158.28
2 cu-yd container 1 container each additional container	79.15 79.15	158.28 158.28	237.42 237.42	250.68 250.68	271.73 271.73	302.69 263.11	363.87 316.55
3 cu-yd container 1 container each additional container	118.71 118.71	237.41 237.41	356.13 356.13	369.63 369.63	394.82 394.82	434.24 394.67	522.17 474.82
4 cu-yd container 1 container each additional container	158.28 158.28	316.55 316.55	474.83 474.83	488.59 488.59	517.92 517.92	565.80 526.19	680.41 633.12
6 cu-yd	237.41	474.82	712.23	726.49	764.11	828.90	996.98

container 1 container each additional container	237.41	474.82	712.23	726.49	764.11	787.44	947.14
8 cu-yd container 1 container each additional container	316.55 316.55	633.11 633.11	949.65 949.65	964.41 964.41	1,010.31 1,010.31	1,092.01 1,059.25	1,313.52 1,274.12

* Rates effective July 1, 2006, and subject to applicable CPI-U adjustments made pursuant to this chapter.

Table 9.04.190B

Collection Charges (Monthly Rates Billed Monthly*)

Contracted Solid Waste Compaction Type Drop Box Rates

TABLE INSET:

Compactor Size	One pull/ week	Two pulls /week	Three pulls/ week	Four Pulls/ week	Five pulls/ week	Six pulls/ week	Seven pulls/ week
10-cubic yard	\$1,756.06	\$2,347.56	\$3,216.32	\$3,493.39	\$3,770.48	\$4,047.56	\$5,915.89
17-cubic yard	2,172.63	2,868.06	4,042.42	4,441.49	4,840.53	5,239.61	6,976.12
26-cubic yard	2,434.93	3,392.67	4,829.31	5,228.36	5,627.42	6,026.48	7,894.24
36-cubic	2,873.22	3,831.02	5,267.51	5,722.61	6,177.69	6,632.87	8,500.66

yard							
Compactor Size	Eight pulls/ week	Nine pulls/ week	Ten pulls/ week	Eleven pulls/ week	Twelve pulls/ week	Thirteen pulls/ week	Fourteen pulls/ week
10-cubic yard	7,671.94	8,263.47	9,132.25	9,409.31	9,686.36	9,963.45	11,831.79
17-cubic yard	9,148.73	9,844.76	11,018.54	11,417.60	11,816.67	12,215.74	13,952.24
26-cubic yard	10,329.15	11,286.91	12,723.56	13,122.61	13,521.69	13,920.72	15,788.49
36-cubic yard	11,373.89	12,331.70	13,768.19	14,223.27	14,678.38	15,133.54	17,001.32

TABLE INSET:

On-Call Rates Per Pickup: (with regular service)*	Regular	Sunday/Holiday
Special pickup 0-49 yards	\$431.01	\$646.52
Special pickup 50-yards	828.83	1,243.24
Special pickup 75 yards	1,351.92	1,009.20
On-Call Rates Per Pickup: (without regular service)*		
On-call pickup 0-49 yards	672.80	1009.20

* Rates effective July 1, 2006, and subject to applicable CPI-U adjustments made pursuant to this chapter.

Table 9.04.190C

Collection Charges (Monthly Rates Billed Monthly*) Solid Waste Manual Type Drop Box

TABLE INSET:

On-Call Rates*: (with or without regular service)	Regular	Sunday/ Holiday
10 cubic yards	\$83.00	\$124.50
20 cubic yard	166.00	249.00
28 cubic yard	232.40	348.60
35 cubic yard	290.50	435.75
50 cubic yard	415.00	622.50

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

Monthly Rates*

All other rates shall be calculated as follows:

(Base Charge x number of yards of capacity x number of pickups per week x 52 weeks per year, divided by 12 months per year) + Daily Rent = Total monthly rate, where:

"Base Charge" for Monday--Saturday pickups = \$8.30 per cubic yard.

"Base Charge" for Sunday pickups = \$12.45 per cubic yard.

"Daily Rent" = \$18.53 per 24 hours or any part thereof after the first 72 hours, excluding Sundays.

Loughlin on-call manual type drop box rates are the same as above except the daily rental will be charged after seven days.

* Rates effective July 1, 2006, and subject to applicable CPI-U adjustments made pursuant to this chapter.

(Ord. 3475 § 1 (part), 2006)

9.04.200 Charges--Container rental and special one-time collections. Except for the types of solid waste specified in Section 9.04.070 of this chapter, a franchisee shall charge for container rentals and special one-time collection for single-family residences, multiple dwellings, places of business and public buildings in the urban solid waste service area a fee as set forth in Tables 9.04.200A and 9.04.200B of this section.

