

ORDINANCE NO. 2843

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA TO AMEND CHAPTER 13.04 OF THE NORTH LAS VEGAS MUNICIPAL CODE TO MAKE VARIOUS CHANGES RELATIVE TO SENIOR CITIZEN DISCOUNTS; BILLING, PAYMENT, COLLECTION, AND LIENS; AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.

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

SECTION 1: Chapter 04 of Title 13 of the North Las Vegas Municipal Code (NLVMC) is hereby DELETED IN ITS ENTIRETY AND REPLACED BY THE FOLLOWING:

13.04.010 - Definitions.

As used in this chapter:

"Capacity connection charge" means the charge required of all applicants for service to premises where a service connection does not exist or where a service is to be enlarged. The charge to be paid depends on the meter size. The charge is payment for the costs allocated to providing capacity for service to applicants within the distribution 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.

"Director" means the Director of the Utilities Department for the City of North Las Vegas.

"Main extension charges" are those charges paid by the developer or property owner for the extension of a water main along intervening property.

"Private mains" means all water mains not owned by the City after completion.

"Project," when used in reference to water use planning fees, means any development, including new construction and expansion or modification of existing development, that requires the use of five acre feet or more of water per year and requires the approval of an officer or agency of the City. Excluded from this definition are public-owned projects, subdivisions, parcel maps, division of lands and planned use developments.

"Public mains" are those which are owned, operated and maintained by the City after completion and acceptance.

"Refunding agreement" means an agreement between a developer/customer and the City allowing for the reimbursement of water construction charges collected by the City with respect to a water main extension installed by the developer/customer adjacent to the property other than property owned by the developer/customer.

"Residential" means any separate building other than an apartment house, lodging house, hotel, motel or any designated plex-type structure (excluding condominiums), containing one or more habitable rooms occupied or designed for occupancy by not more than one family with facilities for living, sleeping, cooking and eating. A building will be classified as separate when it is separated from another structure by a rated fire wall or by a distance equivalent to the required fire rating as defined in the building code of the City of North Las Vegas. Each dwelling unit of a condominium-type structure constitutes a separate single-family dwelling. Trailers or mobile homes located in a trailer or mobile home park and serviced through a master meter to the park are excluded from the definition of a single-family dwelling; provided, however, that each trailer or mobile home located in a trailer estates subdivision or on a separate defined lot or parcel of land constitutes a single-family dwelling.

"Senior citizen" means a person who is sixty-two (62) years of age or older, head of household, and is enrolled in the Nevada Energy Assistance Program (EAP) managed by the Nevada Department of Health and Human Services, Division of Welfare and Supportive Services.

"Service activation charges" means the charge assessed all applicants requesting turn-on and activation of a water service account.

"Water construction charges" are those assessed, prorated costs for the installation of the water main and appurtenances along the frontage of the specific property. These mains must be inspected and accepted by the City. These charges are not assessed where the subdivider, developer or property owner installed the main at their expense.

"Water service connection" means the lateral pipe, regardless of size, from the point of connection to a City water main, to and including a meter, meter box or vault.

"Water system" or "water service system" means the existing water system owned and operated by said city and any future extension or improvement thereof, irrespective of whether water supplied thereby is, or may hereafter, be supplied, in whole or in part, from artesian wells or from other sources.

13.04.020 - Water rates—Billings, deposits, refunds.

- A. Metered Rate—Monthly Charge. All single-family dwellings, and all other types of dwellings, commercial businesses, buildings, irrigation systems, or establishments requiring water service shall be furnished such service through a metered connection. Water rates shall be approved by City Council and published on the City's web site.

On October 1st of each year, the rates will be increased by a minimum of three percent (3%) until such time that they are changed by City Council.

Notes:

1. The monthly usage rate tables apply to a monthly billing cycle. The City will endeavor to maintain a monthly read cycle. The daily charge is the amount of days in the actual read cycle.

2. Multiple meters serving residential accounts will be assigned a fixed number of units to calculate the structure.

- B. Fire Service Rate Schedule. Applicable to all services through which water is used exclusively for the purpose of extinguishing fires: Fire Service rates shall be approved by City Council and published on the City's web site.

On October 1st of each year, the rates will be increased by a minimum of three percent (3%) until such time that they are changed by City Council.

The consumption charge on Fire Services will be in accordance with Section 13.04.020A, but the highest consumption rate will apply to all consumption.

