ORDINANCE NO. 2770

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA TO AMEND CHAPTER 13.24 OF THE NORTH LAS VEGAS MUNICIPAL CODE TO OUTLINE THE POWERS AND DUTIES OF THE DIRECTOR OF UTILITIES, MAKE VARIOUS CHANGES RELATIVE TO DEFINITIONS, ESTABLISH A SENIOR CITIZENS DISCOUNT PROGRAM AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA, DOES ORDAIN:

SECTION 1: Chapter 13.24 of Title 13 of the North Las Vegas Municipal Code (NLVMC) shall be deleted in its entirety and replaced by the following:

13.24.005 - Declaration of Policy.

It is hereby declared to be the policy of the City to protect the health, welfare and safety of the residents thereof by constructing, operating, and maintaining a system of sewers and liquid waste treatment and disposal facilities that service the homes and commercial and industrial establishments within the City and its environs as required by state and federal law. The following basic principles apply to wastewater that is discharged into the system:

13.24.010 - Definitions.

In addition to definitions in Section 13.28.020, the following words, terms and phrases, when used in this Title, shall have the meanings ascribed to except where the context clearly indicates a different meaning:

"Casino" means a place which is not a part of a motel where games of chance or gambling devices are made available for play by the public.

"Cesspool" means an excavation in the ground that is made for receiving wastewater and is so constructed that the solid matter is retained and the liquid portion is permitted to seep away.

"Chlorine demand" means the difference between the amount of chlorine that is added to a wastewater sample and the amount that remains at the end of a thirty (30) minute period, as determined in accordance with the appropriate procedures that are set forth in 40 CFR Part 136.

"Church" means a structure primarily used for activities sponsored by a religious organization.

"City" means the City of North Las Vegas, Nevada.

"Commercial" means businesses who provide service(s) or product(s) or are connected with commerce and are not classified as residential.

"Commercial user" means any commercial business that discharges domestic wastewater and/or non-domestic wastewater into the system.

"Consumer Price Index (CPI)" means the Consumer Price Index (CPI), All Urban Consumers, U.S. City Average (CPI-U) as published by the U.S. Department of Labor, Bureau of Labor Statistics, Washington, D. C.

"Convalescent home" or "rest home" or "convalescent/rest home" means an establishment used or designed to provide personal and health care supervision to humans who are convalescents, invalids, aged or infirm.

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"Development fees" means all of the fees collected by the city: described in Section 13.24.070 of this chapter.

"Director" means the Director of Utilities of the City or his/her authorized agent or representative.

"Domestic sewage" means wastewater from residential sources including, but not limited to wastewater from kitchen, bath, and laundry facilities; or wastewater from the personal sanitary conveniences (toilets, showers, bathtubs, fountains, noncommercial sinks and similar structures) of commercial, industrial or institutional buildings, provided that the wastewater exhibits characteristics that are similar to those of wastewater from normal residential activities.

"Dwelling unit" means any building or portion thereof which contains living facilities, including areas for sleeping, eating, cooking and sanitation, for not more than one family or a congregate residence for ten (10) or fewer persons.

"Equivalent residential unit (ERU)" means the average amount of wastewater generated by a single-family residence without a swimming pool, which has been determined to be ninety thousand (90,000) gallons per year in accordance with the "City of North Las Vegas User Charge Study, December 1980."

"Family" means an individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

"Fee" means any charge that is made to a user of the system and shall include without limitation occupancy fees for sewer connections by new customers, monthly sewer user charges, industrial or liquid waste permit fees, use charges, unusual industrial waste charges, testing laboratory charges, and oversize sewer charges.

