

FIRST AMENDMENT

BILL NO. 2016-64

ORDINANCE NO. 6561

AN ORDINANCE RELATING TO THE SERVICE AREA OF THE CITY'S MUNICIPAL SEWAGE DISPOSAL SYSTEM; AUTHORIZING NEW CONNECTIONS TO THE SYSTEM FROM PROPERTIES LOCATED OUTSIDE THE SERVICE AREA UNDER CERTAIN CIRCUMSTANCES, AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Authorizes new connections to the City's municipal sewage disposal system from properties located outside the system's service area under certain circumstances.

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

SECTION 1: Title 14, Chapter 4, Section 110, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.04.110: (A) The City Council has caused a survey to be made of sanitary conditions within the City, including the geological aspects in relation to industrial, business and residential establishments as the same affect the health and welfare of the inhabitants and has determined and does hereby determine that it is necessary for the protection of the public health that owners of improved property be and they are hereby required to connect their industrial, business and residential establishments to the municipal sewage disposal system, provided only that such establishments are capable of being served by and through such system at the established rates, and it shall be unlawful for any such owner to fail or refuse to connect his establishment to the municipal sewage disposal system.

(B) The City Council recognizes that there are persons owning property located outside of the City's municipal sewage disposal system service area that desire to connect properties to the system because no service is provided by [that person's governing jurisdiction.] the local government entity with jurisdiction over that property. In such cases, the City [shall not permit a person to request, or a property to receive, a connection to the City's municipal sewage disposal system from any extra-territorial

1 property. The City shall continue to serve extra-territorial properties with its municipal sewage disposal
2 system if:

3 (1) Such properties were connected to the municipal sewage disposal system
4 prior to the effective date of the ordinance codified in this section; or

5 (2) A person submitted all documents necessary to effect a connection for a
6 property to the municipal sewage disposal system prior to July 1, 2015, including, but not limited to, an
7 executed annexation agreement and petition for annexation by the owner(s) of the property to be serviced.]
8 may permit extra-territorial property to connect to the City's municipal sewage disposal system if:

9 (1) The City determines there is sufficient capacity in the system to serve the
10 property;

11 (2) The property owner provides the infrastructure necessary for the system to
12 service the property;

13 (3) The property owner requests the local government entity with jurisdiction
14 over the property to initiate an interlocal agreement allowing the City to provide sewer service outside the
15 City's service area; and

16 (4) The property owner or occupant pays:

17 (a) The sewer connection fees and user charges that have been
18 established by ordinance or resolution for service to extra-territorial properties, if such fees and charges
19 have been established; or

20 (b) Otherwise, the sewer connection fees and user charges that have
21 been established by ordinance or resolution for service to properties within the service area for the City's
22 municipal sewage disposal system.

23 (C) For purposes of this Chapter, the service area for the municipal sewage disposal
24 system is designated as any and all real property located within the corporate boundaries of the City [of Las
25 Vegas] as those boundaries may be amended from [time-to-time.] time to time. [All other real] Real
26 property located outside of the corporate boundaries of the City [of Las Vegas are deemed extra-territorial

1 properties,] is deemed extra-territorial for purposes of this Section and is explicitly not a part of the City's
2 municipal sewage disposal system service area. Notwithstanding the provisions of this Section, the City
3 shall continue to serve extra-territorial properties that are already connected to the City's municipal sewage
4 disposal system.

5 SECTION 2: This Ordinance shall become effective on the date on which all the
6 following events have occurred:

7 (A) The publication of this Ordinance in accordance with the City Charter;

8 (B) The repeal by the Board of County Commissioners of Clark County of Ordinance
9 No. 4411, as demonstrated by evidence of the adoption, execution, attestation and publication of the
10 repealing ordinance, all in accordance with NRS 244.095 and 244.100; and

11 (C) The withdrawal by Clark County of its bill draft request, identified as BDR 21-435
12 of the 79th (2017) Session and prefiled as Assembly Bill 48, as demonstrated by evidence of the
13 withdrawal in accordance with applicable statutes, rules and procedures of the Legislative Counsel Bureau
14 and the Nevada Legislature regarding the withdrawal of bill draft requests and associated legislation.

