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PROPOSED AMENDMENTS TO

CLARK COUNTY CODE - Chapter 9.04 - SOLID WASTE MANAGEMENT

SEPTEMBER 26, 2012

[NOTE: THIS DOCUMENT DOES NOT CONTAIN SECTIONS 9.04.170 THROUGH 9.04.230 REGARDING SOLID WASTE COLLECTION CHARGES.]

9.04.010 Definitions.

(a) In the construction of this chapter, the following definitions shall apply, unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number, and words in the singular number include the plural number; the words "shall" and "will" are mandatory, and "may" is permissive:
(1) "Agricultural waste" means all putrescible and nonputrescible waste material in solid or semi-solid form that is generated by the rearing of animals other than household pets, or the production and harvesting of crops or trees, for profit in compliance with allowed uses pursuant to Title 30 of this Code [~~an O-S, R-U, R-A, or R-E zoning district~~], and that has not been discarded or abandoned by its owner. {***O-S (Open Space) is not a zoning district where agricultural waste should be generated from and there may be other zoning districts that should be included for various types of agricultural activities. Therefore, it is recommended that this definition simply refer to Title 30 for allowed land uses.***}
(2) "Board" means the board of county commissioners of the county of Clark, Nevada.
(3) "Buy-back center" means a facility operated by a licensed commercial recycler or registered charitable organization where **PERSONS** may bring recyclables in exchange for payment.
(4) "CFR" means the Code of Federal Regulations which is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government. {***This is to define "CFR" as it is used elsewhere in this Chapter.***}
(5) "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.
(6) [~~(5)~~] "Compacted solid waste" means solid waste reduced by mechanical equipment, in volume but not weight, by a minimum ratio of three to one.
(7) [~~(6)~~] "Construction and [~~or~~] demolition waste" means non-hazardous solid waste resulting from the construction, remodeling, repair, and [~~or~~] demolition of utilities [~~buildings~~] and [~~other~~] structures; and uncontaminated solid waste resulting from land clearing. Such waste includes, [~~including,~~] but is not limited to, wood (including painted, treated, and coated wood and wood products), land clearing debris, wall coverings, 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 [~~asphaltic substances, bricks, block, and concrete and landscaping, native vegetation, excavation dirt, rock, stone and gravel~~]. 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

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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. [~~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.~~] {***This definition matches the definition by the Health District in their Regulation Governing Temporary Permits to Operate Solid Waste Management Facilities, as adopted on January 22, 2009, and amended on October 27, 2011.***}

(8) [~~(7)~~] "County" means the county of Clark, Nevada, the geographic areas of the unincorporated county, and includes the districts and entities governed ex officio by the board.

(9) [~~(8)~~] "CPI-U" means Consumer Price Index, All Urban Consumers for All Items, U.S. City Average (1982–84=100), as published by the U.S. Department of Labor, Bureau of Labor Statistics, Washington, D.C.

(10) [~~(9)~~] "Curbside recyclables collection" means a collection program operated by a franchisee in which source-separated [~~recyclables~~] recyclable materials are collected from residential customers on a regularly scheduled basis as part of the franchisee's solid waste business. {***Revision suggested for consistency.***}

(11) [~~(10)~~] "Dead animals" means all dead animals or parts thereof (including condemned meats) that are not intended to be used as food for man or animal.

(12) [~~(11)~~] "Dirt" means loose earth, ashes and manure, but exclusive of sand and gravel that is to be used in construction work.

(13) [~~(12)~~] "Drop-off center" means a collection site where source-separated [~~recyclables~~] recyclable materials may be taken by **PERSONS** and deposited into designated containers. {***Revision suggested for consistency.***}

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

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

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

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

(18) [~~(17)~~] "Garbage" means putrescible animal and vegetable wastes, other than source-separated [~~recyclables~~] recyclable materials, that result from the handling, storage, sale, preparation, cooking, and serving of food and that have been discarded or abandoned. {***Revision suggested for consistency.***}

(19) [~~(18)~~] "Gross receipts" means all receipts derived from the collection of solid waste and curbside recyclables collection services and includes, by way of illustration and not limitation, all cash, credits, property or other consideration of any kind derived directly or indirectly by a franchisee (or any of its authorized agents or affiliates) for the collection, transportation and disposal of solid waste, including all revenue received from residential service (including any charges attributable to curbside recyclables collection services), commercial and industrial service, medical waste service, sewage waste service, container rentals, packaging, shipping and late fees, but excluding the following revenues from: (A) the sale of recyclables; and (B) any taxes on services furnished by a franchisee that are imposed by other governmental entities, that are passed through to and collected from the franchisee's customers, and that are separately itemized on customers' bills.

(20) [~~(19)~~] "Hazardous waste" means [~~any~~] waste with properties that make it dangerous or potentially harmful to human health or the environment. In regulatory terms, a Resource Conservation and Recovery

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Act hazardous waste is a waste that exhibits at least one of four characteristics – ignitability, corrosivity, reactivity, or toxicity or that appears on one of the four hazardous wastes lists:

(A) F-list (non-specific source wastes) [40 CFR §261.31],
(B) K-list (source-specific wastes) [40 CFR §261.32],
(C) P-list (discarded commercial chemical products) [40 CFR §261.33(e)], or
(D) U-list (discarded commercial chemical products) [40 CFR §261.33(f)].

