

SENATE BILL NO. 182—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CITY OF NORTH LAS VEGAS)

FEBRUARY 15, 1999

Referred to Committee on Government Affairs

SUMMARY—Revises method of calculating fee charged to user of water for beautification of city.
(BDR S-117)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to the City of North Las Vegas; revising the method for calculating the fee charged to a user of water for the beautification of the city; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 2.280 of the charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 565, Statutes of Nevada 1997, at page 2758, is hereby amended to read as follows:

Sec. 2.280 Powers of city council: Provision of utilities.

1. Except as otherwise provided in subsection 3 and section 2.285, the city council may:

(a) Provide, by contract, franchise and public enterprise, for any utility to be furnished to the city for residents located ~~either~~ within or without the city.

(b) Provide for the construction and maintenance of any facilities necessary for the provision of all such utilities.

(c) Prescribe, revise and collect rates, fees, tolls and charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking. Notwithstanding any provision of this charter to the contrary or in conflict herewith, no rates, fees, tolls or charges for the services, facilities or commodities

1 furnished by any municipally operated or municipally owned utility or
2 undertaking may be prescribed, revised, amended or altered, increased
3 or decreased, without this procedure first being followed:

4 (1) There must be filed with the city clerk schedules of rates,
5 fees, tolls or charges which must be open to public inspection,
6 showing all rates, fees, tolls or charges which the city has established
7 and which are in force at the time for any service performed or
8 product furnished in connection therewith by any utility controlled and
9 operated by the city.

10 (2) No changes may be made in any schedule so filed with the
11 city clerk except upon 30 days' notice to the inhabitants of the city and
12 a public hearing held thereon. Notice of the proposed change or
13 changes must be given by at least two publications in a newspaper
14 published in the city during the 30-day period before the hearing
15 thereon.

16 (3) At the time set for the hearing on the proposed change, any
17 person may appear and be heard and offer any evidence in support of
18 or against the proposed change.

19 (4) Every utility operated by the city shall furnish reasonably
20 adequate service and facilities, and the charges made for any service
21 rendered or to be rendered, or for any service in connection therewith
22 or incidental thereto, must be just and reasonable.

23 (d) Provide, by ordinance, for an additional charge ~~to each~~
24 ~~customer]~~ **for each housing unit** within the city to which water is
25 provided by a utility of up to 25 cents per month. If such a charge is
26 provided for, the city council shall, by ordinance, provide for the
27 expenditure of that money for any purpose relating to the
28 beautification of the city.

29 2. Any charges due for services, facilities or commodities
30 furnished by the city or by any utility operated by the city pursuant to
31 this section is a lien upon the property to which the service is rendered
32 and must be perfected by filing with the county recorder of Clark
33 County of a statement by the city clerk stating the amount due and
34 unpaid and describing the property subject to the lien. Each such lien
35 must:

36 (a) Be coequal with the latest lien thereon to secure the payment of
37 general taxes.

38 (b) Not be subject to extinguishment by the sale of any property on
39 account of the nonpayment of general taxes.

40 (c) Be prior and superior to all liens, claims, encumbrances and
41 titles other than the liens of assessments and general taxes.

42 3. The city council:

43 (a) Shall not sell telecommunications service to the general public.

1 (b) May purchase or construct facilities for providing
2 telecommunications that intersect with public rights of way if the
3 governing body:

4 (1) Conducts a study to evaluate the costs and benefits
5 associated with purchasing or constructing the facilities; and

6 (2) Determines from the results of the study that the purchase or
7 construction is in the interest of the general public.

8 4. Any information relating to the study conducted pursuant to
9 subsection 3 must be maintained by the city clerk and made available
10 for public inspection during the business hours of the office of the city
11 clerk.

12 5. Notwithstanding the provisions of paragraph (a) of subsection
13 3, an airport may sell telecommunications service to the general
14 public.

15 6. As used in this section:

16 (a) *"Housing unit" means a:*

17 (1) *Single-family dwelling;*

18 (2) *Townhouse, condominium or cooperative apartment;*

19 (3) *Unit in a multiple-family dwelling or apartment complex;*

20 *or*

21 (4) *Mobile home.*

22 (b) "Telecommunications" has the meaning ascribed to it in 47
23 U.S.C. § 153(43), as that section existed on July 16, 1997.

24 ~~1(b)~~ (c) "Telecommunications service" has the meaning ascribed
25 to it in 47 U.S.C. § 153(46), as that section existed on July 16, 1997.