

5.17.005 Declaration of city policy.

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. 2545 § 1 (part), 2006)

5.17.010 Definitions.

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:

"Agricultural waste" means all putrescible and nonputrescible waste material in solid or semisolid 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 a zoning district where such activities are permitted, and that has not been discarded or abandoned by its owner.

"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.

"City" means the city of Henderson, Nevada.

"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.

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

"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 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, but does include landscaping and native vegetation resulting from the construction or demolition of buildings and other structures.

"CPI-U" means the 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.

"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.

"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 franchisee by which such franchisee is authorized to collect, transport and dispose of solid waste and perform 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/or 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.

"Gross receipts" means all cash 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 revenues from: (i) the sale of recyclables; and (ii) any taxes on services furnished by a franchisee that are imposed by other governmental entities, or environmental surcharges on services furnished by a franchisee that are

imposed to provide for environmental activities or programs, that are passed through to and collected from the franchisee's customers.

"Hazardous waste" means any waste or combination of wastes, including without limitation solids, semisolids, liquids or contained gases, which:

1. Because of its quantity or concentration or its physical, chemical or infectious characteristics may:
 - a. Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness; or
 - b. 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;
2. 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.

"License fee" means the fee required by a franchise agreement based upon a percentage of a franchisee's gross receipts collected from the collection, transportation and disposal of solid waste and/or curbside recyclables collection services in the city.

"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:

1. A facility that receives only recyclable materials that have been separated at the source of waste generation;
2. A salvage yard for the recovery of used motor vehicle parts;
3. 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
4. A facility that recovers less than twenty-five percent by weight of recyclable material 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:

1. The diagnosis, treatment or immunization of human beings or animals;
2. Research pertaining to the diagnosis, treatment or immunization of human beings or animals; or
3. The production or testing of biological products.

4. 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:

- a. Biological products;
- b. Diagnostic specimens;
- c. 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;
- d. 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;
- e. 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;
- f. Corpses, remains and anatomical parts that are intended for ceremonial interment or cremations; or
- g. Animal waste generated in animal husbandry or food production.

"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.

"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 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 residences that receive individual curbside collection of solid waste and 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, 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.

"Place of business" means any place of business in the city, 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.

"Premises" means a commercial or residential lot, together with any buildings, improvements, and personal property located thereon.

"Public building" means office buildings, clubs, churches, schools, hospitals or other places of similar character, but does not include city-owned buildings that primarily accommodate city government functions.

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

"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.

"Recycling center" has the same meaning 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 the definition 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.

"Single-family residence" means a building or dwelling designed or used for single family residential occupancy, where only a licensed, home occupation business may be conducted, 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, 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:

1. Hazardous waste managed pursuant to NRS 459.400 through 459.600, inclusive.
2. Agricultural waste or mining waste.

3. Source-separated recyclables.

"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.

"Unforeseen economic circumstance" means:

1. A percentage change in the CPI-U for a given consecutive twelve-month period that is greater than ten percent or below zero (a decrease);
2. An adverse economic occurrence beyond a franchisee's reasonable control; or
3. A finding by the city council 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.

(Ord. 2545 § 1 (part), 2006)

5.17.020 Provisions for collection and disposal.

The city council of the city may, by contract or otherwise, or in any manner such council members may deem necessary for the health, safety and welfare of the inhabitants of the city, 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 city or otherwise.

(Ord. 2545 § 1 (part), 2006)

5.17.030 Collection agent subject to rules and regulations.

Any person entering into a franchise agreement or contract with the city for the 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. Every franchisee shall pay a quarterly license fee based on its gross receipts derived from the collection of solid waste and curbside recyclables collection for the preceding calendar quarter, as specified in the franchise agreement.

(Ord. 2545 § 1 (part), 2006)

5.17.040 Prohibited methods of disposal.

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 city, 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 the public or private property or premises or into the container of another person or entity within the city, 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. Allow solid waste and hazardous waste to accumulate upon the premises under his or her control in an amount which is detrimental to the public health or safety, or which results in unsightly or unsanitary conditions.

