

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

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

(Ord. 5733 § 2, 2004)

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

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

"Compacted solid waste" means solid waste reduced by mechanical equipment, in volume but not weight, by a minimum ratio of three to one.

"Construction or demolition waste" means solid 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.

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

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

"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.

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

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

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

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

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

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

"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.

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

- (A) Because of its quantity or concentration or its physical, chemical or infectious characteristics may:
 - (1) Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness; or

(2) 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; and

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

"Materials recovery facility" means a facility 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 source-separated recyclables;

(B) A facility 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 recyclables; and

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

"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:

(1) Biological products;

(2) Diagnostic specimens;

(3) 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;

(4) 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;

(5) 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;

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

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

"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.

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

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

"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 9.08.100(E)), 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 solid waste from the ground.

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

"Premises" means a nonresidential or residential lot, including any buildings, improvements, and personal property located thereon.

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

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

"Recyclables" or "recyclable materials" has the same meaning as "recyclable material," as that term is defined in the Southern Nevada Health District's Regulations Governing Recycling Centers, as amended.

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

"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.

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

"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.

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

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

"Solid waste" means all putrescible and nonputrescible materials in solid or semisolid 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, medical waste, sewage waste, commingled recyclables 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) Source-separated recyclables.

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

"Unforeseen economic circumstance" means:

- (A) A percentage change in the CPI-U for a given twelve-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) 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.

(Ord. 5894 § 1, 2007; Ord. 5733 § 3, 2004)

9.08.030 Collection of waste 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 City, the Southern Nevada Health District, the State of Nevada and the Federal Government.

(Ord. 5894 § 2, 2007: Ord. 5733 § 4, 2004)

9.08.040 Depositing on private or public premises or ways unlawful.

(A) It is unlawful for any person to:

(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.

(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 container of another person within the City, except as may be provided for in this Chapter.

(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.

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

(Ord. 5894 § 3, 2007: Ord. 5733 § 5, 2004)

9.08.050 Burning waste unlawful--Exceptions. 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 other public grounds or upon any private property, within the City, unless a written permit to do so shall first have been secured from the Department of Fire and Rescue; provided, however, that solid waste and infectious waste may be burned in an incinerator duly approved by the Department of Fire and Rescue and the Department of Building and Safety.

(Ord. 5894 § 4, 2007: Ord. 5733 § 6, 2004)

9.08.060 Collection by other than authorized contractor unlawful--Exceptions. Except in case of an emergency declared by the City Manager under Section 9.08.070, it is unlawful for any person, other

than the City, a franchisee or their duly appointed agents to collect or transport any solid waste, or provide curbside recyclables collection service; provided, however, that:

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

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

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

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

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

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

(G) A charitable organization qualified as such under the Federal Internal Revenue Code may collect source-separated recyclables from any premises at the express request of the owner, tenant or occupant and may transport those recyclables to drop-off centers or recycling centers.

(Ord. 5894 § 5, 2007; Ord. 5733 § 7, 2004)

9.08.070 Emergency collection--Provisions.

(A) In the event of an interruption in the collection, transportation or disposal of solid waste and recyclables by the City or its franchisees, 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 and recyclables. This Section is intended to provide for the emergency collection, transportation and disposal of solid waste and recyclables 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) In the event of an interruption in the collection, transporting or disposal of solid waste and recyclables by the City or its franchisees, the City Manager may declare an emergency.

(C) If the City Manager declares an emergency under Subsection (B) of this Section, the provisions of Section 9.08.060 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 City 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 or receptacles which will not permit access by flies or animals or constitute a fire hazard; and

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

(Ord. 5733 § 8, 2004)

9.08.080 Interference with containers unlawful.

(A) It is unlawful for any person other than the owner, the City 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 City or a franchisee.

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

(Ord. 5894 § 6, 2007; Ord. 5733 § 9, 2004)

9.08.090 Transportation of waste--Regulations. 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, within industry standards and in accordance with NRS Chapter 484, 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. 5894 § 7, 2007; Ord. 5733 § 10, 2004)

9.08.100 Containers--Responsibility to provide--Placement.

(A) Every person owning or managing any premises, except as otherwise provided in Subsection (E) of this Section, shall provide one or more containers sufficient for the depositing of all solid waste from the

premises. A solid waste franchisee may rent solid waste containers to its customers pursuant to the rates specified in this Chapter, but the responsibility for placement of such rented containers remains with the person owning or managing the premises.

