

1 **BILL NO. 2010-10**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AUTHORIZE THE CITY MANAGER OR A DESIGNEE, RATHER THAN
4 THE CITY COUNCIL, TO WAIVE ORDINANCE REQUIREMENTS PERTAINING TO THE
5 UNDERGROUNDING OF ELECTRICAL AND SIMILAR DISTRIBUTION LINES UNDER
6 CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Proposed by: Jorge Cervantes, Director of
7 Public Works

Summary: Authorizes the City Manager or a
designee to waive ordinance requirements
pertaining to the undergrounding of electrical
and similar distribution lines.

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9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
10 AS FOLLOWS:

11 SECTION 1: Title 13, Chapter 52, Section 170, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **13.52.170:** (A) An application may be made to the Director of Public Works requesting
14 approval [by the City Council] of a waiver of the requirements of this Chapter pertaining to
15 underground installation of distribution lines for any of the following reasons:

16 (1) In cases of emergency where public health and safety would be
17 jeopardized;

18 (2) Unavailability of materials necessary for underground installation;

19 (3) Topographical or subsurface conditions making such underground
20 installations economically unreasonable or impractical; or

21 (4) Requiring the underground installation does not promote the purposes
22 stated under Section 13.52.010 or is unreasonable due to other circumstances presented by the
23 applicant.

24 (B) The approval authority may approve the application [shall be reviewed by the
25 Director of Public Works who shall make recommendations for approval or denial to the City Council.
26 After reviewing the recommendations of the Director of Public Works, the City Council shall approve
27 the application] if it comes within one of the categories set out in Subsection (A) of this Section for
28 which a waiver may be granted to the applicant.

(C) For purposes of Subsection (B) of this Section, the "approval authority" is:

(1) The City Manager or the City Manager's designee; or

(2) The City Council, if the City Manager determines that the nature and scope of the application warrants Council consideration.

SECTION 2: 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. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Heed 1-20-10
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2010, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2010, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12 APPROVED:

13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 BEVERLY K. BRIDGES, MMC
17 City Clerk
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