

1 BILL NO. 80-19

2 ORDINANCE NO. 2074

3
4 AN ORDINANCE TO AMEND TITLE V, CHAPTER 1(A), SECTION 2, OF THE
5 MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY
6 PROVIDING FOR THE REFUND TO CERTAIN ELIGIBLE SENIOR CITIZENS OF
7 THE AMOUNTS PAID BY THEM AS SURCHARGES IMPOSED BY PUBLIC UTILITY
8 COMPANIES IN CONNECTION WITH THE PAYMENT OF THE PUBLIC UTILITY
9 LICENSE FEES OF THE CITY OF LAS VEGAS; PROVIDING A PROCEDURE FOR
10 APPLYING FOR SAID REFUNDS; PROVIDING FOR OTHER MATTERS PROPERLY
11 RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDI-
12 NANCES IN CONELICT HEREWITH.

9 Sponsored by:

Summary: To provide for the refund to
certain eligible senior citizens of
the amounts paid by them as surcharges
imposed by utility companies in connec-
tion with the payment of the City's
public utility license fees.

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

15 SECTION 1: Title V, Chapter 1(A), Section 2 of the
16 Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is
17 hereby amended to read as follows:

18 5-1(A)-2: (A) Every person engaged in the business of furnishing
19 to the public telephone service; or gas through gas
20 mains for the purpose of heating and illuminating;
21 or electrical current for power, lighting, or domestic
22 purposes; or water for domestic purposes through
23 water mains; shall pay a semi-annual license fee to
24 carry on each of such businesses at the following
25 rates:

26 1. [(A)] Every telephone company shall pay a fee
27 for a license equal to five percent (5%) of its
28 total operating revenues, as defined in the
29 Uniform System of Accounts prescribed for tele-
30 phone companies by the Federal Communications
31 Commission, from telephone service furnished by
32 such business within the corporate limits of the

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City of Las Vegas.

2. [(B)] Every gas company shall pay a fee for a license equal to five percent (5%) of its total operating revenues, as defined in the Uniform System of Accounts prescribed for Public Utilities and Licensing by the Federal Power Commission, from gas service furnished by such business within the corporate limits of the City of Las Vegas.

3. [(C)] Every water company shall pay a fee for a license equal to five percent (5%) of its total operating revenues from water service furnished by such business within the corporate limits of the City of Las Vegas.

4. [(D)] Every electric light or power company shall pay a fee for a license equal to five percent (5%) of its total operating revenues, as defined in the Uniform System of Accounts prescribed for the Public Utilities and Licenses by the Federal Power Commission, from electrical service furnished within the corporate limits of the City of Las Vegas.

5. [(E)] "Total operating revenues" as used in subsections (1) through (4) does not include revenues earned from sales to governmental agencies of the United States and the State of Nevada, interutility sales, and sales made to industrial plants.

6. [(F)] Semi-annual license fees for utilities may be paid in two (2) or more installments upon agreement of the utility and the licensing authority.

1 (B) Prior to the issuance or renewal of a license
2 [hereunder] under subsection (A) of this Section 2,
3 the applicant public utility shall declare to the
4 licensing authority in writing, under oath, the
5 total operating revenues earned during the last pre-
6 ceding period which shall be the basis of payment
7 for the forthcoming licensing period. In the event
8 of an over-declaration of total operating revenues
9 for any licensing period, the excess fee paid shall
10 be credited against the fee for the next licensing
11 period. In the event of an under-declaration of
12 total operating revenues for any licensing period,
13 the deficiency shall be paid before the issuance of
14 a license for any subsequent period.

15 (C) If all or any part of the license fee imposed on
16 any public utility company pursuant to subsection
17 (A) of this Section 2 is passed on to the customers
18 of such utility company by means of a surcharge on
19 its customer billings, the City of Las Vegas shall
20 refund the amount paid by each such customer as
21 such surcharge to each such public utility company
22 to each customer who:

- 23 1. Qualifies under the eligibility guidelines
24 set forth in subsection (D) of this Section 2;
25 and
- 26 2. Makes a successful application therefor as
27 provided in subsection (F) of this Section 2.

28 (D) A refund pursuant to subsection (C) of this
29 Section 2 shall be granted for the amount of sur-
30 charges paid on any public utility customer billing
31 which becomes due and payable on or after March 1,
32 1980, to any of the following:

1. An individual Head of Household, as defined by the Internal Revenue Service, whose total income from all sources, for the year in which the taxes in respect of such income were due, was no more than \$8,700.00, provided that the taxpayer was at least sixty (60) years of age at the time said taxes were accrued; or
2. A husband and wife whose combined total income from all sources, for the year in which the taxes in respect of such income were due, was no more than \$8,700.00, provided that the Head of Household was at least sixty (60) years of age at the time said taxes were accrued; or
3. An individual whose income from all sources, for the year in which the taxes in respect of such income were due, was no more than \$7,200.00, provided that the taxpayer was at least sixty (60) years of age at the time said taxes were accrued.