(B) 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.

(C) On any single-family or duplex residential 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, or within any front yard as defined in the zoning regulations of the City; provided, however, that such containers may be placed within such area, except for traffic lanes, for the purpose of the collection of solid waste and recyclables no earlier than two p.m. on the day prior to the designated collection day, and that such containers must be removed from the right-of-way no later than midnight of the collection day.

(D) On any multiple dwellings, 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. Containers shall be stored within an enclosure if an enclosure was required in connection with development approval or is otherwise provided on the premises. The construction of container enclosures is encouraged, if such construction was not required in accordance with a development approval. To the extent reasonably possible, development plans and approvals concerning the construction of container enclosures shall be coordinated with the solid waste franchisee.

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

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

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

(Ord. 5894 § 8, 2007; Ord. 5733 § 11, 2004)

9.08.110 Containers--Construction.

(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. Each

residence with individual curbside collection service shall also be permitted to use the types and sizes of containers listed in Section 9.08.160, Table A.

(B) Except for manual type drop-box containers listed in Section 9.08.160, Table C, all solid waste containers shall be constructed watertight and shall be provided with handles and tight-fitting covers. Each such container and cover shall be made of a material approved for such use by the City. 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) It is unlawful for a non-residential customer to place out for collection a container which has overflowing solid waste.

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

(Ord. 5894 § 9, 2007; Ord. 5733 § 12, 2004)

9.08.120 Removal by authorized persons only.

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

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

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

(3) 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 recyclables from the drop-off center or recyclables that have been bundled, boxed, tied or otherwise collected and placed adjacent to the drop-off center.

(Ord. 5894 § 10, 2007; Ord. 5733 § 13, 2004)

9.08.130 Waste to be placed in container--Exceptions.

(A) All solid waste shall be placed in a container; provided, however, that:

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

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

(B) Items bundled pursuant to this Section shall not exceed six feet in length nor weigh more than fifty pounds.

(Ord. 5894 § 11, 2007; Ord. 5733 § 14, 2004)

9.08.135 Minimum container requirements--Non-residential customers.

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. 5894 § 12, 2007)

9.08.140 Collection charges--Single-family, duplexes and multiple dwellings.

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

TABLE INSET:

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.

(Ord. 5894 § 14, 2007)

9.08.150 Collection charges--Motels and mobile home parks.

(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:

TABLE INSET:

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

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

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

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

(Ord. 5894 § 16, 2007)

9.08.160 Collection charges--Places of business and public buildings.

(A) For places of business and public buildings, the charge for collecting, transporting and disposing of solid waste shall be determined by the number and type of containers required by each such place of business or public building and by the number of collections from each per week in accordance with Tables A, B and C that are included within this Section. The charge for collecting, transporting and

disposing of compacted solid waste from containers other than compaction-type drop boxes shall be three times the otherwise applicable charge.

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

- (1) Table A shall be billed quarterly in advance.
- (2) Table B shall be billed monthly in advance.
- (3) Table C shall be billed monthly in arrears.

Section 9.08.160 Table A

Monthly Collection Charges*

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-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	\$79.15	\$158.28	\$237.42	\$250.68	\$271.73	\$302.69	\$363.87
First container	\$79.15	\$158.28	\$237.42	\$250.68	\$271.73	\$263.11	\$316.55
Each additional container							
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	\$316.55	\$633.11	\$949.65	\$964.41	\$1,010.31	\$1,059.25	\$1,274.12

container							
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* 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

TABLE INSET:

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	\$7,671.94	\$8,263.47	\$9,132.25	\$9,409.31	\$9,686.36	\$9,963.45	\$11,831.7

container							9
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

TABLE INSET:

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*

TABLE INSET:

On-Call Charges (with or without regular service)	Regular	Sunday/Holiday
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 × number of yards of capacity × number of collections per week × 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.

