

8.20.010 Provision for collection and disposal of garbage.

The city council of the city of North Las Vegas may, by contract or otherwise, or in any manner said council may deem necessary for the health, safety and welfare of said inhabitants, provide for the collecting and disposal of garbage, rubbish, dirt, and dead animals and other refuse from residences, multiple dwellings with or without kitchen facilities, places of business and public buildings, at the expense of the city or otherwise. (Ord. 897 § 1 (part), 1988: prior code § 4.04.010)

8.20.020 Contractor subject to rules.

Any person, firm or corporation entering into a contract with the city for the collecting, hauling and disposal of garbage, rubbish, dirt and dead animals in said city shall do so subject to the rules and regulations of the district health department, Clark County and of such ordinances and amendments of ordinances as the city may, from time to time, enact. (Ord. 897 § 1 (part), 1988: prior code § 4.04.020)

8.20.030 Applicability of chapter.

A. This chapter and the provisions contained herein shall apply to every area and facility in the city, including, but not limited to the following: hotels, places of business, public buildings, auto courts, mobilehome parks, multiple residential units with any number of apartments and residential single-family dwellings.

B. The amendments adopted June 1, 1988 are effective January 1, 1989. (Ord. 897 § 1 (part), 1988: prior code § 4.04.025)

8.20.040 Definitions.

"Additional refuse" means refuse and garbage from single-family residences that cannot be contained in a single receptacle, the dimensions of which do not exceed a capacity of thirty-three (33) gallons, or four and forty-one hundredths cubic feet. "Additional refuse" includes, but is not limited to, stoves, refrigerators, furniture and hot water heaters. "Additional refuse" does not include loose materials such as soil, sand and rocks or whole mature trees or telephone poles.

"Additional refuse service" means the pickup, collection and removal of those items defined as additional refuse.

"Dead animals" means all small dead animals or parts thereof (including condemned meats) and not intended to be used as food for man or animal that weigh less than seventy-five (75) pounds.

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

"Garbage" means refuse, animal or vegetable matter from a kitchen, market or store, including every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that attends preparation,

use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, and all foul, noisome and filthy substances.

"Garbage," "rubbish," "dirt" and "dead animals," as defined and for purposes of this chapter, are declared to be nuisances per se.

"Garbage transfer station" means a facility used for the temporary storage and processing of garbage, rubbish, dirt and dead animals for later transportation to a garbage dump site or landfill area.

"Multiple dwellings" means two or more family unit constructions (including apartments, motels, trailer courts and auto courts) grouped together under the management of one person, firm or corporation.

"Place of business" means any place of business in the city of North Las Vegas licensed by said city, other than multiple dwellings, to conduct or carry on principally or exclusively any pursuit of occupation for the purpose of gaining a livelihood.

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

"Residence" means a building or dwelling wherein not more than one family resides or dwells, and where no business of any kind is conducted.

"Rubbish" means old tin, aluminum and iron cans and containers, old wood and paper boxes, old metals, wire, rope, cordage, bottles, bags, and bagging, rubber and rubber tires, paper wood shavings, and all used or cast off articles or materials, including old plaster, brick, cement, glass, old building materials, leaves and yard trimmings including tree trimmings.

"Unforeseen economic circumstance" means that the percentage change in the Consumer Price Index, All Urban Consumers, U.S. City Average (CPI-U), as published by the Bureau of Labor Statistics, Washington, D.C., for a given calendar year ending in December is greater than ten (10) percent or below zero (decrease); or that some occurrence beyond the franchisee's reasonable control, or an action by a governmental jurisdiction, or if the city council finds that economic occurrences during that period have caused specific additional economic costs for the franchisee which are not reflected in changes to the CPI-U during that same time period. (Ord. 1305 § 1 (part), 1999; Ord. 897 § 1 (part), 1988; Ord. 673 § 1 (part), 1981: prior code § 4.04.030)

8.20.050 Unlawful to deposit garbage on premises of another.

It is unlawful for any person to throw or cause to be thrown or deposited upon the premises or in the garbage receptacle of another, any garbage, rubbish, dirt or dead animal. (Ord. 897 § 1 (part), 1988: prior code § 4.04.040)

8.20.060 Unlawful to deposit garbage on street.

It is unlawful for any person to throw or deposit or cause to be thrown or deposited, on any street, alley, gutter or highway within the limits of the city, any dirt, rubbish, garbage, or dead animal. (Ord. 897 § 1 (part), 1988: prior code § 4.04.050)