Table 9.04.200A

Residential and Commercial Container Rental Fees*

TABLE INSET:

Number and Size of Container	Monthly Charge
1 cubic yard	\$15.22
2 cubic yard	18.26
3 cubic yard	21.31
4 cubic yard	23.75
6 cubic yard	30.43
8 cubic yard	33.48
96 gal. mobile container	3.65

Table 9.04.200B

Special One-Time On-Call Collection Charges*

TABLE INSET:

Number and Size of Container	One Time Charge
1 cubic yard	\$29.75
2 cubic yard	39.65
3 cubic yard	49.57
4 cubic yard	59.46
6 cubic yard	69.39
8 cubic yard	79.30

Assorted Trash Pickup	134.88 including up to 1/2 hour round trip travel time
-----------------------	--

* Rates effective July 1, 2006, and subject to applicable CPI-U adjustments made pursuant to this chapter.

(Ord. 3475 § 1 (part), 2006)

9.04.205 Charges--Overflowing solid waste. (a) Any non-residential customer whose solid waste container or containers have overflowing solid waste prior to being emptied on collection day, shall be subject to an overflow charge in the amount set forth in Table 9.04.205A, pursuant to the provisions of this chapter.

(b) No overflow charges may be assessed:

(1) Unless:

(A) Written notice of an overflow, delivered by regular U.S. mail, e-mail, facsimile (fax), or personal delivery, has been provided to the owner or manager of the premises, and a subsequent overflow occurs at the premises within ninety days: (i) after such notice has been given; or (ii) after the last overflow charge has been assessed at the premises; and

(B) There is significant overflow from the container, as defined in this chapter and as evidenced by a photograph; and

(C) The overflow actually has been collected by the county or its franchisee.

(2) For overflow that is caused by a prior collection being missed or being performed improperly, or by containers being repositioned by a franchisee after collection such that a container is inaccessible to tenants of the premises resulting in overuse of and overflow occurring in another container.

(3) For overflow that is caused because the time of day of collection was more than four hours later than the time of day when the last regularly scheduled collection occurred.

(c) Overflow charges assessed pursuant to this chapter may be waived by the county manager, or his/her designee, or a franchisee if it is determined that the owner or manager of the premises has taken reasonable steps to avoid future overflows, including but not limited to increasing the container capacity and/or collection frequency on the premises, installing locks on the lids of containers and/or on access gates to curtail illegal dumping by third parties, or other property management measures designed to avoid overflows.

Table 9.04.205A -- Overflow Charges

TABLE INSET:

Overflow	Fee*
Per incident of overflowing solid waste at non-residential customer premises	\$30.00

* Rates effective July 1, 2006, and subject to applicable CPI-U adjustments made pursuant to this chapter.

(Ord. 3475 § 1 (part), 2006)

9.04.210 Charges--Medical waste. A franchisee's basic and additional service charges per container for preparation, collection, transportation and disposal of medical waste, and the charges for the optional purchase or rental of medical waste containers, shall be determined in accordance with Tables 9.04.210A and 9.04.210B of this section.

Table 9.04.210A

Medical Waste Collection Charges

TABLE INSET:

BASIC SERVICE CHARGES*					
Item	Size & Volume	Charge Per Item		Minimum Charge Per Service Call	
		Delivered	Picked Up	Prescheduled Once/Month Or Greater Frequency	On-call/Special Pickup
Bio-Hazardous Accumulation Containers	Medium 10-14 Gallons	\$4.78	\$4.78	\$27.26 (If total for containers delivered and picked up is less than \$27.26, then \$27.26 will be invoiced)	\$61.35 (If total for containers delivered and picked up is less than \$61.35, then \$61.35 will be invoiced)
	Large 27-32 Gallons	\$6.82	\$6.82		

	X-Large 48-50 Gallons	\$10.23	\$10.23		
--	-----------------------------	---------	---------	--	--

TABLE INSET:

ADDITIONAL SERVICE CHARGES*			
Charges for prescheduled once/month or greater frequency service:			
Type	Size Code	Container	Disposal Charge
Chemotherapy	Large	33 Gallon	\$ 33.65
	Extra Large	55 Gallon	59.71
Waste Disposal 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

TABLE INSET:

Charges for on-call / special pickups or special services:	
Item	Charge
Special pickups (after 5:00 p.m., same day requests, holidays, weekends or greater than 20 polyurethane containers per pickup)	\$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 \$10.86 Minimum
Over weight charge (Over 50 lbs.)	\$43.42 Per Container

* Rates effective July 1, 2006, and subject to applicable CPI-U adjustments made pursuant to this chapter.