"Fixture" means a device which drains into the City's POTW and includes but is not limited to the following:

a. Bathtub (with or without overhead shower);

b. Bidet;

c. Combination sink and tray (with or without food disposal unit);

d. Dental unit or cuspidor;

e. Dishwasher, domestic;

f. Faucet heads for water supply (which flow into a single drain or trench drain);

g. Floor drains;

h. Kitchen sink, domestic (with or without food waste grinder);

i. Laundry tray (one or two compartments);

j. Lavatory;

k. Lavatory, barber, beauty parlor, dental, surgeon's;

l. Shower stall, domestic;

m. Showers (group) per head (which flow into a single drain);

n. Sinks;

    i. Flushing rim (with valve),

    ii. Hand,

    iii. Ice machine

    iv. Mop,

    v. Pot, scullery, etc.,

vi. Service (trap standard),

vii. Service (protective trap),

viii. Surgeons;

o. Trench drain (fifteen (15) lineal feet shall be assessed as one fixture);

p. Urinal;

q. Urinal trough (each two-foot section shall constitute one fixture);

r. Washing machine;

s. Wash sink (circular or multiple), each set of faucets;

t. Water closet, tank-operated or valve-operated;

u. For the purpose of establishing fees, the following devices and appliances are expressly excluded from the definition of "fixture":

i. Air-conditioner,

ii. Boiler,

iii. Coffee urn,

iv. Drinking fountain,

v. Floor drain without direct water supply,

vi. Garbage disposal unit,

vii. Grease trap or interceptor,

viii. Refrigerator,

ix. Sampling manhole,

x. Sand/oil interceptor,

xi. Soft drink machine,

xii. Steam table,

xiii. Water softener,

xiv. X-ray machine.

"Frontage" means any portion of the property adjacent to a serviceable wastewater main alignment, as determined by the director.

"Garbage" means the putrescible animal and vegetable wastes that result from the handling, preparation and dispensing of food.

"Hospital" means an establishment staffed and equipped to provide diagnosis, care and treatment of human illness or injury and which provides twenty-four (24) hour professional nursing services under the direction of one or more physicians.

"Hotel" or "motel" or "hotel/motel" means any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, for sleeping purposes by guests.

"Inflow source" means any building, structure, facility or installation from which water, other than wastewater, enters the system from sources, including without limitation roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and the system, catch basins, cooling towers, stormwaters, surface runoff, street wash waters and drainage.

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"Industrial (non-domestic)" wastes means the liquid or solid wastes from industrial manufacturing processes, trade or business activities producing non-domestic or non-residential sewage as distinct from domestic wastewater.

"Lateral" means the wastewater service connection pipeline from a point of use to the city's wastewater main, up to and including the connection to the city's wastewater main.

"Large commercial user" means an establishment which uses more than nine million (9,000,000) gallons of water per year.

"Laundromat" means an establishment where coin-operated washing machines are provided for self-service washing by the public.

"Laundry" means an establishment where clothing, cellulose or synthetic based material is washed for remuneration.

"Man-made water feature" means any water feature that is classified under the name "man-made decorative water feature" according to the criteria established in Section 13.16.020 of this municipal code.

"Multifamily" means a structure containing two or more dwelling units.

"Nuisance" means anything which is hazardous, indecent or offensive to the senses or is an obstruction to the free use of property in such a manner as to interfere with the comfortable and safe enjoyment of life and property.

"Nuisance groundwater" means any groundwater flowing naturally or discharged from a well, to the surface of the land.

"Oversizing agreement" means an agreement between a developer/customer and the city, allowing for the reimbursement of the cost difference of installing a wastewater main of a larger diameter, as required by the city, than the diameter needed by the developer/customer.

"Peak flow rate" means the periodically determined highest flow rate of wastewater, liquid waste or industrial waste that is discharged to a public sewer over a period of at least fifteen (15) minutes at any time during the measurement period.

"Person" means any individual, partnership, co-partnership, firm, company, association, joint stock company, trust, estate, society, corporation, group, government, governmental agency or other legal entity, or their legal representatives, agents or assigns. The definition includes all federal, state and local government entities.

"Property owner" means an owner of real property, including the structure thereupon.

"Publicly owned treatment works (POTW)" means the City of North Las Vegas', City of Las Vegas' or Clark County water reclamation district's treatment works, including any sewers that convey wastewater to the POTW treatment plant, and excluding pipes, sewers or other conveyances not connected to the POTW.

"Reclaimed water" means water which, as a result of the treatment of waste matter, is suitable for a direct beneficial use or a controlled use which would not otherwise occur.

"Sampling well" means an approved opening to a building sewer to allow for sampling and flow measurement of the contents of such sewer.

"Refunding agreement" means an agreement between a developer/customer and the city allowing for the reimbursement of wastewater main connection fees collected by the city with respect to a wastewater main extension installed by the developer/customer adjacent to property other than property owned by the developer/customer.

