

THIRD AMENDMENT

BILL NO. 80-87

ORDINANCE NO. 2138

AN ORDINANCE RELATING TO PERIODIC SEWER USER CHARGES AND USER RATES; AMENDING TITLE VIII, CHAPTER 5, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS NEVADA, 1960 EDITION, BY REPEALING SECTION 1 THEREOF AND ADOPTING IN LIEU OF SAID SECTION A NEW SECTION, DESIGNATED SECTION 1, DEFINING CERTAIN WORDS, TERMS AND PHRASES; FURTHER AMENDING SAID TITLE VIII, CHAPTER 5, BY REPEALING SECTION 2 THEREOF AND ADOPTING IN LIEU OF SAID SECTION A NEW SECTION, DESIGNATED SECTION 2, ESTABLISHING A NEW SYSTEM OF SEWER USER CHARGES AND USER RATES; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Commissioner
Paul Christensen

Summary: Repeals existing schedules of sewer user charges and establishes a new system of sewer user charges.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: It is hereby declared as a matter of legislative determination that the purpose of this ordinance is to establish an equitable system for the collection of periodic sewer user charges and to provide for periodic sewer user rates which will produce annual revenues in an amount sufficient to maintain the financial integrity of the City's sewage collection and treatment system.

SECTION 2: Title VIII, Chapter 5, Section 1, of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended by repealing Section 1 thereof in its entirety.

SECTION 3: Title VIII, Chapter 5, of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended by adding thereto a new section, to be designated as Section 1, reading as follows:

8-5-1 Except where the context otherwise requires, as used in this Chapter the following words, terms and phrases shall have the meanings indicated as follows:

(A) "Billing Charge" means that portion of the user

1 charge associated directly with the cost of pre-
2 paring a user's bill and which is the same for
3 each user, i.e., sewer user account.

4 (B) "Casino" means a place which is not a part of a
5 hotel where games of chance or gambling devices
6 are made available for play by the public.

7 (C) "Church" means a structure primarily used for
8 activities sponsored by a religious organization.

9 (D) "Commodity Charge" means that portion of the
10 user charge associated directly with wastewater
11 collection and treatment and which is calculated
12 for a user by multiplying the ERU rate for that
13 user's customer class by the number of ERU's
14 assigned to that customer.

15 (E) "Convalescent and Rest Homes" means an establish-
16 ment used or designed to provide personal and
17 health care supervision to convalescents, in-
18 valids, aged or infirm humans.

19 (F) "Dwelling Unit" means one or more rooms designed
20 or used as living quarters for one family and
21 having facilities for the preparation of food.

22 (G) "Equivalent Residential Unit" ("ERU" herein)
23 means the average amount of wastewater dis-
24 charged by a single-family residence, which has
25 been determined to be 90,000 gallons per year.

26 (H) "Family" means one or more human beings living
27 together as a single houskeeping unit.

28 (I) "Fixture" means a device which is permanently
29 connected to the hot or cold water supply system
30 or both and which is connected to the wastewater
31 collection system of the Cityl and includes but
32 is not limited to the following:

- 1 1. Bathtub (with or without overhead shower)
- 2 2. Bidet
- 3 3. Combination sink and tray, with or without
- 4 food-disposal unit
- 5 4. Dental unit or cuspidor
- 6 5. Dental lavatory
- 7 6. Drinking fountain
- 8 7. Dishwasher, domestic
- 9 8. Faucet heads for water supply²
- 10 9. Kitchen sink, domestic, with or without food
- 11 10. Lavatory
- 12 11. Lavatory, barber, beauty parlor, surgeon's
- 13 12. Laundry tray (1 or 2 compartments)
- 14 13. Shower stall, domestic
- 15 14. Showers (group) per head²
- 16 15. Sinks:
- 17 Service (trap standard)
- 18 Service (P trap)
- 19 Pot, scullery, etc.
- 20 16. Urinal
- 21 17. Urinal trough (each 2-foot section)
- 22 18. Washing machine
- 23 19. Wash sink (circular or multiple), each set
- 24 of faucets
- 25 20. Water closet, tank-operated or valve-
- 26 operated

1 The following devices and appliances are expressly excluded from the definition of "Fixture":

- 29 Air Conditioner
- 30 Boiler
- 31 Coffee Urn
- 32 Garbage Disposal Unit
- Ice Machine
- Refrigerator
- Soft Drink Machine

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Steam Table
Water Softener
X-Ray Machine

2Faucet heads or shower heads which flow into a single drain.

