

**ORDINANCE NO. 2587**

**AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS TO (1) REPEAL TITLE 8, CHAPTER 20 OF THE NORTH LAS VEGAS MUNICIPAL CODE REGULATING THE COLLECTION, TRANSPORTATION, DIVERSION, PROCESSING AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND REPLACING THE SAME WITH NEW REGULATIONS GOVERNING THE COLLECTION, TRANSPORTATION, DIVERSION, PROCESSING AND DISPOSAL OF SOLID WASTE, RECYCLABLES, AND OTHER RELATED MATTERS AND (2) OTHER MATTERS PROPERLY RELATED THERETO.**

WHEREAS, the City of North Las Vegas is a rapidly growing community with a population over 200,000 residents;

WHEREAS, NRS 268.081 grants the City the authority and power to regulate the collection and disposal of garbage and other waste;

WHEREAS, the City had not substantially updated its current solid waste regulations since 1988;

WHEREAS, the City has engaged in a comprehensive review of its current solid waste and recyclable material regulations and has determined such regulations are in need of significant revision, restructuring, and modernization in order to meet the needs of the City, its residents and the business community.

**ACCORDINGLY, THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS DOES HEREBY ORDAIN:**

**SECTION 1:** The Municipal Code of the City of North Las Vegas, Nevada, is hereby amended by eliminating Chapter 20 of Title 8 in its entirety and replacing it with the following:

**CHAPTER 8.20  
SOLID WASTE MANAGEMENT**

**8.20.010 Provision for collection and disposal of solid waste.**

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 collection, transportation and disposal of solid waste and other refuse from residences, multifamily dwellings with or without kitchen facilities, places of business and public buildings, at the expense of the City or otherwise.

**8.20.020 Contractor subject to rules.**

Any person, firm, corporation, or other entity entering into an exclusive franchise agreement with the City for the collection, transportation and disposal of solid waste as defined by NRS 444.490, hazardous waste as defined by NRS 459.430, recyclable materials or construction and demolition waste in said City shall do so subject to the rules and regulations of the Nevada Revised Statutes, Nevada Administrative Code, the Southern Nevada Health District, and of such ordinances and amendments of ordinances as the City may, from time to time, enact.

**8.20.030 Applicability of chapter.**

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, duplexes, multifamily dwellings with any number of units, and single-family residential dwellings.

**8.20.040 Definitions.**

Whenever used in this Chapter, the following definitions must have the meanings ascribed in this section, unless the context clearly indicates a different meaning:

"Cash receipts for exclusive franchisees" means all receipts derived from the collection of solid waste and curbside residential 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 an exclusive franchisee (or any of its authorized agents or affiliates) for the collection, transportation, diversion, processing and disposal of solid waste that the exclusive franchisee has exclusive rights to collect under the applicable exclusive franchise agreement, including all revenue received from 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 an exclusive franchisee that are imposed by other governmental entities, that are passed through to and collected from the exclusive franchisee's customers, and that are separately itemized on customers' bills.

"City" means the City of North Las Vegas, Nevada.

"City Council" means the governing body of the City of North Las Vegas, Nevada.

"City Manager" means the chief administrative officer of the City.

"Commercial recycler" means any entity licensed by the City as a commercial recycler,

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including a licensed exclusive franchisee or licensed non-exclusive franchisee, that is in the business of purchasing, accepting donations of, collecting, storing, transporting or processing source separated recyclables.

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

"Commingled recyclables" means recyclable materials that are mixed with more than 10% solid waste and is included in the exclusive franchise agreement for the collection transportation, diversion, processing and disposal of solid waste.