"Residential" means one or more rooms designed for use as living quarters for one family and having facilities for the preparation of food.

"Residential user" means any residential customer, including single-family and multifamily, that discharges domestic wastewater into the system.

"Restaurant" means a place where the primary business is serving food to the public. This definition includes restaurants located within a casino and/or motel/hotel.

"Sanitary sewer" or "collection system" means a pipe or conduit for carrying wastewater.

"School" means an establishment, whether public or private, in which is offered a full-time academic, vocational or technical course of study or other educational services whether elementary, secondary or post-secondary.

"Senior Citizen" means a person who is sixty-two (62) year of age or older, head of household and is enrolled in the Nevada Energy Assistance Program (EAP).

"Septic tank" means a watertight receptacle which receives the discharge from a building, sanitary drainage system, or any part thereof, and is designed and constructed in such a manner as to separate the solids from the liquid, digest the organic matter through a period of detention and allow the liquid to be discharged into the soil outside the tank through a system of open joint or perforated piping or a seepage pit.

"Settleable solids" means solids that will settle out of a liquid during a specific period, as determined in accordance with the appropriate procedures that are set forth in 40 CFR Part 136.

"Single-family" means one or more rooms designed for use as living quarters for one family and having facilities for the preparation of food.

"Sludge" means any wastewater of any type that is generated by a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, other than the treated effluent from a wastewater treatment plant.

"State" means the State of Nevada, including any agency or department of state government.

"Stormwater" means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation, including snowmelt.

"Storm sewer" or "storm drain" refers to every pipe, culvert, flume, ditch, gutter, storm sewer, cistern, tank, drain, lake, pond, stream, ravine, gully or other facility or natural feature, that contains, holds, transports, diverts, channels, impounds, or drains water, into which any naturally occurring stormwater runoff within the City may seep, percolate or flow; and every street, sidewalk, alley, gutter, roof, parking lot, yard, field, driveway, patio and other surface within the City across which any naturally occurring stormwater runoff may seep, percolate or flow.

"Surcharge" is an additional charge to an industrial user whose discharge waste strength is in excess of the normal domestic strength wastewater.

"Swimming pool" means any feature that is classified under that name according to the criteria established in Section 13.16.020 of this municipal code.

"System" means the wastewater collection and treatment system of the City and/or the treatment system of the City of Las Vegas and/or Clark County Water Reclamation District that receives wastewater from users located within the City limits and, without limitation, includes sewer service connections and all of the facilities that are used by the city for the collection, pumping, transportation, treatment and final disposal of wastewater. "Trailer" means a vehicular structure which is built on a chassis or frame, designed to be used with or without a permanent foundation and may be used as living quarters for a family whether drawn by a motor vehicle or propelled by its own power.

"Trailer court" or "trailer estates" or "trailer courts/estates" means a place which is used or intended for use to park two or more trailers, mobile homes or manufactured homes for occupancy as living quarters for a family.

"User" means any person who contributes, or causes, or permits the contribution of, wastewater into the system.

"Wastewater" means the liquid and water-carried industrial or domestic wastes from residences, commercial buildings, industrial facilities and institutions, together with any infiltrating groundwater,

surface water and stormwater that may be present, whether treated or untreated, which are discharged to or permitted to enter the POTW. "Wastewater main connection fees" are those fees that are necessary to equitably prorate the expense of development and transmission of wastewater from the source to the ultimate point of disposal. These fees include the prorated share of the construction of wastewater mains, manholes, lift stations, metering devices and other necessary capital expenditures for the city's POTW.

"Wastewater main construction fees" are those assessed, prorated costs for the installation of the wastewater main and appurtenances along the frontage of the specific property. These fees are applicable where the city installs or has installed the wastewater main adjacent to the property. These fees are not assessed where the subdivider, developer and/or property owner installs the wastewater main at their expense, provided that the installed wastewater mains are inspected and accepted by the city.

"Wastewater main extension fees" means an administrative fee charged by the city for the administrative costs incurred by city staff for the initiation and processing of a refunding agreement.

"Wastewater main oversizing fees" means an administrative fee charged by the city for the administrative costs incurred by city staff for the initiation and processing of an oversizing agreement.

