

FIRST AMENDMENT

BILL NO. 2003-91

ORDINANCE NO. 5642

AN ORDINANCE TO AMEND SEWER SERVICE PROVISIONS BY INCREASING CURRENT SEWER CONNECTION AND SEWER USER SERVICE FEES AND INCLUDING A NEW ASSESSMENT FOR THE USE, IMPROVEMENT AND MAINTENANCE OF CITY RIGHTS-OF-WAY AND EASEMENTS IN WHICH THE CITY'S SANITARY AND STORM SEWER COLLECTION SYSTEM AND TREATMENT FACILITIES ARE LOCATED, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director
Department of Finance and Business Services

Summary: Increases sewer connection and user service fees by forty percent over two years and institutes a new five percent assessment on sewer users for the City's use, improvement and maintenance of its rights-of-way utilized to provide sewer services.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 14, Chapter 4, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.04.020: The following equivalent residential unit (ERU) schedule shall be used in calculating the user charges:[*]

Customer Class	Billing Unit	ERUs
Single-family dwelling	Each dwelling unit	1.00
Mobile home residential estates[**]*	Each trailer lot	1.00
Mobile home parks	Each trailer lot	1.00
Multiple-family dwelling	Each dwelling unit	1.00
Two-family dwelling	Each dwelling unit	1.00
Condominium	Each dwelling unit	1.00
Plus: outside fixtures in common areas	Each fixture	0.45
Apartment house	Each dwelling unit	0.70
Plus: fixtures outside of dwelling units	Each fixture	0.45

1	Senior apartment house	Each dwelling unit	0.50
2	Plus: fixtures outside of dwelling units	Each fixture	0.45
3	Guest quarters/casita	Each structure	0.60
4	Halfway house	Each dwelling unit	1.00
5	Recreational vehicle parks	Each vehicle space	0.70
6	Plus: fixtures	Each fixture	0.45
7	Resort hotel	Each room	0.60
8	Plus: fixtures outside of rooms (including fixtures in casinos and restaurants)	Each fixture	1.50
9	Residence Hotel	Each unit	0.70
10	Plus: fixtures outside of rooms	Each fixture	0.45
11	Casino	Each fixture	1.50
12	Motel/hotel/rooming house	Each room	0.60
13	Plus: fixtures outside of rooms	Each fixture	0.75
14	Business operations not separately rated/retail sales (including motor vehicle sales and retail establishments serving food)	Each fixture	0.65
15	Business operations not separately rated/wholesale or service only	Each fixture	0.45
16	Hospital	Each bed	1.20
17	Specialty hospital	Each bed	1.20
18	Convalescent care facility/nursing home	Each bed	0.75
19	Special care facility	Each bed	0.75
20	Custodial institution	Each bed	0.50
21	School	Each student	0.10
22	Child care center	Each student	0.10
23	Beauty shops	Each fixture	0.50
24	Day spa	Each fixture	0.60
25	Restaurant (take out only)	Each fixture	0.45
26	Restaurant (with seating under 45)	Each fixture	0.65
27			
28			

1	Restaurant (with seating 45 and over)	Each fixture	1.33
2			
3	Tavern (with food sales/ service)	Each fixture	1.00
4	Tavern (without food sales/ service)	Each fixture	0.65
5	Nightclub	Each fixture	0.65
6	Barbershops	Each fixture	0.30
7	Clinics	Each fixture	0.45
8	Laundromats	Each fixture	0.45
9	Offices, except as otherwise listed	Each fixture	0.45
10	Service establishments, except as otherwise listed	Each fixture	0.45
11			
12	Financial institutions	Each fixture	0.30
13	Cinema theaters	Each fixture	0.35
14	Theaters	Each fixture	0.30
15	Maintenance, renovation and repair shops	Each fixture	0.30
16	Sports complexes	Each fixture	0.30
17	Private clubs	Each fixture	0.45
18	Community center	Each fixture	0.45
19	Park or playground	Each fixture	0.45
20	Church	Each fixture	0.25
21	Vacant establishments	Each fixture	0.25
22	Large commercial and other	Annual water use ÷ 90,000 gallons = No. ERUs[***]**	
23			Annual water use will be estimated by the Director of Public Works. After the first full year of discharging, the number of ERU's and the corresponding sewer connection fee may be adjusted at the discretion of the Director of Public Works.
24			
25			
26			
27	Laundries	0.85 x annual water use ÷ 90,000 gallons = No. ERUs[***]**	
28			

