

ORDINANCE NO. 364

AN ORDINANCE PROVIDING FOR THE IMPOSITION AND COLLECTION OF RATES, FEES AND CHARGES; FOR THE USE OF THE SERVICES AND FACILITIES OF THE SEWAGE DISPOSAL SYSTEM OF THE CITY OF LAS VEGAS; AUTHORIZING AND EMPOWERING THE CITY TO REQUIRE CONNECTION WITH SANITARY SEWERS SERVED OR WHICH MAY BE SERVED BY SAID DISPOSAL SYSTEM; PROVIDING A PENALTY FOR THE FAILURE AND REFUSAL TO MAKE SUCH CONNECTION; AND PLEDGING THE NET REVENUES DERIVED FROM THE IMPOSITION OF SUCH RATES, FEES AND CHARGES AS ADDITIONAL SECURITY FOR THE PAYMENT OF THE LAS VEGAS SEWAGE DISPOSAL PLANT BONDS, SERIES OF MAY 1, 1948.

WHEREAS, the City of Las Vegas now owns and operates a municipal sewage disposal system consisting of intercepting sewers, force mains, sewage pumping works and related facilities; and

WHEREAS, the Board of Commissioners of the City of Las Vegas has determined and does hereby determine that said municipal sewage disposal system should be improved and extended by the construction of a sewage disposal plant for the treatment of sewage discharged into said system; and

WHEREAS, at an election duly called and held on the 6th day of May, 1947, the qualified electors of the City of Las Vegas authorized the issuance of bonds in the sum of \$350,000.00 to secure the necessary funds to finance the construction of said sewage disposal plant; and

WHEREAS, Emergency Ordinance No. 353 duly adopted by the Board of Commissioners on the 23rd day of April, 1948, as amended and supplemented provided for the issuance and public sale of said bonds; and

WHEREAS, said bonds were thereafter offered at public sale with the maximum interest rate of three per centum per annum but no bids were received for their purchase; and

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FILE**

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WHEREAS, the Board of Commissioners is informed that said bonds cannot be sold at par and accrued interest bearing an interest rate of not exceeding three per cent. (which was the maximum interest rate approved by the electors) unless said bonds are additionally secured by a pledge of the net revenues to be derived from the operation of the municipal sewage disposal system; and

WHEREAS, Section 20, Chapter II of the Charter of the City of Las Vegas provides that the Board of Commissioners shall be vested with the power and charged with the duty of making all laws or ordinances not inconsistent with the Constitution of the State of Nevada, touching every object, matter and subject within the local government instituted by the Charter and Section 31 (5) of Chapter II of said Charter empowers the Board of Commissioners to issue bonds in such amount and forms and on such conditions as the Board of Commissioners shall determine; and

WHEREAS, Section 31 (81) of Chapter II of the Las Vegas Charter further authorizes the Board of Commissioners to adopt and enforce by ordinance all such regulations as the Board of City Commissioners may from time to time deem expedient and necessary for the promotion and protection of health, comfort, safety, life and welfare of the inhabitants of the City of Las Vegas; and

WHEREAS, the Board of Commissioners deem it expedient to adopt by this ordinance a schedule of rates, fees and charges for the use of the services and facilities of the municipal sewage disposal system of the City of Las Vegas and to pledge the revenues derived therefrom as additional security for the payment of the Las Vegas Sewage Disposal Plant Bonds, Series of May 1, 1948, thereby making possible the sale of said bonds and the improvement of the municipal sewage disposal system by the construction of a sewage disposal plant; and

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WHEREAS, said Las Vegas Sewage Disposal Plant Bonds, Series of May 1, 1948 have not and will not be issued and delivered prior to the effective date of this ordinance.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA DOES ORDAIN:

Section 1. That all action heretofore taken by the Board of Commissioners and the officers of the City of Las Vegas directed toward the improvement and extension of the municipal sewage disposal system by the construction of a sewage disposal plant be and the same is hereby ratified, approved and confirmed.

Section 2. That the City of Las Vegas hereby covenants with the holders of any and all of the Sewage Disposal Plant Bonds, Series of May 1, 1948, authorized to be issued by Emergency Ordinance No. 353, adopted the 23rd day of April, 1948, as amended and supplemented, that so long as any of said bonds are outstanding, the City will establish such rates for services rendered by or through the municipal sewage disposal system as will create income sufficient to pay all reasonable expenses of operation and to create a net revenue which shall be sufficient to pay the principal of and the interest on said Sewage Disposal Plant Bonds, Series of May 1, 1948 and to maintain such rates continuously until the bonds authorized by said ordinance as amended and supplemented have been fully paid and discharged.