"Construction and demolition waste" means non-hazardous solid waste resulting from the construction, remodeling, repair, and demolition of utilities and structures generated from a site which complies with Section 15.72.140; and uncontaminated solid waste resulting from land clearing that is generated from a site which complies with Section 15.72.140. Such waste includes, but is not limited to, wood (including painted, treated, and coated wood and wood products), land clearing debris, wall coverings, landscaping, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles and other roofing coverings, glass, plastics that are not sealed in a manner that conceals other wastes, empty buckets ten (10) gallons or less in size and having no more than one (1) inch of residue remaining on the bottom, electrical wiring and components containing no hazardous liquids, pipe and metals, corrugated container board, carpeting, furniture, and tires that are incidental to any of the above. Solid waste that is not construction and demolition debris (even if resulting from the construction, remodeling, repair and demolition of utilities, structures and roads and land clearing) includes, but is not limited to, asbestos waste, garbage, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent light bulbs or tubes, appliances, drums, containers greater than ten (10) gallons in size, any containers having more than one (1) inch of residue remaining on the bottom, or fuel tanks.

"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, Washington, D.C.

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

"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 that weigh less than seventy-five (75) pounds.

"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 portion thereof, used for occupancy by two families living independently of each other with the units completely separated by a common wall, floor and/or ceiling.

"Exclusive Franchise agreement" means an exclusive agreement between the City and a third party by which such third party is authorized to collect, transport, divert, process and dispose of residential and commercial solid waste, household hazardous waste, or curbside residential recyclable materials.

"Exclusive Franchise fee" means the fee required by and detailed in an exclusive franchise agreement based upon a percentage of an exclusive franchisee's cash receipts derived from the collection, transportation, diversion, processing and disposal of residential and commercial solid waste, household hazardous waste, or curbside residential recyclables collection services in the City. The exclusive franchisee fee shall not be a separate line item on the customers' bill.

"Exclusive Franchisee" means any person who has contracted with the City for exclusive collection, transportation, diversion, processing and disposal of residential and commercial solid waste, household hazardous waste or curbside residential recyclables collection.

"Garbage" means putrescible animal and vegetable wastes resulting from the handling, storage, sale, preparation, cooking and serving of food.

"Hazardous waste" means any waste or combination of wastes, including solids, semisolids, liquids or contained gases, except household hazardous waste, 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
  - 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.

"Hotel" or "motel" means a building or portion thereof, or a group of buildings, having six or more guest rooms, in which lodging is provided and offered to transient guests for compensation; shall not include a lodging house.

"Household hazardous waste" means leftover household products that contain corrosive, toxic, ignitable, or reactive ingredients that is generated by a typical household, including single-family dwellings, multifamily residential dwellings or mobilehome parks. These may include nickel, cadmium, mercuric oxide, manganese, zinc-carbon or lead batteries, toxic art supplies, used motor oil, anti-freeze, kerosene, solvent-based paint, paint thinner, paint solvents, fluorescent or high-intensity light bulbs, ammunition, fireworks, pesticides the use of which has been prohibited or restricted, or any other waste generated by a household that would otherwise contain potentially hazardous ingredients and require special care when you dispose of them.

"Materials recovery facility" means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of those materials. The term does not include:

- A. A facility that receives only recyclable materials that have been separated at the source of waste generation;
- B. A salvage yard for the recovery of used motor vehicle parts;
- C. A facility that receives, processes or stores only concrete, masonry waste, asphalt pavement, brick, uncontaminated soil or stone for the recovery of recyclable materials;
- D. A facility that receives, processes or stores hazardous waste unless it may be classified as household hazardous waste.

"Medical waste" "Medical waste" has the meaning as ascribed to it in 49 C.F.R. Part 173, Appendix G - "Definition of Regulated Medical Waste," as that Appendix existed on November 8, 1993. 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-family or multifamily dwellings, mobilehome parks, 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.

"Mobilehome" means a factory-assembled structure or structures, a minimum of eight feet in width, originally equipped with the necessary service connections and originally made so as to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit(s) without a permanent foundation, whether or not said running gear has been removed.

"Mobilehome park" means an area or tract of land where two or more mobilehomes or mobilehome lots are rented or held out for rent; however, it does not include an area or tract of land where more than half the lots are rented overnight or for less than one month.