Mixed use operations (within a facility that has its own separate meter to measure water consumption)	$0.85 \times \text{annual water use} \div 90,000 \text{ gallons} = \text{No. ERUs}$ [***] **	
Mixed use operations (within a facility that does not have its own separate meter to measure water consumption)	ERUs based upon customer class of the primary use	
Swimming pools – public and private – each pool by capacity		
30,000 gallons and less		0.10
30,001 to 99,999 gallons		0.25
100,000 to 149,999 gallons		0.50
150,000 to 199,999 gallons		0.65
200,000 to 249,999 gallons		0.85
250,000 to 299,999 gallons		1.00
300,000 gallons or more		1.30

* [In instances in which the application of the billing units provided for in this schedule, or the application of the term “water use,” to determine the number of ERUs discharged by a particular user, other than a residential user, causes inequity, the discharger, other than a residential user, may petition to substitute its actual annual discharge to the sewer system in lieu of the billing units provided for in this schedule or in lieu of the annual water use quantities, in the case of a large commercial user as defined in Section 14.04.010, for the purpose of determining its ERUs, provided that the discharge is measured by an appropriate metering device approved by the City. If this method is employed, the ERUs shall be computed by dividing the actual discharge by ninety thousand gallons. The cost of obtaining and installing the metering device is to be borne by the discharger.

**]Trailers which contain more than one dwelling unit shall be classified as multiple-family dwellings.

[***]**Annual water use will be estimated by the Director of Public Works. After the first full year of discharging, the number of ERUs may be adjusted at the discretion of the Director to reflect actual use.

SECTION 2: Title 14, Chapter 4, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.04.030: [The charge rate per ERU for a particular user shall be as set forth below:

...

User	Annual Charge per ERU
Domestic strength users	\$138.80
High strength users	
Bottlers	196.20
Dairies	181.92
Restaurants with garbage grinders	261.60
Laundries	183.48

(A) The annual charge rate per ERU for a particular user shall be as set forth below (which includes the five percent assessment fee pursuant to Section 14.04.130):

User	Annual charge per ERU through December 31, 2003	Annual charge per ERU commencing January 1, 2004	Annual charge per ERU commencing January 1, 2005
<u>Domestic Strength</u>	<u>138.80</u>	<u>174.88</u>	<u>204.04</u>
<u>High strength users:</u>			
<u>Bottlers</u>	<u>196.20</u>	<u>247.21</u>	<u>288.41</u>
<u>Dairies</u>	<u>181.92</u>	<u>229.21</u>	<u>267.41</u>
<u>Restaurants with garbage grinders</u>	<u>261.60</u>	<u>329.61</u>	<u>384.55</u>
<u>Laundries</u>	<u>183.48</u>	<u>231.17</u>	<u>269.71</u>

(B) The Director of the Department of Finance and Business Services shall establish a procedure to allow a person who is the owner and occupant of a single family dwelling to apply for a waiver of the payment of future rate increases by means of a hardship determination. If a hardship is found, the Director may waive payment by the applicant of the rate increase for one year from the due date of the rate increase, and may renew the waiver annually thereafter.

(C) The rate charges per ERU set forth in Subsection (A) of this Section commencing January 1, 2005, shall be increased by the Director of the Department of Finance and Business Services on the first day of January, 2006, and annually thereafter, in an amount equal to the annual charge rate of the preceding fiscal year, multiplied by the lesser of five percent or the average percentage for the preceding five years of increase in the Consumer Price Index for All Urban Consumers for All Items, U.S. City Average (1967=100) that is published by the Bureau of Labor Statistics, United States Department of Labor.