Basic service provided Monday through Friday. If no medical waste pickup service is required, franchisee must be notified by two p.m. of the day prior to scheduled service or the minimum service fee will be charged.

Table 9.04.210B

Medical Waste Container Purchase or Rental

TABLE INSET:

PURCHASE OR RENTAL ITEMS (optional, if offered by franchisee)*				
Item	Size	Volume	Dimensions	Charge
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	50	43" x 48" (50)	13.03 plus tax

	Large(25 bags per roll)	Gallons	gallons)	
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 pickup charge of\$65.14 per hour does not apply to customers with trailer service, unless after hours or holiday pickups 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	

Medical waste charges specified in Tables 9.04.210A and 9.04.210B shall be the same for both urban and rural locations except that rural locations shall be subject to additional fees for travel time (after first hour) of\$88.52 for regular service and\$132.78 for Sunday/Holiday service.

* Rates effective July 1, 2005, and subject to applicable CPI-U adjustments made pursuant to this chapter.

(Ord. 3475 § 1 (part), 2006)

9.04.220 Charges--Rural service area hotels, places of business and public buildings. Except for the types of solid waste specified in Section 9.04.070 of this chapter, a franchisee shall charge for collecting, transporting and disposing of solid waste from rural service area hotels, places of business and public buildings a fee determined by the number and type of containers required by each such hotel, place of business or public building and by the number of collections from each per week in accordance with the Table 9.05.220A of this section. Each business or public building premises shall provide a minimum of one 96-gallon mobile container, and shall be allowed a maximum two 96-gallon mobile containers. Such premises generating solid waste in excess of two 96-gallon mobile containers will be required to provide for one or more cubic-yard containers sufficient to store the solid waste generated on the premises until

its scheduled collection day to prevent overflow. Any overflow shall be subject to overflow charges in accordance with Section 9.04.205 of this chapter.

Table 9.04.220A

Cost of Service (Monthly)*

Rural Service Area Hotels, Places of Business and Public Buildings

TABLE INSET:

Container	One Collection Per Week	Two Collections Per Week
Each 96-gallon container	\$8.86	\$16.22
Each 1 cubic yard container	\$40.40	\$80.59
Each 2 cubic yard container	\$80.81	\$161.44
Each 3 cubic yard container	\$121.24	\$242.26

Table 9.04.220B

Collection Charges (Monthly Rates Billed Monthly*)

Solid Waste Manual Type Drop Box

TABLE INSET:

On-Call Rates* : (with or without regular service)	Regular	Sunday/holiday
10 cubic yards	\$ 83.00	\$124.50
20 cubic yards	166.00	249.00
28 cubic yards	232.40	348.60
35 cubic yards	290.50	435.75

50 cubic yards	415.00	622.50
Additional fees for travel time (after first hour)	88.52 per hour	132.78 per hour

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

Monthly Rates*

All other rates shall be calculated as follows:

(Base charge × number of yards of capacity × number of pickups per week × 52 weeks per year, divided by 12 months per year) + daily rent = Total monthly rate, where:

"Base charge" for Monday--Saturday pickups =\$8.30 per cubic yard.

"Base Charge" for Sunday pickups =\$12.45 per cubic yard.

"Daily rent" =\$18.53 per 24 hours or any part thereof after the first 72 hours, excluding Sundays.

Two collections per week service may not be available in every rural town.

Additional commercial service and compaction or baled solid waste rates will be charged on an individual basis.

Compacted solid waste will be billed at a ratio of three-to-one in accordance with the size of the container and frequency of service.

Container rental fees in the rural service area shall be the same as in the urban service area as specified in Table 9.04.210A.

* Rates effective July 1, 2006, and subject to applicable CPI-U adjustments made pursuant to this chapter.

(Ord. 3475 § 1 (part), 2006)

9.04.230 **Charges--Sewage waste.** A franchisee shall charge for sewage waste disposal service the rates listed in Table 9.04.230A. Additional terms and conditions for collection, transportation and disposal of sewage waste shall be specified in a separate sewage waste agreement.

Table 9.04.230A

Sewage Waste Charges*

TABLE INSET:

Sewage Waste Disposal Service	Fee
Per wet ton using franchisee equipment to accumulate, collect and transport waste	\$17.68
Per wet ton using county/city equipment to store waste prior to franchisee transporting	16.75

* Rates effective July 1, 2006, and subject to applicable CPI-U adjustments made pursuant to this chapter.