- C. Charges to governmental agencies for water available through public fire hydrants shall be periodically negotiated with appropriate governmental agencies and shall be billed accordingly.
- D. Water Rates Exception. Nothing whatsoever contained in this section shall be deemed to apply to, nor govern the water rates providing for the furnishing of water services to any contract user for the furnishing of water services outside the City limits of the City's water service system, except as determined by the agreement.
- E. Water Rates—Senior Citizen. Senior citizens as defined in this chapter shall be charged a service charge of one-half of that daily service charge defined in this section, and a rate per one thousand (1,000) gallons equal to the average cost of water per one thousand (1,000) gallons purchased by the City during the preceding year. This rate will be recomputed each September 1st by the Director

or designee. 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.

- F. Billing Procedure. In all cases the property owner or owners shall be liable for all water services imposed herein, including water charges and wastewater service system fees charged pursuant to Section 13.24.080. Failure to pay for any of these services 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. Failure to pay the entire amount shown on the monthly bill by the established due date will result in a late penalty charge of ten percent (10%) of the entire bill. In the event the bill remains unpaid after ten (10) days of the next consecutive monthly billing date, all utility services may be discontinued until such time as the entire amount shown on the latest bill is paid together with a turn-on service fee of twenty-five dollars (\$25.00). In the event turn-on service is required between the hours of 3:00 p.m. and 8:00 a.m. on Monday, Tuesday, Wednesday and Thursday, or between 3:00 p.m. Thursday and 8:00 a.m. Monday, the service charge will then be sixty dollars (\$60.00). If additional costs are incurred in the enforcement of the discontinuance of the water service, the water customer will be required to pay these additional charges prior to the reconnection of service.
1. Correction of billing errors shall be made on the next regular bill, where possible, but in no case will the City make corrections retroactively for a period of more than twenty-four (24) months.
 2. Payment arrangements where a customer pays less than a full payment are made at the discretion of the Director or the designated person.
 3. Overpayments due to billing errors are normally credited to the account. At the discretion of the Director or designee, a refund of the overpayment may be made.
 4. Customers who fail to pay their utility bill after the services are discontinued are subject to a collection fee of twenty-five dollars (\$25.00) or twenty-five percent (25%) of the balance due and may be reported to a collection company and a credit reporting service.
 5. The City may collect such delinquent fees, rates, and charges (a) in accordance with the requirements of NRS 268.043, by having the delinquent fees, rates, and charges collected at the same time as, together with and not separately from, Clark County's general taxes; (b) by perfecting the City's lien upon the property to which service is rendered by filing/recording in the office of the county recorder a notice of lien signed by the City Clerk, or the City Clerk's designee, that identifies the amount due and unpaid, the name of the record owner(s) of the property, and a description of the real property subject to the lien; (c) through a collection agency, as defined in NRS Chapter 649; (d) directly; (e) through a civil action in any court of competent jurisdiction; and/or (f) through any other means available to the City under applicable law.
 - a. As described in Section (5)(a) above, at the discretion of the Director, any delinquent water or sewer fees, rates and charges in arrears on May 1 may be subject to a tax lien on the property. City Council will conduct a public hearing during the month of May to consider sending delinquent account balances to the Clark County Treasurer to be collected together with and not separately from the county's general taxes due on the parcel or parcels with the delinquent charges. If the City chooses to collect such delinquent fees, rates, and charges, the City shall have the right to collect all penalties allowable under NRS 268.043 and NRS 361.483.7 from the owner(s) of the real property with respect to which the fees, rates, and charges are delinquent at the time such delinquencies became a lien against that property.
 - b. If the City chooses to collect such delinquent fees, rates, and charges pursuant to Section (5)(b) above, no notice of lien shall be recorded against the property by the City