(J) "High Strength Users" means a customer class discharging on the average, Five Day Biochemical Oxygen Demand strengths greater than 300 milligrams per liter or suspended solids strengths greater than 350 milligrams per liter.

(K) "Hospital" means an establishment staffed and equipped to provide diagnosis, care and treatment of human illness or injury and which provides 24-hour professional nursing services under the direction of physicians.

(L) "Hotel" means a structure containing two or more rooms each of which is designed or used for sleeping quarters for one family and each of which contains one or more fixtures but does not contain facilities for the preparation of food.

(M) "Large Commercial" means an establishment of single ownership or operation which uses more than 5,000,000 gallons of water per year and does not otherwise fall under any of the other user classifications.

(N) "Laundry" means an establishment where clothing is washed for remuneration.

(O) "Mobile Home Residential Estate" and/or "Mobile Home Park" means a place which is used or intended for use to park two or more trailers for occupancy as living quarters for human beings for 30 days or more.

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1 (P) "Multiple Family Residence" means a structure or
2 trailer containing two or more dwelling units
3 under one ownership.

4 (Q) "Recreational Vehicle Park" means a place which
5 is used or intended for use to park two or more
6 trailers for occupancy as living quarters for
7 human beings for less than 30 days.

8 (R) "Restaurant" means a place which is not a part
9 of a hotel where the primary business is serving
10 food to the public.

11 (S) "School" means an establishment, whether public
12 or private, in which is offered a full-time
13 academic, vocational or technical course of study
14 or other educational services, whether elementary,
15 secondary, or post-secondary, and includes nursery
16 schools, day care centers and other licensed
17 child care facilities.

18 (T) "Single Family Residence" means a structure or
19 trailer containing only one dwelling unit and each
20 individually owned unit in a structure or trailer
21 containing two or more dwelling units.

22 (U) "Trailer" means a vehicular structure which is
23 built on a chassis or frame, which is designed
24 to be used with or without a permanent founda-
25 tion and which may be used as living quarters
26 for human beings whether drawn by a motor
27 vehicle or propelled by its own power.

28 SECTION 4: Title VIII, Chapter 5, of the Municipal
29 Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby
30 amended by repealing section 2 thereof in its entirety.

31 SECTION 5: Title VIII, Chapter 5, of the Municipal
32 Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby

1 amended by adding thereto a new section, to be designated as
 2 Section 2, reading as follows:

3 8-5-2: (A) Equivalent Residential Unit (ERU) Schedule

<u>Customer Class</u>	<u>Billing Unit</u>	<u>ERU's</u>
4 <u>Single family residence</u>	<u>Each dwelling unit</u>	<u>1.00</u>
5 <u>Mobile home residential</u>		
6 <u> estates¹</u>	<u>Each trailer lot</u>	<u>1.00</u>
7 <u>Mobile home parks</u>	<u>Each trailer lot</u>	<u>1.00</u>
8 <u>Multiple family resi-</u>		
9 <u> dence</u>	<u>Each dwelling unit</u>	<u>0.70</u>
10 <u>Other residence</u>	<u>Each dwelling unit</u>	<u>1.00</u>
11 <u>Recreational vehicle</u>		
12 <u> parks</u>	<u>Each trailer space</u>	<u>0.70</u>
13 <u>Hotel</u>	<u>Each room</u>	<u>0.60</u>
14 <u>Plus: fixtures out-</u>		
15 <u> side of rooms (includ-</u>		
16 <u> ing fixtures in casinos</u>		
17 <u> and restaurants)</u>	<u>Each fixture</u>	<u>1.50</u>
18 <u>Casino</u>	<u>Each fixture</u>	<u>1.50</u>
19 <u>Business operations not</u>		
20 <u> separately rated</u>	<u>Each fixture</u>	<u>0.65</u>
21 <u>Hospital</u>	<u>Each bed</u>	<u>1.20</u>
22 <u>Convalescent and Rest</u>		
23 <u> Homes</u>	<u>Each bed</u>	<u>0.75</u>
24 <u>School</u>	<u>Each student</u>	<u>0.10</u>
25 <u>Church</u>	<u>Each fixture</u>	<u>0.50</u>
26 <u>Restaurant</u>	<u>Each fixture</u>	<u>1.33</u>
27 <u>Large commercial² and</u>	<u>Annual water use -</u>	
28 <u> other</u>	<u>90,000 gallons =</u>	<u>No. ERU's</u>
29 <u>Commercial laundries²</u>	<u>0.85 x annual</u>	
30 <u> water use -</u>		
31 <u> 90,000 gallons =</u>		<u>No. ERU's</u>
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1. Trailers which contain more than one dwelling unit shall be classified