SECTION 3: Title 14, Chapter 4, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.04.070: The proceeds from the charges imposed and collected under this Chapter, except those charges imposed and collected pursuant to Section 14.04.130, shall be used solely for the maintenance, operation, improvement, expansion, extension or betterment of the sanitary and storm sewer collection system, treatment facilities and reasonable appurtenances of the City and for the costs of collecting the charges imposed in this Chapter and of administering the rules of this Chapter.

SECTION 4: Title 14, Chapter 4, Section 80, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.04.080: (A) All bills for services rendered by or through the municipal sewage disposal system shall be rendered annually in advance on the first day of the month on which the annual cycle billing established for such premises shall commence, shall be payable annually in advance unless the customer elects to pay the annual bill in [semiannual or] quarterly installments. [Customers electing to make installment payments must pay an installment collection fee of three dollars with each installment payment.] The first [semiannual or] quarterly installment payment must be paid in advance, with any remaining amount due constituting a lien against the property. Payment of all bills rendered shall be made to the Department of Finance and Business Services, and any business license for a multiple dwelling or place of business that is associated with such billing may be withheld or suspended unless the remaining portion of the current year's annual billing, or, if the customer has elected to pay in [semiannual or] quarterly installments, the remaining portion of the current [semiannual or] quarterly installment thereof, as the case is paid in advance.

(B) Occupants of residential premises are required to pay the annual charge rate per ERU set forth in Section 14.04.030 whether they occupy such residential premises part-time or on a continuous uninterrupted basis, notwithstanding any provision of this Chapter to the contrary.

(C) The Department shall have all powers which may be necessary or appropriate for a complete and effective exercise of its jurisdiction, including, but not limited to, the power to enter and inspect any commercial or multiple-residential premises to make determinations concerning sewer service billing. An inspection of commercial premises must be made during regular business

1 hours. A prior appointment is required in order to perform an inspection at a residential premises, if
2 occupied.

3 SECTION 5: Title 14, Chapter 4, Section 90, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **14.04.090:** [The full amount of the sewer service bill shall be paid by each customer within fifteen
6 days after the due date specified in such customer's bill; provided, however, that, if the customer has
7 elected to pay the amount of such bill in:

8 (A) Semiannual installments, as is provided for in LVMC 14.04.080, the first such
9 semiannual installment shall be paid within fifteen days after such due date, and the second shall be
10 paid within one hundred ninety-five days after such due date; or

11 (B) Quarterly installments, as provided for in LVMC 14.04.080, the first quarterly
12 installment shall be paid within fifteen days after such due date, the second shall be paid within one
13 hundred five days after such due date, the third shall be paid within one hundred ninety five days after
14 such due date, and the fourth shall be paid within two hundred eighty-five days after such due date.]

15 (A) The full amount of the sewer service bill is due on the first day of the
16 customer's annual billing cycle, unless the customer elects to pay quarterly installments as provided
17 for in Section 14.04.080.

18 (B) If any portion of the sewer service bill, or, if the customer has elected to pay
19 such bill in [semiannual or] quarterly installments, any portion of either or any of such [semiannual
20 or] quarterly installments[, as the case may be,] remains unpaid for fifteen days or more following the
21 date on which the same was due, the amount outstanding shall be deemed delinquent and a fifteen
22 percent penalty shall be charged thereon. [If the amount outstanding and the penalty assessed thereon
23 remain unpaid for sixty days or more following the date on which the same was due, sewer service
24 to such customer may be discontinued, with the cost of disconnection and reconnection to be borne
25 by the customer.]

26 SECTION 6: Title 14, Chapter 4, of the Municipal Code of the City of Las Vegas,
27 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 130,
28 to read as follows:

1 **14.04.130:** The annual charge rate per ERU set forth in Section 14.04.030 for the annual periods
2 commencing January 1, 2004, and January 1, 2005, shall include a five percent assessment for the
3 City's use, improvement and maintenance of its rights-of-way and easements in which the City's
4 sanitary and storm sewer system and treatment facilities are located.