(Ord. 3475 § 1 (part), 2006)

9.04.240 **Charges due and payable.** (a) To ensure that the handling and disposing of solid waste is performed in a uniform, safe and sanitary manner, it shall be mandatory for any person owning, occupying or managing any premises in the county which are connected to one or more utility service (natural gas, electricity or water) to subscribe to solid waste collection service provided by the county or its authorized franchisee and to pay the charges established by the board; provided, however, that residents of single-family residences may dispose of their own solid waste at a lawful disposal facility operated by the county or franchisee in lieu of participation in the franchised collection service, in which case the resident must provide a receipt from such an authorized disposal facility on a quarterly basis to the solid waste service area franchisee as proof of payment for solid waste disposal. No person may discontinue paying for solid waste collection service for his or her premises unless such premises are not connected to any utility service for the entire billing period or unless a single-family resident provides proof of disposal at a lawful disposal facility as provided in this subsection.

(b) In order to discontinue paying for solid waste collection service pursuant to subsection (a) of this section, a person must request discontinuation of service and provide proof that no utility service is connected to the premises. No fee may be charged to discontinue or reestablish service to the premises after service has been discontinued pursuant to this subsection.

(c) All charges for regular or periodic services provided by the county, its franchisees, or their duly appointed agents, pursuant to this chapter and as established by the board, shall be billed on the first business day of the quarterly or monthly billing period, as applicable, and shall be due and payable on the last day of the applicable billing month; provided, however, that charges for on-call service may be billed at the time of service.

(d) A customer shall be entitled to a refund of any advance payment for service he or she has made upon presenting proof that connection to utility services did not exist at the customer's premises during the entire billing period for which the advance payment was made. All refunds from a franchisee to a customer shall be paid within thirty days from the date of the customer's request for reimbursement or date of franchisee's knowledge that a refund is owed.

(e) No person shall accept and no franchisee shall offer or give any solid waste collection, transportation and disposal services or curbside recyclables collection services without charge, or shall offer or give a discount, refund, or rebate of the charges for solid waste service established by the board, except that this provision does not apply to any credits or refunds issued pursuant to subsection (D) of this section or Section 9.04.270, charitable organizations which are exempt from federal income tax pursuant to Section 501(c) of the Internal Revenue Code and as provided by a franchise agreement.

(Ord. 3475 § 1 (part), 2006)

9.04.250 Failure to pay charges when due--Penalty. If any person fails to pay the charges established by the board by the date they become due and payable, a penalty shall be added thereto of three dollars per quarter for residential accounts and two percent per month (or fraction thereof) of the delinquent amount for commercial accounts.

(Ord. 3475 § 1 (part), 2006)

9.04.260 Rate changes. (a) The rates and charges established by the board, including but not limited to urban and rural rates, shall be adjusted annually based upon the percentage of change in the CPI-U.

(b) Rate adjustments shall be made effective as of July 1, each year and shall be based upon the percentage change in the annual average of the CPI-U for the twelve-month period ending December 31, immediately preceding the effective date of the rate adjustment.

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

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

(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 a given consecutive twelve-month period, the board may consider and may approve a method for adjusting rates which is not based on changes to the CPI-U. In any year following a period when the adjustment to rates was based on some other method, rate adjustments shall again be based on changes in the CPI-U. A minimum of one annual rate adjustment based on the CPI-U method must occur between annual rate adjustments based on methods other than the CPI-U method.

(Ord. 3475 § 1 (part), 2006)

9.04.270 **Customer service and repair standards.** The following customer service and repair standards shall apply to each franchisee:

(a) The franchisee shall be required to implement a complaint resolution procedure to handle all complaints received by either the county or the franchisee, which shall include the following:

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

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

(b) If the county is not satisfied with the franchisee's proposed resolution of a complaint, the county manager or his/her designee shall have the authority to direct the franchisee to resolve the complaint in a manner that is satisfactory to the county.

(c) Upon request, the franchisee shall provide the county with a written monthly report, in a form satisfactory to the county, summarizing the complaints received by the franchisee and the resolutions thereof for the preceding month.

(d) Standards for repair or replacement of containers.

(1) If a solid waste container supplied by a franchisee to a non-residential customer receives damage caused by the franchisee's own actions or through normal wear and tear, the franchisee shall, at its own cost, fix or replace the container no later than seven calendar days after the franchisee has been notified of the damage.

(2) If a solid waste container supplied by a non-residential customer, which is being properly used, receives damage due to a franchisee's negligence or misconduct, the franchisee shall, at its own cost, fix or replace the container no later than seven calendar days after the franchisee has been notified of the damage.