8.20.070 Burning of garbage--Permit required.

It is unlawful for any person for the purpose of burning garbage, rubbish, dirt or dead animals, to kindle or maintain any bonfire or knowingly furnish the materials for any such fire or to authorize any such fire to be kindled or maintained in any garbage or rubbish receptacle, or to burn garbage, rubbish, dead animals, or dirt in a garbage or rubbish receptacle, or on any street, alley, road, or land either public or private within the city, unless a written permit to do so shall first have been secured from the city fire department; provided, however, that rubbish of a combustible nature may be burned in an incinerator duly approved by the fire chief. (Ord. 897 § 1 (part), 1988: prior code § 4.04.060)

8.20.080 Unlawful to convey garbage or interfere with receptacles.

A. It is unlawful for any person, firm or corporation other than the city or its agents or contractors, or their employees, to collect within the city and haul, convey or transport any garbage, rubbish, dirt, or dead animals over or through the public streets or alleys of the city, or interfere in any manner with any receptacles containing garbage, rubbish, dirt or dead animals, or to remove any such receptacles from the location where placed by the owner thereof, or to remove any of the contents of such receptacles; provided, however, that construction and excavation debris and waste may be removed by any duly licensed building contractor and further, that (private) individual persons for noncommercial purposes and not for pecuniary profit may remove, convey and transport rubbish only, as defined in this chapter, from their residences to a city- or contractor-owned and/or operated dumping ground.

B. To ensure the uniform, safe and sanitary treatment of garbage in the city, it shall be mandatory that any person owning, occupying or managing any premises in the city which produces or generates garbage subscribe to garbage collection services by the city or its authorized contractor and pay the charges therefor prescribed by Section 8.20.140 of this chapter. (Ord. 897 § 1 (part), 1988: prior code § 4.04.070)

8.20.090 Free dumping of home-originated solid waste.

Any resident of the city whose account is paid and current, may deposit home-originated solid waste at the county landfill or transfer station, whether the same is operated by Clark County or by private contractor, without charge, in accordance with such rules and regulations as the board of county commissioners may, from time to time adopt, and in accordance with rules and regulations as the city council may from time to time adopt. (Ord. 897 § 1 (part), 1988: prior code § 4.04.072)

8.20.100 Garbage collection vehicle restrictions.

It is unlawful to use any cart or vehicle for the conveyance or removal of garbage, dirt or dead animals unless the said cart or vehicle is staunch, tight and closely covered with a wooden, metal or tarp cover

so as to wholly prevent leakage, sifting, spilling, drifting, blowing or smell; or to use any cart or vehicle for the conveyance or removal of dirt or rubbish unless the cart or vehicle is provided with a canvas cover securely fastened over the top thereof, and be so constructed as to prevent sifting, spilling, drifting, or blowing the deposit of such dirt or rubbish or any portion thereof, in or upon the streets through which said cart or vehicle may be driven. (Ord. 897 § 1 (part), 1988: prior code § 4.04.080)

8.20.110 Receptacles.

A. Every person, firm, association or corporation owning or managing any place of business, public building, multiple dwelling or residence, except as provided in Section 8.20.150 of this chapter, shall provide a receptacle or receptacles sufficient for the deposit of all garbage, rubbish and/or dirt from his, or its or their, premises and shall on each collection day as prescribed by the city or its contractor, place said receptacle or receptacles adjacent to the alley adjoining his premises, or, if there is no alley, shall place said receptacle or receptacles in an accessible location, adjoining his place of business, public building, multiple dwelling, or residence no more than six hours prior to the regular collection day established in the area of such location.

B. No single receptacle shall have a capacity in excess of ninety-six (96) gallons; and no person shall remove any such garbage, rubbish, or dirt from such receptacles after it has been deposited therein except the city, its authorized agents or contractors, or their employees. All such receptacles shall be provided with proper tight-fitting covers and it is a violation of this chapter to use any receptacle not provided with proper lid.

C. All receptacles must be returned to its proper storage area by twelve noon of the following day after pickup. Storage of all receptacles excepting cubic containers or dumpsters must be stored out of plain view from the public right of way or in the rear yard. Storage of cubic containers or dumpsters must be stored in an enclosed area. Each and every garbage dumpster must be marked with twelve (12) inch numbers designating the correct address of the property it serves. Each and every canister type trash receptacle must be marked with four to six inch numbers designating the correct address of the property it serves.

D. Except as provided below, each garbage receptacle shall be constructed water tight and shall be provided with handles and tight-fitting cover. Each such receptacle and cover shall be made of metal or other material as may be approved for use by the district health department, Clark County. Cover shall not be removed except when necessary to place garbage therein or to remove garbage therefrom. Each receptacle and its cover shall be kept clean from accumulating grease and decomposing material.

