

**Bill No. 2004-1**  
**ORDINANCE #153**

An ordinance which relates to the support of the Mosquito Abatement Program; amending Chapter 11 of the Municipal Code of the City of Caliente, Nevada, (August 1991 Publication), by adding a new subsection to convert the current mosquito abatement fee from a voluntary to a mandatory fee; provide for the collection of the fee; and provide for other matters pertaining to the Mosquito Abatement Program in support of the residents of the City of Caliente.

Sponsored by:

Mayor Kevin J. Phillips

Summary: Amends Chapter 11, (Public Health, Safety, and Welfare) adding Section 11.640 of the Caliente Municipal Code to add a new provision establishing a mandatory mosquito abatement fee for all property owners and utility users.

**THE CITY COUNCIL OF THE CITY OF CALIENTE DOES ORDAIN AS FOLLOWS:**

**Section 1 of Ordinance 153:** Chapter 11, Section 11.640 of the Municipal Code of the City of Caliente, as published in 1991, is hereby amended as follows:

Statement of Purpose: Whereas the fee collected as provision of funds for the Mosquito Abatement Program has previously been collected on a voluntary basis, the purpose of this ordinance is to convert that program from a voluntary to a mandatory basis.

Definitions: In the construction of this ordinance, the following definitions shall be observed unless the context clearly requires otherwise:

- A. Resident: a resident shall be defined as an owner of property within the City limits of the City of Caliente and/or a user of public utilities provided by the City of Caliente.
- B. Mosquito Abatement Program: an activity provided for the residents of the City of Caliente intended to interrupt the life cycle of mosquitos to ensure minimization of mosquito pestilence for the residents of Caliente.

Mandatory Nature: Henceforth, the fee established by the City Council in support of the Mosquito Abatement Program of the City of Caliente will be mandatory for all residents unless specifically exempted by City Council action in open session. Should a resident have more than one individualized bill covering separate services, the fee shall be imposed on each individualized bill.

Collection System: Collection of said fee to be included as part of the utility rate collection system of the City of Caliente. As a part of the periodic "billing" of users of the utility system of the City of Caliente, a mandatory fee in support of the Mosquito Abatement Program of the City will be included. For owners of property not utilizing Caliente Public Utilities, a separate billing for collection of fees will be initiated.

Fee Structure: The City Council shall have the option to establish a fee schedule to provide for categories of residents. The City Council may opt for a single fee system for all residents or for a multi-stage fee system, as it sees fit. The fee shall be reviewed at a minimum every four years and may be adjusted as required.

**Section 2 of Ordinance 153:** If any section, subsection, subdivision paragraph, sentence, clause or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof.

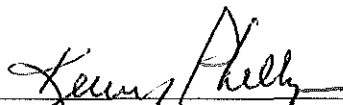
**Section 3 of Ordinance 153:** All ordinances or parts of ordinances, sections, subsections, subdivision paragraphs, sentences, clauses or phrases contained in the Municipal Code of the City of Caliente, Nevada, 1991 publication, in conflict hereby are hereby repealed.

**Section 4 of Ordinance 153:** This Ordinance shall take effect immediately upon passage hereof.

Passed, Adopted and Approved this 6th day of January, 2005.

Approved by:

Attest:

  
\_\_\_\_\_  
Kevin J. Phillips, Mayor

  
\_\_\_\_\_  
Patrice Lytle, City Clerk

The above and foregoing ordinance was first proposed and read by title to the City Council on the 18<sup>th</sup> day of November, 2004. City of Caliente Bill 2004-1, Ordinance 153 was published in the Lincoln County Record on December 23rd and December 30, 2004. At the regular Meeting of the City Council on January 6, 2005, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

**Councilpersons Voting "Aye"**

Mayor Kevin J. Phillips, Councilman Tom Acklin, Councilman Roland Simmons, Councilman Carl Arnoldus, Councilman Ashley Moore.

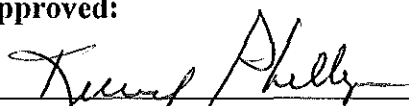
**Councilpersons Voting "Nay"**

None

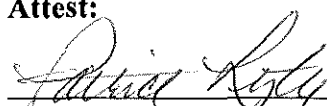
**Councilpersons Absent:**

None

Approved:

  
\_\_\_\_\_  
Kevin J. Phillips, Mayor

Attest:

  
\_\_\_\_\_  
Patrice Lytle, City Clerk