"Wastewater main" refers to those pipelines installed in dedicated easements or rights-of-way designed to receive tributary wastewater flows from one or more laterals.

13.24.015 – Director Powers and Duties

A. The Director is authorized, empowered, and directed to adopt such rules, regulations and standards as may be deemed by him to be reasonably necessary in order to protect the system and to control and regulate the proper use thereof; provided, however, that the terms and provisions of such rules and regulations shall be promulgated in a manner that is reasonably calculated to result in the uniform control of the system.
B. The Director shall administer, implement and enforce the provisions of this Chapter and the Standards and requirements specified in Chapter 13.28.
C. Any time limit that is provided in any written notice from the Director or in any provision of this Chapter may be extended only by a written directive of the Director.
D. The Director may perform work of an educational nature and may, for this purpose, cooperate with civic organizations, industries, water agencies, wastewater collection and treatment agencies, and other public corporations.
E. The director shall have the responsibility of administering, implementing and enforcing all of the provisions of this chapter. However, any power that is granted to, or duty that is imposed upon, the director may be delegated by him to any other person who is in the employ of the city's department of utilities and may be confirmed in writing by the city council upon any other person or persons, whether or not he or they are in the employ of the city.

13.24.020 - Use of septic tank.

The use of a septic tank shall be subject to approval by the Director.

13.24.030 - Connections required.

A. Every premise which abuts a street, public easement or alley in which there is an available public wastewater main, or which is within four hundred (400) feet of an available public wastewater main, shall be connected to the wastewater main, by the owner or agent of the premises, and in the most direct manner possible, and with a separate connection for each residence or building.

B. All wastewater main extensions and appurtenant work shall conform to the standard specifications of the City and the work shall be performed to the satisfaction of the City. Connections to existing wastewater mains shall be made only in the presence of a representative of the city and at the times specified by the city. Shutting down of wastewater mains for the purpose of making connections will not be permitted.

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C. It is unlawful for any person, state and/or federal facility to fail or refuse to connect their property to the city's POTW.

D. It is unlawful for any person, state and/or federal facility to contribute wastewater to the city's POTW without paying all required development fees.

13.24.040 - Maintenance and repair of lateral.

It shall be the responsibility of the property owner to maintain the entire lateral in a free flowing condition and to clear any blockages. The property owner is responsible for all repair work required on the portion of the lateral located on their property. It is the property owner's responsibility to demonstrate to the City that the lateral within the City's right-of-way requires repair. In the interest of public health, safety and welfare, the City will perform all repair work, for which there is a demonstrated need, on the portion of the lateral located within the city's right-of-way.

13.24.050 - Stormwater and/or nuisance groundwater source.

A. It is unlawful for any person, state and/or federal facility to make any new connection or to maintain any existing connection of any stormwater and/or nuisance groundwater source to any lateral and/or the system, unless approved by the Director.

B. It is unlawful for any person, state and/or federal facility to make any new connection or to maintain any existing connection of any lateral and/or the system to the stormwater collection system.

13.24.060 - Specifications.

All additions and modifications to the city's POTW, such as new wastewater mains and wastewater main connections, shall be properly designed and the engineering plans shall be sealed by a professional engineer registered in the State of Nevada when submitted to the city. All additions and modifications shall be constructed by a licensed contractor, and shall conform to the requirements of all applicable local, state and federal laws, including without limitation, the provisions of the "Design and Construction Standards for Wastewater Collection Systems, Southern Nevada - 2009, 3rd Edition" adopted on March 15, 2010, and as may be amended from time to time, and shall meet the approval of the Director.

(Ord. No. 2540, § 1, 5-19-2010)

13.24.070 - Development fees.

A. Wastewater Main Connection Fees. In order to fairly assess the capital expenditures for the City's POTW prior to obtaining wastewater services, property owners, subdividers, developers and builders shall pay certain wastewater main connection fees as hereinafter set forth. Such fees are in addition to other development fees required pursuant to this Chapter. The following table sets forth the classification of the user of the City's POTW, the Equivalent Residential Unit (ERU) for the unit measured and the connection fee assessed per unit.

