

EMERGENCY ORDINANCE NO. 1398

AN EMERGENCY ORDINANCE TO AMEND EMERGENCY ORDINANCE NO. 1389 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 MAY 1, 1969; AND BY AMENDING SECTION 2 THEREOF TO PROVIDE THAT THE INCREASE IN SEWER SERVICE FEES PROVIDED FOR THEREIN SHALL BECOME EFFECTIVE ON MAY 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. 1389 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. 1389 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 May 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 May 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 May 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 May 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. 1389, 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 per cent (62-1/2%), commencing on the 1st day of May 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 19th day of March, 1969.

APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST:


EDWINA M. COLE, City Clerk

Those voting in favor of the foregoing ordinance:

Commissioners Howery, Corey, Stewart and Mirabelli, and Mayor Gragson

Those voting "Nay": None

Absent: None

APPROVED:

Oran K. Gragson
ORAN K. GRAGSON, MAYOR

ATTEST:

Edwina M. Cole
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 March 22, 1969 to March 22, 1969 inclusive, being the issue of said newspaper for the following dates, to wit:

March 22, 29, 1969

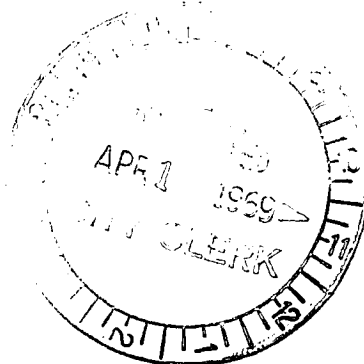
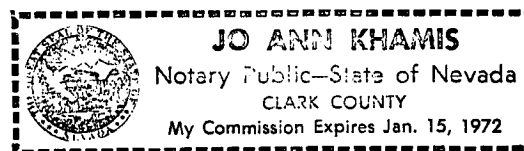
That said newspaper was regularly issued and circulated on each of the dates above named.

SIGNED

Louie Muratore
LOUIE MURATORE

Subscribed and sworn to before me this 29th day
of March 1969.

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



EMERGENCY ORDINANCE NO. 1389
AN EMERGENCY ORDINANCE TO AMEND EMERGENCY ORDINANCE NO. 1389 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 MAY 1, 1969; AND BY AMENDING SECTION 2 THEREOF TO PROVIDE THAT THE INCREASE IN SEWER SERVICE FEES PROVIDED FOR THEREIN SHALL BECOME EFFECTIVE ON MAY 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, as of the date of the increase in public utility franchise fees and sewer service fees adopted in Emergency Ordinance No. 1389 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 untimely 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. 1389 of said City, is hereby amended to read as follows:

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 (7½%) 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 May 1, 1969;

(B) Every gas company shall pay for such license a sum equal to seven and one-half per cent (7½%) 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 May 1, 1969;

(C) Every water company shall pay for such license a sum equal to seven and one-half per cent (7½%) of its total operating revenues, from water service furnished by such licensee within the corporate limits of the city from and after May 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 per cent (7½%) 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 May 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 therefore 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. 1389, is hereby amended 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 hotels, 12c 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), 30c each additional unit; all units over seven (7), 15c 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 15c each for each additional fixture per month.

(C) For all fixtures over twelve (12), there shall be an additional charge of 5c 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 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, 50c 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, 50c 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 per cent (62½%), commencing on the 1st day of May 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 19th day of March, 1969.

APPROVED:
(s) ORAN K. GRAGSON
Mayor

ATTEST:

(s) Edwin M. Cole
City Clerk
(SEAL)

Those voting in favor of the foregoing ordinance:

Commissioners Howery, Corey, Stewart and Mirabelli, and Mayor Gragson.

Those voting "Nay": None

Absent: None
APPROVED:
(s) ORAN K. GRAGSON
Mayor

ATTEST:
(s) Edwin M. Cole
City Clerk
(SEAL)
March 22, 1969