"Mobilehome park lot" means a portion of land within a mobilehome park which is rented or held out for rent to accommodate a mobilehome.

"Motel". See "Hotel."

"Multifamily dwelling" means a building, or portion thereof, used for occupancy by three or more families living independently of each other, with the units completely separated by a common wall, floor and/or ceiling, not including hotels, motels, lodging houses, or group care facility.

"Non-exclusive franchise agreement" means an agreement between the City and any third party by which the third party is authorized to collect, transport, divert, process and dispose of source separated recyclables with no more than 10% residual solid waste or construction or demolition waste generated in the City.

"Non-exclusive franchise fee" means the fee required by and detailed in a non-exclusive franchise agreement based upon a percentage of a non-exclusive franchisee's cash receipts derived from the collection, transportation, diversion, processing and disposal of source separated recyclables or construction or demolition waste generated in the City. The non-exclusive franchisee fee shall not be a separate line item on the customers' bill.

"Non-exclusive franchisee" means any person who has contracted with the City for non-exclusive collection, transportation, diversion, processing and disposal of source separated recyclables with no more than 10% residual solid waste or construction or demolition waste generated in the City.

"Non-residential customer" means any solid waste disposal service customer of an exclusive franchisee except for customers at single-family dwelling, duplexes,

multifamily dwellings or mobilehome 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 or multifamily dwelling 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 solid waste exceeds the water level designed capacity of the container.

"Place of business" means any place of business in the City of North Las Vegas licensed by said City, other than multifamily 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 solid waste capable of being decomposed by microorganisms, bacteria, or fungi with sufficient rapidity as to cause nuisances because of odors, gases, or other offensive conditions, and includes materials such as food wastes, offal and dead animals.

"Recyclable material" or "recyclables" means solid waste that is processed and returned to the economic mainstream in the form of raw materials or products as determined by the Southern Nevada Health District. Recyclable material includes, but is not limited to, PET and HDPE, newspaper, corrugated cardboard, aluminum, office paper and other fiber products that have been abandoned or discarded, glass, tin and steel cans, metal, plastic, motor oil, antifreeze, wood, food waste, and yard debris, wood, and greenwaste and that is not mixed with solid waste other than residual solid waste.

"Recycling center" means a facility that receives only recyclable materials from source separated recyclable materials that have been separated from solid waste at the source of waste generation and delivered for collection, sorting, and distribution. All operations such as collection, sorting, distributing and storage shall be conducted totally within an enclosed building and there shall be no outside storage, unless approved as a special use and is consistent with the criteria set forth in Section 17.24.020.C.18, as amended.

"Refuse" means all garbage, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, inoperable vehicles, parts of vehicles and solid and industrial wastes.

"Residential Customer" means any solid waste disposal service customer of an exclusive franchisee for customers at single family, multi-family dwellings or mobile

home parks who receive individual curbside collection or share containers with other residents.

"Residual solid waste" means solid waste that remains or is left after the separation and removal of source separated recyclables at the source of the generation of the source separated recyclables. Residual solid waste cannot be greater than ten percent (10%) by weight as measured on a quarterly basis.

"Rubbish" means old tin and iron cans and containers, old wood, cardboard 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 material, including old plaster, brick, cement, glass, old building material, leaves, yard trimmings, weeds, dead weeds, dead trees, dead bushes or dead grasses whether or not still in ground at any height 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 dwelling" means a building, or manufactured home as defined in NRS 489.113, used for residential occupancy by one family that receives individual curbside service billed by the City.

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

- A. Hazardous waste managed pursuant to NRS 459.400 through 459.600, inclusive.
- B. Source- separated recyclables.

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

"Unforeseen economic circumstance" means that the percentage change in the CPI-U, for a given calendar year ending in December is greater than ten (10) percent or below zero (decrease); or that some occurrence beyond the exclusive 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 exclusive franchisee which are not reflected in changes to the CPI-U during that same time period.