E. 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.

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. 2545 § 1 (part), 2006)

5.17.050 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 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 city 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. 2545 § 1 (part), 2006)

5.17.060 Collecting or transporting of solid waste or recyclables.

Except in case of an emergency declared by the city manager under Section 5.17.070, 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 or a disposal site operated by the city or its franchisee, to a materials recovery facility, or other disposal facility legally authorized by the solid waste management authority having jurisdiction over the facility.

- B. Any duly licensed and permitted septic tank or grease trap pumpers, licensed yard 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 by the city or its franchisee.
- C. Any person may transport his or her own solid waste to a transfer station or a disposal site operated by the city or its franchisee.
- D. Any person may transport his or her own source-separated recyclables to recycling centers or drop-off centers.
- E. Any licensed person may haul, convey or transport recyclables from his drop-off center to recycling centers or buy-back centers.
- F. A commercial recycler or a charitable organization qualified 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. 2545 § 1 (part), 2006)

5.17.070 Emergency collections.

- A. In the event of an interruption in the collection, transportation or disposal of solid waste and recyclables by the city 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 and recyclables. The purpose of this section is 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 franchisee, 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 5.17.060 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 containers 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. 2545 § 1 (part), 2006)

5.17.080 Interference with containers prohibited.

A. It is unlawful for any person other than the owner, the city or its franchisee, or their duly appointed agents, to interfere in any manner with any containers containing solid waste or recyclables or to remove any such container from the location where placed for pickup by the owner, the city or its franchisee.

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

(Ord. 2545 § 1 (part), 2006)

5.17.090 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 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. 2545 § 1 (part), 2006)

5.17.100 Containers required.

A. Every person owning or managing any premises, or any person responsible for obtaining solid waste disposal service at any premises, except as otherwise provided in this chapter, shall provide one or more containers sufficient for the depositing of all solid waste from the premises pursuant to the minimum container requirements of this chapter. 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.

(Ord. 2545 § 1 (part), 2006)

5.17.110 Container requirements.

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 Section 5.17.180 Schedule C, solid waste containers shall be constructed watertight and shall be equipped with handles and covers appropriate to the container design. 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. 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 5.17.195 of this chapter.

(Ord. 2545 § 1 (part), 2006)

5.17.120 Removal of contents of containers prohibited.

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 pickup 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 pickup 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. 2545 § 1 (part), 2006)

5.17.130 Solid waste to be placed in containers--Exceptions.

A. All solid waste shall be placed in a container; provided, however, that in a district classified as a residential district under the zoning regulations of the city, 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.

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

(Ord. 2545 § 1 (part), 2006)

5.17.140 Containers in residential areas removed from public view--Placement for collection.

A. It is unlawful in any district classified as residential district under the zoning regulations of the city to place, keep, store or locate within the public right-of-way of a street or sidewalk, or within any front yard as defined in the zoning regulations of the city, any solid waste or recycling container; provided, however, that such container may be placed within such area, but not within vehicle lanes so as to permit unimpeded passage of vehicular traffic, for the purpose of the collection thereof no earlier than two p.m. on the day prior to a designated collection day and must be removed no later than midnight on the designated collection day.

B. In those areas where collection is made by alley pickup, it is unlawful to leave a solid waste or recycling container in the alleyway on days other than designated collection days unless such container is maintained at a point contiguous with the owner's property line and provided with suitable restraints or holders designed to prevent tipping or movement of the container; and provided further, that such containers, restraints or holders shall at all times be kept at a point not less than fifteen feet from the nearest obstruction in the alleyway so as to permit unimpeded passage of vehicular traffic at all times.

C. 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.

(Ord. 2545 § 1 (part), 2006)

5.17.150 Storage of containers in commercial areas.

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. 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. 2545 § 1 (part), 2006)

5.17.160 Charges--Residential and multiple dwellings.

A. The charges for collecting, transporting and disposing of solid waste, and collecting and transporting recyclables, at residential premises shall be determined in accordance with Schedule A included in this section, irrespective of occupancy. The city 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.