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as multiple residential.

2. In instances in which the applica-
tion of the term "water use" causes
inequity, the discharger may
petition to substitute its actual
annual discharge to the sewer system
in lieu of annual water use quantities,
for the purpose of computing ERU's.

Swimming Pools--Public and
Private--each pool by capacity

<u>30,000 gallons and less</u>	<u>0.10</u>
<u>30,001 to 99,999 gallons</u>	<u>0.25</u>
<u>100,000 to 149,999 gallons</u>	<u>0.50</u>
<u>150,000 to 199,999 gallons</u>	<u>0.65</u>
<u>200,000 to 249,999 gallons</u>	<u>0.85</u>
<u>250,000 to 299,999 gallons</u>	<u>1.00</u>
<u>300,000 gallons or more</u>	<u>1.30</u>

(B) Equivalent Residential Unit (ERU) Rates

The change rate per ERU for a particular user shall
be as given below.

<u>User</u>	<u>Annual Charge per ERU</u>
<u>Domestic Strength Users</u>	<u>\$46.03</u>
<u>High Strength Users</u>	
<u>Bottlers</u>	<u>65.08</u>
<u>Dairies</u>	<u>60.61</u>
<u>Restaurants with garbage</u>	
<u>grinders</u>	<u>86.71</u>
<u>Laundries</u>	<u>60.71</u>

(C) Billing Charge

The billing charge shall be \$2.75 per year per user
account.

(D) Calculation of User Charges

1. User charges, except those to the City of

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North Las Vegas shall be calculated as follows:

- (a) Customer class of user is determined
- (b) Number of ERU's for user is determined
- (c) ERU rate for user is determined
- (d) Commodity charge is determined by multiplying number of user ERU's by user ERU rate
- (e) User charge is determined by adding commodity charge and billing charge

2. 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.

<u>Parameter</u>	<u>Rate</u>
<u>Volume</u>	<u>\$272.51 per million gallons</u>
<u>BOD5</u>	<u>56.29 per thousand pounds</u>
<u>SS</u>	<u>35.54 per thousand pounds</u>

(E) Manditory Monitoring and Revision

In accordance with the Regulations governing acceptance of Wastewater Treatment Facilities Construction Grants from the U.S. Environmental Protection Agency:

- 1. The City of Las Vegas will review not less often than every two years the wastewater contribution

1 of users and user classes, the total costs of
2 operation and maintenance of the treatment works,
3 and its approved user charge system. Charges
4 to accomplish the following:

5 (A) Maintain the proportionate distribution
6 of operation and maintenance costs
7 among users and user classes as re-
8 quired by PL 95-217 Section 204(b) (1)

9 (A).

10 (b) Generate sufficient revenue to pay the
11 total operation and maintenance costs
12 necessary to the proper operation and
13 maintenance (including replacement) of
14 the treatment works; and

15 (c) Apply excess revenues collected from
16 one particular class of users over and
17 above that collected from the rest to
18 the costs of operation and maintenance
19 attributable to that class for the
20 next year and adjust the rate accord-
21 ingly.