unless written notice of the delinquency has been mailed or personally delivered to the record owner of the property at the last mailing address shown by the records of the County Assessor and the record owner of the property has been given 15 days to pay the delinquent amount in full. If there is more than one record owner, failure to send a copy of that notice to a particular owner does not invalidate a notice if properly sent to another record owner. An error or mistake in the name of the record owner contained in any notice of lien does not defeat the lien, unless a correction of the notice of lien in a particular instance would prejudice the rights of an innocent bona fide purchaser or encumbrancer for value, but then only with respect to the bona fide purchaser or encumbrancer for value who was prejudiced. The owner(s) of record and/or customer(s) of record must pay the City a service charge, in an amount approved by City Council and identified in the department service rules, for a release of the lien filed with the office of the County Recorder and any and all recording costs incurred by the City in recording the release of lien. After the delinquency is fully satisfied or discharged, at the written request of the owner(s) of record or customer(s) of record, and after that owner or customer pays the required fees, the City will cause to be recorded a notice of discharge or release of the notice of lien. After recording the required notice of lien and unless the delinquency is fully satisfied or discharged, the City may foreclose said lien against such property by following the process identified in NRS 108.239, as amended, for the foreclosure of mechanic's liens. The lien is coequal with the latest lien thereon to secure the payment of general taxes, the lien is not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes, and the lien is prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes. The lien is not extinguished if the City does not commence a foreclosure action.

G. Deposits.

1. The following schedule of deposits for utility service is established.
 - a. Residential: one hundred fifty dollars (\$150.00);
 - b. Other (including multiple dwellings): The total amount of deposit shall be equal to three times the estimated average monthly bill;
 - c. Hydrant meters and mobile meters: Deposits shall be established in the Utility Service Rules and Regulations. An additional deposit may be required when a backflow prevention device is needed.
2. Customers with established credit may be exempted from the requirements of subsection (G)(1) of this section upon approval of the Director or designee.
3. Any deposit made prior to adoption of the ordinance codified in this chapter which is less than the amount required by subsection (G)(1) of this section shall be deemed to be sufficient and remain unchanged; provided, however, that any account for which service is discontinued because of nonpayment shall become subject to the provisions of subsection (G)(1).
4. Any unsecured account may remain unsecured; provided, however, that any such account for which service is discontinued because of nonpayment shall become subject to the provisions of subsection (G)(1).
5. The amount by which any deposit exceeds the requirements of subsection (G)(1) shall be refunded.

H. Deposit Refunds.

1. Deposits on any account established in the name of a property owner shall be refunded upon request at the end of any twelve (12) month period during which time water service has not been discontinued because of nonpayment and not more than two late penalties have been assessed. Deposits on any account established in the name of a tenant occupying the premises

of a property owner shall remain on deposit until the account is closed. The refund may be by check or credited to the account's next billing at the discretion of the Director or designee.

2. Deposits for hydrant meters and mobile meters shall remain on deposit until the account is closed. The refund may be by check or credited to the account's next billing at the discretion of the Director or designee.
3. All deposits held by the City at the time an account is closed shall first be applied to amounts owed the City with any remaining deposit balances over fifty dollars (\$50.00) refunded.
4. Interest shall not be paid on deposits.

I. Regional Commodity Charge.

1. Effective January 1, 2014, a commodity charge, per the Southern Nevada Water Authority, adjusted annually on January 1 per one thousand (1,000) gallons based on the following table:

Calendar Year	2013	2014	2015	2016	2017 & Beyond
Commodity Charge (per 1,000 gallons)	\$0.30	\$0.34	\$0.38	\$0.44	\$0.48

J. Reliability Surcharge.

1. A reliability surcharge (excise tax) on the use of water for the benefit of the Southern Nevada Water Authority will be charged on all residential class customers at one-quarter of one percent of the total water bill, including service charges and consumption charges. For the purpose of this subsection residential class includes apartment houses as well as single-family dwellings, but does not include hotels, motels and lodging houses. All other customer classes will be charged a reliability surcharge (excise tax) on the use of water at two and one-half percent of total water bill, including service charges, backflow and consumption charges.
2. The reliability surcharge (excise tax) shall be added to the customer's water bill commencing with the first water bill issued in April 1998, for water consumption commencing March 1, 1998, and shall be billed and collected monthly pursuant to subsection (F) of this section, which provides a late penalty charge but no interest.
3. Any surcharge (tax) due is a perpetual lien against the property served by the water on whose use the tax is imposed until the tax and penalties thereon are paid. Collection of the tax may be enforced in any manner authorized by law for the collection of unpaid water bills. In addition to all other methods available to enforce payment, the tax may be collected in the same manner as delinquent taxes are collected pursuant to NRS 268.043 for sewerage charges.
4. The surcharge (tax) shall continue for a duration of twenty-five (25) years, measured from the effective date of Ordinance No. 1251 which first enacted this subsection (March 1, 1998), unless sooner reduced or deleted in accordance with law. However, the City Council shall review the necessity for the continued imposition of the surcharge (tax) authorized pursuant to NRS 268.4112 at least once every ten (10) years, measured from March 1, 1998.