[or combination of wastes, including without limitation solids, semi-solids, liquids or contained gases, which:
(A) Because of its quantity or concentration or its physical, chemical or infectious characteristics may:
(i) Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness; or
(ii) Pose a substantial hazard or potential hazard to human health, public safety or the environment when it is given improper treatment, storage, transportation, disposal or other management;
(B) Is identified as hazardous waste by the Nevada Department of Conservation and Natural Resources as a result of studies undertaken for the purpose of identifying hazardous wastes.
The term includes, but is not limited to, toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise.]
{***This definition is consistent with the definition by the U.S. EPA and the Health District in their Regulation Governing Temporary Permits to Operate Solid Waste Management Facilities, as adopted on January 22, 2009, and amended on October 27, 2011.***}
(21) "Incidental non-recyclable waste" means the non-recyclable components of white goods, whole computers, or whole automobiles for which dismantling and separation of recyclable from non-recyclable components by the generator are impractical, such as insulation or electronic components in white goods.
{***This is a new definition that is recommended in order to identify certain items that would be excluded from the 10% maximum residual waste restriction for source-separated recyclable materials.***}
(22) [~~(20)~~] "Materials recovery facility (construction or demolition waste)" means a solid waste management facility, operating pursuant to a permit issued by the Southern Nevada health district, a business license issued by the county, and a land use permit issued by the county in accordance with Title 30 of this code, that provides for the extraction from construction or demolition waste of those recyclable materials that may be found in construction or demolition waste. The term does not include:
(A) A facility that receives only recyclable materials that have been separated at the source of waste generation;
(B) A salvage yard for the recovery of used motor vehicle parts;
(C) A facility that receives, processes or stores only concrete, masonry waste, asphalt pavement, brick, uncontaminated soil or stone for the recovery of recyclable materials; and
(D) A facility that recovers less than twenty-five percent by weight of recyclable material from the solid waste received.
(23) [~~(21)~~] "Medical waste" means any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, excluding hazardous waste identified or listed under 40 CFR Part 261 or any household waste as defined in 40 CFR Subsection 261.4 (b)(1). [~~items other than a culture or stock of an infectious substance, that contain an infectious substance and are generated in:~~
~~(A) The diagnosis, treatment or immunization of human beings or animals;~~
~~(B) Research pertaining to the diagnosis, treatment or immunization of human beings or animals; or~~
~~(C) The production or testing of biological products.~~
~~The term "medical waste" does not include the following if the items as packaged do not contain any material otherwise subject to the requirements of 49 CFR Part 173, App. G, as amended:~~
~~(i) Biological products;~~

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~~(ii) Diagnostic specimens;~~
~~(iii) Laundry or medical equipment that conforms to 29 CFR 1910.1030 of the regulations of the Occupational Safety and Health Administration of the United States Department of Labor;~~
~~(iv) A material, including waste, that previously contained an infectious substance and has been treated by steam sterilization, chemical disinfection or other appropriate method, so that it no longer poses the hazard of an infections substance;~~
~~(v) Any waste material, including garbage, trash and sanitary waste in septic tanks, derived from households, including but not limited to single and multiple residences, hotels and motels;~~
~~(vi) Corpses, remains and anatomical parts that are intended for ceremonial interment or cremations; or~~
~~(vii) Animal waste generated in animal husbandry or food production.~~] {***The revised definition is consistent with that term as defined in 42 U.S.C. 6903(40). "Medical waste" is not currently defined in NRS (NAC 444.589 has an outdated definition) or in the Health District regulations.***}
(24) [~~(22)~~] "Mining waste" means residues which result from the extraction of raw materials from the earth and which are dumped on land owned by the mining operation that extracted them.
(25) [~~(23)~~] "Motel" means a building or group of buildings whose main function is to provide temporary lodging and which does not offer conference rooms, restaurants or similar amenities to its customers in addition to sleeping quarters.
(26) [~~(24)~~] "Multiple dwellings" means three or more residential dwelling units which are grouped together under the management of one **PERSON** and which do not require separate individual collection of solid waste.
(27) [~~(25)~~] "Non-residential customer" means any solid waste disposal service customer of a franchisee except for customers at single-family residences, duplexes or mobile home residences that receive individual curbside collection of solid waste and do not share containers with other residents.
(28) [~~(26)~~] "Overflow" or "overflowing solid waste" means solid waste of non-residential customers that is deposited on the ground outside of a solid waste container (except for any items bundled in accordance with Section 9.04.140) or excess solid waste that has been piled onto a solid waste container that is already full to such an extent that the excess solid waste will spill onto the ground in the emptying process, requiring more than minimal manual cleanup of waste from the ground.
(29) "Person" means any state or federal agency; any state, including the State of Nevada; a political subdivision of any state; an interstate agency or organization; any firm, partnership, corporation, or Limited Liability Company (LLC) meeting all the legal requirements of the State of Nevada; or a natural person. {***This is a new definition that matches the definition by the Health District in their Regulation Governing Temporary Permits to Operate Solid Waste Management Facilities, as adopted on January 22, 2009, and amended on October 27, 2011. The term "Person" is highlighted throughout this document in bold purple (PERSON) to show where that term is currently used.***}
(30) [~~(27)~~] "Place of business" means any place of business in the county, other than multiple dwellings, motels or mobile home parks, to conduct or carry on principally or exclusively any pursuit or occupation for the purpose of gaining a livelihood.
(31) [~~(28)~~] "Premises" means a commercial or residential lot, including any buildings, improvements, and personal property located thereon.
(32) [~~(29)~~] "Public building" means office buildings, clubs, churches, schools, hospitals or other places of similar character.
(33) [~~(30)~~] "Putrescible" means capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odor or gases.
(34) [~~(31)~~] "Recyclable materials," or "recyclables" means solid waste that can be processed and returned to the economic mainstream in the form of raw materials or products, [~~has the same meaning as that term is defined in the Southern Nevada health district's regulations governing recycling centers, as amended.~~] including, but limitation:

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(a) Newspaper;
(b) Corrugated cardboard;
(c) Aluminum;
(d) Yard debris (material generated from plants, including trees, bushes, sod, and grass clippings on residential or business property);
(e) Office paper;
(f) Glass;
(g) Tin and steel cans;
(h) Metal;
(i) Motor oil;
(j) Plastic;
(k) Antifreeze;
(l) Wood; and
(m) Food waste.

{***This definition is consistent with the definition in NRS 444A.013 and the examples contained in NAC 444A.100 with the addition of "wood" and "food waste."***}

(35) [~~(32)~~] "Recycling center" means a facility designed and operated to receive, store, or process recyclable material which has been separated at the source from all but residual solid waste (ref. NRS 444A.014). The center must receive, store and process only source-separated recyclable materials, for which there is an available market to be permitted as a recycling center. The recyclable materials must be separated from the solid waste stream at the source of waste generation. A Recycling Center may not receive any solid waste, other than residual solid waste, commingled with recyclables at the recycling facility. The term "Recycling Center" does not include a:

(a) Materials recovery facility;
(b) Transfer station;
(c) Compost plant;
(d) Hazardous waste recycling facility permitted by the Nevada Department of Environmental Protection or the United States Environmental Protection Agency;
(e) Convenience center or public waste storage bin facility;
(f) Drop off bins; and
(g) Agricultural facility. [~~has the same meaning as that term is defined in the Southern Nevada health district's regulations governing recycling centers, as amended.~~]

{***This definition is consistent with the definition by the Health District in their Regulation Governing Temporary Permits to Operate Solid Waste Management Facilities, as adopted on January 22, 2009, and amended on October 27, 2011.***}

(36) [~~(33)~~] "Refuse" means those discarded materials that have no useful physical, chemical, or biological properties after serving their original purpose and that cannot be reused or recycled for the same or other purposes, including medical waste, but excluding mining waste, agricultural waste, source-separated recyclable materials and incidental non-recyclable waste. {***This definition is not defined by the Health District, but the term is included in the Health District's definition of "solid waste" and it needs to be defined in the Code.***}

(37) [~~(34)~~] "Residual solid waste" means an amount of non-permitted material, as determined by the solid waste management authority, that remains or is left after the separation and removal of legitimate recyclable materials, that does not exceed ten (10) percent by weight or volume of the total amount of materials prior to separation, and that cannot be recycled and must be disposed of as solid waste pursuant to this chapter of the Code and the applicable regulations of the solid waste management authority. [~~has the same meaning as the definition in the Southern Nevada health district's regulations governing recycling centers, as amended.~~] {***This term is not defined in the most recent regulations adopted by the Southern***

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Nevada Board of Health.}
(38) [~~(35)~~] "Rubbish" means nonputrescible wastes, other than source-separated [~~recyclables~~] recyclable materials, that have been discarded or abandoned such as paper, cardboard, automobiles, cans, wood, glass, bedding, crockery and similar materials.
(39) [~~(36)~~] "Rural solid waste service area" means the geographic area of the unincorporated county outside of special solid waste service areas and urban solid waste service areas, as may be further defined in a franchise agreement.
(40) [~~(37)~~] "Sewage waste" means any solid or semi-solid waste, including biosolids, sludge, screenings and grit, generated from the operation of the Clark County water reclamation district.
(41) [~~(38)~~] "Single-family residence" means a building or dwelling designed or used for single-family residential occupancy, and where no more than a licensed home-occupation business is conducted and includes a mobile home, apartment and other unit in a multiple dwelling which receives individual and heavy and bulky item collection.
(42) [~~(39)~~] "Solid waste" means all putrescible and nonputrescible refuse in solid, semisolid, or liquid form, including, but not limited to, garbage; rubbish; junk vehicles; ashes or incinerator residue; street refuse; dead animals; demolition waste; construction waste; solid, semisolid, or liquid commercial and industrial waste; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act (Clean Water Act), as amended (86 Stat. 880) [33 U.S.C. §1251, et seq.], or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923) [42 U.S.C. §2011, et seq.], or hazardous waste as defined in the Resource Conservation and Recovery Act, Subpart C [40 CFR §261.20, et seq.].
[~~all putrescible and nonputrescible materials in solid or semi-solid form that have been discarded or abandoned by their owner, including garbage, rubbish, junk vehicles and parts, ashes or incinerator residue, street refuse, dead animals, construction or] demolition waste, commercial or industrial waste, grease trap waste, septic tank waste, yard maintenance waste, medical waste, sewage waste, recyclable materials that are commingled with solid waste, and other refuse. The term "solid waste" does not include any of the following:~~
~~(A) Hazardous waste managed pursuant to NRS 459.400 through 459.600, inclusive.~~
~~(B) Agricultural waste or mining waste.~~
~~(C) Source-separated recyclables.~~]
{*This definition is consistent with the term as defined by the Health District on their website (Solid Waste and Compliance page) and in their Regulation Governing Temporary Permits to Operate Solid Waste Management Facilities, as adopted on January 22, 2009, and amended on October 27, 2011.*}
(43) [~~(40)~~] "Source-separated [~~recyclables~~] recyclable materials" means [~~recyclables~~] solid wastes that include single recyclable or commingled recyclable materials that have been separated from the [~~solid~~] waste stream, with ten (10) percent or less by weight or volume of non-recyclable solid waste, at the site of generation [~~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~~]. {***This definition is consistent with the definition by the Health District in their Regulation Governing Temporary Permits to Operate Solid Waste Management Facilities, as adopted on January 22, 2009, and amended on October 27, 2011.***}
(44) [~~(41)~~] "Special solid waste service area" means a limited rural geographic area, generally conforming to an unincorporated town boundary or other special area of the unincorporated county in which solid waste collection and disposal service is provided through a franchise agreement or contract approved by the board that may set rates and terms separately from this chapter.