5 SECTION 7: Title 14, Chapter 4, Section 210, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **14.04.210:** Subject to the annual evaluations provided for in Section 14.04.220, on and after July
8 1, 1983, connection fees within the City shall be determined as follows:

9 (A) User's class is determined.
10 (B) According to ERU schedule the number of ERU's for the user is determined.
11 (C) The occupancy fee for sewer connections is calculated by multiplying the
12 number of ERU's commencing on:

13 [(1) November 1, 1991, by one thousand one-hundred dollars;

14 (2) July 1, 1993, by one thousand two hundred dollars.]

15 (1) July 1, 1993, by one thousand two hundred dollars;

16 (2) January 1, 2004, by one thousand four hundred and forty dollars; and

17 (3) January 1, 2005, by one thousand six hundred and eighty dollars.

18 (D) The occupancy fee for sewer connection fee set forth in Paragraph 3 of
19 Subsection (C) of this Section shall be increased by the Director of the Department of Finance and
20 Business Services on the first day of January, 2006, and annually thereafter, in an amount equal to the
21 annual charge rate of the preceding fiscal year, multiplied by the lesser of five percent or the average
22 percentage for the preceding five years of increase in the Consumer Price Index for All Urban
23 Consumers for All Items, U.S. City Average (1967=100) that is published by the Bureau of Labor
24 Statistics, United States Department of Labor.

25 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or
26 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
27 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
28 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the

City of Las Vegas 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 9: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

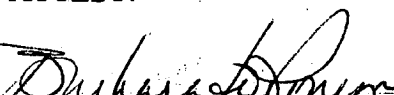
SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this 19 day of November, 2003.

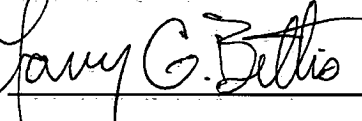
APPROVED:

By 
OSCAR B. GOODMAN, Mayor

ATTEST:


BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

 11-5-03
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 29th day of October, 2003, and referred to a committee for recommendation; thereafter the
3 committee reported favorably on said ordinance on the 19th day of November, 2003, which was a
4 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by
5 title to the City Council as amended and adopted by the following vote:

6 VOTING "AYE": Mayor Goodman, Councilmembers Reese, Brown, L. B. McDonald,
Weekly, Mack and Moncrief

7 VOTING "NAY": None

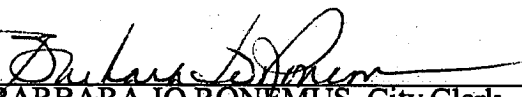
8 EXCUSED: None

9 ABSTAINED: None

10 APPROVED:

11 
12 _____
OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 
15 _____
BARBARA JO RONEMUS, City Clerk

BILL NO. 2003-91

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SEWER SERVICE PROVISIONS BY INCREASING CURRENT SEWER CONNECTION AND SEWER USER SERVICE FEES AND INCLUDING A NEW ASSESSMENT FOR THE USE, IMPROVEMENT AND MAINTENANCE OF CITY RIGHTS-OF-WAY AND EASEMENTS IN WHICH THE CITY'S SANITARY AND STORM SEWER COLLECTION SYSTEM AND TREATMENT FACILITIES ARE LOCATED, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director
Department of Finance and Business Services

Summary: Increases sewer connection and user service fees by forty percent over two years and institutes a new five percent assessment on sewer users for the City's use, improvement and maintenance of its rights-of-way utilized to provide sewer services.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 14, Chapter 4, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.04.020: Equivalent residential unit (ERU) schedule.