B. The charges for collecting, transporting and disposing of solid waste at multiple dwellings, and for multiple dwellings of up to three dwelling units at the individual living units therein, shall be determined in accordance with Schedule A included in this section, regardless of whether any of the units are

vacant. Multiple dwellings shall provide a minimum of one ninety-six-gallon mobile solid waste container, and shall be allowed no more than two ninety-six-gallon mobile containers, for use by the occupants of the premises.

C. A multiple dwelling generating solid waste in excess of two ninety-six-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 5.17.195 of this chapter.

D. All charges for single-family residences, duplexes and multiple dwellings pursuant to this section shall be billed quarterly in advance.

Section 5.17.160 Schedule A

Single-Family, Duplex and Multiple Dwelling Rates

TABLE INSET:

Category	Collection Level	Monthly Fee*
Single-Family Residence & Duplex	Twice per week solid waste, every other week recycling	\$11.82
Multiple Dwellings (regardless of unit vacancies)	Twice per week solid waste	\$8.80 for 1st unit on a stop; \$6.15 for each additional unit on a stop
	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
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* Effective July 1, 2006, and subject to applicable CPI-U adjustments made pursuant to this chapter.

(Ord. 2545 § 1 (part), 2006)

5.17.170 Charges--Motels and mobile home parks.

A. For motels, and the individual room units therein, and mobile home parks with shared solid waste containers that do not receive individual curbside solid waste collection service at each mobile home, the charges for collecting, transporting and disposing of solid waste shall be determined in accordance with Schedule A included in this section, irrespective of occupancy or vacancy of any units.

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 residences as set forth in Section 5.17.160 of this chapter.

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

D. All charges for mobile home parks and motels shall be billed quarterly in advance.

Section 5.17.170 Schedule A

Motels and Mobile Home Parks Rates

TABLE INSET:

Category	Collection Level	Monthly Fee*
Motels & Mobile Homes	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	\$19.07 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

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

(Ord. 2545 § 1 (part), 2006)

5.17.180 Charges--Places of business and public buildings.

A. Except for the types of solid waste specified in Section 5.17.060, a franchisee shall charge for collecting, transporting and disposing of solid waste from places of business and public buildings a fee 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 Schedules A, B and C that are included within 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 place of business or public building premises shall provide a minimum of one ninety-six-gallon mobile container for depositing its solid waste, and shall be allowed no more than two ninety-six-gallon mobile containers. Premises generating solid waste in excess of two ninety-six-gallon mobile containers shall replace the two mobile containers with one or more cubic-yard containers, as listed in Schedule A of this section, sufficient to store, and prevent overflow of, the solid waste generated on the premises until its scheduled collection day. Any overflow shall be subject to overflow charges in accordance with Section 5.17.195 of this chapter.

C. All monthly charges set forth in Schedules A, B and C that are included within this section shall be billed as follows:

1. Schedule A shall be billed quarterly in advance.
2. Schedule B shall be billed monthly in advance.
3. Schedule C shall be billed monthly in arrears.

Section 5.17.180 Schedule A

Collection Charges - Places of Business and Public Buildings (Monthly Rates)*

TABLE INSET:

Container Type & Number	1 Pickup Per Week	2 Pickups Per Week	3 Pickups Per Week	4 Pickups Per Week	5 Pickups Per Week	6 Pickups Per Week	7 Pickups Per Week
96-gal. mobile							
First container	\$7.92	\$15.83	\$23.75	\$36.56	\$50.14	\$65.89	\$79.01
Each additional	7.92	15.83	23.75	\$36.56	\$50.14	65.89	79.01
1 cubic yard							
First container	39.51	79.01	118.52	\$131.59	\$148.55	171.12	205.61
Each additional	39.51	79.01	118.52	\$131.59	\$148.55	171.12	205.61
2 cubic yard							
First container	79.15	158.28	237.42	\$250.68	\$271.73	302.69	363.87
Each additional	79.15	158.28	237.42	\$250.68	\$271.73	302.69	363.87
3 cubic yard							
First container	118.71	237.41	356.13	\$369.63	434.24	522.17	
				\$369.63			