K. Hydrant Meters and Mobile Meters.

1. Connections to public or private fire hydrants are prohibited unless a permit is issued by the City and a City owned fire hydrant meter or mobile meter is used. Each applicant requesting use of a City owned fire hydrant meter must submit the required application and related documentation to the Utilities Department for approval. The deposit is nine hundred twenty-five dollars (\$925.00) for each hydrant or mobile meter. Upon approval, the applicant and/or authorized designee agree to follow all instructions on the proper use of hydrant meters and any attached

backflow prevention devices. The City will determine when a backflow prevention device is necessary and will be required. The applicant and the applicant's employer agree to:

2. Follow all instructions on the proper use of hydrant meters and mobile meters, including agreeing to the City's ability to establish the location of the installation and to place limitations on the rate of flow and time of use. Any business or individual using a hydrant without a hydrant meter may be assessed a fine as determined by the Utility Department Service Rules and Regulations. All equipment attached to the hydrant will be seized or damaged to prevent further use. The Director or designee may close all water accounts opened by the business or individual if the illegal connection continues and may confiscate hydrant meters and close all water accounts opened by a business or individual applicant when it is determined that the hydrant meter program is being abused. The City may discontinue the service and remove the hydrant meter or mobile meter when the time period of use expires or if the water is used for any purpose other than that designated by the applicant.
3. Follow all requirements of the City including the use of a backflow prevention device when necessary. When backflow prevention device is required, the applicant must provide and use a backflow prevention device which meets the City's standards.
4. Report the location of the hydrant meter or mobile meter on a designated day each month by email or fax.
5. Report hydrant meter or mobile meter readings on a designated day each month by email or fax.
6. Return hydrant meters or mobile meters to the utilities department when:
 - a. Three months of zero gallons are used;
 - b. Damage occurs to the hydrant meter;
 - c. One year of use has occurred; and
 - d. When requested by the utilities department.
7. Pay a fine of two hundred fifty dollars (\$250.00) for failing to report the location and/or the hydrant meter or mobile meter readings by the designated day of the month for one month. This fine will be added to the monthly bill. Two months of non-reporting will subject the applicant to forfeiture of the hydrant meter or mobile meter and use of the water system.
8. Pay an additional charge of twenty-five dollars (\$25.00) for a member of the utilities department to read the meter on the work day following the day of request or sixty dollars (\$60.00) to read the meter on the same day as the day of the request. This charge will be added to the monthly bill.
9. Pay for the costs to repair the hydrant meter or mobile meter when damaged.
10. Pay for the costs to repair the damage to the fire hydrant when it is damaged during the use or damage to a hydrant meter or mobile meter.
11. Move the hydrant meter or mobile meter when requested by the City.
12. Secure the hydrant meter or mobile meter to the hydrant to prevent the theft of the meter. Maintain control of a mobile meter to prevent theft.
13. Failure to comply with the sections of these rules will result in a fine of two hundred fifty dollars (\$250.00) which will be added to the monthly bill and the hydrant meter or mobile meter will be seized.
14. Report the theft of a hydrant meter or mobile meter immediately.
15. Pay a fine of two thousand five hundred dollars (\$2,500.00) or the cost of one million gallons of water, whichever is lesser for each hydrant meter or mobile meter reported stolen.

16. Pay a fine of two thousand five hundred dollars (\$2,500.00) or the cost of one million gallons of water, whichever is lesser for tampering with a hydrant meter or mobile meter as determined by the utilities department.
 17. The Director or designee may close all water accounts opened by the business or businesses and the individual applicant if the utilities department determines that the hydrant meter or mobile meter program is being abused.
 18. At the discretion of the Director or designee, the City staff may secure the hydrant meter or mobile meter to the fire hydrant for the customer. The customer shall be charged twenty-five dollars (\$25.00) to set the meter on the work day following the day of application or sixty dollars (\$60.00) to set the meter on the same day as the day of application. The same fees apply when the meter is moved to different fire hydrant at the customer's request.
 19. Any business or individual using a fire hydrant for construction water without a hydrant meter or mobile meter will be fined one thousand dollars (\$1,000.00) after two previous warnings to disconnect from a fire hydrant. The hoses attached to the fire hydrant will be seized and/or damaged to prevent further use after attempts to contact the business or individual fail. The Director or designee may also close all water accounts opened by the business or individual.
 20. Hydrant meters and mobile meters are not to be used in lieu of permanent water service.
- L. Infrastructure Surcharge.
1. Effective January 1, 2014, a fixed-rate infrastructure surcharge, per the Southern Nevada Water Authority, adjusted annually on January 1 for meter size based on the following table:

