

{All new material is underlined; all material to be deleted is in brackets [].}

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE AMENDING RENO MUNICIPAL CODE TITLE 10, ENTITLED “HEALTH AND SANITATION”, CHAPTER 10.08, ENTITLED “GARBAGE, RUBBISH AND WASTE MATTER” BY UPDATING CERTAIN DEFINITIONS AND CODE PROVISIONS RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLE MATERIALS, AND OTHER WASTE MATERIAL, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.**

THE CITY COUNCIL OF THE CITY OF RENO DO ORDAIN:

**SECTION 1.** Title 10, Chapter 10.08, Sections 10.08.010 to 10.08.090, inclusive, of the Reno Municipal Code is hereby modified and amended to read as follows:

**CHAPTER 10.08. [GARBAGE, RUBBISH]ACCUMULATION AND DISPOSAL OF SOLID WASTE[- MATTER]**

**Sec. 10.08.010. - Definitions.**

~~[The following]~~Unless otherwise provided, capitalized words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them~~[-]~~ in RMC chapter 5.90.

~~[District board of health means the district board of health of the City of Reno Health District created pursuant to NRS Ch. 439 by the interlocal agreement of the City of Reno, City of Sparks and the County of Washoe, Nevada.]~~

~~[District health officer means the person appointed by the district board of health of the City of Reno Health District who is responsible for the enforcement of state and local health, sanitation and nuisance laws and the enforcement of regulations as approved by the district board of health, created pursuant to NRS Ch. 439 in the interlocal agreement of the City of Reno, City of Sparks, and the County of Washoe, Nevada, and his designated or authorized representatives.]~~

~~[Garbage includes and means putrescible animal and vegetable waste resulting from the handling, storage, preparation, cooking, and sale and serving of food and beverage. This includes, but is not limited to:-]~~

~~[(1) Offal, swill, kitchen and table waste, and other organic animal and vegetable waste;]~~

~~[(2) Bottles, cans, cups, plates, utensils, containers, or covering of any construction or material that has been in intimate contact with food, confection, or beverage;]~~

~~[(3) Any component used in the preparation or manufacture of matter intended for animal or human consumption; and]~~

~~[(4) Such matter and/or materials listed in (1) through (3), above, that have been discarded without first being sanitized.]~~

~~[The mixing, addition, or commingling of garbage with rubbish, trash, or other waste matter exclusive of group 1 wastes, renders the entire resulting mixture as garbage and requires the mixture to be handled as garbage.]~~

~~[The district board of health may, upon specific request, authorize in writing resource recovery from the waste stream, if the materials and garbage to be reclaimed are separated, processed, and stored in a manner that creates no health risk, health hazard, or health nuisance; and the specifically approved recovery method meets all other requirements contained in this regulation.]~~

~~[Responsible person shall have the meaning set forth in section 1.05.020 of the Code.]~~

~~[Rubbish includes and means nonputrescible solid waste, exclusive of those unsanitized materials that have been in contact with garbage. These wastes include, but are not limited to, ashes, paper, cardboard, wood, glass, crockery, plastics and rubbish.]~~

~~[Waste matter means unwanted or discarded materials resulting from any activity.]~~

**Sec. 10.08.020. - Unlawful dumping of ~~[garbage, rubbish and]~~ waste matter.**

It shall be unlawful for any person to dump, spill, throw, place or bury in any parcel of land, lot, street, highway, gutter, or in any alley or in any water or stream or in any canal or ditch within the limits of the city any ~~[garbage, rubbish, or waste matter]~~ Solid Waste, Recyclable Materials, Excluded Materials, or any deleterious or offensive substances (collectively, "Waste Matter").

**Sec. 10.08.030. - Unlawful to permit accumulations of ~~[garbage]~~ waste matter, etc.**

It is unlawful for any person owning or occupying any building, lot or premises in the city to suffer, allow or permit to collect and remain upon any lot or premises, any ~~[garbage, rubbish or waste material]~~ Waste Matter; provided, however, that this provision shall not be construed as interfering with building under a building permit, or wood neatly piled for kitchen or household use.