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

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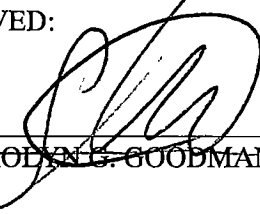
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1 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
3 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 21st day of December, 2016.

5 APPROVED:

6 By 

7 ~~CAROLYN G. GOODMAN~~, Mayor

8 **Steven D. Ross, Mayor Pro-Tem**

9 ATTEST:

10 
11 LUANN D. HOLMES, MMC
12 City Clerk

13 APPROVED AS TO FORM:

14  12-21-16
15 Val Steed, Date
16 Deputy City Attorney
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1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 19th day of October, 2016, and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 21st day of
4 December, 2016, which was a regular meeting of said Council; that at said regular
5 meeting, the proposed ordinance was read by title to the City Council as amended and
6 adopted by the following vote:

7 VOTING "AYE": Mayor Pro Tem Ross
Councilmembers Barlow, Tarkanian, Anthony, Coffin and Beers

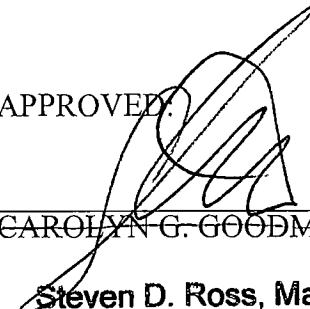
8 VOTING "NAY": None

9 EXCUSED: Mayor Goodman

10 ABSTAINED. None

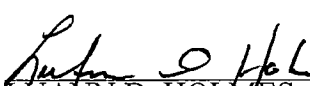
11 DID NOT VOTE: None

12 APPROVED:

13 
14 ~~CAROLYN G. GOODMAN, Mayor~~

15 ATTEST:

16 **Steven D. Ross, Mayor Pro-Tem**

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18 LUANN D. HOLMES, MMC City Clerk
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AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS

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2016 NOV -7 A 11:54

**LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101**

**Account # 22515
Ad Number 0000872547**

Leslie McCormick, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/03/2016 to 11/03/2016, on the following days

11 / 03 / 16

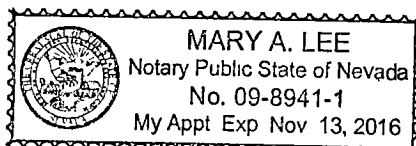
BILL NO. 2016-64 AN ORDINANCE RELATING TO THE SERVICE AREA OF THE CITY'S MUNICIPAL SEWAGE DISPOSAL SYSTEM; AUTHORIZING NEW CONNECTIONS TO THE SYSTEM FROM PROPERTIES LOCATED OUTSIDE THE SERVICE AREA UNDER CERTAIN CIRCUMSTANCES, AND PROVIDING FOR OTHER RELATED MATTERS. Sponsored by: Councilman Steven D. Ross Summary: Authorizes new connections to the City's municipal sewage disposal system from properties located outside the system's service area under certain circumstances. At the City Council meeting of October 19, 2016 BILL NO. 2016-64 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, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA PUB: November 3, 2016 LV Review-Journal



LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 3rd day of November, 2016

Notary 



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STATE OF NEVADA)
COUNTY OF CLARK) SS

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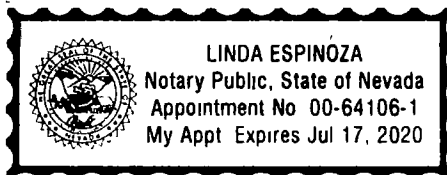
2016 DEC 29 A 11:17

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000882689

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12 / 24 / 16



[Signature]

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 27th day of December, 2016

Notary *Linda Espinoza*

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BILL NO 2016-64
ORDINANCE NO. 6561**

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of October, 2016, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 21st day of December, 2016, 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 Pro Tem, Ross and Councilmembers Tarkanian, Barlow, Anthony, Coffin, and Beers

VOTING "NAY": NONE

EXCUSED: Mayor Goodman

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA
PUB December 24, 2016
LV Review-Journal