Monthly Infrastructure Charges Per Meter, Per Month

Calendar Year	2013	2014	2015	2016	2017 & Beyond
Infrastructure Charge Per Meter Per Month					
Residential - 5/8" and 3/4" meter sizes	\$5.00	\$5.64	\$6.36	\$7.18	\$8.11
Residential - 1" meter size	\$19.21	\$20.42	\$21.79	\$23.34	\$25.10
Residential - 1.5" meter size	\$38.41	\$40.83	\$43.56	\$46.67	\$50.19
Residential - 2" meter size	\$61.46	\$65.34	\$69.70	\$74.67	\$80.31
Residential - 3" meter size	\$122.90	\$130.66	\$139.38	\$149.32	\$160.60
Residential - 4" meter size	\$192.03	\$204.15	\$217.79	\$233.32	\$250.93
Residential - 6" meter size	\$384.05	\$408.29	\$435.57	\$466.63	\$501.85
Residential - 8" meter size and larger	\$614.47	\$653.26	\$696.89	\$746.59	\$802.95

Non-Residential - 5/8" and 3/4" meter sizes	\$19.05	\$19.69	\$20.41	\$21.23	\$22.16
Non-Residential - 1" meter size	\$36.08	\$37.29	\$38.66	\$40.21	\$41.97
Non-Residential - 1.5" meter size	\$72.16	\$74.58	\$77.31	\$80.42	\$83.94
Non-Residential - 2" meter size	\$115.45	\$119.33	\$123.69	\$128.66	\$134.30
Non-Residential - 3" meter size	\$230.90	\$238.66	\$247.38	\$257.32	\$268.60
Non-Residential - 4" meter size	\$360.79	\$372.91	\$386.55	\$402.08	\$419.69
Non-Residential - 6" meter size	\$721.57	\$745.81	\$773.09	\$804.15	\$839.37
Non-Residential - 8" meter size	\$1,154.50	\$1,193.29	\$1,236.92	\$1,286.62	\$1,342.98
Non-Residential - 10" and larger meter sizes	\$1,659.59	\$1,715.35	\$1,778.07	\$1,849.51	\$1,930.54

M. Drought Protection Charge.

1. Effective January 1, 2016, a fixed-rate drought protection charge per the Southern Nevada Water Authority, adjusted annually on January 1 for meter size based on the following table:

Monthly Drought Protection Charges Per Meter, Per Month

Meter Size	Drought Protection Charge			
	2016	2017	2018	2019 & Beyond
Residential - 5/8 " & 3/4" meter sizes	\$2.41	\$3.61	\$4.81	\$4.81
Residential - 1" meter size	\$4.56	\$6.84	\$9.11	\$9.11
Residential - 1.5" meter size	\$9.13	\$13.67	\$18.22	\$18.22
Residential - 2" meter size	\$14.61	\$21.88	\$29.15	\$29.15
Residential - 3" meter size	\$29.21	\$43.76	\$58.30	\$58.30
Residential - 4" meter size	\$45.64	\$68.37	\$91.10	\$91.10

Residential - 6" meter size	\$91.29	\$136.74	\$182.20	\$182.20
Residential - 8" meter size and larger	\$146.06	\$218.79	\$291.52	\$291.52
Non-Residential - 5/8" & 3/4" meter sizes	\$2.41	\$3.61	\$4.81	\$4.81
Non-Residential - 1" meter size	\$4.56	\$6.84	\$9.11	\$9.11
Non-Residential - 1.5" meter size	\$9.13	\$13.67	\$18.22	\$18.22
Non-Residential - 2" meter size	\$14.61	\$21.88	\$29.15	\$29.15
Non-Residential - 3" meter size	\$29.21	\$43.76	\$58.30	\$58.30
Non-Residential - 4" meter size	\$45.64	\$68.37	\$91.10	\$91.10
Non-Residential - 6" meter size	\$91.29	\$136.74	\$182.20	\$182.20
Non-Residential - 8" meter size	\$146.06	\$218.79	\$291.52	\$291.52
Non-Residential - 10" and larger meter sizes	\$209.96	\$314.51	\$419.05	\$419.05

13.04.030 - Water service fees.