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(45) [~~(42)~~] "Unforeseen economic circumstance" means:
(A) A percentage change in the CPI-U for a given consecutive twelve-month period that is greater than ten percent or below zero percent (a decrease);
(B) An adverse economic occurrence beyond a franchisee's reasonable control;
(C) A finding by the board or other governmental jurisdiction that there have been economic occurrences during that period that have caused specific additional economic costs for a franchisee which are not reflected in changes to the CPI-U during that same period.
(46) [~~(43)~~] "Urban solid waste service area" means the solid waste collection service areas defined in exclusive franchise agreements for solid waste collection service for unincorporated urban areas of Las Vegas, Blue Diamond, and Laughlin, excluding any special solid waste service area, as defined in those respective franchise agreements or subsequent franchise agreements, as from time to time amended.
(47) "U.S.C." means the United States Code which is the consolidation and codification by subject matter of the general and permanent laws of the United States. {***This is to define "U.S.C." as it is used elsewhere in this Chapter.***}
(48) "White goods" means large household appliances including, but not limited to, refrigerators, washing machines, clothes dryers, stoves, dish washers, that were primarily finished with white enamel, but now are sold in other colors. {***This is a new definition that is suggested for addition to further define "white goods" as it is used above in the definition of "incidental non-recyclable waste."***}
(Ord. 3475 § 1 (part), 2006)

9.04.020 Authority of board.

The board may, by contract or otherwise, or in any manner the board may deem necessary or desirable for the health, safety and welfare of the inhabitants of the county, provide for the collection and disposal of solid waste and recyclables from residences, multiple dwellings with or without kitchen facilities, places of business and public buildings, at the expense of the county or otherwise. (Ord. 3475 § 1 (part), 2006)

9.04.030 Authority to issue citations.

Solid waste inspectors, fire inspectors and the immediate superior officers of said inspectors and code enforcement officers, are authorized to prepare, sign and serve misdemeanor citations, pursuant to NRS Chapter 171, to enforce the provisions of this chapter, and shall diligently prosecute violations thereof. (Ord. 3475 § 1 (part), 2006)

9.04.040 Contractors subject to rules and regulations.

Any **PERSON** collecting, transporting, processing, or disposing of solid waste, hazardous waste or recyclables shall do so subject to the ordinances, rules and regulations of the county, Southern Nevada health district, the state of Nevada and the federal government. (Ord. 3475 § 1 (part), 2006)

9.04.050 Unlawful disposal of solid waste—Identification of violator.

It is unlawful for any **PERSON** to:
(a) Throw or deposit, or cause to be thrown or deposited, in any street, alley, gutter or highway within the limits of the county, any solid waste, hazardous waste or recyclables.
(b) Throw or deposit, or cause to be thrown or deposited, any solid waste, hazardous waste, or recyclables

upon private or public property or premises or into the containers of another **PERSON** or entity, except as may be provided for in this chapter.
(c) Place, deposit, or accumulate, or cause to be placed, deposited or accumulated, any solid waste, hazardous waste or recyclables in such a manner, or permit the same to remain on his or her premises, in such condition so that the same may be blown or carried over to public or other private property by any means whatsoever.
(d) Throw or deposit or cause to be thrown or deposited any solid waste, hazardous waste or recyclables in any areas of the county not designated, authorized or licensed by the county for deposit of these materials. Identification of the owner of any solid waste which is disposed of in violation of this section creates a reasonable inference that the owner is the **PERSON** who disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner. (Ord. 3475 § 1 (part), 2006)

9.04.060 Burning of solid waste or recyclables.

It is unlawful for any **PERSON**, for the purpose of disposal of solid waste, hazardous waste or recyclables by burning, to kindle or maintain any bonfire, or knowingly to furnish the materials for any such fire, or to authorize any such fire to be kindled or maintained in any solid waste, hazardous waste or recyclables container, or on any street, alley, road, land or public grounds or upon any private property, within Clark County, unless a written permit so to do shall first have been secured from the county fire department; provided, however, that solid waste and infectious waste may be burned in an incinerator duly approved by the fire chief, the building inspector, and the air pollution control officer. (Ord. 3475 § 1 (part), 2006)