Each additional	118.71	237.41	356.13	\$394.82 \$394.82	434.24	522.17	
4 cubic yard							
First container	158.28	316.55	474.83	\$488.59	\$517.92	565.80	680.41
Each additional	158.28	316.55	474.83	\$488.59	\$517.92	565.80	680.41
6 cubic yard							
First container	237.41	474.82	712.23	\$726.49	\$764.11	828.90	996.98
Each additional	237.41	474.82	712.23	\$726.49	\$764.11	828.90	996.98
8 cubic yard							
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	1,092.01	1,313.52

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

Section 5.17.180 Schedule B

Contracted Solid Waste Compactor Charges (Monthly Rates)*

TABLE INSET:

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

TABLE INSET:

Compactor Size	8 pulls per week	9 pulls per week	10 pulls per week	11 pulls per week	12 pulls per week	13 pulls per week	14 pulls per week
10-yard	7,671.94	8,263.47	9,132.25	9,409.31	9,686.36	9,963.45	11,831.79
17-yard	9,148.73	9,844.76	11,018.54	11,417.60	11,816.67	12,215.74	13,952.24
26-yard	10,329.15	11,286.91	12,723.56	13,122.61	13,521.69	13,920.72	15,788.49
36-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	\$2,027.88
On-Call Rates Per Pickup (without regular service):		
On-call pickup 0-49 yards:	\$672.80	\$1,009.20

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

Section 5.17.180 Schedule C

Solid Waste Manual Type Drop Box Charges

TABLE INSET:

On-Call Monthly 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

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.

Section 5.17.180 Schedule D

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 through Saturday pickups = \$8.30 per cubic yard.

"Base Charge" for Sunday pickups = \$12.46 per cubic yard.

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

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

(Ord. 2545 § 1 (part), 2006)

5.17.190 Charges--Container rentals--One-time on-call collections.

A franchisee shall charge for container rentals and special one-time collection for single-family residences, multiple dwellings, places of business and public buildings a fee as set forth in Schedules A and B that are included in this section.

Section 5.17.190 Schedule A

Residential and Commercial Container Rental Fees*

TABLE INSET:

Container Size	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
Up to 96 gal. Mobile Container	3.65

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

Section 5.17.190 Schedule B

Special One-Time On-Call Collection Charges*

TABLE INSET:

Container Size	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

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

(Ord. 2545 § 1 (part), 2006)

5.17.195 Charges--Overflowing solid waste.

A. The owner of a premises, other than a premises of a single-family residence, duplex or mobile home park with individual solid waste collection service, whose solid waste container or containers have overflowing solid waste prior to being emptied on collection day, shall be subject to an overflow charge, which may be billed at the time of service as an on-call service, in the amount set forth in Schedule A of this section.

B. No overflow charges may be assessed except as follows:

1. Written notice of an overflow delivered by regular U.S. mail, e-mail, facsimile 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:

a. After such notice has been given; or

b. After the last overflow charge has been assessed at the premises, and there is significant overflow from the container as defined in this chapter and as evidenced by a photograph, and the overflow actually has been collected by the city 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 city 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.

Section 5.17.195 Schedule A

Overflow Charge

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. 2545 § 1 (part), 2006)

5.17.200 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 and rental of medical waste containers shall be determined in accordance with the schedules included in 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 5.17.200 Schedule A

Medical Waste Collection Charges

TABLE INSET:

BASIC SERVICE CHARGES*					
Item	Size & Volume	Price Per Item		Minimum Charge Per Service Call	
		Delivered	Picked Up	Prescheduled Once/Month or Greater Frequency	On-Call/Special Pickup
Bio-Hazardous Accumulation Containers	Medium 10-14 Gallons	\$4.78	\$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 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

TABLE INSET:

Charges for on-call / special pickups or special services:	
Item	Charge
Special pick ups (after 5:00 p.m., same day requests, holidays, weekends or greater than 20 polyurethane containers per pickup)	\$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	\$10.90 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.