A. Meter Charge.

1. The charge for the water meter shall be as follows: Size	Electronic Meter
5/8" x 3/4", 3/4"	\$175.00
1"	250.00
1 1/2"	370.00
2"	480.00
Over 2"	Actual cost plus \$125.00 per register

2. The charge for a replacement water meter only, shall be as follows:

Size	Electronic Meter
5/8 " × 3/4", 3/4"	\$80.00
1"	160.00
1 1/2"	295.00
2"	415.00

3. The charge for the replacement for the water meter radio shall be one hundred fifteen dollars (\$115.00).

B. Meter Testing. The City will shop test any meter up to and including two inches in size at the request of and preferably in the presence of the customer. A fee of thirty dollars (\$30.00) shall be paid in advance of the meter test. If, after the meter test, it is determined that the meter registers greater than two percent over the true quantity, the fee shall be returned, together with the amount overcharged during the prior six months, or such portion of the six-month period in which the meter was in operation or in which the customer has been responsible for water bills. However, if the meter registers no greater than two percent over the true quantity, the fee shall be forfeited, and all water bills paid as presented. Hydrant meters shall be considered within acceptable limits at 97% accuracy.

C. Capacity Connection Charges. The capacity connection charge is as follows:

Capacity Connection Charge	
Meter Size	Per Meter Size
Apartments, Condominiums, Townhouses, Two-Family and Multifamily Dwellings (per unit)	\$852.00
Residential 5/8 " × 3/4", 3/4"	1,420.00
5/8 " × 3/4", 3/4"	1,420.00
Residential 1"	2,367.00
1"	2,367.00
1 1/2"	4,733.00
2"	7,573.00

3"	16,567.00
4"	29,820.00
6"	66,267.00
8"	113,600.00
10"	179,867.00
12"	236,667.00
14"	285,000.00

Combined Service	
Mainline Size	Per Combined Service
6-inch	\$16,567.00
8-inch	29,820.00
10-inch	66,267.00

- D. **Water Construction Charges.** Regardless of the main size, water construction charges will be based on a minimum of eighteen dollars (\$18.00) 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, water construction charges 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. The charge is not applicable wherein the frontage main is constructed by the developer, subdivider or property owner, provided the frontage main is constructed to specifications approved by the Director or designee.
- E. **Main Extension Charges.** Applicants for main extensions are responsible for payment of the entire cost of such extension, unless modified due to extenuating circumstances. A portion of the cost of such 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 water construction charges collected by the City on the extension of the main during the ten (10) years following the acceptance of the main by the City but shall not exceed ninety-five percent (95%) of the actual cost to the applicant for the main extension (less any portion of the cost applicable to any portion of the 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 main.
- F. **Main Oversizing.** In some situations reimbursements may be due the developer due to oversizing of mains. Participation by the City for oversizing of the main extension shall be based on the difference

in inches of the diameter of the main and appurtenances installed and the diameter of the main and appurtenances required by the developer. Any refunding provisions shall be limited to those mains which are classified as off-site mains, and the amount of reimbursement will be determined on the merits of each individual case.

G. Application for Water Service Fee.

1. Application for Water Service Fee. All applicants for water service will be required to pay a nonrefundable fee, at the time water plans are submitted for review, or at the time application for service is made if water plans are not required, as follows:

Application Fee	
Meter Size	Per Meter
Apartments, Condominiums, Townhouses, Two-Family and Multiple Family Dwellings (per unit)	\$120.00
5/8 " × 3/4", 3/4"	200.00
1"	330.00
1 1/2"	650.00
2"	1,040.00
3"	1,950.00
4"	3,250.00
6"	6,500.00
8"	10,400.00
10"	14,950.00
12"	22,100.00

2. Application fee for a fireline service:

- a. Fireline service fee, per DCDA (or other approved device): \$750.00
- b. Register fee: \$125.00 each
- c. Fire hydrant with no metered services: \$750.00.

3. Service Activation Charge. All consumers (residential, multifamily, non-residential, and fire service) will pay a Service Activation Charge, as determined by the Director or designee, for establishment, activation or transfer of water service account.