(E) Any exemption granted pursuant to subsection (C) of this Section 2 shall not eliminate the duty of such exempt person from paying the amount of any such surcharge lawfully imposed by any public utility company.

(F) The exclusive procedure for obtaining a refund of such surcharges by a person who qualifies therefore under the eligibility guidelines set forth in subsection (D) of this Section 2 is as follows:

1. An application shall be submitted to the Finance Department of the City of Las Vegas upon a form provided by said Department. Such form shall set forth the details of the income

1 received by the applicant and proof of the age
2 of the applicant and shall be signed under
3 penalty of perjury as to the truthfulness of
4 the information contained in the application.

5 2. Such application shall further set forth the
6 amount of surcharges paid by the applicant to
7 each such public utility company during the
8 period for which the refund is sought and shall
9 have attached copies of all utility bills on
10 which any such surcharge has been added during
11 such period. Proof that such bills have been
12 paid shall also be attached.

13 3. After the Finance Department has reviewed each
14 application in order to determine that appli-
15 cant has fulfilled the requirements of eligi-
16 bility set forth in subsection (D) of this
17 Section 2 and to insure that a completed applica-
18 tion in compliance with this subsection (F)
19 has been presented, said Department shall
20 approve such application and effect the approved
21 refund by issuing a check upon the special fund
22 to be created pursuant to subsection (H) of
23 this Section 2 in the amount of the approved
24 refund.

25 4. If the Finance Department determines that the
26 application is faulty or incomplete or that the
27 applicant has failed to qualify under the
28 eligibility guidelines set forth in subsection
29 (D) of this Section 2 or truthfully to set
30 forth such facts as called for in this Section
31 (F), said Department shall deny said application.
32 In the event of such denial, said Department shall

1 give written notice thereof to the applicant,
2 who, within ten (10) days of the mailing of the
3 notice of denial by said Department, may:

4 (i) Appeal such denial to the Board of City
5 Commissioners; or

6 (ii) File an amended application to cure the
7 incompleteness of or defects in the
8 original application.

9 (G) Applications for refunds pursuant to subsection (C)
10 of this Section may be made on a calendar year
11 basis only, except that applications with respect to
12 the 1980 calendar year shall be for the ten (10)
13 month period from March 1 through December 31, and
14 must be filed with the Finance Department of the
15 City of Las Vegas not later than the first day of
16 March of the next succeeding year. In the event
17 that no refund is applied for within the time pre-
18 scribed, all right to claim such refund shall be
19 considered to be void and permanently extinguished.

20 (H) The Finance Department of the City of Las Vegas
21 shall develop a form which shall constitute the
22 application to be filed pursuant to subsection (F)
23 of this Section 2, and said Department shall create
24 a special fund to which shall be appropriated
25 sufficient funds with which to make the refunds
26 contemplated in subsection (C) of this Section 2.

27 SECTION 2: If any section, subsection, subdivision,
28 paragraph, sentence, clause or phrase in this Chapter or any part
29 thereof, is for any reason held to be unconstitutional or invalid
30 or ineffective by any court of competent jurisdiction, such de-
31 cision shall not affect the validity or effectiveness of the
32 remaining portions of this Chapter or any part thereof. The

1 Board of Commissioners of the City of Las Vegas hereby declares
2 that it would have passed each section, subsection, subdivision,
3 paragraph, sentence, clause or phrase thereof irrespective of the
4 fact that any one or more sections, subsections, subdivisions,
5 paragraphs, sentences, clauses or phrases be declared unconstitu-
6 tional, invalid or ineffective.

7 SECTION 3: All ordinances or parts of ordinances,
8 sections, subsections, phrases, sentences, clauses or paragraphs
9 contained in the Municipal Code of the City of Las Vegas, Nevada,
10 1960 Edition, in conflict herewith are hereby repealed.

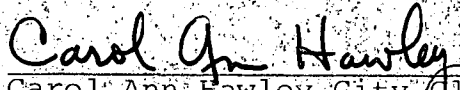
11 PASSED, ADOPTED and APPROVED this 20th day of February,
12 1980.