Section 3. The following schedule of rates for service rendered by or through said system is hereby established:

SEWER RATES (Monthly)

SCHEDULE A: One-family residence one dollar (\$1.00) per month.

SCHEDULE B: Two-family residence one dollar and forty cents (\$1.40) per month.

SCHEDULE C: (Motels) up to and including four (4) units eighty cents (\$.80) each unit, all units over four (4) and up to and including seven (7) units, twenty-five (\$.25) each additional unit, all units over seven (7), fifteen cents (\$.15) each additional unit.

SEWER RATES (Monthly)
(Cont'd)

1881
SCHEDULE D: Multiple Dwellings, up to and including four (4) units, seventy cents (\$.70) each unit per month. All units over four (4) and up to and including seven (7) units twenty cents (\$.20) each additional unit; all units over seven ten cents (\$.10) each additional unit.

SCHEDULE E: For commercial and industrial businesses, the monthly charge to be paid by these users of the sewer service furnished by the Municipal Sewer System shall be as follows:

(a) For the first two fixtures a monthly charge of One Dollar (\$1.00) per month.

(b) For all fixtures over two, up to and including twelve (12) additional fixtures a charge of ten cents each (\$.10) for each additional fixture per month.

(c) For all fixtures over twelve (12), there shall be an additional charge of three cents (\$.03) for each additional fixture per month.

(d) In addition to the above commercial rates there shall be charged for each commercial wash rack, the sum of seventy-five cents (\$.75) per month.

(e) In addition to the above commercial rates there shall be charged for each commercial dish washing machine an additional charge of one dollar (\$1.00) per month.

In addition to the above commercial rates there shall be charged for each floor drain an additional charge of seventy-five cents (\$.75) per month.

The City Engineer and the City Manager are hereby authorized and directed to establish the charge for any use of the municipal sewage disposal system not covered by the above schedule. The above schedule of rates shall be effective upon the publication and final passage of this Ordinance, said publication to be made immediately following the first reading and approval of this Ordinance. The City covenants and agrees that while any of said bonds are outstanding, it will from time to time revise and adjust said schedule of rates to the end that the revenue and income derived from the operation of the system will be sufficient to pay all operating and maintenance charges and both the principal of and the interest on the bonds authorized by Ordinance No. 353, duly adopted the 23rd day of April, 1948, as amended and supplemented. The City further covenants that no free service shall be furnished by the system provided, however, that no charge will be made to the United States of America, the State of Nevada, the County of Clark or any charitable institution for the direct use by it of said system.

AFFADAVIT OF PUBLICATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

Dick Lochner, Being first duly sworn,

deposes and says: That he is *owner* of the LAS VEGAS EVENING REVIEW-JOURNAL, 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 *two weeks*
from *Aug 31st 1948* to *Sept 7th 1948*

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

Aug 31 Sept 7th

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

Signed *Dick Lochner*

Subscribed and sworn to before me this *7th*

day of *September 1948*

W. H. Kilian
Notary Public in and for Clark County, Nevada.

My Commission Expires *Jan 12, 1951*

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WHEREAS, Emergency Ordinance No. 353 duly adopted by the Board of Commissioners on the 23rd day of April, 1948, as amended and supplemented provided for the issuance and public sale of said bonds; and

WHEREAS, said bonds were thereafter offered at public sale with the maximum interest rate of three per centum per annum but no bids were received for their purchase; and

WHEREAS, the Board of Commissioners is informed that said bonds cannot be sold at par and accrued interest bearing an interest rate of not exceeding three per cent, (which was the maximum interest rate approved by the electors) unless said bonds are additionally secured by a pledge of the net revenues to be derived from the operation of the municipal sewage disposal system; and

WHEREAS, Section 20, Chapter II of the Charter of the City of Las Vegas provides that the Board of Commissioners shall be vested with the power and charged with the duty of making all laws or ordinances not inconsistent with the Constitution of the State of Nevada, touching every object, matter and subject within the local government instituted by the Charter and Section 31 (5) of Chapter II of said Charter empowers the Board of Commissioners to issue bonds in such amount and forms and on such conditions as the Board of Commissioners shall determine; and