1. For those users who, as determined by the Director introduce wastewater that will eventually reach the City of North Las Vegas Water Reclamation Facility (WRF), the following wastewater connection fees shall apply:

Classification	ERU	Unit	Connection Fee
Bars/taverns with food facilities	1.00	Each fixture	$1,730.00
Bars/taverns without food facilities	0.65	Each fixture	1,124.00

Beauty/barber/nails/tanning shop	0.25	Each fixture	432.00
Casino	1.50	Each fixture	2,595.00
Church	0.50	Each fixture	865.00
Community/special event center	0.65	Each fixture	1,124.00
Convalescent/rest homes	0.75	Each bed	1,297.00
Custodial institution	0.65	Each fixture	1,124.00
Drug stores	0.65	Each fixture	1,124.00
Dry cleaners	1.00	Each fixture	1,730.00
Dry cleaners pick up station	0.45	Each fixture	778.00
Financial institution	0.45	Each fixture	778.00
Food sales (without cooking facilities)	0.65	Each fixture	1,127.00
Guest home (casita)	1.00	Each dwelling unit	1,730.00
Hospital	1.20	Each bed	2,076.00
Hotel/motel (rooms only)	0.60	Each room	1,038.00
Hotel/motel fixtures outside of rooms	1.50	Each fixture	2,595.00
Laundry or laundromat	0.45	Each fixture and/or machine	778.00
Limited use special event center	0.45	Each fixture	778.00
Maintenance/repair shops	0.45	Each fixture	778.00
Markets with disposals	1.00	Each fixture	1,730.00
Medical/dental/veterinarian	0.25	Each fixture	432.00
Miscellaneous business not separately rated	0.65	Each fixture	1,124.00

Motor vehicle sales (with automated motor vehicle wash)	1.00	Each fixture, stall and/or bay	1,730.00
Motor vehicle wash (self-service and automated)	1.25	Each fixture, stall and/or bay	2,162.00
Multifamily	0.70	Each dwelling unit	1,211.00
Multifamily - senior housing	0.50	Each dwelling unit	865.00
Multifamily fixtures in common areas	0.45	Each fixture	778.00
Office/warehouse	0.45	Each fixture	778.00
Offices	0.45	Each fixture	778.00
Pet grooming	0.65	Each fixture	1,124.00
Private club	0.65	Each fixture	1,124.00
Recreational vehicle parks	0.70	Each space	1,211.00
Recreational vehicle parks, fixtures other than space connections	0.45	Each fixture	778.00
Recreational water feature (each water source is a fixture)	0.65	Each fixture	1,124.00
Restaurant	1.33	Each fixture	2,300.00
Restaurant - take out only	0.45	Each fixture	778.00
Restaurant with seating under 45 seats	0.65	Each fixture	1,124.00
Retail sales	0.65	Each fixture	1,124.00
School or child care center	0.10	Each student	173.00
Service stations	0.65	Each fixture	1,124.00
Single-family	1.00	Each dwelling unit	1,730.00
Swimming pool and man-made water feature, 20,000	0.10	20,000 gallons	173.00

gallons and less			
Swimming pool and man-made water feature, each additional 20,000 gallons or fraction thereof	0.10	20,000 gallons	173.00
Theaters	0.45	Each fixture	778.00
Theme parks/sports complex/athletic clubs	1.00	Each fixture	1,730.00
Townhome/condominium	0.70	Each dwelling unit	1,211.00
Trailer courts/estates	1.00	Each lot or space	1,730.00
Trailer, temporary (if connected to the system)	0.65	Each fixture	1,124.00
Vehicle wash with recycling facilities	0.65	Each fixture	1,124.00
All other businesses, unless director determines otherwise*	0.65	Each fixture	1,124.00
Commercial laundry and/or large motor vehicle wash, or a business as determined by the Director		85% of estimated water use, divided by 90,000 multiplied by $1,730.00	
Large commercial or as a business as determined by the Director		Annual water use, divided by 90,000 multiplied by $1,730.00	

Note— If the Director determines that the * business does not fit any of the categories set forth and the amount set forth in "All other businesses" is insufficient for the burden placed on the system, the Director may determine a different ERU unit and/or connection fee for the business based upon the business' estimated water use or first year after connection historical data or both.