**8.20.050 Compliance with all ordinances, 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.

**8.20.060 Unlawful disposal of solid waste.**

A. All solid waste, hazardous waste and recyclables collected from the public and private places and premises in the City shall not be deposited at any place other than at a duly licensed transfer station, disposal site, recycling center or materials recovery facility operated in accordance with all applicable laws, rules and regulations. 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, construction or demolition 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, construction or demolition 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. Allow solid waste, hazardous waste, construction or demolition waste or recyclables 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.
5. Throw or deposit or cause to be thrown or deposited any solid waste, hazardous waste, construction or demolition 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 presumption that the disposal of solid waste, hazardous waste, construction or demolition waste or recyclables in violation of this Section was done by the owner of such items.

**8.20.070 Burning of garbage—Permit required.**

It is unlawful for any person, for the purpose of disposal of solid waste, hazardous waste, construction or demolition 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, construction or demolition 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 Fire Department. Solid waste and infectious waste shall only be burned in an incinerator duly approved by the Fire Department and the Building and Safety Division and Department of Air Quality and Environmental Management.

**8.20.080 Unlawful to convey solid waste; exceptions.**

Except in case of an emergency declared by the City Manager under Section 8.20.090 or if allowed pursuant to Section 8.20A.080, it is unlawful for any person, other than the City, an exclusive franchisee or their duly appointed agents to collect or transport any solid waste from residential customers or non-residential customers including temporary containers located at residential customer or non-residential customer locations or provide curbside residential recyclables collection service; provided, however, that:

- A. 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.
- B. Any resident may transport solid waste which originates from his or her primary home to a transfer station or a disposal site operated in accordance with all applicable laws, rules and regulations.
  - 1. Any resident in the City who receives individual curbside service at a single-family dwelling or mobilehome park and who is a current customer of an exclusive franchisee may dispose of the solid waste generated at his or her primary residential premises at any authorized disposal site owned or operated by the exclusive franchisee within the "urban solid waste service area" in Clark County, without charge, upon presentation of a current bill for residential service from the exclusive franchisee and a valid government-issued photo identification with a matching address of the bill, such as a current Nevada driver's license, and in accordance with such

other rules and regulations as the City or the Southern Nevada Health District may adopt. The solid waste presented for disposal without charge must have been generated by the residential customer on his or her own primary residential property, not generated as a result of any commercial activity by the resident or any other person, and not generated by any commercial provider permitted to convey its own solid waste under Section 8.20.080(A), (B) or (C). Commercial providers permitted to convey their own solid waste under Sections 8.20.080(A), (B) and (C) may not dispose waste without charge under any circumstance, including but not limited to:

- a. Having a residential customer accompany the commercial provider to the disposal site.
  - b. Having a residential customer act as an agent for a commercial provider for purposes of disposal without charge.
  - c. Any person or commercial entity acting on behalf of a residential customer.
- C. Any person may transport his or her own recyclables to recycling centers or drop-off centers.
- D. 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.

**8.20.090 Emergency collection, transportation, diversion, processing and disposal of solid waste.**

- A. In the event of an interruption in the collection, transportation, diversion, processing or disposal of solid waste and recyclables by the City or its exclusive 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, diversion, processing 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, diversion, processing and disposal of solid waste and recyclables.
- B. In the event of an interruption in the collection, transporting, diversion, processing or disposal of solid waste and recyclables by the City or its exclusive 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 8.20.080 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;

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.

**8.20.100 Unlawful to deposit solid waste on premises of another.**

It is unlawful for any person to throw or cause to be thrown or deposited solid waste upon the premises or in the solid waste receptacle of another.

**8.20.110 Solid waste collection vehicle restrictions.**

A. It is unlawful to use any vehicle for the transportation or removal of solid waste, construction and demolition waste or recyclables unless such 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, construction or demolition waste or recyclables in or upon the streets through which such vehicle may be driven.

