

EMERGENCY ORDINANCE NO. 1400

AN EMERGENCY ORDINANCE TO AMEND EMERGENCY ORDINANCE NO. 1398 OF THE CITY OF LAS VEGAS, NEVADA, BY AMENDING SECTION 1 THEREOF TO PROVIDE THAT THE INCREASE IN PUBLIC UTILITY FRANCHISE FEES PROVIDED FOR THEREIN SHALL BECOME EFFECTIVE ON JULY 1, 1969; AND BY AMENDING SECTION 2 THEREOF TO PROVIDE THAT THE INCREASE IN SEWER SERVICE FEES PROVIDED FOR THEREIN SHALL BECOME EFFECTIVE ON JULY 1, 1969; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Commissioners of the City of Las Vegas, Nevada, has authorized the filing of an action for declaratory judgment to determine the validity or invalidity of the fire fighters salary initiative measure approved by the voters within the City of Las Vegas, Nevada, on November 5, 1968; and

WHEREAS, said Board of Commissioners has determined, and does hereby determine, not to pay the salary increase called for in such initiative measure prior to a judicial determination of its validity; and

WHEREAS, said Board of Commissioners has determined, and does hereby determine, that the effective date of the increase in public utility franchise fees and sewer service fees adopted in Emergency Ordinance No. 1398 of said City to provide funds for the payment of said salary increase should be postponed pending such court action and therefore declare this matter an emergency to prevent the unjust collection of such increased fees.

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

SECTION 1. Title V, Chapter 1, Section 8 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, as amended by Section 1 of Emergency Ordinance No. 1398 of said City, is hereby amended to read as follows:

5-1-8: PUBLIC UTILITY LICENSE: Every person, firm, association or corporation engaged in the telephone business or in the business of furnishing and supplying heating or illuminating gas to others through gas mains, or electrical current for power, lighting or domestic purposes or who supplies water for domestic purposes to others through water mains, shall pay for and obtain a semi-annual license to carry on each of such businesses, as per the following schedule:

- (A) Every telephone company shall pay for such license a sum equal to seven and one-half per cent (7-1/2%) of its total operating revenues, as defined in the Uniform

System of Accounts prescribed for telephone companies by the Federal Communications Commission, from recurring monthly charges for basic monthly telephone service furnished by such licensee within the corporate limits of the city from and after July 1, 1969;

(B) Every gas company shall pay for such license a sum equal to seven and one-half percent (7-1/2%) of its total operating revenues, as defined in the Uniform System of Accounts prescribed for public utilities and licensees by the Federal Power Commission, for gas service furnished by such licensee within the corporate limits of the city from and after July 1, 1969;

(C) Every water company shall pay for such license a sum equal to seven and one-half percent (7-1/2%) of its total operating revenues, from water service furnished by such licensee within the corporate limits of the city from and after July 1, 1969; provided, however, that a water company having monthly gross sales of less than three thousand dollars (\$3,000.00) shall pay a license fee, for each branch of its business, in accordance with the rates set forth in Section 7 of this Chapter;

(D) Every electric light or power company shall pay for such license a sum equal to seven and one-half percent (7-1/2%) of its total operating revenues, as defined in the Uniform System of Accounts prescribed for public utilities and licensees by the Federal Power Commission, from electrical service furnished within the corporate limits of the city from and after July 1, 1969;

provided, however, that there shall be excluded from the term "total

operating revenues," revenues earned from sales to the United States of America and to the State of Nevada, or to any of their respective agencies or political subdivisions, inter-utility sales and sales made to industrial plants. For the purposes of this exclusion, the term "industrial plant" shall be deemed to mean a public utility customer which the Board of Commissioners has determined fulfills the following criteria:

- (1) That its operations are conducted upon a site zoned for industrial use or upon a site pursuant to a variance authorizing industrial use of property otherwise zoned;
- (2) That it consumes electrical and/or natural gas energy for the manufacture and/or processing of goods;
- (3) That the aggregate cost of the energy so consumed by such customer is at least \$5,000.00 each month; and
- (4) That at least fifty percent (50%) of its products are marketed in interstate commerce.

Prior to the issuance of a license hereunder, the applicant therefor shall state in writing, under oath, to the Director of License and Revenue the probable amount of total operating revenues computed upon the amount of total operating revenues earned during the preceding period. Where the amount of total operating revenues actually earned in any period shall be in excess of the estimate for such period, the licensee shall be indebted to the city for any deficiency in fee paid for such period and liable therefor to the city in a civil action. No license hereunder shall be issued to such licensee for any subsequent period unless and until such deficiency is paid, and, when so paid, shall constitute an additional fee for any license issued hereunder for such subsequent period and be deemed in full payment of such deficiency.