(Ord. 2545 § 1 (part), 2006)

Section 5.17.200 Schedule B

Medical Waste Container Purchase or Rental

TABLE INSET:

PURCHASE OR RENTAL ITEMS (OPTIONAL SERVICES)*

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/case)	8-10 Gallons	24' x 32' (8-10 gallons)	\$75.99 plus tax
	Large/Extra Large (25 bags/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 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
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* Rates effective July 1, 2006, and subject to applicable CPI-U adjustments made pursuant to this chapter.

(Ord. 2545 § 1 (part), 2006)

5.17.210 Charges--Sewage waste.

A franchisee shall charge the rates listed in Schedule A included in this section for sewage waste disposal service. Additional terms and conditions for collection, transportation and disposal of sewage waste shall be specified in a separate sewage waste agreement.

Section 5.17.210 Schedule A

Sewage Waste Disposal 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 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. 2545 § 1 (part), 2006)

5.17.213 Environmental surcharge.

A. To provide for the remedial action or removal or related activities at a solid waste disposal site, for environmentally sound solid waste collection and disposal, and such other environmental programs and activities, the city council may impose a surcharge to be added to all billings for solid waste collection services rendered within the city. A surcharge imposed under this section shall be subject to the requirements of this section.

B. The surcharge shall be:

1. Determined as a percentage of the gross receipts derived by a franchisee from the collection of all solid waste and curbside recyclables collection services within the city, for the first twelve month period the surcharge is in effect;
 2. Increased by no more than one percent of the gross receipts derived by a franchisee from the collection of all solid waste and curbside recyclables collection services within the city, during any subsequent twelve month period;
 3. Increased up to a total cumulative amount of no more than five percent of the gross receipts derived by a franchisee from the collection of all solid waste and curbside recyclables collection services within the city.
- C. The surcharge shall be collected by a franchisee, and franchisee shall remit such proceeds to the city as provided in this section. The city may enter into an interlocal agreement with any other local government unit to provide for the imposition and collection of the surcharge consistent with the requirements of this section.
- D. The franchisee shall remit the proceeds of the surcharge to the city according to procedures adopted by the city manager. However, the franchisee shall not be responsible for covering any shortage caused by failure of a customer to pay surcharges for solid waste collection. Surcharges collected by the franchisee on city's behalf shall pass through directly to city and shall not be considered gross receipts as defined in Section 5.17.010.
- E. The city may require the franchisee to submit reports or other documentation necessary to establish compliance with the requirements of this section or the procedures adopted by the city manager hereunder. The franchisee shall provide such records available to the city for such auditing purposes within twenty business days of a request by the city for production of the same, unless the city agrees to additional time.
- F. The proceeds of the surcharge shall be placed into a dedicated environmental fund established by the city and may be used to pay for remedial action costs, and the costs of programs which promote environmentally sound solid waste collection and disposal.
- G. The amount of the surcharge may be adjusted by the city council from time to time as necessary to maintain the fund at the level necessary to accommodate the city's remedial action and environmental responsibilities, but shall not exceed the maximum amount set forth in this subsection (B)(3) of this section.

(Ord. 2545 § 1 (part), 2006)

5.17.215 Charges not applicable to certain types of waste.

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 5.17.060. A franchisee or other licensed service provider may set its own rates for the collection, transportation and disposal of such solid waste.

(Ord. 2545 § 1 (part), 2006)

5.17.220 Collection of delinquent charges, fees, and 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 water 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 water 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 water service to the premises is provided. No fee may be charged to reestablish service to the premises after service has been discontinued pursuant to this subsection B of this section.

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, 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 by the date they become due and payable, a penalty shall be added thereto of three (\$3.00) dollars per quarter (or fraction thereof) for residential accounts and two percent per months (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 water 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 5.17.265 of this chapter, 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. 2545 § 1 (part), 2006)

5.17.230 Charges--Mandatory subscription--Billing--Penalty.

All solid waste collection charges or fees authorized and established by this chapter, including any penalties assessed under Section 5.17.230, shall constitute a lien upon the real property of the premises served until such charges and fees have been paid. Such lien shall be enforced in the manner specified in NRS 444.520.