B. All vehicles used in the transportation or removal of solid waste, construction or demolition waste or recyclables shall be equipped with a broom and shovel to clean up spillage resulting from the collection of solid waste, construction or demolition waste or recyclables. The vehicle operator shall be responsible for clean-up of spillage resulting from the collection process.

**8.20.120 Receptacles.**

A. Every person owning or managing any premises shall provide one or more containers sufficient for the depositing of all solid waste from the premises. A

solid waste exclusive franchisee may rent solid waste containers to its customers pursuant to the rates specified in this Chapter, but the responsibility for placement and maintenance of such rented containers remains with the person owning or managing the premises. Notwithstanding the foregoing, if an exclusive franchisee provides once-a-week solid waste collection, the exclusive franchisee shall provide to its residential solid waste collection customers, upon request and at no additional cost to such customers, containers for the storage and collection of solid waste.

- B. If an exclusive franchisee provides curbside residential recyclables collection, the exclusive franchisee shall provide to its curbside residential recyclables collection customers, upon request and at no additional cost to such customers, containers for the storage and collection of recyclables.
- C. On any single-family dwelling, duplexes, multifamily dwellings, or mobilehome 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 hours prior to sunset on the day prior to the designated collection day, and that such containers must be removed from the right-of-way no later than eight p.m. on the same collection day.
- D. 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 exclusive franchisee.
- E. An exclusive franchisee shall not be required to pick up solid waste or recyclables from any location that the exclusive 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.
- F. Each and every non-residential solid waste or recyclables container, whether canister type or dumpster, must be marked with a legible identification system that identifies the owner of the container.

**8.20.130 Receptacles; size of containers.**

- 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 (3) or more than thirty-five (35) gallons and shall weigh no more than fifty (50) 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 8.20.190, Table A.

- B. At any residence that receives individual curbside collection service, each container designed to be emptied mechanically shall be so constructed as to have a capacity of no more than ninety-six (96) gallons.
- C. Except for manual type drop-box containers listed in Section 8.20.190, Table C, all solid waste containers shall be constructed watertight and shall be provided with handles and covers. Each such container and cover shall be made of a material designed for solid waste containment. 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 by the residential or non-residential customer.
- D. It is unlawful for a non-residential customer to place out for collection a container which has overflowing solid waste.
- E. Any non-residential or multifamily dwelling 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 8.20.220.

**8.20.140 Removal of solid waste.**

- A. No person other than the owner, the City or an exclusive franchisee, or their duly appointed agents may:
  - 1. Interfere with or remove any solid waste or recyclables from the solid waste containers or recyclables containers that are intended for collection by an exclusive franchisee as part of its solid waste collection and curbside residential recyclables collection programs;
  - 2. Tamper with, interfere with, or remove recyclables that have been tied, boxed, or otherwise collected and placed for collection by an exclusive franchisee as part of its curbside residential recyclables collection program; or
  - 3. Participate in curbside residential 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.

**8.20.150 All solid waste shall be placed in a container for collection.**

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All residential solid waste shall be placed in a container for collection.

**8.20.160 Minimum container requirements.**

- A. Every non-residential customer must have cubic-yard container service of at least one cubic-yard container 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. Each and every non-residential solid waste container, whether canister type or dumpster, must identify the owner and owner's phone number in legible numbers and letters that are at least one inch in height..
- B. For multifamily dwellings with three or four dwelling units, the premises must have cubic-yard container service of at least a one cubic-yard container or a ninety-six (96) gallon container for each unit serviced twice per week, irrespective of occupancy or vacancy of any dwelling units;
- C. For multifamily dwellings with 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 multifamily 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
  - One-half 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 curbside service at each mobile home park lot, the premises must have cubic-yard container service equivalent to at least one-half of a one cubic-yard container per mobile home park lot per week, irrespective of occupancy or vacancy of any mobile home park lots.
- F. For motels with at least fifty percent (50%) 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; or
- G. For motels with less than fifty percent (50%) 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 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 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 8.20.120 if the solid waste generated from the premises requires solid waste service that exceeds the requirements in this Section.