**Sec. 10.08.040. - Exclusive right to collect ~~[garbage]~~ solid waste and recyclable materials in city; disposal.**

~~[The city, its duly authorized agents, servants, employees or contractees, or the agents or employees of any such contractees, shall have the exclusive right to gather and collect and haul garbage within the city, and it is unlawful for any person to collect, dispose of,~~

~~transport, carry or convey through the streets, alleys or public thoroughfares of the city, any garbage or to collect or dispose of the same.]~~

(a) No person or entity other than the city, its duly authorized agents, servants, employees or Contractors and its subcontractors shall i) collect Collection Materials in Contractor's Exclusive Service Area, ii) transport anywhere in the City Collection Materials Collected in Contractor's Exclusive Service Area, or iii) deliver any Collection Materials Collected in Contractor's Exclusive Service Area to any Disposal, processing, recycling or similar facility, except as expressly provided under this article and the Agreements. The preceding sentence is intended to be broadly interpreted to preclude, without limitation except as expressly provided in the Agreements, any activity relating to the collection or transportation of Collection Materials from Residences and Commercial Activities that is solicited, arranged, brokered, or provided by any person or combination of persons in exchange for the payment, directly or indirectly, of a fee, charge, rebate, discount, commission, or other consideration, in any form or amount. Notwithstanding any other provision of any Agreement, the exclusive right of Contractor shall not apply to Excluded Materials, Exempted Drop Box Materials, Exempted Hauler Account Materials and subject to and as provided in the Agreements, Excluded Recyclable Materials and Exempted Facility Material delivered to Exempted Facilities. Contractors and other service providers may collect and transport Excluded Materials and Exempted Drop Box Materials in the Exclusive Service Area and elsewhere in the city and may charge fees and charges for services as the service provider may elect.

(b) No person or entity other than the service provider under the Disposal Agreement shall accept, handle, process, recycle or dispose of any Collection Materials which are the subject of the exclusive rights granted under any Agreement.

**Sec. 10.08.045. - Mandatory use of [garbage]solid waste and recyclable materials collection service within the city.**

~~Every responsible person which accumulates or causes the accumulation of [garbage]Solid Waste [as defined in this chapter] upon any premises in the city shall subscribe to the collection, hauling and disposal of [garbage]Solid Waste pursuant to the provisions of [this chapter. For purposes of determining whether garbage service must be subscribed to in accordance with the provisions of this chapter, it is presumed that every single family dwelling, any building containing rooms for sleeping and overnight accommodations, every building or dwelling unit with a kitchen facility, and every business which permits food and drink to be sold, served or consumed upon the premises is accumulating or causing the accumulation of garbage upon the premises. Any owner or occupant of dwelling units or business establishments desiring to be exempt from garbage service, or claiming that garbage is not being accumulated upon the premises, must have the written approval of the district health officer, which approval shall not be granted except upon the showing that garbage, as defined by this chapter, is not being accumulated upon the premises and that no attempt is being made to haul, bury or otherwise dispose of garbage in violation of chapter 10.08 of the Reno Municipal Code. The district health officer shall determine all questions as to whether waste materials are putrescible and therefore garbage or are rubbish and waste material as defined in this chapter.]RMC chapter 5.90 and the applicable agreements.~~

**Sec. 10.08.050. - Job hauling license necessary for swill collection.**

Any person accumulating [~~garbage~~]Garbage suitable for feeding to animals and keeping such [~~garbage~~]Garbage separate from all other [~~garbage, waste matter or rubbish,~~]Solid Waste and Recyclable Materials may contract for the hauling of only such [~~garbage~~]Garbage as may be suitable for feeding to animals with any person having a job hauling license issued by the city, and having for such purpose equipment that is staunch, tight and closely covered so as to wholly prevent leakage or smell, and it is unlawful for any such person to haul any such [~~garbage~~]Garbage in equipment that is not of such type as to wholly prevent leakage or smell.