(Ord. 2545 § 1 (part), 2006)

5.17.240 Charges--Rate changes.

- A. The rates and charges established pursuant to this chapter 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 (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 twelve-month period, 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. 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. 2545 § 1 (part), 2006)

5.17.250 Customer service standards.

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 make every effort to investigate and 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, 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.

D. The franchisee shall designate a person, and provide contact information, for the city to contact in connection with complaints received by the city.

(Ord. 2545 § 1 (part), 2006)

5.17.260 Telephone answering standards.

A. The franchisee's customer service operators shall be trained to screen requests and assist in solving problems. 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 request.

B. 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.

C. Upon request, the 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.

D. The franchisee shall maintain 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.
3. The number of calls dropped calls shall not exceed two hundred per month as otherwise reasonably established by franchisee after consultation with the city.
4. Customer service operators will identify themselves immediately upon initial contact.

E. Each monthly report required by subsection C of this section shall include a summary of whether the franchisee is or is not in compliance with the standards established pursuant to subsection D of this section and, if the franchisee is not in compliance, what actions the franchisee will take to meet the standards in future months.

F. The franchisee's business office shall be accessible through a toll-free telephone number twenty-four hours a day, including weekends and holidays.

1. When the franchisee's business office is closed, a service capable of receiving and recording service complaints and inquiries shall be employed if the telephone is not answered by a person.

(Ord. 2545 § 1 (part), 2006)

5.17.265 Container repair and replacement standards.

A. 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.

B. 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.

C. 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.

D. 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.

E. 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. 2545 § 1 (part), 2006)

5.17.270 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. 2545 § 1 (part), 2006)

5.17.280 Unauthorized disposal prohibited.

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 within the city limits except at a materials recovery facility or a solid waste disposal facility legally authorized by the solid waste management authority having jurisdiction over such facility.

(Ord. 2545 § 1 (part), 2006)

5.17.290 No charge for disposal by residents at authorized disposal sites.

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

B. Any single-family resident of the city who is a current customer of a franchisee may dispose of the solid waste generated at his or her own single-family dwelling at any authorized disposal site operated by the franchisee within the city, without charge, upon presentation of a valid, government-issued photo identification.

C. City vehicles may dispose of solid waste at any authorized disposal site owned or operated by the franchisee within the city or the county without charge, consistent with the terms and conditions of the franchise agreement.

(Ord. 2545 § 1 (part), 2006)

5.17.300 Penalty for violation.

A. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and subject to the following penalties:

1. Upon conviction of a first offense shall be sentenced to pay a fine of not less than two hundred (\$200.00) dollars nor more than one thousand (\$1,000.00) dollars, or by imprisonment for not more than six months in the city jail, or by both such fine and imprisonment.
2. Upon conviction of a second offense shall be sentenced to pay a fine of not less than five hundred (\$500.00) dollars nor more than one thousand (\$1,000.00) dollars or by imprisonment for not more than six months in the city jail, or by both such fine and imprisonment.
3. Upon conviction of a third offense shall be sentenced to pay a fine of not less than one thousand (\$1,000.00) dollars and be imprisoned for a minimum of ten days in the city 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. 2545 § 1 (part), 2006)

5.17.310 Injunctive relief.

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. 2545 § 1 (part), 2006)

5.17.320 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. 2545 § 1 (part), 2006)

5.17.330 Rights of city to dispose of solid 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. 2545 § 1 (part), 2006)

5.17.340 Effective date.

The ordinance codified in this chapter shall be effective upon publication in the Henderson Home News.

(Ord. 2545 § 1 (part), 2006)

5.17.350 Severability.

If any section, subsection, subdivision, paragraph, clause or provision of this chapter shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section or subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this chapter.

(Ord. 2545 § 1 (part), 2006)

5.17.360 No Conflict.

All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the city of Henderson, Nevada, in conflict herewith, are hereby repealed and replaced as necessary.

(Ord. 2545 § 1 (part), 2006)