**8.20.170 Residential Rates.**

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

| Category | Collection Level | Monthly Charge* |
|----------|------------------|-----------------|
|----------|------------------|-----------------|



|   |  |   |
|---|--|---|
| Single-family <b>dwelling</b> s and <b>duplex</b> s (including mobilehome parks that receive individual curbside service at each mobilehome park lot and townhomes and other residences that receive individual curbside service) | Solid waste - once/week;<br>Recycling - once/week  | \$12.98   |
| Multifamily Dwellings (irrespective of occupancy or vacancy of any units)   | Solid waste - 2 times/week<br>Solid waste - 3 times/week<br>Solid waste - 4 times/week<br>Solid waste - 5 times/week<br>Solid waste - 6 times/week<br>Solid waste - 7 times/week | \$9.67 - 1st unit;\$6.76 - each additional unit<br>\$14.51 - 1st unit;\$10.14 - each additional unit<br>\$17.72 - 1st unit;\$12.38 - each additional unit<br>\$20.95 - 1st unit; \$14.64 - each additional unit<br>\$24.17 - 1st unit; \$16.91 - each additional unit<br>\$27.39 - 1st unit; \$19.16 - each additional unit |

(Effective July 1, 2010)

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

- B. All charges for single-family and multifamily dwellings pursuant to this Section shall be billed monthly by the City in arrears.

**8.20.180 Rates—Motels and mobilehome parks.**

- A. For mobilehome parks that do not receive individual curbside service at each mobilehome park lot and for motels, the charges for collecting, transporting and disposing of solid waste shall be determined in accordance with the following table:

| Category  | Collection Level (solid waste only) | Monthly Charge*   |
|---|-------------------------------------|---|
| Motels and mobilehome parks (irrespective of occupancy or vacancy of any units) | 2 times/week                        | \$9.67 - each office; \$5.81 - each cooking unit; \$4.65 - each unit without cooking facilities   |
|   | 3 times/week                        | \$14.51 - each office; \$8.70 - each cooking unit; \$6.99 - each unit without cooking facilities  |
|   | 4 times/week                        | \$17.72 - each office; \$10.62- each cooking unit; \$8.54 - each unit without cooking facilities  |
|   | 5 times/week                        | \$20.95 - each office; \$12.57 - each cooking unit;\$10.09 - each unit without cooking facilities |
|   | 6 times/week                        | \$24.17 - each office; \$14.51 - each cooking unit;\$11.64 - each unit without cooking facilities |
|   | 7 times/week                        | \$27.39 - each office; \$16.43 - each cooking unit;\$13.18 - each unit without cooking facilities |

(Effective July 1, 2010)

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

- B. For mobilehome parks that receive individual curbside service at each mobilehome park lot, which shall include the same heavy and bulky item pickup as that provided to single-family dwellings, the charges for collecting, transporting and disposing of solid waste and curbside residential recyclables collection

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services shall be the same as for single-family dwellings as set forth in Section 8.20.170.

- C. All charges for mobilehome parks and motels shall be billed monthly by the City in arrears.

**8.20.190 Rates—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 and B that are included within this Section shall be billed monthly by the City in arrears. Table C shall be billed monthly by the solid waste exclusive franchisee in arrears.