E. All receptacles designed to be emptied by hand shall be so constructed as to contain not less than three nor more than thirty-three (33) gallons, or four and forty-one hundredths cubic feet; and no person shall remove any such garbage, rubbish, or dirt from such receptacles after it has been deposited therein except the city, its authorized agents or contractors, or their employees. All such receptacles described above shall be provided with proper tight-fitting covers.

F. As an exception to the use of receptacles as described above, trash bags and/or lawn bags made of a substance sufficiently strong so as not to rip and tear may be utilized for cut grass, leaves and other solid waste or rubbish not known as wet garbage and not garbage as defined in Section 8.20.040 of this chapter so long as said bags are properly closed and tied so that nothing contained therein may spill from said bag. Provided further, that tree and yard trimmings susceptible to being bundled may be bundled if securely tied. Such bundles shall not exceed five feet in length, nor weigh more than seventy-five (75) pounds. (Ord. 2340 § 1, 2007; Ord. 897 § 1 (part), 1988: prior code § 4.04.090)

8.20.120 Draining and wrapping of garbage--Exceptions.

Before placing garbage in the receptacle, the liquid shall be drained therefrom and the garbage shall be wrapped in paper; provided, however, unwrapped garbage may be placed in metal receptacles having tight-fitting covers and provided further, such garbage may be placed in the receptacle with rubbish. (Ord. 897 § 1 (part), 1988: prior code § 4.04.100)

8.20.130 Additional refuse service.

A. Additional refuse service shall be provided in the city for single-family residences by franchised garbage disposal company operating in the city.

B. The franchised garbage collector for the city shall, in addition to the above-described refuse service, endeavor to provide such extraordinary and emergency services as from time to time may arise among the citizens of the city. (Ord. 897 § 1 (part), 1988: prior code § 4.04.105)

8.20.140 Collection charges and rate changes.

The rates chargeable for the services of the collection of solid waste shall be as follows:

A. Charges -- Hotels, Places of Business and Public Buildings. Rates for the incorporated limits of the city, as defined in the franchise agreement (Refuse Removal Agreement) for solid waste service in the city. The monthly charge payable quarterly in advance for collecting, hauling and disposing of solid waste from hotels, places of business and public buildings shall be determined by the number and type of receptacles required by each such hotel, place of business or public building and by the number of collections from each per week in accordance with Table 8.20.140A, which is located at the end of this chapter. The charge for collecting, hauling and disposing of compacted solid waste from receptacles other than compaction-type drop boxes shall be three times the otherwise applicable charge.

B. Charges -- Single-Family Residence, Apartments and Multiple Units, Motels and Mobilehome Parks. See Table 8.20.140B, which is located at the end of this chapter.

C. Contracted Solid Waste Compactor Rates. See Table 8.20.140C, which is located at the end of this chapter.

D. Container Rental and Special One-Time Collection Charges. The charges for container rental and special one-time collection for single-family residences, multiple dwellings, places of business and public buildings in the solid waste service area shall be as set forth in Table 8.20.140D, which is located at the end of this chapter.

E. Rates Changes. All such rates and charges as are prescribed in this chapter shall be reviewed from time to time by the city council which shall be empowered to make and authorize any increase or decrease in the rates to be charged for the collection, removal and disposal of solid waste basing their decisions, in part, on the percentage change in the Consumer Price Index (CPI), Other Utilities and Public Services (1967 = 100), as published by the Bureau of Labor Statistics, Washington, D. C. The rates and charges permitted by franchisee established in this chapter shall be subject to annual adjustments based upon the percentage of change in the Consumer Price Index, All Urban Consumer, U.S. City Average (CPI-U), as published by the U.S. Department of Labor, Bureau of Labor Statistics, Washington, D. C.

1. The first such adjustment shall be made effective as of July 1st, 1999, and shall be based upon the percentage change in the CPI-U for the twelve-month period ending December 31st, 1998. Thereafter, the rates and charges shall be adjusted annually on July 1st, based upon the percentage change in the CPI-U for the preceding year ending in the month of December.

2. 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 (no change) to ten (10) percent.

a. 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.

b. When the percentage change is between six and one-half percent and ten (10) percent, the rates are adjusted and shall not be greater than six and one-half percent.

3. When an unforeseen economic circumstance has occurred during the preceding year, the city council 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. (Ord. 1305 § 1 (part), 1999: Ord. 897 § 1 (part), 1988: prior code § 4.04.110)

8.20.150 Bulk rubbish.

Places of business whose rubbish consists principally of boxes, cartons and other items of such bulk that the placing of same in a receptacle or receptacles would be impracticable, may provide for such rubbish to be bundled or containerized on the premises of such place of business adjacent to a street or alley. (Ord. 897 § 1 (part), 1988: prior code § 4.04.120)

8.20.160 Additional requirements.

A. Every person, firm, association, corporation, multiple residential unit, auto court, mobilehome park or business which utilizes receptacles generally known as cubic yard containers or dumpsters, shall be bound by the requirements as set forth in Section 8.20.110 of this chapter with the exceptions as provided below.