Where the amount of total operating revenues actually earned in any period shall be less than the estimate for such period, the

excess paid in the previous period shall be credited to the licensee and the same shall be applied to the license issued for the subsequent period.

This provision shall apply to all persons conducting the above-mentioned businesses, or any of them, whether under permission and regulation of the Public Service Commission in the State of Nevada or otherwise.

SECTION 2. Title VIII, Chapter 5, Section 2 of said Municipal Code, as amended by Section 2 of said Emergency Ordinance No. 1398, is hereby amended to read as follows:

8-5-2: SCHEDULE OF RATES: The following schedule of rates for service rendered by or through the municipal sewage disposal system is hereby established:

Schedule A: One-family residence, \$1.50 per month.

Schedule B: Two-family residence, \$2.10 per month.

Schedule C: Motels, auto courts and hotels, 12¢ per month for each fixture; provided, however, that the minimum charge for each such motel, auto court or hotel shall be \$1.50 per month.

Schedule D: Multiple dwellings, up to and including four (4) units, \$1.05 each unit per month. All units over four (4) and up to and including seven (7), 30¢ each additional unit; all units over seven (7), 15¢ each additional unit.

Schedule E: For governmental, 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 (2) fixtures, a monthly charge of \$1.50.

(B) For all fixtures over two (2), up to and including twelve (12) additional fixtures, a charge of 15¢ each for each additional fixture per month.

(C) For all fixtures over twelve (12), there shall be an additional charge of 5¢ 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 \$1.15 per month.

(E) In addition to the above commercial rates, there shall be charged for each commercial dishwashing machine an additional charge of \$1.50 per month.

(F) Hospitals, surgical, \$1.50 per bed per month; hospitals, convalescent, \$1.00 per bed per month; sanitariums, \$1.00 per bed per month; rest homes, 50¢ per bed per month.

(G) Public schools, \$1.20 per student per year based upon school enrollment at the first week in October of each year; private schools, fifty (50) students or over, \$45.00 per year; less than fifty (50) students, \$22.50 per year.

(H) Churches, 50¢ per month.

In addition to the above commercial rates, there shall be charged for each floor drain an additional charge of \$1.15 per month.

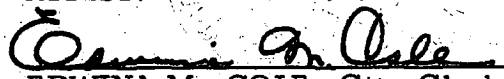
All of the foregoing categories on municipal sewage disposal rates are hereby increased by sixty-two and one-half percent (62-1/2%), commencing on the 1st day of July, 1969.

SECTION 3. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the city jail for not more than six months, or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 4. All ordinances or parts of ordinances, sections, subsections, phrases, 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 2nd day of April, 1969.

ATTEST:


EDWINA M. COLE, City Clerk

APPROVED:


ORAN K. GRAGSON, Mayor

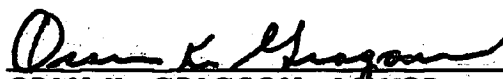
Those voting in favor of the foregoing ordinance:

Commissioners Howery, Corey, Stewart, Mirabelli and Mayor Gragson

Those voting "Nay": None

Absent: None

APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST:


EDWINA M. COLE, City Clerk



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS

Louie Muratore Being first duly sworn, deposes and says that he is foreman 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 Two insertions from period of April 5, 1969 to April 12, 1969 inclusive, being the issue of said newspaper for the following dates, to wit:

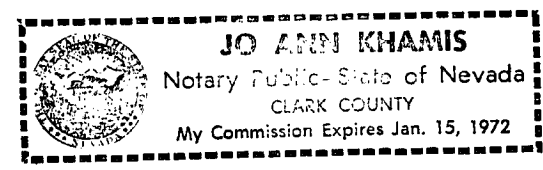
April 5, 12, 1969

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

SIGNED *Louie Muratore*
LOUIE MURATORE

Subscribed and sworn to before me this 12th day of April 19 69.

Jo Ann Khamis
NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA



EMERGENCY ORDINANCE NO. 1400
AN EMERGENCY ORDINANCE TO
AMEND EMERGENCY ORDINANCE
NO. 1398 OF THE CITY OF LAS VEGAS
NEVADA, BY AMENDING SECTION 1
THEREOF TO PROVIDE THAT THE
INCREASE IN PUBLIC UTILITY
FRANCHISE FEES PROVIDED FOR
THEREIN SHALL BECOME EF-
FECTIVE ON JULY 1, 1969; AND
BY AMENDING SECTION 2 THEREOF
TO PROVIDE THAT THE INCREASE
IN SEWER SERVICE FEES PROVIDED
FOR THEREIN SHALL BECOME EF-
FECTIVE ON JULY 1, 1969; PRO-
VIDING FOR OTHER MATTERS PRO-
PERLY RELATING THERETO; PRO-
VIDING PENALTIES FOR THE VIOLA-
TION HEREOF; AND REPEALING ALL
ORDINANCES OR PARTS OF ORDINAN-
CES IN CONFLICT HERewith, AND
DECLARING AN EMERGENCY.