13 APPROVED:

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15 By 

16 RON LURIE, MAYOR PRO-TEM


17 ATTEST:

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20 Carol Ann Hawley City Clerk

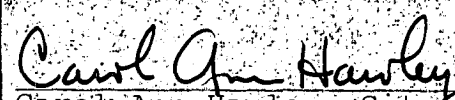
1 The above and foregoing ordinance was first proposed and
2 read by title to the Board of Commissioners on the 6th day of
3 February, 1980, and referred to the following committee com-
4 posed of Commissioners Lurie and
5 Levy for recommendation; thereafter said
6 committee reported favorably on said ordinance on the 20th day
7 of February, 1980, which was a regular meeting of said
8 Board; that at said regular meeting, the proposed ordinance
9 was read by title to the Board of Commissioners as first introduced
10 and adopted by the following vote:

11 VOTING "AYE" Commissioners: Levy, Lurie and Woofter and Mayor Briare
12 VOTING "NAY" Commissioners: None
13 ABSENT: Commissioner: Christensen
14 (excused)

15 APPROVED:

16
17 By 
18 RON LURIE, MAYOR PRO-TEM

19 ATTEST:

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22 Carol Ann Hawley, City Clerk
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AFFIDAVIT OF PUBLICATION

CITY CLERK

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RECEIVED

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 February 12, 1980 to February 12, 1980 inclusive, being the issue of said newspaper for the following dates, to wit:

February 12, 1980

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

BILL NO. 80-19
ORDINANCE NO. _____
AN ORDINANCE TO AMEND TITLE V, CHAPTER 11(A), SECTION 2, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY PROVIDING FOR THE REFUND TO CERTAIN ELIGIBLE SENIOR CITIZENS OF THE AMOUNTS PAID BY THEM AS SURCHARGE IMPOSED BY PUBLIC UTILITY COMPANIES IN CONNECTION WITH THE PAYMENT OF THE PUBLIC UTILITY LICENSE FEES OF THE CITY OF LAS VEGAS; PROVIDING A PROCEDURE FOR APPLYING FOR SAID REFUNDS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.
Sponsored by:
Summary: To provide for the refund to certain eligible senior citizens of the amounts paid by them as surcharges imposed by utility companies in connection with the payment of the City's public utility license fees.
At a Commission Meeting on February 6, 1980
BILL NO. 80-19 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:
COMMISSIONERS Lurie and Levy
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. Feb. 12, 1980

SIGNED _____

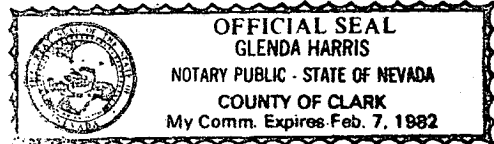
George J. Vasconi

GEORGE J. VASCONI

Subscribed and sworn to before me this 13 day of Feb, 19 80

Glenda Harris

NOTARY PUBLIC, IN AND FOR CLARK COUNTY, NEVADA



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CLERK OF THE COURT
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STATE OF NEVADA) SS
COUNTY OF CLARK)

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BILL NO. 80-19
ORDINANCE NO. 2074
AN ORDINANCE TO AMEND TITLE V, CHAPTER 1 (A), SECTION 2, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY PROVIDING FOR THE REFUND TO CERTAIN ELIGIBLE SENIOR CITIZENS OF THE AMOUNTS PAID BY THEM AS SURCHARGE IMPOSED BY PUBLIC UTILITY COMPANIES IN CONNECTION WITH THE PAYMENT OF THE PUBLIC UTILITY LICENSE FEES OF THE CITY OF LAS VEGAS; PROVIDING A PROCEDURE FOR APPLYING FOR SAID REFUNDS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCE IN CONFLICT HEREWITH.

Sponsored by:
Summary: To provide for the refund to certain eligible senior citizens of the amounts paid by them as surcharge imposed by utility companies in connection with the payment of the City's public utility license fees. The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 6th day of February, 1980, and referred to the following committee composed of Commissioners Lurie and Levy for recommendation; thereafter the said committee reported favorably on said ordinance on the 20th day of February, 1980, 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 first introduced and adopted by the following vote:
VOTING: "AYE"
Commissioners: Levy, Lurie and Woolfer and Mayor Briare
VOTING "NAY" Commissioners: None
ABSENT: Commissioner Christensen (excused)

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. Feb. 23, 1980

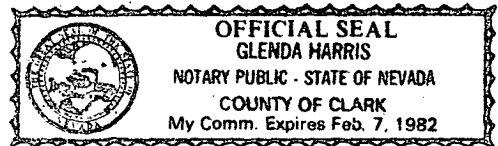
SIGNED _____

George J. Vasconi
GEORGE J. VASCONI

Subscribed and sworn to before me this 27 day of Feb, 1980

Glenda Harris

NOTARY PUBLIC, IN AND FOR CLARK COUNTY, NEVADA



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U.S. DEPARTMENT OF JUSTICE