The following equivalent residential unit (ERU) schedule shall be used in calculating the user charges:[*]

Customer Class	Billing Unit	ERUs
Single-family dwelling	Each dwelling unit	1.00
Mobile home residential estates[**]*	Each trailer lot	1.00
Mobile home parks	Each trailer lot	1.00
Multiple-family dwelling	Each dwelling unit	1.00
Two-family dwelling	Each dwelling unit	1.00
Condominium	Each dwelling unit	1.00
Plus: outside fixtures in common areas	Each fixture	0.45
Apartment house	Each dwelling unit	0.70
Plus: fixtures outside of dwelling units	Each fixture	0.45

1	Senior Apartment house	Each dwelling unit	0.50
2	Plus: fixtures outside of dwelling units	Each fixture	0.45
3	Guest quarters/casita	Each structure	0.60
4	Halfway House	Each dwelling unit	1.00
5	Recreational vehicle parks	Each vehicle space	0.70
6	Plus: fixtures	Each fixture	0.45
7	Resort hotel	Each room	0.60
8	Plus: fixtures outside of rooms (including fixtures in casinos and restaurants)	Each fixture	1.50
9	Residence Hotel	Each unit	0.70
10	Plus: fixtures outside of rooms	Each fixture	0.45
11	Casino	Each fixture	1.50
12	Motel/hotel/rooming house	Each room	0.60
13	Plus: fixtures outside of rooms	Each fixture	0.75
14	Business operations not separately rated/retail sales (including motor vehicle sales and retail establishments serving food)	Each fixture	0.65
15	Business operations not separately rated/wholesale or service only	Each fixture	0.45
16	Hospital	Each bed	1.20
17	Specialty hospital	Each bed	1.20
18	Convalescent care facility/nursing home	Each bed	0.75
19	Special care facility	Each bed	0.75
20	Custodial institution	Each bed	0.50
21	School	Each student	0.10
22	Child care center	Each student	0.10
23	Beauty shops	Each fixture	0.50
24	Day spa	Each fixture	0.60
25	Restaurant (take out only)	Each fixture	0.45
26	Restaurant (with seating under 45)	Each fixture	0.65
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28			

1	Restaurant (with seating 45 and over)	Each fixture	1.33
2			
3	Taverns (with food sales/service)	Each fixture	1.00
4	Taverns (without food sales/service)	Each fixture	0.65
5	Nightclub	Each fixture	0.65
6	Barbershops	Each fixture	0.30
7	Clinics	Each fixture	0.45
8	Laundromats	Each fixture	0.45
9	Offices, except as otherwise listed	Each fixture	0.45
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11	Financial institutions	Each fixture	0.30
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13	Theaters	Each fixture	0.30
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15	Sports complexes	Each fixture	0.30
16	Private clubs	Each fixture	0.45
17	Community center	Each fixture	0.45
18	Park or Playground	Each fixture	0.45
19	Church	Each fixture	0.25
20	Vacant establishments	Each fixture	0.25
21	Large commercial and other	Annual water use ÷ 90,000 gallons = No. ERUs[***]**	
22			Annual water use will be estimated by the Director of Public Works. After the first full year of discharging, the number of ERU's and the corresponding sewer connection fee may be adjusted at the discretion of the Director of Public Works.
23			
24			
25			
26			
27	Laundries	0.85 x annual water use ÷ 90,000 gallons = No. ERUs[***]**	
28			

Mixed use operations (within a facility that has its own separate meter to measure water consumption)	$0.85 \times \text{annual water use} \div 90,000 \text{ gallons} = \text{No. ERUs}$ [***] **	
Mixed use operations (within a facility that does not have its own separate meter to measure water consumption)	ERUs based upon customer class of the primary use	
Swimming pools – public and private – each pool by capacity		
30,000 gallons and less		0.10
30,001 to 99,999 gallons		0.25
100,000 to 149,999 gallons		0.50
150,000 to 199,999 gallons		0.65
200,000 to 249,999 gallons		0.85
250,000 to 299,999 gallons		1.00
300,000 gallons or more		1.30

* [In instances in which the application of the billing units provided for in this schedule, or the application of the term “water use,” to determine the number of ERUs discharged by a particular user, other than a residential user, causes inequity, the discharger, other than a residential user, may petition to substitute its actual annual discharge to the sewer system in lieu of the billing units provided for in this schedule or in lieu of the annual water use quantities, in the case of a large commercial user as defined in Section 14.04.010, for the purpose of determining its ERUs, provided that the discharge is measured by an appropriate metering device approved by the City. If this method is employed, the ERUs shall be computed by dividing the actual discharge by ninety thousand gallons. The cost of obtaining and installing the metering device is to be borne by the discharger.