**Sec. 10.08.060. [~~Garbage~~]- Solid waste and recyclable materials cans.**

It shall be the duty of every responsible person having [~~garbage~~]Solid Waste and Recyclable Materials, to provide without expense to the city, or [~~the franchise holder~~]any Contractor, and at all times to keep within the building, or on the lot on which the building is situated, suitable and sufficient watertight cans or receptacles with suitable bales or handles and each having a tight-fitting cover, for receiving and holding without leakage, or escape of odors, all [~~garbage~~]Solid Waste and Recyclable Materials which would ordinarily accumulate on the premises in one week's time, and all [~~garbage~~]Solid Waste and Recyclable Materials shall be placed in such receptacles. Cans or receptacles for [~~garbage~~]Solid Waste and Recyclable Materials shall each have a capacity of not less than ten gallons nor more than 32 gallons and not exceed in weight when full 75 pounds. All such containers or cans shall be defined as "designated containers."

**Sec. 10.08.070. - Receptacles for [~~rubbish or~~]solid waste [~~matter~~]and recyclable materials.**

It shall be the duty of every responsible person, restaurant, eating house, boardinghouse, apartment house, multiple-dwelling establishment, or other building where [~~rubbish or waste matter~~]Solid Waste and Recyclable Materials will accumulate, to provide a designated container, barrels, bundles securely tied, disposable plastic bags, or other such disposable containers for the storage of [~~rubbish and waste matter~~]Solid Waste and Recyclable Materials to be kept on the premises sufficient to hold the [~~rubbish and waste matter~~]Solid Waste and Recyclable Materials which would ordinarily accumulate on such premises in one week's time, and all [~~rubbish and waste matter~~]Solid Waste and Recyclable Materials accumulated on such premises shall be placed in such boxes, barrels, bundles, disposable plastic bags or other disposable containers. No one of such boxes, barrels, bundles, disposable plastic bags, or other disposable containers shall, with its contents, weigh more than 75 pounds, or exceed four feet in length, except that business establishments shall, when necessary, provide metal-lined bins equipped with tight-fitting lids which shall be kept closed at all times, except when [~~refuse or waste matter~~]Solid Waste and Recyclable Materials is being deposited therein or removed therefrom. All boxes or other bulky articles must be broken up and placed in such receptacles. The district health officer shall be the exclusive judge of the sufficiency of such boxes, barrels or receptacles. All receptacles for the receiving and holding of [~~garbage, rubbish, and waste matter~~]Solid Waste and Recyclable Materials shall be kept in a clean and sanitary condition, by the owner or person using the same, and

~~[garbage]~~ Solid Waste and Recyclable Materials receptacles shall be kept tightly covered at all times, except when ~~[garbage is]~~ Solid Waste and Recyclable Materials are being deposited therein or removed therefrom. It is unlawful for any person to place ashes in any receptacle other than one constructed entirely of metal.

**Sec. 10.08.080. - Cans and receptacles to be accessible for emptying.**

All receptacles for the receiving and holding of all ~~[garbage, rubbish]~~ Solid Waste and ~~[waste matter]~~ Recyclable Materials shall at all times be located in such place as to be readily accessible for removing and emptying the matter therefrom, but they shall not be placed within the limits of any street or alley, or where they will become a public nuisance or in any degree offensive. In all cases of disputes or complaints arising from or concerning the place where such receptacles shall be placed while awaiting removal of their contents, the district health officer shall forthwith designate the place, and the decision of such officer shall be final. It is unlawful to keep such a receptacle in a locked building or enclosure.

**Sec. 10.08.090. - Violations.**

Any person violating any of the provisions of this chapter:

- (1) Upon conviction, shall be guilty of a misdemeanor and punished as provided in section 1.04.010; or
- (2) Shall be subject to provisions of Chapter 1.05 of the Code.

**SECTION 2.** This Ordinance shall be in effect from and after its passage, adoption and publication in one issue of a newspaper printed and published in the City of Reno.

**SECTION 3.** The City Clerk of the City of Reno is hereby authorized and directed to have this Ordinance published in one issue of the Reno Gazette-Journal, a newspaper printed and published in the City of Reno.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote of the Council:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2012.

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ROBERT A. CASHELL SR., MAYOR

ATTEST:

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LYNNETTE JONES, City Clerk and Clerk  
of the City Council of the City of Reno,  
Nevada

EFFECTIVE DATE: \_\_\_\_\_