9.04.070 Collecting or transporting solid waste and recyclables.

Except in case of an emergency declared by the board under Section 9.04.080, it is unlawful for any **PERSON**, other than the county, or a franchisee, or their duly appointed agents, to collect, haul, convey or transport any solid waste, or provide curbside recyclables collection; provided, however, that:
(a) Construction or demolition waste that results directly from the activities of construction, remodeling, repair, and demolition of utilities and structures and uncontaminated solid waste that results directly from the activity of land clearing may be removed by any duly licensed construction, construction cleanup or demolition contractor and transported to a transfer station or disposal site operated by the county or its franchisee, to a materials recovery facility (construction or demolition waste), or other transfer station or disposal facility legally authorized by the solid waste management authority having jurisdiction over the facility;
(b) A duly licensed construction company, construction cleanup company, demolition contractor or materials recovery facility (construction or demolition) may transport the solid waste residue from an authorized materials recovery facility (construction or demolition waste), after separating out recyclable materials, to a transfer station or disposal facility legally authorized by the solid waste management authority having jurisdiction over the facility
(c) Any **PERSON** may transport his or her own solid waste to a transfer station disposal site operated by the county or its franchisee;
(d) Any **PERSON** may transport his or her own source-separated recyclable materials to recycling centers, drop-off centers, or buy-back centers;
(e) Any duly licensed commercial recycler, in the legitimate course of such recycler's business, may buy or accept free of charge from any person; remove for a person for a fee; and/or transport for any person;

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source-separated [~~recyclables~~] recyclable materials, other than curbside recyclables collection [~~in the legitimate course of business~~];
(f) Any duly licensed and permitted septic tank or grease trap pumpers, licensed yard maintenance services and licensed tree trimmers may transport those materials accumulated in or generated by the performance of licensed services to a transfer station or disposal site operated by the county or its franchisee;
(g) Any licensed **PERSON** may haul, convey or transport recyclables from his drop-off center to recycling centers or buy-back centers; and
(h) A [~~commercial recycler or~~] charitable organization qualified under the Federal Internal Revenue Code may collect source-separated [~~recyclables~~] recyclable materials from a residential or commercial premises at the express request of the owner, tenant, or occupant and may transport those recyclables to drop-off centers, recycling centers, or buy-back centers. (Ord. 3475 § 1 (part), 2006)

9.04.080 Emergency collections.

(a) Purpose. In the event of an interruption in the collection, transportation or disposal of solid waste and recyclables by the county or its franchisee, problems affecting the public health, safety and welfare may arise. These problems may include increases in pathogens, vectors, fire hazards, unsightly litter, odor and traffic hazards from the accumulation of solid waste. The purpose of this section is to provide for the emergency collection, transportation and disposal of solid waste by private citizens in order to minimize the adverse impact on the public health, safety and general welfare arising from an interruption in the collection, transportation and disposal of solid waste and recyclables.
(b) Emergency declaration. In the event of an interruption in the collection, transportation or disposal of solid waste and recyclables by the county or its franchisee, the board may declare an emergency.
(c) Emergency provisions. If the board declares an emergency under this section, the provisions of Section 9.04.070 which relate to transporting solid waste and recyclables shall be suspended and the following provisions shall apply until the date specified in the declaration of emergency or in a subsequent declaration:
(1) The county manager may designate, establish, operate and maintain temporary emergency collection areas for solid waste and recyclables;
(2) Any **PERSON** may transport the solid waste and recyclables generated or found on real property in his or her possession to a designated temporary emergency collection area;
(3) Until hauled to a designated temporary emergency collection area, all putrescible solid waste shall be stored indoors in plastic bags or outdoors in containers which will not permit access by flies or animals or constitute a fire hazard;
(4) All putrescible solid waste hauled to a temporary emergency collection area must be securely contained in plastic bags. (Ord. 3475 § 1 (part), 2006)

9.04.090 Interfering with or removal of containers.

(a) It is unlawful for any **PERSON**, other than the owner, the county or a franchisee, or their duly appointed agents, to interfere in any manner with any container containing solid waste or recyclables or to remove any such container from the location where placed for collection by the owner, the county or a franchisee.
(b) It is unlawful for any **PERSON**, other than the operator of a drop-off center or his duly appointed agents, to interfere in any manner with any recyclables in or to remove any recyclables from the drop-off center.

{Proposed new language is underlined in blue; [~~language proposed to be deleted is bracketed and struck out in red~~]; and {***Business License comments are in bold, italicized green***.}

(c) It is unlawful for any person, other than the owner or a licensed commercial recycler or their duly appointed agents to interfere in any manner with any container containing recyclable materials intended for collection by the licensed commercial recycler or to remove such container from the location where placed for collection by the owner or the licensed commercial recycler. (Ord. 3475 § 1 (part), 2006)

9.04.100 Requirements as to carts and vehicles.

It is unlawful to use any cart or vehicle for the transportation or removal of solid waste or recyclables unless such cart or vehicle is appropriately constructed and covered, in accordance with Nevada Revised Statutes Section 484.771, to prevent or minimize odors from or leakage, sifting, spilling, drifting or blowing of such solid waste or recyclables in or upon the streets through which such cart or vehicle may be driven. (Ord. 3475 § 1 (part), 2006)

9.04.110 Owners and residents to provide containers.

Every **PERSON** owning any premises or any **PERSON** responsible for obtaining solid waste disposal service at premises, except as hereinafter provided, shall provide one or more containers sufficient for the depositing of all solid waste from the premises pursuant to minimum container requirements of this chapter. A solid waste franchisee may rent solid waste containers to its customers pursuant to the rates established by the board, but the responsibility for placement of such rented container remains with the customer who rents the container. A franchisee shall provide to its curbside recyclables collection customers, upon request and at no additional cost to such customers, appropriate containers for the storage and collection of recyclables. (Ord. 3475 § 1 (part), 2006)

