

**ORDINANCE NO. 3039**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA TO AMEND CHAPTER 13.28 OF THE NORTH LAS VEGAS MUNICIPAL CODE TO MAKE VARIOUS CHANGES RELATIVE TO FEES AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.**

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

**SECTION 1:** Section 13.28.40 of the North Las Vegas Municipal Code (NLVMC) is hereby deleted in its entirety and replaced with the following:

13.28.40 - Program cost recovery.

The city may, by resolution or ordinance by the city council, adopt charges and fees which recover the costs incurred by administration, implementation and enforcement of the pretreatment program established by this chapter and adopt charges and fees, including, but not limited to the following:

- A. Fees for reimbursement of costs of implementing Chapter 28;
- B. Fees for monitoring, inspecting, and surveillance;
- C. Fees for reviewing required reports and notifications;
- D. Fees for reviewing permit applications and issuing permits;
- E. Fees for legal expenses;
- F. Other fees as the city may deem necessary to carry out the requirements contained herein;
- G. Surcharges for discharge to the POTW of pollutants that exceed normal domestic strength sewage as defined in Section 13.28.02 within the definition for pass through; and
- H. Fees for the acceptance, treatment and/or disposal of special wastes.
- I. Fees.

1. Permitting Fees.

| Permit Classification                               | Monthly Permit Fee  |
|---|---------------------|
| Significant industrial user/class 1                 | \$125.00            |
| Permitted non-significant industrial users/class II | 35.00               |
| Fats, oils, and grease facilities                   | 12.50               |
| Special or temporary authorizations                 | 150.00 per issuance |

2. Appeal Fees.

| Level of Appeal         | Fee      |
|-------------------------|----------|
| Department of utilities | \$300.00 |
| City council            | 1,000.00 |

3. Surcharge Fees.

The surcharge billing for discharge waste strength in excess of the normal domestic strength wastewater pursuant to Section 13.28.40, shall be calculated by multiplying the additional pounds of each pollutant that is discharged as a result of the exceedance of the surcharge threshold concentration times the extra strength surcharge with the following formula and surcharge rates:

Concentration of pollutant over the threshold (mg/L) x Total flow (MGD) x 8.345 x (Surcharge (\$/lb.))

| Pollutant                                     | Surcharge Threshold Concentration, mg/L | Extra Strength Surcharge, \$/lb. |
|---|---|----------------------------------|
| Total Suspended Solids (TSS)                  | 300                                     | \$0.10                           |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ) | 300                                     | \$0.15                           |
| Phosphorus (P)                                | 5                                       | \$1.66                           |

J. Enforcement of Unpaid Fees, Assessments, User Charges and Penalties.

1. Any fee, assessment, user charge or penalty that is imposed pursuant to this chapter which remains unpaid for a period that exceeds thirty (30) days after assessment or upon a final determination by the director or city council, shall, upon the expiration of such thirty (30) day period, constitute a perpetual lien on and against the premises which are subject to such fee, assessment, user charge or penalty and shall be a debt that is owing to the city by the industrial user and the owner of record of such premises, if such owner is someone other than the industrial user.
2. Any fee, assessment or user charge that becomes delinquent shall have added to it a basic delinquency charge that is equal to ten percent (10%) of the fee, charge or assessment that became delinquent, and thereafter an additional delinquency charge shall accrue on the total amount that is due, including the aforesaid ten percent (10%) basic delinquency charge, at the rate of one-half of one percent (.5%) per month until the amount of such fee, charge or assessment, together with all applicable delinquency charges, is paid in full.
3. The city may bring a civil action in any court of competent jurisdiction to recover a delinquent fee, assessment, user charge or penalty, or any combination thereof, together with interest thereon, and may enforce such lien by recording a notice thereof with the county recorder upon the expiration of such thirty (30) day period and foreclosing the same against the premises that are subject to such lien in the same manner as is provided by the laws of the state for the foreclosure of mechanics' liens.

**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:** SEVERABILITY. 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.

**SECTION 4:** 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 RS, as amended from time to time.

**SECTION 5:** 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 THIS \_\_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

\_\_\_\_\_  
JOHN J. LEE, MAYOR

ATTEST:

\_\_\_\_\_  
CATHERINE A. RAYNOR, MMC  
CITY CLERK