4. Application and Permit for Occupancy of Nevada Department of Transportation Right of Way with the City's utilities department as permittee: \$50.00
5. Administrative fee for the initiation and processing of a water refund agreement: \$200.00
6. Administrative fee for the processing of a refund requested by developer or engineer: \$250.00
7. Administrative fee for the processing of a refund due to the project plan expiration: \$250.00
8. Administrative fee for the processing of a refund at the written request of the developer or engineer for cancellation of a project: \$250.00
9. Other applicable fees as stated in North Las Vegas Municipal Code, Chapter 2.36 entitled Administrative Fees.

H. Regional Connection Charge.

1. Regional connection charges will be assessed to all development served by the City's municipal water service district, as follows:
 - a. Residential, multifamily and mobile home development. Gross acreage for residential density measurement purposes includes the area to the centerline of the road, consistent with gross acreage measurement used by the City's development services department.
 - i. Residential and multifamily (apartments, multiplexes, and so forth) development maintaining a density of eight units per acre or less, excluding mobile homes, shall have regional connection charges based upon meter size, as follows:

RESIDENTIAL: EIGHT OR FEWER UNITS PER ACRE				
CONNECTION CHARGE PER METER				
Effective Date	5/8 " × 3/4", 3/4"	1"	1½"	2"
11-1-08	\$4,870.00	\$9,610.00	\$19,170.00	\$30,680.00

- ii. Residential and multifamily (apartments, multiplexes, and so forth) development maintaining a density of more than eight units per acre and all mobile homes shall have regional connection charges based upon the number of dwelling units in the development, as follows:

RESIDENTIAL AND MULTIFAMILY MORE THAN EIGHT UNITS PER ACRE AND MOBILE HOMES		
CONNECTION CHARGE		
Customer Class	Based on	11-1-08 & Beyond
Residential and multifamily of more than 8 units per acre and all mobile homes, individually metered	Dwelling unit, each	\$3,400.00

- b. Hotel and motel developments will have a connection charge based upon the number of room units in the development, as follows:

HOTELS AND MOTELS		
Customer Class	Based on	11-1-08 & Beyond
Hotels and Motels	Room unit, each	\$2,780.00

The City reserves the right to audit and confirm, within the first three years of operation, the number of room rental units in the development and adjust the initial connection charge accordingly. Subsequent audits may be conducted by the City to determine any increase in the number of room rental units that may have occurred. If any additional room rental units are discovered on subsequent audits, the increase in the number of hotel room rental units is subject to the regional connection charge in place at the time of the audit.

- c. Golf courses will have connection charges based upon the irrigable number of acres in the development, as follows:

GOLF COURSES CONNECTION CHARGE		
Customer Class	Based on	11-1-08 & Beyond
Golf course (irrigable acres)	Acre, each	\$45,640.00

Measurement for the golf course irrigable acres consists of turf only. Drip systems used for desert roughs are not included in the calculations. The City reserves the right to audit and confirm, within the first three years of operation, the number of irrigable acres in the golf course development and adjust the initial connection charge accordingly. Subsequent audits may be conducted by the City to determine any increase in irrigable acreage that may have occurred. If additional irrigable acreage is discovered on subsequent audits, the increase in irrigable acreage is subject to the regional connection charge in place at the time of the audit.

- d. RV parks will have connection charges based upon the number of spaces in the development as follows:

RV PARKS CONNECTION CHARGE		
Customer Class	Based on	11-1-08 & Beyond
RV Parks	Space, each	\$1,380.00

- e. Nonresidential developments having meters of six inches or larger will have connection charges based upon the development's annual usage in thousands of gallons, at the rates set forth as follows:

NONRESIDENTIAL WITH SIX INCH OR LARGER METER—EXCLUDING HOTELS, MOTELS, GOLF

COURSES AND INDUSTRIAL LAUNDRIES CONNECTION CHARGE					
Customer Class	Based on	5-1-07	11-1-07	5-1-08	11-1-08 & Beyond
Nonresidential, 6" and larger - excluding hotels, motels, golf courses and industrial laundries	Annual usage (thousand gallons)	\$21.80	\$24.00	\$26.50	\$29.20

The City reserves the right to audit and confirm, within the first three years of operation, the annual water usage of the operation and adjust the connection charge accordingly.