2. For those users who, as determined by the Director, introduce wastewater that will eventually reach the Clark County Water Reclamation Plant, the Clark County Water Reclamation Plant's Connection Fee will apply, and an additional fee of five hundred dollars ($500.00) will be added as administrative services for the City.
3. Any addition to an existing use shall pay wastewater main connection fees calculated as if the addition is a use in and of itself.
4. Any multiple use development shall have wastewater main connection fees calculated on each independent use.
5. A user of any structure that is demolished in its entirety so that a new structure can be built on the underlying real property or an owner of the underlying real property can request that wastewater main connection fees paid to the City from the original structure be considered to fulfill payment responsibilities of wastewater main connection fees for the new structure depending on a predemolition inspection of the structure by the City to verify existing fixtures.

6. A user of any structure that will be demolishing fixtures so that new fixtures can be built on same property request that predemolition inspection of the structure. It shall be the property owner's or designee's responsibility to contact the City to depict all existing plumbing fixtures on the plans and perform a predemolition inspection of the original structure to verify the existing fixtures. If the structure(s) is demolished without a predemolition inspection by City staff, no credit will be granted for wastewater main connections previously paid to the City. Based on the inspection, the City will calculate the number of ERUs previously assessed to the structure(s) and the ERU rate previously paid to the structure. The calculation shall meet the approval of the Director. If the calculation demonstrates that the number of ERUs and/or the rate has increased based on the fixture counts of the new structure, the property owners or designee will be required to pay the amount of the difference for the wastewater connection fees to the City based upon the fees in effect at the time of the new building permit. However, if the calculation demonstrates that the number of ERUs has decreased based on the fixture counts of the new structure, the City will not be required to pay the difference of the wastewater main connection fees to the property owners or designee.

7. The Director reserves the right to review and audit any user at any time. If it is determined that there is additional burden placed on the system, additional fees may be assessed and are payable to the City by the user.

8. If there is a change in the classification at the address, then the user shall pay that rate for applicable classification. If classification is at a lower rate, the City will not be required to pay the difference of the wastewater main connection fee to the user.

B. Wastewater Main Construction Fees.

1. Wastewater main construction fees are assessed to allow the City to recover prorated costs for installation of the wastewater main and appurtenances along the frontage of the property. Regardless of the main size, wastewater main construction fees will be based on a minimum of twenty dollars ($20.00) per front foot of property frontage wherein the main rendering the service to the property is located. Where a refunding agreement is in place with the City based on the actual cost of construction, wastewater main construction fees will be based on one-half of the per lineal foot installation cost of the main multiplied by the length of property fronting the main. This fee is applicable, regardless of whether the wastewater main is in existence or is to be constructed by the city. This fee is not applicable wherein the frontage main is constructed by the developer, subdivider or property owner, provided the frontage wastewater main is constructed to specifications approved by the Director and accepted by the City. However, if such a wastewater main connects to an existing wastewater main that also has frontage, the construction fees shall be assessed on the existing wastewater main.

2. It is assumed that all users served by City's POTW on the date of adoption of the ordinance codified in this Chapter have paid the wastewater main construction fees for the parcel being served except in the case of a single improvement on a larger parcel or fronting property. The frontage presumed to have been paid for shall, in the case of residential land, be minimum frontage provided in the zoning ordinance for the land use in which the property is situated or be calculated by measurement of the structure or structures and adding thereto the side yards required by the zoning ordinance, whichever is greater. In the case of commercial developments, the frontage presumed to be paid for is that frontage calculated by measurements of the structure plus area for driveways, fire lanes and parking area as required by the zoning ordinance. Any resident served by a private wastewater facility is not presumed to have paid a wastewater main construction fee.

C. Refunding Agreement for Wastewater Main Extensions.

1. Applicants for wastewater main extensions are responsible for payment of the entire cost of such extension, unless modified due to extenuating circumstances. The actual cost of the extension may be reimbursed to the applicant through the proper execution of a refunding agreement with the city. The amount of refund is limited to those wastewater main construction fees collected on the extended wastewater main during the ten (10) years following the acceptance of the

wastewater main by the City, but shall not exceed ninety-five percent (95%) of the actual cost to the applicant for the wastewater main extension (less any portion of the cost applicable to any portion of the wastewater main adjacent to property owned by the applicant). Refunding agreements will be secondary to the City recouping all associated costs the city paid for oversizing any such wastewater main. Refunding agreements under fifty thousand dollars ($50,000.00) may be approved by the City Manager. Refunding agreements of fifty thousand dollars ($50,000.00) and more must be submitted for approval by the City Council. Applicants entering into any refunding agreement with the City shall pay an administrative fee of two hundred dollars ($200.00) for the initiation and processing of the agreement.