**]Trailers which contain more than one dwelling unit shall be classified as multiple-family dwellings.

[***]**Annual water use will be estimated by the Director of Public Works. After the first full year of discharging, the number of ERUs may be adjusted at the discretion of the Director to reflect actual use.

SECTION 2: Title 14, Chapter 4, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.04.030: [The charge rate per ERU for a particular user shall be as set forth below:

User	Annual Charge per ERU
Domestic strength users	\$138.80
High strength users	
Bottlers	196.20
Dairies	181.92
Restaurants with garbage grinders	261.60
Laundries	183.48

(A) The annual charge rate per ERU for a particular user shall be as set forth below (which includes the five percent assessment fee pursuant to Section 14.04.130):

User	Annual charge per ERU through Nov. 30, 2003	Annual charge per ERU commencing December 1, 2003	Annual charge per ERU commencing December 1, 2004
<u>Domestic Strength</u>	<u>138.80</u>	<u>174.88</u>	<u>204.04</u>
<u>High strength users:</u>			
<u>Bottlers</u>	<u>196.20</u>	<u>247.21</u>	<u>288.41</u>
<u>Dairies</u>	<u>181.92</u>	<u>229.21</u>	<u>267.41</u>
<u>Restaurants with garbage grinders</u>	<u>261.60</u>	<u>329.61</u>	<u>384.55</u>
<u>Laundries</u>	<u>183.48</u>	<u>231.17</u>	<u>269.71</u>

(B) The Director of the Department of Finance and Business Services may establish a procedure to allow a person who is the owner and occupant of a single family dwelling to appeal future rate increases by applying for a hardship determination. If a hardship is found, the Director may waive payment of the rate increase for one year from the due date of the rate increase, and may renew the waiver annually thereafter.

(C) The rate charges per ERU set forth in Subsection (A) of this Section commencing December 1, 2004, shall be increased annually by the Director of the Department of Finance and Business Services as follows:

(1) On the first day of December, 2005, in the same proportion that the index figure of the National Consumer Price Index for all Urban Consumers for All Items, U. S. City Average (1967=100) that is published by the Bureau of Labor Statistics, United States Department of Labor, for June of 2005, has increased above such index figure for June of 2004; and

1 (2) On the first day of December in each year thereafter, in the same
2 proportion that such index figure for June of that year has increased above such index figure for June
3 of the previous year.

4 SECTION 3: Title 14, Chapter 4, Section 70, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **14.04.070:** The proceeds from the charges imposed and collected under this Chapter, except those
7 charges imposed and collected pursuant to Section 14.04.130, shall be used solely for the
8 maintenance, operation, improvement, expansion, extension or betterment of the sanitary and storm
9 sewer collection system, treatment facilities and reasonable appurtenances of the City and for the costs
10 of collecting the charges imposed in this Chapter and of administering the rules of this Chapter.

11 SECTION 4: Title 14, Chapter 4, Section 80, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **14.04.080:** (A) All bills for services rendered by or through the municipal sewage disposal
14 system shall be rendered annually in advance on the first day of the month on which the annual cycle
15 billing established for such premises shall commence, shall be payable annually in advance unless the
16 customer elects to pay the annual bill in [semiannual or] quarterly installments. [Customers electing
17 to make installment payments must pay an installment collection fee of three dollars with each
18 installment payment.] The first [semiannual or] quarterly installment payment must be paid in
19 advance, with any remaining amount due constituting a lien against the property. Payment of all bills
20 rendered shall be made to the Department of Finance and Business Services, and any business license
21 for a multiple dwelling or place of business that is associated with such billing may be withheld or
22 suspended unless the remaining portion of the current year's annual billing, or, if the customer has
23 elected to pay in [semiannual or] quarterly installments, the remaining portion of the current
24 [semiannual or] quarterly installment thereof, as the case is paid in advance.

