

BILL NO. 2013-41

ORDINANCE NO. _____

AN ORDINANCE RELATING TO SEWER SERVICE; AMENDING LVMC CHAPTER 14.04 TO UPDATE PROVISIONS REGARDING CERTAIN CHARGES PAYABLE BY THE CITY OF NORTH LAS VEGAS, AND CLARIFY PROVISIONS REGARDING THE INSTALLATION AND MAINTENANCE OF SEWER FACILITIES; AND PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Jorge Cervantes, Executive
Director, Community Development

Summary: Amends LVMC Chapter 14.04 to update provisions regarding certain sewer charges payable by the City of North Las Vegas, and clarifies provisions regarding the installation and maintenance of sewer facilities.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 14, Chapter 4, Section 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.04.050: (A) User charges, except those to the City of North Las Vegas, shall be calculated as follows:

- (1) Customer class of user is determined;
- (2) Number of ERUs for user is determined;
- (3) ERU rate for user is determined;
- (4) Commodity charge is determined by multiplying number of user ERU's by user ERU rate;
- (5) User charge is determined by adding commodity charge.

(B) User charges to the City of North Las Vegas shall be [based on flow (volume) and strength (five-day biochemical oxygen demand and suspended solids concentrations). Also included in the charges to the City of North Las Vegas shall be any monitoring costs. User charges shall be calculated on the basis of the volume of wastewater and the load of five-day biochemical oxygen demand (BOD's) and suspended solids (SS) according to the following schedule:

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Parameter	Rate
Volume	\$272.51 per million gallons
BOD5	\$56.29 per thousand pounds
SS	\$35.54 per thousand pounds]

determined by agreement between the City and the City of North Las Vegas.

SECTION 2: Title 14, Chapter 4, Section 120, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.04.120: (A) It shall be the responsibility of the City to maintain all [sewer main] sewer collection facilities installed in City-owned rights-of-way and easements[.], including sewer mains.

(B) It shall be the responsibility of [private] property owners to maintain all sewer service laterals originating on their property to the point where the laterals are connected into the [City] sewer main. [in a City-owned right-of-way or easement.] The maintenance obligation of property owners described in this Subsection (B):

(1) Extends to any portion of a sewer service lateral located within a public right-of-way or public easement;

(2) Is tied to and based upon the exclusive benefit that the sewer service lateral provides to the serviced property; and

(3) Is subject to and governed by the provisions of Section 14.04.125.

(C) For purposes of this Section:

(1) “Sewer main” means a public sewer line with a diameter that exceeds six inches (together with related appurtenances) that is located within a City right-of-way or easement and is designed to collect and convey wastewater flows from private sewer facilities and sewer service laterals.

(2) “Sewer service lateral” means a pipe or conduit that connects a building or other property to a sewer main.

SECTION 3: Title 14, Chapter 4, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 125, reading as follows:

1 **14.04.125:** In connection with the maintenance obligation described in Subsection (B) of Section
2 14.04.120:

3 (A) Each contractor that provides any maintenance or repair service with respect
4 to a sewer service lateral must have a City business license and any and all State licenses or permits
5 that are necessary in order to perform such services.

6 (B) It is unlawful for a contractor to misrepresent the maintenance obligation to a
7 property owner, and repeated misrepresentations shall be ground for disciplinary action against a
8 license.

9 (C) In the event a property owner fails to comply with the maintenance obligation
10 and, as a result of that failure, the public health is endangered by reason of an overflow or discharge
11 of fluids into the public right of way, via either surface or subsurface flow, the City may undertake any
12 action that is necessary or appropriate to resolve the cause of the overflow and mitigate the public
13 impact. Following such action, the City may assess all its associated costs against the property owner
14 and bill the owner for such costs, which may be processed as in the case of sewer charges in
15 accordance with Sections 14.04.090, 14.04.100 and 14.04.105.

16 SECTION 4: Title 14, Chapter 4, Section 260, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **14.04.260:** [All new sewers and sewer connections to the Municipal Sewer System must be
19 properly designed and constructed, must conform to the requirements of all applicable local, state and
20 federal laws, including without limitation the provisions of “Uniform Standard Specifications for
21 Public Works’ Construction–Off-Site Improvements–Clark County Area Nevada–1978,” as amended,
22 and must first be approved by the Director of the Department of Public Works.] All new sewers and
23 sewer connections to the municipal sewer system:

24 (A) Must conform to the requirements of all applicable local, state and federal laws,
25 including without limitation the provisions of the most recent edition of the “Design and Construction
26 Standards for Wastewater Collection Systems, Southern Nevada”; and

27 (B) Must first be approved by the Director of Public Works or a designee.

28 SECTION 5: Title 14, Chapter 4, Section 290, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **14.04.290:** (A) No sewer may be connected to, [the Municipal Sewer System unless it has been
3 inspected during construction by personnel of the Department of Public Works, and no wastewater
4 may be discharged into the Municipal Sewer System prior to obtaining such inspection and the
5 approval by the Director of the Department of Public Works, of the construction of the sewer and its
6 connection to the Municipal Sewer System.] and no wastewater may be discharged into, the municipal
7 sewer system unless and until the construction of the sewer and its connection to the system have been
8 inspected and approved by the Director of Building and Safety or a designee.

9 (B) The applicant or its contractor shall notify the [department of public works,]
10 Department of Building and Safety, either verbally or in writing, at least twenty-four hours before the
11 construction work is to be inspected that the work is ready for inspection, and no work that cannot be
12 visually inspected shall be accepted. A representative of the applicant or its contractor shall be present
13 during the inspection by personnel of the [department of public works.] Department of Building and
14 Safety.

15 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or
16 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
17 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
18 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
19 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
20 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
21 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
22 invalid or ineffective.

23 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared
24 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
25 required or the failure to do any act is made or declared to be unlawful or an offense or a
26 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
27 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
28 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such

1 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

2 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
3 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
4 1983 Edition, in conflict herewith are hereby repealed.

5 PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

6 APPROVED:

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8 By CAROLYN G. GOODMAN, Mayor

9 ATTEST:

10 BEVERLY K. BRIDGES, MMC
11 City Clerk

12 APPROVED AS TO FORM:

13 Val Steed 8-7-13
14 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 _____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____
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12 APPROVED:

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14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk
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