B. All containers commonly known as cubic yard containers or dumpsters utilized in the city shall be of the type supplied by or prescribed by the city or a person, firm or corporation authorized by the city to collect all and dispose of garbage, rubbish, dirt and dead animals. All said cubic yard containers or dumpsters shall be equipped with covers and covers on said containers or dumpsters shall be closed at any time said containers or dumpsters contain any garbage, unless garbage is being placed into said containers or dumpsters or removed from said containers or dumpsters by the city or its authorized representatives.

C. As a further exception to Section 8.20.110, the cubic yard containers or dumpsters need not be placed in an accessible location subject to Section 8.20.110.

D. Contractor shall be responsible for returning container to the storage area if it is accessible.

E. On properties developed prior to the adoption of the ordinance codified in this chapter where there is a conflict of use that exists, anyone utilizing a cubic yard container or dumpster may designate one of their required parking spaces for construction of the cubic yard container or dumpster enclosure.

F. The plans for all the cubic yard containers or dumpster enclosures that are constructed pursuant to Section 8.20.160 shall be submitted and approved by the city building department prior to the construction of said enclosures. (Ord. 897 § 1 (part), 1988: prior code § 4.04.121)

8.20.170 City removal of receptacle--Absentee owner's responsibility.

A. Any receptacles, including a canister type, cubic container or dumpster placed in public rights-of-way for pickup and not removed from the public rights-of-way by the specified time will be subject to removal by the city and a lien will be recorded against the property covering the cost of said canister, cubic yard container or dumpster removal. The owner of the above stated receptacle will immediately be notified upon removal by the city.

B. The property owner, if absentee, shall designate a proper person who resides in the community to receive any and all notices pursuant to this chapter.

C. The property owner, if absentee, shall be required to designate an on-site person who shall be responsible for compliance with this chapter. (Ord. 897 § 1 (part), 1988: prior code § 4.04.122)

8.20.180 Receptacles and containers to be kept clean.

No trash or garbage receptacles and/or cubic yard containers or dumpsters shall be allowed to accumulate garbage particles on a prolonged basis so that such accumulation of garbage particles constitutes a health hazard as determined by the district health department, Clark County. (Ord. 897 § 1 (part), 1988: prior code § 4.04.123)

8.20.190 Penalty for delinquent payment.

In case any person, firm or corporation fails to pay the charge for collecting, hauling and disposing of garbage, rubbish, dirt and dead animals within ten (10) days from and after the same becomes due as herein provided, a penalty of ten (10) percent of such charge shall be added thereto, on an annual basis, and action for the collection of such fee and penalty may be brought by the city in any court of competent jurisdiction. (Ord. 897 § 1 (part), 1988: prior code § 4.04.130)

8.20.200 Garbage transfer station--Storage limits.

A. Prohibition. It is unlawful for the owner or operator of a garbage transfer station to store or permit to be stored any garbage, rubbish, dirt or dead animals at such a facility for a period of time in excess of seventy-two (72) hours prior to its removal to a garbage dump site or landfill area; provided, however, that should an owner or operator of a garbage transfer station be actually unable to remove garbage from a facility due to unforeseeable circumstances such as an act of God, labor strike, war and the like, the time period for mandatory removal shall be extended for the duration of such circumstances which actually prevent compliance with this prohibition. Each successive day of storage in violation of this prohibition after the initial seventy-two (72) hour period shall constitute a separate offense.

B. Declaration of Nuisance; Abatement; Injunctions. The storage of garbage, rubbish, dirt or dead animals at a garbage transfer station for a period of time in violation of subsection A of this section is declared to be a nuisance as an endangerment to the public peace, safety, health and welfare. Any occurrence of such a nuisance may be abated or enjoined as provided by law.

C. Violation; Penalty. Any person violating any of the provisions hereof is guilty of a misdemeanor and upon conviction of same, shall be punished by a fine of not more than five hundred dollars (\$500.00) and/or by imprisonment in the city jail for a period not to exceed six months. (Ord. 673 §§ 2--4, 1981)

8.20.210 Violation--Penalty.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction of same, shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the city jail for a period not to exceed six months, or by both such fine and imprisonment. (Ord. 897 § 1 (part), 1988: prior code § 4.04.140)