25 (B) Occupants of residential premises are required to pay the annual charge rate per
26 ERU set forth in Section 14.04.030 whether they occupy such residential premises part-time or on a
27 continuous uninterrupted basis, notwithstanding any provision of this Chapter to the contrary.

28 (C) The Department shall have all powers which may be necessary or appropriate

1 for a complete and effective exercise of its jurisdiction, including, but not limited to, the power to
2 enter and inspect any commercial or multiple-residential premises to make determinations concerning
3 sewer service billing. An inspection of commercial premises must be made during regular business
4 hours. A prior appointment is required in order to perform an inspection at a residential premises, if
5 occupied.

6 SECTION 5: Title 14, Chapter 4, Section 90, of the Municipal Code of the City of
7 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **14.04.090:** [The full amount of the sewer service bill shall be paid by each customer within fifteen
9 days after the due date specified in such customer's bill; provided, however, that, if the customer has
10 elected to pay the amount of such bill in:

11 (A) Semiannual installments, as is provided for in LVMC 14.04.080, the first such
12 semiannual installment shall be paid within fifteen days after such due date, and the second shall be
13 paid within one hundred ninety-five days after such due date; or

14 (B) Quarterly installments, as provided for in LVMC 14.04.080, the first quarterly
15 installment shall be paid within fifteen days after such due date, the second shall be paid within one
16 hundred five days after such due date, the third shall be paid within one hundred ninety five days after
17 such due date, and the fourth shall be paid within two hundred eighty-five days after such due date.]

18 (A) The full amount of the sewer service bill is due on the first day of the
19 customer's annual billing cycle, unless the customer elects to pay quarterly installments as provided
20 for in Section 14.04.080.

21 (B) If any portion of the sewer service bill, or, if the customer has elected to pay
22 such bill in [semiannual or] quarterly installments, any portion of either or any of such [semiannual
23 or] quarterly installments[, as the case may be,] remains unpaid for fifteen days or more following the
24 date on which the same was due, the amount outstanding shall be deemed delinquent and a fifteen
25 percent penalty shall be charged thereon. [If the amount outstanding and the penalty assessed thereon
26 remain unpaid for sixty days or more following the date on which the same was due, sewer service
27 to such customer may be discontinued, with the cost of disconnection and reconnection to be borne
28 by the customer.]

1 SECTION 6: Title 14, Chapter 4, of the Municipal Code of the City of Las Vegas,
2 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 130,
3 to read as follows:

4 **14.04.130:** The annual charge rate per ERU set forth in Section 14.04.030 for the annual periods
5 commencing December 1, 2003, and December 1, 2004, shall include a five percent assessment for
6 the City's use, improvement and maintenance of its rights-of-way and easements in which the City's
7 sanitary and storm sewer system and treatment facilities are located.

8 SECTION 7: Title 14, Chapter 4, Section 210, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **14.04.210:** Subject to the annual evaluations provided for in Section 14.04.220, on and after July
11 1, 1983, connection fees within the City shall be determined as follows:

12 (A) User's class is determined.
13 (B) According to ERU schedule the number of ERU's for the user is determined.
14 (C) The occupancy fee for sewer connections is calculated by multiplying the
15 number of ERU's commencing on:

16 [(1) November 1, 1991, by one thousand one-hundred dollars;
17 (2) July 1, 1993, by one thousand two hundred dollars.]
18 (1) July 1, 1993, by one thousand two hundred dollars;
19 (2) December 1, 2003, by one thousand four hundred and forty dollars; and
20 (3) December 1, 2004, by one thousand six hundred and eighty dollars.