22 2. City of Las Vegas may have pre-existing agree-
23 ments which address: (1) the reservation of
24 capacity in the treatment works, or (2) the
25 charges to be collected in providing wastewater
26 treatment services or reserving capacity. The
27 user charge system shall take precedence over
28 any terms or conditions of agreements or con-
29 tracts between the grantee and users (including
30 industrial users, special districts, other
31 municipalities or federal agencies or installa-
32 tions) which are inconsistent with the requirements

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of section 204(b)(1)(A) of the Act and the applicable regulations.

3. City of Las Vegas shall provide for annual customer notification, in conjunction with a regular bill, of the rate and that portion of user charges which are attributable to wastewater treatment services.

SECTION 6: The ordinance shall become effective on March 1, 1981.

SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of City Commissioners of the City of Las Vegas, Nevada, hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 8: All ordinances or parts of ordinances, section, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED, and APPROVED this 7th day of January, 1981.

APPROVED:

William H. Briare
BY WILLIAM H. BRIARE, MAYOR

ATTEST:

Linda May Owens
LINDA MAY OWENS, DEPUTY CITY CLERK

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The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 5th day of December, 1980, and referred to the following committee composed of Commissioners Christensen, Levy, Lurie and Woofter for recommendation; thereafter the said committee reported favorably on said ordinance on the 7th day of January, 1981, which was a regular meeting of said Board; that at said regular meeting, the proposed ordinance was read by title to the Board of Commissioners as amended and adopted by the following vote:

VOTING "AYE" Commissioners: Christensen, Levy, Woofter and Mayor Briare
VOTING "NAY" Commissioners: Lurie
ABSENT: None

APPROVED:

William H. Briare
BY WILLIAM H. BRIARE, MAYOR

ATTEST:

Linda May Owens
LINDA MAY OWENS, DEPUTY CITY CLERK

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA) SS
COUNTY OF CLARK)

Mr. George J. Vasconi, being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW-JOURNAL, a daily newspaper at Las Vegas, in the County of Clark, State of Nevada; and that the attached was continuously published in said newspaper for a period of one insertions from period of January 10, 1981 to January 10, 1981 inclusive, being the issue of said newspaper for the following dates, to wit:

January 10, 1981

That said newspaper was regularly issued and circulated on each of the dates above named.

THIRD AMENDMENT
BILL NO. 80-87
ORDINANCE NO. 21381
AN ORDINANCE RELATING TO PERIODIC SEWER USER CHARGES AND USER RATES; AMENDING TITLE VIII, CHAPTER 5, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY REPEALING SECTION 1 THEREOF AND ADOPTING IN LIEU OF SAID SECTION A NEW SECTION, DESIGNATED SECTION 1, DEFINING CERTAIN WORDS, TERMS AND PHRASES; FURTHER AMENDING SAID TITLE VIII, CHAPTER 5, BY REPEALING SECTION 2, THEREOF AND ADOPTING IN LIEU OF SAID SECTION A NEW SECTION, DESIGNATED SECTION 2, ESTABLISHING A NEW SYSTEM OF SEWER USER CHARGES AND USER RATES; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.
Sponsored by:
Commissioner Paul Christensen
Summary:
Repeals existing schedules of sewer user charges and establishes a new system of sewer user charges.
The above and foregoing amended ordinance was first proposed and read by title to the Board of Commissioners on the 5th day of December, 1980, and referred to the following committee composed of Commissioners Christensen, Levv, Lurie and Wooffer, for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 7th day of January, 1981, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as amended and adopted by the following vote:
VOTING "AYE" Commissioners:
Christensen, Levv, Wooffer, and Mayor Daines
VOTING "NAY" Commissioners:
Lurie
ABSENT: None
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
Pub. Jan. 10, 1981.

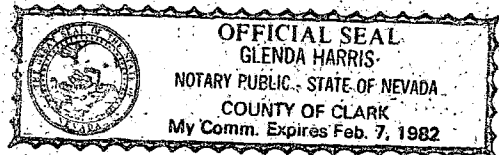
SIGNED _____

GEORGE J. VASCONI

Subscribed and sworn to before me this 13 day of Jan, 19 81

Glenda Harris

NOTARY PUBLIC, IN AND FOR CLARK COUNTY, NEVADA



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CLERK

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, {
COUNTY OF CLARK } ss.