9.04.120 Container restrictions.

(a) At any residence that receives individual curbside collection service, each container which cannot be emptied by mechanical or hydraulic equipment shall have a capacity of not less than three nor more than thirty-six gallons and shall weigh no more than fifty pounds, including the contents thereof.
(b) Except for manual type drop-box containers listed in Table 9.04.190C, all solid waste containers shall be equipped with handles and covers appropriate for the container design. Each such container and cover shall be made of a material approved for such use by the county. Covers shall not be removed except when necessary to place solid waste therein. Each container and its cover shall be kept clean from accumulating grease and decomposing material.
(c) Any non-residential customer who has a container overflowing with solid waste at the time of collection shall be subject to an overflow charge pursuant to Section 9.04.205 of this chapter. (Ord. 3475 § 1 (part), 2006)

9.04.130 Removal of contents of containers.

(a) No other **PERSON** other than the owner, the county, or a franchisee or their duly appointed agents may:
(1) Remove any solid waste or recyclable material from solid waste or recyclables containers that are intended for collection by a franchisee as part of its solid waste collection and curbside recyclables collection programs;
(2) Except as provided in Section 9.04.070 of this chapter, remove recyclable materials that have been tied,

boxed, bundled or otherwise collected and placed for collection by a franchisee as part of its curbside recyclables collection program;
(3) Except as provided in Section 9.04.070 of this chapter, tamper with, engage in, interfere with, or participate in curbside recyclables collection.
(b) No **PERSON** other than an owner or operator of a drop-off center, or their authorized agents, may remove recyclable material from the drop-off center or recyclable materials that have been bundled, boxed, tied, or otherwise collected and placed adjacent to the drop-off center.
(c) No person other than the owner or a licensed commercial recycler or their duly appointed agents may remove recyclable material from recyclables containers that are intended for collection by the licensed recycler. (Ord. 3475 § 1 (part), 2006)

9.04.140 Solid waste to be placed in containers—Exceptions.

(a) All solid waste shall be placed in a container; provided, however, that[~~:~~
~~(1) In~~] in residential districts tree trimmings, scrap lumber and other such solid waste may be bundled in accordance with subsection (b) of this section if securely tied and placed at curbside on a scheduled collection day.
[~~(2) Places of business that generate rubbish consisting of boxes, cartons and other items of such bulk that the placing of the same in a container would be impracticable may place for collection such solid waste on the premises provided that such boxes or cartons shall be flattened and tied in bundles in accordance with subsection (b) of this section~~]
(b) Bundled solid waste shall not weigh more than fifty pounds and shall not exceed six feet in length. (Ord. 3475 § 1 (part), 2006)

9.04.150 Container removal from public view and placement for collection.

(a) On any single-family or duplex residential premises, it is unlawful to place, keep, store or locate within the public right-of-way of a street, sidewalk or alley, or within any front yard as defined in the zoning regulations of the county, any solid waste or recycling container; provided, however, that such container may be placed within such area, except for vehicle lanes, for the purpose of the collection thereof no earlier than two p.m. on the day prior to designated collection day and must be removed no later than midnight on the designated collection day.
(b) No **PERSON** shall place a container for collection in a location that does not provide sufficient space for a disposal vehicle to safely access the location, including without limitation a location along a roadway that will not accommodate a vehicle the size of a disposal truck or provide for a safe exit of a disposal truck without unreasonable backing up. (Ord. 3475 § 1 (part), 2006)

9.04.160 Commercial container storage and enclosure.

On any multi-family, commercial or industrial premises, it is unlawful to place, keep, store or locate any solid waste or recyclables container within the right-of-way of a street, sidewalk or alley, except during collection days as specified in Section 9.04.150 of this chapter. Containers shall be stored within an enclosure if an enclosure was required in connection with development approval or is otherwise provided on the premises. (Ord. 3475 § 1 (part), 2006)

{Proposed new language is underlined in blue; [~~language proposed to be deleted is bracketed and struck out in red~~]; and {***Business License comments are in bold, italicized green***.}

[NOTE: SECTIONS 9.04.170, 9.04.180, 9.04.190, 9.04.200, 9.04.205, 9.04.210, 9.04.220 AND 9.04.230 REGARDING SOLID WASTE COLLECTION CHARGES ARE NOT INCLUDED IN THIS DOCUMENT.]