**Section 8.20.190 Table A**

**Monthly Collection Charges\*  
Places of Business and Public Buildings**

| Number & Type of Containers | 1<br>Collection<br>Per Week | 2<br>Collections<br>Per Week | 3<br>Collections<br>Per Week | 4<br>Collections<br>Per Week | 5<br>Collections<br>Per Week | 6<br>Collections<br>Per Week | 7<br>Collections<br>Per Week |
|-----------------------------|-----------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| 96-Gallon Mobile Container  | \$8.70                      | \$17.40                      | \$26.10                      | \$40.16                      | \$55.08                      | \$72.39                      | \$86.79                      |
| Each additional container   | \$8.70                      | \$17.40                      | \$26.10                      | \$40.16                      | \$55.08                      | \$28.90                      | \$34.77                      |
| One Cubic-Yard Container    | \$43.40                     | \$86.79                      | \$130.20                     | \$144.55                     | \$163.19                     | \$187.98                     | \$225.86                     |
| Each additional container   | \$43.40                     | \$86.79                      | \$130.20                     | \$144.55                     | \$163.19                     | \$144.52                     | \$173.87                     |
| Two Cubic-Yard Container    | \$86.96                     | \$173.87                     | \$260.82                     | \$275.39                     | \$298.50                     | \$332.52                     | \$399.73                     |
| Each additional container   | \$86.96                     | \$173.87                     | \$260.82                     | \$275.39                     | \$298.50                     | \$289.04                     | \$347.73                     |
| Three Cubic-Yard Container  | \$130.40                    | \$260.80                     | \$391.22                     | \$406.04                     | \$433.72                     | \$477.03                     | \$573.62                     |
| Each additional container   | \$130.40                    | \$260.80                     | \$391.22                     | \$406.04                     | \$433.72                     | \$433.55                     | \$521.61                     |
| Four Cubic-Yard Container   | \$173.87                    | \$347.73                     | \$521.62                     | \$536.72                     | \$568.95                     | \$621.55                     | \$747.45                     |
| Each additional container   | \$173.87                    | \$347.73                     | \$521.62                     | \$536.72                     | \$568.95                     | \$578.03                     | \$695.50                     |
| Six Cubic-Yard Container    | \$260.80                    | \$521.61                     | \$782.40                     | \$798.07                     | \$839.39                     | \$910.56                     | \$1095.20                    |
| Each additional container   | \$260.80                    | \$521.61                     | \$782.40                     | \$798.07                     | \$839.39                     | \$865.01                     | \$1040.46                    |
| Eight Cubic-Yard Container  | \$347.73                    | \$695.49                     | \$1043.21                    | \$1059.42                    | \$1109.84                    | \$1199.60                    | \$1442.93                    |
| Each additional container   | \$347.73                    | \$695.49                     | \$1043.21                    | \$1059.42                    | \$1109.84                    | \$1163.61                    | \$1399.65                    |

(Effective July 1, 2010)

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

**Section 8.20.190 Table B**

### Solid Waste Compaction-Type Drop Box Collection Charges\*

#### Monthly Charges

| Compactor Size          | 1 collection per week  | 2 collections per week | 3 collections per week  | 4 collections per week  | 5 collections per week  | 6 collections per week  | 7 collections per week  |
|-------------------------|------------------------|------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| 10 cubic-yard container | \$1929.06              | \$2578.85              | \$3533.20               | \$3837.57               | \$4141.96               | \$4446.34               | \$6498.73               |
| 17 cubic-yard container | \$2386.69              | \$3150.63              | \$4440.69               | \$4879.07               | \$5317.43               | \$5755.82               | \$7663.42               |
| 26 cubic-yard container | \$2674.83              | \$3726.91              | \$5305.10               | \$5743.47               | \$6181.84               | \$6620.22               | \$8671.99               |
| 36 cubic-yard container | \$3156.30              | \$4208.45              | \$5786.47               | \$6286.41               | \$6786.32               | \$7286.34               | \$9338.15               |
|                         |                        |                        |                         |                         |                         |                         |                         |
| Compactor Size          | 8 collections per week | 9 collections per week | 10 collections per week | 11 collections per week | 12 collections per week | 13 collections per week | 14 collections per week |
| 10 cubic-yard container | \$8427.79              | \$9077.60              | \$10031.97              | \$10336.33              | \$10640.68              | \$10945.07              | \$12997.48              |
| 17 cubic-yard container | \$10050.07             | \$10814.69             | \$12104.11              | \$12542.48              | \$12980.87              | \$13419.26              | \$15326.83              |
| 26 cubic-yard container | \$11346.79             | \$12398.92             | \$13977.10              | \$14415.47              | \$14853.87              | \$15292.22              | \$17344.01              |
| 36 cubic-yard container | \$12494.47             | \$13546.64             | \$15124.65              | \$15624.57              | \$16124.52              | \$16624.53              | \$18676.31              |