21 (D) The occupancy fee for sewer connection fee set forth in Paragraph 3 of
22 Subsection (C) of this Section shall be increased annually by the Director of the Department of
23 Finance and Business Services as follows:

24 (1) On the first day of December, 2005, in the same proportion that the
25 index figure of the National Consumer Price Index for all Urban Consumers for All Items, U. S. City
26 Average (1967=100) that is published by the Bureau of Labor Statistics, United States Department
27 of Labor, for June of 2005, has increased above such index figure for June of 2004; and

28 (2) On the first day of December in each year thereafter, in the same

1 proportion that such index figure for June of that year has increased above such index figure for June
2 of the previous year.

3 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or
4 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
5 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
6 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
7 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
8 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
9 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
10 invalid or ineffective.

11 SECTION 9: Whenever in this ordinance any act is prohibited or is made or declared
12 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
13 required or the failure to do any act is made or declared to be unlawful or an offense or a
14 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
15 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
16 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
17 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

18 SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases,
19 ...
20 ...
21 ...
22 ...
23 ...
24 ...
25 ...
26 ...
27 ...
28 ...

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this _____ day of _____, 2003.

4 APPROVED:

5
6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Larry G. Bellis 10-7-03
13 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2003, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2003, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

13

14

By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BARBARA JO RONEMUS, City Clerk

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CITY CLERK

AFFP DISTRICT COURT
Clark County, Nevada

2003 NOV 18 A 10:17

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
3060181

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/08/2003 to 11/08/2003, on the following days: NOV. 8, 2003

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

13

day of November 2003

Mary B. Sheffield

Notary Public

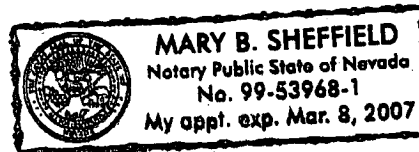
FIRST AMENDMENT
BILL NO. 2003-91

AN ORDINANCE TO AMEND SEWER SERVICE PROVISIONS BY INCREASING CURRENT SEWER CONNECTION AND SEWER USER SERVICE FEES AND INCLUDING A NEW ASSESSMENT FOR THE USE, IMPROVEMENT AND MAINTENANCE OF CITY RIGHTS-OF-WAY AND EASEMENTS IN WHICH THE CITY'S SANITARY AND STORM SEWER COLLECTION SYSTEM AND TREATMENT FACILITIES ARE LOCATED, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director
Department of Finance and Business Services
Summary: Increases sewer connection and user service fees by forty percent over two years and institutes a new five percent assessment on sewer users for the City's use, improvement and maintenance of its rights-of-way utilized to provide sewer services.

At the Special City Council meeting of OCTOBER 29, 2003 BILL NO. 2003-91 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: November 8, 2003
LV Review-Journal



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2003 DEC -2 P 4: 50

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
3079766

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/22/2003 to 11/22/2003, on the following days: NOV. 22, 2003

Signed: _____

Donna Stark

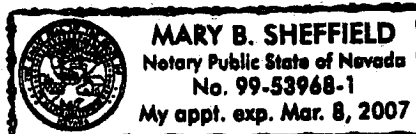
SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

25

day of November 2003

Mary B. Sheffield

Notary Public



FIRST AMENDMENT
BILL NO. 2003-91
ORDINANCE NO. 5642

AN ORDINANCE TO AMEND SEWER SERVICE PROVISIONS BY INCREASING CURRENT SEWER CONNECTION AND SEWER USER SERVICE FEES AND INCLUDING A NEW ASSESSMENT FOR THE USE, IMPROVEMENT AND MAINTENANCE OF CITY RIGHTS-OF-WAY AND EASEMENTS IN WHICH THE CITY'S SANITARY AND STORM SEWER COLLECTION SYSTEM AND TREATMENT FACILITIES ARE LOCATED, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director Department of Finance and Business Services

Summary: Increases sewer connection and user service fees by forty percent over two years and institutes a new five percent assessment on sewer users for the City's use, improvement and maintenance of its rights-of-way utilized to provide sewer services.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 29th day of October, 2003, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 19th day of November, 2003, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, L. Brown, L.B. McDonald, Weekly, Mack, and Moncrief
VOTING "NAY": NONE
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: Nov. 22, 2003
LV Review-Journal