- f. Nonresidential developments having meters of less than six inches, excluding hotels, motels, golf courses and laundries, will have connection charges based upon the size of the development's meter as follows:

NONRESIDENTIAL WITH LESS THAN SIX INCH METER—EXCLUDING HOTELS, MOTELS, GOLF COURSES AND INDUSTRIAL LAUNDRIES						
CONNECTION CHARGE PER METER						
Effective Date	5/8" x 3/4", 3/4"	1"	1 1/2"	2"	3"	4"
11-1-08	\$4,870.00	\$9,610.00	\$19,170.00	\$64,260.00	\$237,900.00	\$353,130.00

- g. Industrial laundries will have regional connection charges, in dollars, based upon meter size, as follows:

INDUSTRIAL LAUNDRIES CONNECTION CHARGE IN DOLLARS PER METER									
Effective Date	3/4", 5/8" x 3/4"	1"	1 1/2"	2"	3"	4"	6"	8"	10"
11-1-08	\$76,800	\$151,460	\$302,950	\$484,700	\$969,400	\$1,514,690	\$3,029,360	\$4,846,980	\$6,967,540

- h. The density for "phased" projects shall be calculated per individual set of civil improvement plans; not based upon the project as a whole.

- i. The City reserves the right to audit any development within the initial three years of operation to confirm the basis or estimate used to determine the regional connection charge and may adjust the amount of the regional connection charge based upon the results of such audit.

13.04.040 - Community improvement and graffiti removal fee.

- A. An additional charge of seventy-five cents (\$0.75) per month is assessed to each business customer and each housing unit within the City to which water is provided.
- B. The funds generated by this additional assessment must only be used for any purpose relating to the beautification of the City.
- C. As used in this section "housing unit" means a:
 - 1. Single-family dwelling;
 - 2. Townhouse, condominium or cooperative apartment;
 - 3. Unit in a multifamily dwelling or apartment complex; or
 - 4. Mobile home.

13.04.050 - Inspection charge.

To insure proper installation and compliance with approved plans, specifications and standards, all water main installations, hydrants, valves, laterals or other water appurtenances will be inspected by a City inspector during and upon completion of installation. Fees for such inspections are as prescribed in the effective land development service fee schedule.

13.04.060 - Water use planning fees.

Owners or developers of any commercial or industrial project are responsible for payment of State of Nevada imposed water use planning fees to the City. These fees shall be based on the amount of eighty-five dollars (\$85.00) plus fifty cents (\$0.50) per acre foot of water, or fraction thereof, required by the project.

13.04.070 - Emergency provisions.

The council may, in its responsibility of safeguarding the public health in the City, declare emergency measures to be taken to conserve the water supply of the City. Such emergency measures may include, but are not limited to: defining and prohibiting nonessential water usages; establishing usage allotments for all water users; modify water rates to encourage conservation; minimize peak load demands on the water system for the greatest public benefit with particular regard to domestic use, sanitation and fire protection; provide the district sufficient revenue to meet financial burden of emergency measures being taken to preserve and continue sufficient supply of high quality water to its consumers to avoid the necessity of even more serious rationing measures.

13.04.080 - Unlawful to tap water system or water line.

It is unlawful for any person, company or corporation to tie to or tap in to the water system of the City or to tie onto, tap into or in any manner connect to the water line of any other person, company or corporation connected to the North Las Vegas Water System without the permission of the City. All tap-ins and all tie-ins to the water system of the City shall be approved by the Director or designee.

13.04.090 - Penalty for unlawful taps.

Any person violating any of the provisions of Section 13.04.110 shall be guilty of a misdemeanor and upon conviction thereof, be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the City jail not to exceed six months, or by both such fine and imprisonment. In addition

to such fine and/or imprisonment, any person convicted of a misdemeanor violation shall pay court costs and in no case shall such costs be suspended.

13.04.100 - Damage to water property.

Any person or persons causing damage to water property or appurtenance belonging to the City by any willful or negligent act shall be responsible for payment of all costs for repair or replacement of such damaged property.

13.04.110 - Service rules and regulations.

The Director or designee shall adopt, add to, delete, interpret, modify and enforce the service rules and regulations pertaining to the operations and policies of the North Las Vegas water system.

SECTION 2: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 3: EFFECTIVE DATE. This ordinance shall 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 the Nevada Revised Statutes, as amended from time to time.

SECTION 4: PUBLICATION. The City Clerk shall cause this ordinance, immediately following its adoption, to be published once by title, together with names of the council members voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of the Nevada Revised Statutes, as amended from time to time.

PASSED AND ADOPTED ON THE _____ DAY OF _____, 2017.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED:

John J. Lee, Mayor

ATTEST:

Catherine A. Raynor, MMC, City Clerk