(Effective July 1, 2010)

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

### Section 8.20.190 Table C

### Solid Waste Manual-Type Drop Box Collection Charges\*

| On-Call Monthly Rates<br>(with or without regular service) | Regular  | Sunday/Holiday |
|--|----------|----------------|
| Per cubic-yard   | \$9.12   | \$13.68        |
| 10 cubic-yard container                                    | \$91.20  | \$136.80       |
| 20 cubic-yard container                                    | \$182.40 | \$273.60       |
| 28 cubic-yard container                                    | \$255.36 | \$383.04       |
| 35 cubic-yard container                                    | \$319.20 | \$478.80       |
| 50 cubic-yard container                                    | \$456.00 | \$684.00       |
| Prices are calculated by the cubic yard                    |          |                |

| On-Call Rates Per Pickup<br>(with regular service) | Regular   | Sunday/Holiday |
|--|-----------|----------------|
| Special collection 0-49 cubic yards                | \$473.47  | \$710.21       |
| Special collection 50-74 cubic yards               | \$910.48  | \$1365.74      |
| Special collection 75 cubic yards                  | \$1485.11 | \$2227.67      |

|   |          |           |
|---|----------|-----------|
| <b>On-Call Rates Per Pickup<br/>(without regular service)</b> |          |           |
| On-call collection 0-49 cubic yards                           | \$739.08 | \$1108.63 |

(Effective July 1, 2010)

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

All on-call charges are subject to additional charges of \$20.37 daily rent per 24 hours or any part thereof after the first 72 hours, excluding Sundays.

### Monthly Charges

All other charges shall be calculated as follows:

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

"Base Charge" for Monday - Saturday collections = \$9.12 per cubic yard.

"Base Charge" for Sunday collections = \$13.68 per cubic yard.

"Daily Rent" = \$20.37 per 24 hours or any part thereof after the first 72 hours, excluding Sundays.

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

## Section 8.20.190 Table D Solid Waste Manual Drop Box Collection Charges (Scheduled)\*

### Monthly Charges

| Roll-Off 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 | \$660.01              | \$790.40               | \$1185.00              | \$1580.80              | \$1976.00              | \$2371.20              | \$2984.00              |
| 20 cubic-yard container | \$1055.21             | \$1580.80              | \$2371.20              | \$3161.60              | \$3952.00              | \$4742.40              | \$5928.00              |
| 28 cubic-yard container | \$1371.37             | \$2213.12              | \$3319.68              | \$4426.24              | \$5532.80              | \$6639.36              | \$8229.20              |
| 35 cubic-yard container | \$1648.01             | \$2766.40              | \$4149.60              | \$5532.80              | \$6916.00              | \$8299.20              | \$10374.00             |
| 50 cubic-yard container | \$2240.81             | \$3952.00              | \$5928.00              | \$7904.00              | \$9880.00              | \$11856.00             | \$14820.00             |

| Roll-Off Size           | On-Call Rate Per Pick-Up | On-Call Rate Per Demurrage** | Sunday Pull |
|-------------------------|--------------------------|------------------------------|-------------|
| 10 cubic-yard container | \$91.20                  | \$20.37                      | \$136.80    |
| 20 cubic-yard container | \$182.40                 | \$20.37                      | \$273.60    |
| 28 cubic-yard container | \$255.36                 | \$20.37                      | \$383.04    |
| 35 cubic-yard container | \$319.20                 | \$20.37                      | \$478.80    |

