WHEREAS, the Board of Commis-
 sioners of the City of Las Vegas, Nev-
 ada, has authorized the filing of an
 action for declaratory judgment to de-
 termine the validity or invalidity of the
 fire fighters salary initiative measure
 approved by the voters within the City
 of Las Vegas, Nevada, on November
 5, 1968; AND

WHEREAS, said Board of Commis-
 sioners has determined, and does here-
 by determine, not to pay the salary
 increase called for in such initiative
 measure prior to a judicial determina-
 tion of its validity; and
 WHEREAS, said Board of Commis-
 sioners has determined, and does here-
 by determine, that the effective date
 of the increase in public utility fran-
 chise fees and sewer service fees adopt-
 ed in Emergency Ordinance No. 1398
 of said City to provide funds for the
 payment of said salary increase should
 be postponed pending such court action
 and therefore declare this matter an
 emergency to prevent the unjust collec-
 tion of such increased fees.

NOW, THEREFORE, THE BOARD OF
 COMMISSIONERS OF THE CITY OF
 LAS VEGAS DOES ORDAIN AS FOL-
 LOWS:

SECTION 1. Title V, Chapter 1, Sec-
 tion 8 of the Municipal Code of the
 City of Las Vegas, Nevada, 1960 Edi-
 tion, as amended by Section 1 of Em-
 ergency Ordinance No. 1398 of said City,
 is hereby amended to read as follows:
 5-1-8:

PUBLIC UTILITY LICENSE: Every
 person, firm, association or corpora-
 tion engaged in the telephone busi-
 ness or in the business of furnishing
 and supplying heating or illuminating
 gas to others through gas mains, or
 electrical current for power, lighting
 or domestic purposes or who supplies
 water for domestic purposes to others
 through water mains, shall pay for
 and obtain a semi-annual license
 to carry on each of such businesses,
 as per the following schedule:

(A) Every telephone company shall pay
 for such license a sum equal to seven
 and one-half per cent (7½%) of its
 total operating revenues, as de-
 fined in the Uniform System of Ac-
 counts prescribed for telephone com-
 panies by the Federal Communica-
 tions Commission, from recurring mon-
 thly charges for basic monthly tele-
 phone service furnished by such li-
 censee within the corporate limits of
 the city from and after July 1, 1969;

(B) Every gas company shall pay for
 such license a sum equal to seven
 and one-half percent (7½%)
 of its total operating revenues, as de-
 fined in the Uniform System of Ac-
 counts prescribed for public utilities
 and licensees by the Federal Power
 Commission, for gas service furnished
 by such licensee within the corporate
 limits of the city from and after
 July 1, 1969;

(C) Every water company shall pay for
 such license a sum equal to seven
 and one-half percent (7½%)
 of its total operating revenues;
 from water service furnished by such
 licensee within the corporate limits of
 the city from and after July 1, 1969;
 provided, however, that a water com-
 pany having monthly gross sales of
 less than three thousand dollars (\$3-
 000.00) shall pay a license fee, for
 each branch of its business, in ac-
 cordance with the rates set forth in
 Section 7 of this Chapter;

(D) Every electric light or power com-
 pany shall pay for such license a
 sum equal to seven and one-half
 percent (7½%) of its total
 operating revenues, as defined
 in the Uniform System of Accounts
 prescribed for public utilities and li-
 censees by the Federal Power Com-
 mission, from electrical service fur-
 nished within the corporate limits of
 the city from and after July 1, 1969;
 provided, however, that there shall be
 excluded from the term "total operat-
 ing revenues," revenue earned from
 sales to the United States of Ameri-
 ca and to the State of Nevada, or to
 any of their respective agencies or pol-
 itical subdivisions, inter-utility sales
 and sales made to industrial plants. For
 the purposes of this exclusion, the term
 "industrial plant" shall be deemed to
 mean a public utility customer which
 the Board of Commissioners has deter-
 mined fulfills the following criteria:

(1) That its operations are conducted
 upon a site zoned for industrial use
 or upon a site pursuant to a variance
 authorizing industrial use of prop-
 erty otherwise zoned;

(2) That it consumes electrical and/or
 natural gas energy for the manufac-
 ture and/or processing of goods;

(3) That the aggregate cost of the en-
 ergy so consumed by such customer
 is at least \$5,000.00 each month; and

(4) That at least fifty percent (50%)
 of its products are marketed in inter-
 state commerce.