WHEREAS, Section 31 (8) of Chapter II of the Las Vegas Charter further authorizes the Board of Commissioners to adopt and enforce by ordinance all such regulations as the Board of City Commissioners may from time to time deem expedient and necessary for the promotion and protection of health, comfort, safety, life and welfare of the inhabitants of the City of Las Vegas; and

WHEREAS, the Board of Commissioners deem it expedient to adopt by this ordinance a schedule of rates, fees and charges for the use of the services and facilities of the municipal sewage disposal system of the City of Las Vegas and to pledge the revenues derived therefrom as additional security for the payment of the Las Vegas Sewage Disposal Plant Bonds, Series of May 1, 1948, thereby making possible the sale of said bonds and the improvement of the municipal sewage disposal system by the construction of a sewage disposal plant; and

WHEREAS, said Las Vegas Sewage Disposal Plant Bonds, Series of May 1, 1948 have not and will not be issued and delivered prior to the effective date of this ordinance.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA DOES ORDAIN:

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Section 2. That the City of Las Vegas hereby covenants with the holders of any and all of the Sewage Disposal Plant Bonds, Series of May 1, 1948, authorized to be issued by Emergency Ordinance No. 353, adopted the 23rd day of April, 1948, as amended and supplemented, that so long as any of said bonds are outstanding, the City will establish such rates for services rendered by or through the municipal sewage disposal system as will create income sufficient to pay all reasonable expenses of operation and to create a net revenue which shall be sufficient to pay the principal of and the interest on said Sewage Disposal Plant Bonds, Series of May 1, 1948 and to maintain such rates continuously until the bonds authorized by said ordinance are amended and supplemented have been fully paid and discharged.

Section 3. The following schedule of rates for service rendered by or through said system is hereby established:

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(e) In addition to the above commercial rates there shall be charged for each commercial dish washing machine an additional charge of one dollar (\$1.00) per month.

In addition to the above commercial rates there shall be charged for each floor drain an additional charge of seventy-five cents (\$.75) per month.

The City Engineer and the City Manager are hereby authorized and directed to establish the charge for any use of the municipal sewage disposal system not covered by the above schedule. The above schedule of rates shall be effective upon the publication and final passage of this Ordinance, said publication to be made immediately following the first reading and approval of this Ordinance. The City covenants and agrees that while any of said bonds are outstanding, it will from time to time revise and adjust said schedule of rates to the end that the revenue and income derived from the operation of the system will be sufficient to pay all operating and maintenance charges and both the principal of and the interest on the bonds authorized by Ordinance No. 353, duly adopted the 23rd day of April, 1948, as amended and supplemented. The City further covenants that no free service shall be furnished by the system provided, however, that no charge will be made to the United States of America, the State of Nevada, the County of Clark or any charitable institution for the direct use by it of said system.

Section 4. All bills for services rendered by or through said system shall be rendered quarterly on the first days of January, April, July and October of each year. In the event said bills are not paid in full within twenty days after the date when rendered, service shall be discontinued and thereafter no sewer connection which has been disconnected for the non-payment of charges shall again be reconnected for the same user until all costs incurred in the actual physical disconnection and reconnection have been paid and all delinquent sewage service charges have been paid to the City of Las Vegas. Payment of all bills rendered shall be made into the City Treasury and such bills may be paid annually in advance and provided further that no license shall be granted for the conducting of any business requiring a city license in any multiple dwelling or place of business unless the quarterly charge for sewer service is paid in advance.

Section 5. The sewage disposal system shall be operated for the purposes of this ordinance upon a fiscal year basis commencing on the first day of October in each year and ending on the thirtieth day of September of the succeeding year.

There is hereby created a special fund to be known as the "Sewage Disposal System Fund" into which there shall be paid from time to time after the adoption of this ordinance all revenues derived from the operation of the sewer system. So long as any of the bonds authorized by Ordinance No. 353, duly adopted the 23rd day of April, 1948, as amended and supplemented, shall be outstanding, either as to principal or interest, the Sewage Disposal System Fund shall be administered as follows:

(1) Before any monies in such fund are used for any other purpose, all reasonable expenses of maintaining and operating the system for such month shall be paid from such fund.