REX TAYLOR

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of ONE TIME

from DECEMBER 22, 1980 to

inclusive, being the issues of said newspaper for the following dates, to-wit:

DECEMBER 22, 1980

That said newspaper was regularly issued and circulated on each of the dates above named.

Signed _____

Rex Taylor

Subscribed and sworn to before me this 22ND
day of DECEMBER, 1980

Notary Public in and for Clark County, Nevada
Notary Public—State of Nevada
COUNTY OF CLARK
My Commission Expires Apr. 14, 1981



My Commission Expires _____

SECOND AMENDMENT
BILL NO. 80-87
AN ORDINANCE RELATING
TO PERIODIC SEWER USER
CHARGES AND USER RATES;
AMENDING TITLE VIII,
CHAPTER 5, OF THE MUNICI-
PAL CODE OF THE CITY OF
LAS VEGAS NEVADA, 1960 EDITION,
BY REPEALING SECTION 1 THEREOF
AND ADOPTING IN LIEU OF SAID SECTION
A NEW SECTION, DESIGNATED
SECTION 1, DEFINING CERTAIN
WORDS, TERMS AND PHRASES;
FURTHER AMENDING SAID TITLE VIII,
CHAPTER 5, BY REPEALING
SECTION 2 THEREOF AND ADOPTING
IN LIEU OF SAID SECTION A NEW
SECTION, DESIGNATED SECTION 2,
ESTABLISHING A NEW SYSTEM OF
SEWER USER CHARGES AND USER
RATES; PROVIDING FOR OTHER
MATTERS PROPERLY RELATING
THERE TO; AND REPEALING ALL
ORDINANCES OR PARTS OF
ORDINANCES IN CONFLICT
HEREWITH.
Summary: Repeals existing
schedules of sewer user charges
and establishes a new system of
sewer user charges.
Sponsored by:
Commissioner
Paul Christensen
At a Commission Meeting on
December 17, 1980
BILL NO 80-87 WAS READ BY
TITLE AND REFERRED TO
RECOMMENDING COMMITTEE.
COMMISSIONERS Christensen,
Levy, Lurie and Woolter
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE
FOR PUBLIC INFORMATION
IN THE OFFICE OF THE CITY
CLERK, 10TH FLOOR, CITY
HALL, 400 EAST STEWART AV-
ENUE, LAS VEGAS, NEVADA.
PUB: DECEMBER 22, 1980
THE LAS VEGAS SUN

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, {
COUNTY OF CLARK } ss.

December 5, 1980
NOTICE OF PUBLIC HEARING
Notice is hereby given that on
Wednesday, December 17, 1980,
at 2 00 P.M. in the Commission
Chambers of City Hall, 400 East
Stewart Avenue, Las Vegas, Ne-
vada, the Board of City Commis-
sioners will hear the follow-
ing:
Bill No. 80-87 - Repeals existing
schedules of sewer-user charges
and occupancy fees for sewer
connections and establishes a
new system of sewer user
charges and user rates and a new
system of occupancy fees for
sewer connections.
Any and all interested persons
may appear before the Board of
City Commissioners either in per-
son or by representative and ob-
ject to or express approval of the
proposed bill; or may, prior to
this hearing, file with the City
Clerk written objections thereto
or approval thereof.
CAROL ANN HAWLEY
City Clerk
PUB: DECEMBER 8, 1980
THE LAS VEGAS SUN

REX TAYLOR

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of ONE TIME

from DECEMBER 8, 1980 to

inclusive, being the issues of said newspaper for the following dates, to-wit:

DECEMBER 8, 1980

That said newspaper was regularly issued and circulated on each of the dates
above named.

Signed *Rex Taylor*

Subscribed and sworn to before me this 8TH
day of DECEMBER, 1980

Julie J. Washburn



Notary Public in and for Clark County, Nevada

My Commission Expires

Notary Public—State of Nevada
COUNTY OF CLARK

My Commission Expires Apr. 14, 1981

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