(3) For purposes of this section, a franchisee shall be deemed to have been notified that a container has been damaged when a franchisee's collection worker arrives to collect the solid waste from a container and finds the container damaged, or when a premises owner or manager notifies the franchisee in writing that a container is damaged, whichever occurs first.

(e) If a franchisee misses or improperly performs a scheduled collection for a non-residential customer, resulting in solid waste that the customer has properly put out for collection not being collected, within twenty-four hours of receiving notice of such missed or improper collection the franchisee shall send a second vehicle to the premises to properly collect such solid waste.

(f) If a franchisee fails to fix or replace a damaged solid waste container owned or rented by a non-residential customer, or correct a missed or improper collection, or properly position a container for a non-residential customer, in accordance with this section, the franchisee shall automatically issue a pro-rata credit to such customer's account until the damaged or misplaced container is serviceable or properly placed, or for the missed or improper collection, based on the charges for regularly scheduled collection service to the premises for the applicable billing period, regardless of whether the customer makes any request for such a credit.

(Ord. 3475 § 1 (part), 2006)

9.04.280 Telephone answering standards. (a) Each franchisee shall at all times maintain a telephone answering system that measures the:

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

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

(b) Upon request, the franchisee shall provide the county with a written monthly report, in a form satisfactory to the county, summarizing the average wait time, the number of dropped calls and the percentage of time during which all lines were busy during the preceding month.

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

(d) Each report required by this section shall include a summary of whether the franchisee is or is not in compliance with the agreed upon standards established pursuant to this section and, if the franchisee is not in compliance, what actions the franchisee will take to meet the standards in future months.

(Ord. 3475 § 1 (part), 2006)

9.04.290 Solid waste to be deposited only at authorized disposal sites. All solid waste and hazardous waste collected from the public and private places and premises in the county shall not be deposited at any place within the county limits, except at a materials recovery facility or solid waste disposal facility legally authorized by the solid waste management authority having jurisdiction over such facility.

(Ord. 3475 § 1 (part), 2006)

9.04.300 Free disposal of solid waste at authorized disposal sites. Any person may dispose of solid

waste at any authorized solid waste disposal site subject to the rules, rates and fees established for such site, provided, however, that:

(a) Any Clark County resident of a single-family, duplex or mobile home premises (that has individual collection service) who is a current customer of a franchisee may dispose of the solid waste generated at his or her own single-family, duplex or mobile home premises dwelling at any authorized disposal site within the urban solid waste service area owned or operated by the franchisee or county without charge upon presentation of a current quarterly bill for residential solid waste service from the franchisee and valid government-issued photo identification, such as a current Nevada driver's license, and in accordance with such other rules and regulations as the board may from time to time adopt.

(b) Disposal of solid waste at disposal sites operated by a franchisee in rural solid waste service areas is subject to such conditions, charges and fees as may be established by the franchisee.

(Ord. 3475 § 1 (part), 2006)

9.04.310 Solid and hazardous waste a nuisance. Solid waste and hazardous waste as defined in this chapter and for the purposes of this chapter are a nuisance per se.

(Ord. 3475 § 1 (part), 2006)

9.04.320 Penalty for violation. (a) Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and penalized as follows:

(1) Upon conviction of a first offense shall be sentenced to pay a fine of not less than two hundred dollars nor more than one thousand dollars, and/or to imprisonment for not more than six months in the county jail.

(2) Upon conviction of a second offense shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and/or to imprisonment of not more than six months in the county jail.

(3) Upon conviction of a third offense shall be sentenced to pay a fine of not less than one thousand dollars and be imprisoned for a minimum of ten days in the county jail, not to exceed six months.

(b) Every day that a violation occurs, exists, or is allowed to exist or continue shall constitute a separate offense.

(Ord. 3475 § 1 (part), 2006)

9.04.330 Injunctive relief. The county, in addition to the remedies and penalties above named, may

seek injunctive relief against any violator of this chapter, with or without prior notice, to prevent or correct any solid waste, hazardous waste or recyclable materials problem.

(Ord. 3475 § 1 (part), 2006)

9.04.340 Rights of owners to dispose of recyclable materials. Nothing in this chapter shall limit the right of any person to donate, sell, or otherwise legally dispose of his or her source-separated recyclable materials.

(Ord. 3475 § 1 (part), 2006)

9.04.350 Rights of county to dispose of solid waste. Nothing in this chapter shall limit the right of the county to collect, transport, process or dispose of any solid waste, hazardous waste or recyclable material, including the operation of transfer stations and recycling centers.

(Ord. 3475 § 1 (part), 2006)