(2) Into an account in the office of the Treasurer to be kept separate from all other accounts and to be known as the "Sewage Disposal Bond Fund Series May 1, 1948" (herein referred to as the "Bond Fund") the amounts following:

(a) Quarterly during the fiscal year commencing October 1st, 1948 one-half of the amount necessary to meet the next maturing installment of interest on the bonds authorized by said ordinance.

(b) Quarterly during the fiscal year commencing October 1st, 1948 and quarterly during each fiscal year thereafter so long as any of the bonds hereby authorized are outstanding one-fourth of the next maturing installment of principal falling due on said bonds.

(3) Any surplus remaining in said Sewage Disposal System Fund in excess of the amount necessary to meet the provisions of Subsections (1) and (2) of this Section 5 shall be applied as follows:

(a) In making such extensions and improvements of the municipal sewage disposal system or additions thereto as the Board of Commissioners from year to year considers advisable.

(b) Prior to May 1, 1953 to the purchase in the open market of bonds authorized by said ordinance at the best price obtainable, which bonds shall thereupon be cancelled, and secondly, in the event the City is unable to purchase bonds in the open market at a fair price to the purchase of securities which are direct obligations of the United States of America, such securities and the interest accruing thereon to be and constitute a part of the Bond Fund.

(c) On and after May 1, 1953 to the purchase in the open market of bonds authorized by said ordinance at the best price obtainable at less than the call price, which bonds shall thereupon be cancelled or in the event the City is unable to purchase bonds in the open market at less than the call price then to the redemption of bonds authorized by said ordinance as amended and supplemented, in the manner and to the extent therein provided.

Section 6. That this ordinance shall constitute a contract for the benefit of the holder or holders from time to time of the bonds authorized to be issued under Ordinance No. 353 duly adopted the 23rd day of April, 1948, as amended and supplemented.

Section 7. That the Board of Commissioners has caused a survey to be made of sanitary conditions within the City of Las Vegas, including the geological aspects in relations to industrial, business and residential establishments as the same affect the health and welfare of the inhabitants of the City and has determined and does hereby determine that it is necessary for the protection of the public health that owners of improved property within the City of Las Vegas be and they are hereby required to connect their industrial, business and residential establishments to the municipal sewage disposal system, provided only that such establishments are capable of being served by and through said system at the established rates; and it shall be unlawful for any such owner to fail or refuse to connect his establishment to the municipal sewage disposal system. Every violation of the requirement of this section shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail not to exceed six (6) months, or by both such fine and imprisonment, and each day such violation continues to exist shall constitute a separate offense.

Section 8. That so long as any of the bonds authorized by Ordinance No. 353, duly adopted the 23rd day of April, 1948, as amended and supplemented, are outstanding, the City will not mortgage, pledge or otherwise encumber the system or any part thereof, shall not lease, sell or otherwise dispose of any substantial portion of the system and shall not issue any obligations for the payment of which the net revenues of the system are pledged.

Section 9. That if any one or more sections, sentences, clauses or parts of this ordinance shall for any reason be questioned or held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance, or the provisions of Ordinance 353, duly adopted the 23rd day of April, 1948, as amended and supplemented, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this ordinance so held unconstitutional or invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this ordinance or of said Ordinance No. 353 in any other instances.

Section 10. That all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 11. This ordinance shall be in full force and effect upon its publication, as in the next section provided, and final passage.

Section 12. The City Clerk and Clerk of the Board of Commissioners of the City of Las Vegas shall cause this ordinance to be published once a week for two successive weeks immediately following its first reading and adoption, in the Las Vegas Evening Review Journal, a daily newspaper published in the City of Las Vegas.

E. W. CRAGEN,
Mayor.

Attest:
SHIRLEY BALLINGER
City Clerk.

(SEAL)

The above and foregoing Ordinance was first proposed and read by title to the Board of City Commissioners on the 20th day of August, 1948, and referred to the following committee composed of Commissioners Clark and Whipple for recommendation; thereafter the said committee reported favorable on said Ordinance on the 27th day of August, 1948, which was the next special meeting of said Board of City Commissioners; that at said special meeting held on the 27th day of August, 1948, the proposed ordinance was read in full to the Board of City Commissioners as first introduced and approved by the following vote:

Voting "Aye": Commissioners Clark, Moore, Whipple, and His Honor Mayor Cragin.

Voting "Nay": None.

Absent: Commissioner Baskin.

Approved:
E. W. CRAGEN,
Mayor.

Attest:
SHIRLEY BALLINGER
City Clerk.

(SEAL)

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