Prior to the issuance of a license here-
 under, the applicant therefor shall state
 in writing, under oath, to the Director
 of License and Revenue the probable
 amount of total operating revenues com-
 puted upon the amount of total operat-
 ing revenues earned during the preced-
 ing period. Where the amount of total
 operating revenues actually earned in
 any period shall be in excess of the
 estimate for such period, the licensee
 shall be indebted to the city for any
 deficiency in fee paid for such period

and liable therefor to the city in a civil
 action. No license hereunder shall be
 issued to such licensee for any subse-
 quent period unless and until such de-
 ficiency is paid, and, when so paid,
 shall constitute an additional fee for any
 license issued hereunder for such sub-
 sequent period and be deemed in full
 payment of such deficiency. Where the
 amount of total operating revenues ac-
 tually earned in any period shall be less
 than the estimate for such period, the
 excess paid in the previous period shall
 be credited to the licensee and the
 same shall be applied to the license is-
 sued for the subsequent period.

This provision shall apply to all per-
 sons conducting the above-mentioned
 businesses, or any of them, whether un-
 der permission and regulation of the
 Public Service Commission in the State
 of Nevada or otherwise.

SECTION 2. Title VIII, Chapter 8,
 Section 2 of said Municipal Code, as
 amended by Section 2 of said Em-
 ergency Ordinance No. 1398, is hereby am-
 ended to read as follows:

SCHEDULE OF RATES: The following
 schedule of rates for service rendered
 by or through the municipal sewage
 disposal system is hereby established:

Schedule A: One-family residence
 \$1.50 per month.

Schedule B: Two-family residence, \$2.10
 per month.

Schedule C: Motels, auto courts and ho-
 tels, 12 cents per month for each
 fixture; provided, however, that the
 minimum charge for each such motel,
 auto court or hotel shall be \$1.50 per
 month.

Schedule D: Multiple dwellings, up to
 and including four (4) units, \$1.05
 each unit per month. All units over
 four (4) and up to and including seven
 (7), 30 cents each additional unit;
 all units over seven (7), 15 cents
 each additional unit.

Schedule E: For governmental, commer-
 cial 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 (2) fixtures,
 monthly charge of \$1.50;

(b) For all fixtures over two (2), up
 to and including twelve (12) additional
 fixtures, a charge of 15 cents for
 each additional fixture per month.

(C) For all fixtures over twelve (12),
 there shall be an additional charge of
 5 cents for each additional fixture per
 month.

(D) In addition to the above commer-
 cial rates, there shall be charged for
 each commercial wash rack the sum
 of \$1.15 per month.

(E) In addition to the above commer-
 cial rates, there shall be charged for
 each commercial dishwashing machine
 an additional charge of \$1.50 per
 month.

(F) Hospitals, surgical, \$1.50 per bed
 per month; hospitals, convalescent,
 \$1.00 per bed per month; sanitariums,
 \$1.00 per bed per month; rest homes,
 50 cents per bed per month.

(G) Public schools, \$1.20 per student
 per year based upon school enroll-
 ment at the first week in October of
 each year; private schools, fifty (50)
 students or over, \$43.00 per year; less
 than fifty (50) students, \$22.50 per
 year.

(H) Churches, 50c per month in addi-
 tion to the above commercial rates;
 there shall be charged for each floor
 drain an additional charge of \$1.15
 per month.

All of the foregoing categories on mun-
 icipal sewage disposal rates are here-
 by increased by sixty-two and one-half
 per cent (62½%), commencing on the
 1st day of July, 1969.

SECTION 3. Any person, firm or cor-
 poration violating any of the provisions
 of this ordinance shall, upon convic-
 tion thereof, be punished by a fine of
 not more than \$500.00 and - or impris-
 onment in the city jail for not more
 than six months, or any combination
 of such fine and imprisonment. Ev-
 ery day of such violation shall con-
 stitute a separate offense.

SECTION 4. All ordinances or parts of
 ordinances, sections, subsections, phra-
 ses, 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 AP-
 PROVED this 2nd day of April, 1969.

DRAN K. GRAGSDON, MAYOR

ATTEST:

-s- EDWINA M. Cole, City Clerk

(SEAL)

Those voting in favor of the fore-

going ordinance:

Commissioners Howery, Corey, Stewart,

Airabelli and Mayor Gragsdon.

Those voting "Nay": None

Absent: None

APPROVED:

-s- DRAN K. GRAGSDON

MAYOR

ATTEST:

-s- EDWINA M. COLE, City Clerk

(SEAL)

Apr. 5, 12, 1969