(Ord. 5894 § 18, 2007)

9.08.170 Containers--Rental charges. The charges for container rentals for any premises, which shall be billed quarterly in advance, shall be as follows:

TABLE INSET:

Container Size	Monthly Charge*
1 Cubic-Yard Container	\$15.22

2 Cubic-Yard Container	18.26
3 Cubic-Yard Container	21.31
4 Cubic-Yard Container	23.75
6 Cubic-Yard Container	30.43
8 Cubic-Yard Container	33.48
Up to 96-gallon Mobile Container	3.65

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

(Ord. 5894 § 19, 2007; Ord. 5733 § 18, 2004)

9.08.180 Collection charges--One-time collections. The charges for special one-time collections for any premises, which may be billed at the time of service as on-call services, shall be as follows:

TABLE INSET:

Container Size	One-Time Charge*
1 Cubic-Yard Container	\$29.75
2 Cubic-Yard Container	39.65
3 Cubic-Yard Container	49.57
4 Cubic-Yard Container	59.46
6 Cubic-Yard Container	\$69.39
8 Cubic-Yard Container	79.30

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

(Ord. 5894 § 20, 2007; Ord. 5733 § 19, 2004)

9.08.185 Collection charges--Overflow.

(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.

(B) No overflow charges may be assessed unless:

(1) Written notice of an overflow, delivered by regular U. S. mail, e-mail or 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 after:

(a) Such notice has been given; or

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

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

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

(C) No overflow charge may be assessed for an 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.

(D) No overflow charge may be assessed for an 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.

(E) Overflow charges assessed pursuant to this Section may be waived by the City Manager, or his or her designee, or by 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 or collection frequency, installing locks on the lids of containers or on access gates to curtail illegal dumping by third parties, or other property-management measures designed to avoid overflows.

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

(Ord. 5894 § 21, 2007)

9.08.190 Collection charges--Medical waste. 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*

TABLE INSET:

(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)					
		Price Per Item		Minimum Charge Per Service Call	
Item	Size & Volume	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*

TABLE INSET:

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*

TABLE INSET:

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.

(Ord. 5894 § 23, 2007)

9.08.200 Collection charges--Sewage waste. The charge for sewage-waste service shall be 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.

(Ord. 5894 § 24, 2007; Ord. 5733 § 21, 2004)

9.08.205 Collection charges--Deregulated for specified categories.

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

(Ord. 5894 § 25, 2007)

9.08.210 Mandatory service--Billings--Penalties.

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

(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 electric utility service to the premises is provided. No fee may be charged to discontinue service or to 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 City, its franchisees, or their duly appointed agents pursuant to this Chapter 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 billing month; provided, however, that charges for on-call service may be billed at the time of service. All charges for services under this Chapter, including the penalties for delinquent payment, shall constitute a debt and

obligation of the legal owner of the premises to the City or its franchisee, and such person shall be liable therefor in a civil action commenced by the City or its franchisee in any court of competent jurisdiction for the recovery of such charges and penalties.

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

(E) A customer shall be entitled to a refund of any advance payment for service he or she has made upon presenting proof that a connection to an electric utility service 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.

(F) 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 any charge authorized by this Chapter, except that this provision does not apply to any credits or refunds issued pursuant to Section 9.08.340, charitable organizations which are exempt from federal income tax pursuant to Section 501(c) of the Internal Revenue Code or as further provided by franchise agreement.

(Ord. 6025 § 1, 2009; Ord. 5894 § 26, 2007; Ord. 5733 § 22, 2004)

9.08.220 Additional charges--Pass through of State license taxes.

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

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

- (1) The amount of taxes paid during the prior calendar year;
- (2) How such taxes were calculated including the number of employees upon which such taxes were based;
- (3) The number of customers in the City served by the franchisee during the prior calendar year;
- (4) The total pass-through tax charges collected from customers during the prior calendar year; and

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

(Ord. 5733 § 23, 2004)

9.08.230 Delinquent charges and penalties--Lien. All solid waste collection charges authorized and established by this Chapter, including any penalties assessed under Section 9.08.210, shall constitute a lien upon the real property of the premises served until such charges have been paid. Such lien shall be enforced in the manner specified in NRS 444.520.