9.04.240 Charges due and payable.

(a) To ensure that the handling and disposing of solid waste is performed in a uniform, safe and sanitary manner, it shall be mandatory for any **PERSON** owning, occupying or managing any premises in the county which are connected to an electric [~~one or more~~] utility service [~~(natural gas, electricity or water)~~] to subscribe to solid waste collection service provided by the county or its authorized franchisee and to pay the charges established by the board; provided, however, that residents of single-family residences may dispose of their own solid waste at a lawful disposal facility operated by the county or franchisee in lieu of participation in the franchised collection service, in which case the resident must provide a receipt from such an authorized disposal facility on a quarterly basis to the solid waste service area franchisee as proof of payment for solid waste disposal. No **PERSON** may discontinue paying for solid waste collection service for his or her premises unless such premises are not connected to any utility service for the entire billing period or unless a single-family resident provides proof of disposal at a lawful disposal facility as provided in this subsection.
(b) In order to discontinue paying for solid waste collection service pursuant to subsection (a) of this section, a **PERSON** must request discontinuation of service and provide proof that no utility service is connected to the premises. No fee may be charged to discontinue or reestablish service to the premises after service has been discontinued pursuant to this subsection.
(c) All charges for regular or periodic services provided by the county, its franchisees, or their duly appointed agents, pursuant to this chapter and as established by the board, shall be billed on the first business day of the quarterly or monthly billing period, as applicable, and shall be due and payable on the last day of the applicable billing month; provided, however, that charges for on-call service may be billed at the time of service.
(d) A customer shall be entitled to a refund of any advance payment for service he or she has made upon presenting proof that connection to utility services did not exist at the customer's premises during the entire billing period for which the advance payment was made. All refunds from a franchisee to a customer shall be paid within thirty days from the date of the customer's request for reimbursement or date of franchisee's knowledge that a refund is owed.
(e) No **PERSON** shall accept and no franchisee shall offer or give any solid waste collection, transportation and disposal services or curbside recyclables collection services without charge, or shall offer or give a discount, refund, or rebate of the charges for solid waste service established by the board, except that this provision does not apply to any credits or refunds issued pursuant to subsection (D) of this section or Section 9.04.270, charitable organizations which are exempt from federal income tax pursuant to Section 501(c) of the Internal Revenue Code and as provided by a franchise agreement. (Ord. 3475 § 1 (part), 2006)

9.04.250 Failure to pay charges when due—Penalty.

If any **PERSON** fails to pay the charges established by the board by the date they become due and payable, a penalty shall be added thereto of three dollars per quarter for residential accounts and two percent per month (or fraction thereof) of the delinquent amount for commercial accounts. (Ord. 3475 § 1 (part), 2006)

{Proposed new language is underlined in blue; [~~language proposed to be deleted is bracketed and struck out in red~~]; and {***Business License comments are in bold, italicized green***.}

9.04.260 Rate changes.

(a) The rates and charges established by the board, including but not limited to urban and rural rates, shall be adjusted annually based upon the percentage of change in the CPI-U.
(b) Rate adjustments shall be made effective as of July 1, each year and shall be based upon the percentage change in the annual average of the CPI-U for the twelve-month period ending December 31, immediately preceding the effective date of the rate adjustment.
(c) Annual increases to rates and charges adjusted in accordance with the percentage change in the CPI-U shall not be greater than six and one-half percent when the percentage change in CPI-U is within the range of zero percent (no change) to ten percent and shall be determined in the following manner:
(1) When the percentage change in the CPI-U is between zero and six and one-half percent, the charges are to be adjusted by the actual percentage change.
(2) When the percentage change is between six and one-half percent and ten percent, the rates and charges adjustment shall not be greater than six and one-half percent.
(d) When an unforeseen economic circumstance has occurred during a given consecutive twelve-month period, the board may consider and may approve a method for adjusting rates which is not based on changes to the CPI-U. In any year following a period when the adjustment to rates was based on some other method, rate adjustments shall again be based on changes in the CPI-U. A minimum of one annual rate adjustment based on the CPI-U method must occur between annual rate adjustments based on methods other than the CPI-U method. (Ord. 3475 § 1 (part), 2006)

9.04.270 Customer service and repair standards.

The following customer service and repair standards shall apply to each franchisee:
(a) The franchisee shall be required to implement a complaint resolution procedure to handle all complaints received by either the county or the franchisee, which shall include the following:
(1) The franchisee shall be required to record all complaints and if possible resolve them within forty-eight hours of their receipt.
(2) If the franchisee cannot resolve a complaint within forty-eight hours of its receipt, the franchisee shall within that period provide the county with a written report detailing why resolution could not be reached within that time period, the actions that will be taken to resolve the complaint and the timeline to reach a resolution of the complaint.
(b) If the county is not satisfied with the franchisee's proposed resolution of a complaint, the county manager or his/her designee shall have the authority to direct the franchisee to resolve the complaint in a manner that is satisfactory to the county.
(c) Upon request, the franchisee shall provide the county with a written monthly report, in a form satisfactory to the county, summarizing the complaints received by the franchisee and the resolutions thereof for the preceding month.
(d) Standards for repair or replacement of containers.
(1) If a solid waste container supplied by a franchisee to a non-residential customer receives damage caused by the franchisee's own actions or through normal wear and tear, the franchisee shall, at its own cost, fix or replace the container no later than seven calendar days after the franchisee has been notified of the damage.
(2) If a solid waste container supplied by a non-residential customer, which is being properly used, receives damage due to a franchisee's negligence or misconduct, the franchisee shall, at its own cost, fix or replace the container no later than seven calendar days after the franchisee has been notified of the damage.