D. Oversizing Agreement for Wastewater Main Extensions.

1. In some situations, reimbursement may be due to the developer for oversizing of wastewater mains. Participation by the City in the oversizing of the wastewater main extension shall be based on the difference in inches of the diameter of the wastewater main installed and the diameter of the wastewater main required of the developer. Reimbursements for oversizing will be effectuated through an oversizing agreement. Oversizing agreements under fifty thousand dollars ($50,000.00) may be approved by the City Manager. Oversizing agreements of fifty thousand dollars ($50,000.00) and more must be submitted for approval by the City Council. Applicants entering into any oversizing agreement with the City shall pay an administrative fee of two hundred dollars ($200.00) for the initiation and processing of the agreement.

E. Any other applicable fees as stated in Chapter 2.36 of this code entitled "Administrative Fees."

F. Sewer Connection Permit Fee. Prior to the connection of any property to the city's POTW, the property owner thereof shall be assessed a Sewer Permit Fee of thirty-five dollars ($35.00) from the City's Building Safety Division of the Community Development and Compliance department.

13.24.080 - Schedule of fees.

A. All users of the city's system shall be charged a monthly service fee plus a user fee. Rates are published on the City's web site. Hard copies can be requested through the Utilities Department.

1. All Single-family accounts shall be based on actual water usage with a maximum of 8,000 gallons per month. All Multifamily accounts shall be based on actual water usage with a maximum of 6,000 gallons per unit per month.

2. If a Large Commercial user can demonstrate that its entire metered water usage is not consumptive (discharged back to the system), adjustments may be considered on a case-by-case basis for representative wastewater volume discharged to the POTW. Any adjustments to the user fee are subject to the approval of the Director.

3. Monthly sewer service fee for Senior citizens as defined in this Chapter that are the responsible party on the utility bill will be reduced by 50 percent of the current fee. To qualify for the senior citizen discount, applicant must be enrolled in the Nevada Energy Assistance Program (EAP), as defined by the Nevada Division of Welfare and Supportive Services. Participants in this program are required to re-qualify annually. Proof of age and enrollment shall be required.

In addition, each year thereafter on October 1st the rates will be increased by a minimum of three percent (3%). Rate increases above three percent (3%) shall require approval by City Council.

13.24.090 - Billing, payment, collection and liens.

All bills and fees for services rendered hereunder shall be sent out monthly as a part of the water bill pursuant to Section 13.04.020. All portions of Section 13.04.020 relating to billing procedure, deposits and deposit refunds apply to wastewater bills. In all cases the property owner or owners shall be liable for all wastewater services imposed herein. Bills for water furnished, wastewater service system fees charged pursuant to Section 13.24.080, Pretreatment Program Cost Recovery Fees charged pursuant to

Section 13.28.40 and garbage pickup and disposal are jointly billed. Failure to pay for any one fee billed or all fees billed shall constitute default on all. All fees due shall be a debt and obligation for the person or persons using these services and shall constitute a lien against the premises served. Such person using these services or property owner whose property is furnished these services shall be liable therefore in any action commenced by the City for the recovery of such fees in any court of competent jurisdiction.

13.24.100 - Violation—Penalty.

Any person, state and/or federal facility who violates any of the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each separate day during which any violation of this chapter occurs or continues constitutes a separate offense.

13.24.110 - Severability; effective date.

This ordinance will become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

13.24.120 – Publication

The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED ON THE 5th DAY OF OCTOBER, 2016.

AYES: Mayor Lee, Mayor Pro Tempore Barron, Council Members Wood, Goynes-Brown, and Cherchio

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED:

John J. Lee, Mayor

ATTEST:

Catherine A. Raynor

Catherine A. Raynor, MMC
City Clerk