(Ord. 5894 § 27, 2007; Ord. 5733 § 24, 2004)

9.08.240 Charges--Periodic adjustments.

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

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

(C) Annual increases to 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 (no change) to ten percent and shall be done 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; and

(2) When the percentage change is between six and one-half percent and ten percent, the 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 charges which is not based on changes to the CPI-U. In any year following a period when the adjustment to charges was based on some other method, charge adjustments shall again be based on changes in the CPI-U.

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

(Ord. 5894 § 28, 2007; Ord. 5733 § 25, 2004)

9.08.250 Franchise fee.

(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 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 charges charged to its customers, not as a separate charge that is additional to the general service 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.

(Ord. 5894 § 29, 2007; Ord. 5733 § 26, 2004)

9.08.260 Deposit of waste at disposal site. 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.

(Ord. 5894 § 30, 2007; Ord. 5733 § 27, 2004)

9.08.270 No charge for waste deposit at disposal site--Restrictions.

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

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

(Ord. 5894 § 31, 2007; Ord. 5733 § 28, 2004)

9.08.280 Violation--Penalty. The City, 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. 5733 § 29, 2004)

9.08.290 Recyclable materials--Sale or donation by owner. Nothing in this Chapter shall limit the right of any person to donate or sell his or her source-separated recyclable materials.

(Ord. 5733 § 30, 2004)

9.08.295 Alternative collection schedules--Recycling programs.

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

(Ord. 5894 § 32, 2007)

9.08.300 City's right to collect and dispose of waste. Nothing in this Chapter shall limit the right of the City 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. 5733 § 31, 2004)

9.08.310 Declaration of nuisance. Solid waste and hazardous waste, as defined in Section 9.08.020 and for the purpose of this Chapter, are a nuisance per se.

(Ord. 5733 § 32, 2004)

9.08.320 Franchisee--Customer service--Complain resolution. The following customer service 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 City or the franchisee. The complaint resolution procedure 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 City with a written report detailing why resolution could not be reached within that period, the actions that will be taken to resolve the complaint and the timeline to reach a resolution of the complaint.

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

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

(Ord. 5894 § 33, 2007; Ord. 5733 § 33, 2004)

9.08.330 Franchisee--Customer service--Telephone answering system.

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

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

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

(D) 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

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

(E) Upon request, a franchisee shall provide the City with a written monthly report regarding its telephone answering system, in a form satisfactory to the City, 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.

(F) During normal business hours as specified in Subsection (C) of this Section, a franchisee shall meet the following minimum standards for its telephone answering system at least ninety percent of the time, measured monthly:

- (1) Telephone answering time, including wait time, shall not exceed sixty seconds.
- (2) No more than five percent of incoming customer service callers shall receive a busy signal.

(G) Each monthly report required by Subsection (E) of this Section shall include a summary of whether the franchisee is or is not in compliance with the standards established pursuant to Subsection (F) of this Section and, if the franchisee is not in compliance, what actions the franchisee will take to meet the standards in future months.

(Ord. 5894 § 34, 2007; Ord. 5733 § 34, 2004)

9.08.340 Franchisee--Customer service--Miscellaneous items.

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

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

- (1) The date on which the franchisee receives oral or written notice of the damage; or
- (2) The first regularly scheduled collection day after the damage has occurred.

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

- (1) Fix or repair such container, at its own cost, no later than seven calendar days after it has notice of the damage;
- (2) Be deemed to have missed each collection that is regularly scheduled from the date on which the franchisee has notice of the damage until such time as the container is fixed or replaced; and
- (3) Automatically issue a credit to the customer for each missed pickup in accordance with Subsection (E) of this Section.

(D) If a franchisee misses or improperly performs a collection for a non-residential customer for any reason other than a container being damaged beyond proper use, resulting in solid waste that the customer has properly put out for collection not being collected, the franchisee shall, within twenty-four

hours of receiving notice of such missed or improper collection, send a second vehicle to the premises to properly collect such solid waste.

(E) If a franchisee fails to fix or replace a container damaged beyond proper use as required by this Section, or to correct a missed or improper collection for a non-residential customer as required by this Section, the franchisee shall automatically issue a prorated credit to such customer's account, 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. 5894 § 35, 2007)