{Proposed new language is underlined in blue; [~~language proposed to be deleted is bracketed and struck out in red~~]; and {***Business License comments are in bold, italicized green***.}

(3) For purposes of this section, a franchisee shall be deemed to have been notified that a container has been damaged when a franchisee's collection worker arrives to collect the solid waste from a container and finds the container damaged, or when a premises owner or manager notifies the franchisee in writing that a container is damaged, whichever occurs first.
(e) If a franchisee misses or improperly performs a scheduled collection for a non- residential customer, resulting in solid waste that the customer has properly put out for collection not being collected, within twenty-four hours of receiving notice of such missed or improper collection the franchisee shall send a second vehicle to the premises to properly collect such solid waste.
(f) If a franchisee fails to fix or replace a damaged solid waste container owned or rented by a non-residential customer, or correct a missed or improper collection, or properly position a container for a non-residential customer, in accordance with this section, the franchisee shall automatically issue a pro-rata credit to such customer's account until the damaged or misplaced container is serviceable or properly placed, or for the missed or improper collection, based on the charges for regularly scheduled collection service to the premises for the applicable billing period, regardless of whether the customer makes any request for such a credit. (Ord. 3475 § 1 (part), 2006)

9.04.280 Telephone answering standards.

(a) Each franchisee shall at all times maintain a telephone answering system that measures the:
(1) Average wait time from the time that customer calls reach the franchisee to the time that such calls are answered by an individual [~~a **PERSON**~~**]** (not a machine); {***Revision suggested due to addition of definition of "person."***}
(2) Number of calls that reach the franchisee but are dropped before a representative of the franchisee answers such calls; and
(b) Upon request, the franchisee shall provide the county with a written monthly report, in a form satisfactory to the county, summarizing the average wait time, the number of dropped calls and the percentage of time during which all lines were busy during the preceding month.
(c) The franchisee shall establish, after consultation with the county, reasonable minimum standards for its telephone answering system for the average wait times, number of dropped calls and percentage of time during which all lines are busy.
(d) Each report required by this section shall include a summary of whether the franchisee is or is not in compliance with the agreed upon standards established pursuant to this section and, if the franchisee is not in compliance, what actions the franchisee will take to meet the standards in future months. (Ord. 3475 § 1 (part), 2006)

9.04.290 Solid waste to be deposited only at authorized disposal sites.

All solid waste and hazardous waste collected from the public and private places and premises in the county shall not be deposited at any place within the county limits, except at a materials recovery facility or solid waste disposal facility legally authorized by the solid waste management authority having jurisdiction over such facility. (Ord. 3475 § 1 (part), 2006)

9.04.300 Free disposal of solid waste at authorized disposal sites.

{Proposed new language is underlined in blue; [~~language proposed to be deleted is bracketed and struck out in red~~]; and {***Business License comments are in bold, italicized green***.}

Any **PERSON** may dispose of solid waste at any authorized solid waste disposal site subject to the rules, rates and fees established for such site, provided, however, that:
(a) Any Clark County resident of a single-family, duplex or mobile home premises (that has individual collection service) who is a current customer of a franchisee may dispose of the solid waste generated at his or her own single-family, duplex or mobile home premises dwelling at any authorized disposal site within the urban solid waste service area owned or operated by the franchisee or county without charge upon presentation of a current quarterly bill for residential solid waste service from the franchisee and either (1) valid government-issued photo identification, such as a current Nevada driver's license[~~,~~] with a matching address of the bill, or (2) valid government-issued photo identification with a recent utility bill with a service address that matches the solid waste service bill address, and in accordance with such other rules and regulations as the board may from time to time 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 provider permitted to convey his own solid waste under Section 9.04.070. Commercial providers permitted to convey their own solid waste under Section 9.04.070 may not dispose waste without charge under any circumstance, including, but not limited to:

1. Having a residential customer accompany the commercial provider to the disposal site.
2. Having a residential customer act as an agent for a commercial provider for purposes of disposal without charge.
3. Any person or commercial entity acting on behalf of a residential customer.

(b) Disposal of solid waste at disposal sites operated by a franchisee in rural solid waste service areas is subject to such conditions, charges and fees as may be established by the franchisee. (Ord. 3475 § 1 (part), 2006)

9.04.310 Solid and hazardous waste a nuisance.

Solid waste and hazardous waste as defined in this chapter and for the purposes of this chapter are a nuisance per se. (Ord. 3475 § 1 (part), 2006)

9.04.320 Penalty for violation.

(a) Any **PERSON** violating any of the provisions of this chapter shall be guilty of a misdemeanor and penalized as follows:
(1) Upon conviction of a first offense shall be sentenced to pay a fine of not less than two hundred dollars nor more than one thousand dollars, and/or to imprisonment for not more than six months in the county jail.
(2) Upon conviction of a second offense shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and/or to imprisonment of not more than six months in the county jail.
(3) Upon conviction of a third offense shall be sentenced to pay a fine of not less than one thousand dollars and be imprisoned for a minimum of ten days in the county jail, not to exceed six months.
(b) Every day that a violation occurs, exists, or is allowed to exist or continue shall constitute a separate offense. (Ord. 3475 § 1 (part), 2006)

9.04.330 Injunctive relief.

{Proposed new language is underlined in blue; [~~language proposed to be deleted is bracketed and struck out in red~~]; and {***Business License comments are in bold, italicized green***.}

The county, in addition to the remedies and penalties above named, may seek injunctive relief against any violator of this chapter, with or without prior notice, to prevent or correct any solid waste, hazardous waste or recyclable materials problem. (Ord. 3475 § 1 (part), 2006)

9.04.340 Rights of owners to dispose of recyclable materials.

Nothing in this chapter shall limit the right of any **PERSON** to donate, sell, or otherwise legally dispose of his or her source-separated recyclable materials. (Ord. 3475 § 1 (part), 2006)

9.04.350 Rights of county to dispose of solid waste.

Nothing in this chapter shall limit the right of the county to collect, transport, process or dispose of any solid waste, hazardous waste or recyclable material, including the operation of transfer stations and recycling centers. (Ord. 3475 § 1 (part), 2006)