

1 **BILL NO. 2010-53**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE MUNICIPAL CODE PROVISIONS REGARDING THE
4 CITY'S TRAFFIC SIGNAL IMPACT FEE PROGRAM, AND TO PROVIDE FOR OTHER
RELATED MATTERS.

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

Summary: Updates the Municipal Code
provisions regarding the City's Traffic Signal
Impact Fee Program.

7 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
8 AS FOLLOWS:

9 SECTION 1: Title 4, Chapter 32, Section 20, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **4.32.020:** It is the intent of the City Council to:

12 (A) Provide for the imposition and collection of a traffic signal impact fee upon all
13 new development within the City to better accommodate orderly development of the land, [reduce
14 existing congestion,] facilitate rapid traffic movement, and provide for anticipated future traffic needs;
15 and

16 (B) Ensure that new development contributes its proportionate share of the cost of
17 capital expenditures necessary to provide traffic signal system improvements that have a nexus to that
18 development.

19 SECTION 2: Title 4, Chapter 32, Section 30, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **4.32.030:** The City Council hereby finds as follows:

22 (A) That traffic signals throughout the City are installed when warranted in
23 accordance with the Manual on Uniform Traffic Control Devices. [It is therefore appropriate to treat
24 the City as a single service area] In accordance with the requirements of NRS Chapter 278B, the City
25 is divided into three service areas for the purposes of calculating, collecting, and spending the traffic
26 signal impact fees as set forth in this Chapter.

27 (B) That if and when impact fees are established in the future for improvements
28 other than traffic signals, it may be appropriate to divide the City into [multiple] corresponding or

1 differing service areas, each served by a separate [fund.] fund or account.

2 SECTION 3: Title 4, Chapter 32, Section 40, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **4.32.040:** For purposes of interpreting this Chapter, certain words used herein are defined as
5 follows:

6 "Applicant" means the person applying for a building permit from the City.

7 "Impact Fee Administrator" or "Administrator" means the Director of Public Works or the
8 Director's designee.

9 "Impact Fee" means the traffic signal impact fee authorized and imposed by this Chapter.

10 "Impact Fee CIP" means the [2003-2013] 2009-2019 Capital Improvements Plan for Traffic
11 Signal Impact Fees, as adopted by the City and as amended or replaced from time to time.

12 "Manual on Uniform Traffic Control Devices" means the manual of that name, in the version
13 that has been adopted by the Nevada Department of Transportation pursuant to NRS 484.781 and
14 Section 408.411 of the Nevada Administrative Code.

15 "Traffic signal system improvements" means the installation of traffic signals at intersections
16 identified in the Impact Fee CIP as intersections for potential signalization or intersections where
17 signals are under design or construction. Traffic signal system improvements also include intersection
18 improvements in excess of minimum standards for a non-signalized intersection that represent partial
19 completion of improvements needed for later signalization. The components of a typical traffic signal
20 system improvement include without limitation the following: four Type "L" or "M" foundations (type
21 dependent on mast arm length); four signal poles, either Type XX-A or Type XX-B, with four hundred
22 watt luminaries; four mast arms ranging from twenty-five to sixty-five feet long; one controller
23 foundation, one controller cabinet; one 2070 controller; one service pedestal; four street name signs
24 (internally illuminated); twelve M-2 signal head assemblies; four M-5 signal head assemblies; four
25 B-14T signal head assemblies; four B1-T signal head assemblies; eight pedestrian signal head
26 assemblies; eight audible/tactile pedestrian push buttons; one #7 traffic signal pull box; five #5 traffic
27 signal pull boxes; seven P-30 fiber optic interconnect pull boxes; one thousand two hundred linear feet
28 of three inches traffic signal conduit; two thousand seven hundred linear feet of three inches to four

1 inches interconnect conduit and fiber optic cable; a minimum of one fiber optic splice enclosure; one
2 self healing optical transceiver; one video detection processor with four cameras; one emergency
3 vehicle opticom preemption system; seven hundred linear feet of twenty-five conductor signal cable;
4 signage and polymer pavement markings; and one thousand two hundred square feet of tack-on
5 median island. The term "traffic signal system improvements" includes improvements that are
6 constructed in phases. For example, a six-lane road may be initially striped for four lanes, with the
7 initial signal improvements corresponding to four lanes subsequently being upgraded to accommodate
8 six lanes when the road is ultimately striped for six lanes.

9 SECTION 4: Title 4, Chapter 32, Section 50, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **4.32.050:** An impact fee is hereby imposed upon new development within the City in accordance
12 with the provisions of this Chapter. The impact fee for particular development shall be determined
13 and paid at the time of issuance of a building permit for the development. The applicant for a building
14 permit shall be responsible for paying the impact fee. The amount of the impact fee for any particular
15 development is as set forth in the fee schedule adopted in Section 4.32.150.

16 SECTION 5: Title 4, Chapter 32, Section 70, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **4.32.070:** (A) Except as otherwise provided in Section 4.32.060 of this Chapter, the applicant
19 for a building permit for new development shall pay a traffic signal impact fee in accordance with [a
20 fee schedule that has been duly adopted by the City,] the fee schedule adopted in Section 4.32.150,
21 as the schedule may be amended from time to time. If any credit is due an applicant pursuant to
22 Section 4.32.100 of this Chapter, the amount of the credit shall be deducted from the fee to be paid.

23 (B) If the type of development for which a building permit is requested is not
24 specified on the fee schedule adopted [pursuant to this Section,] in Section 4.32.150, the Impact Fee
25 Administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable
26 type of land use that is listed on the fee schedule. The Administrator shall be guided in the selection
27 of a comparable type of land use by trip generation rates contained in the most current edition of the
28 report titled Trip Generation, prepared by the Institute of Transportation Engineers (ITE), or upon data

1 or reports appearing in the ITE Journal.

2 (C) In general, the impact fee imposed pursuant to this Chapter is assessed based
3 on the primary land use. In many instances, a lot or parcel of land may include auxiliary uses
4 associated with the primary land use. For example, in addition to the actual production of goods,
5 manufacturing facilities usually also have office, warehouse, research, and other associated functions.
6 If the applicant can document that a secondary land use accounts for over twenty-five percent of the
7 gross floor area of the structure, and that the secondary use is not assumed in the trip generation or
8 other impact data for the primary use, the impact fee may be assessed based on the disaggregated
9 square footage of the primary and secondary land use.

10 (D) If the type of development for which a building permit is requested is for a
11 change of land use type or for the expansion, redevelopment, or modification of an existing
12 development, the fee shall be based on the net increase in the fee for the new land use type or
13 development as compared to the previous land use type or development.

14 (E) In the event that the proposed change of land use type, redevelopment, or
15 modification results in a net decrease in the fee for the new use or development as compared to the
16 previous use or development, there shall be no refund of impact fees previously paid.

17 SECTION 6: Title 4, Chapter 32, Section 80, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **4.32.080:** (A) There is created a Traffic Signal Impact Fee fund (the "fund") that is distinct
20 from the general fund of the City. Impact fees received by the City must be deposited in the fund,
21 which shall be an interest-bearing fund. The fund is further divided into three accounts, as follows:

22 (1) Traffic signal impact fees collected from development located south of
23 Cheyenne Avenue and west of Rancho Drive, which shall be deposited in the Zone 1 account and
24 which shall be expended only for traffic signal system improvements located in Zone 1.

25 (2) Traffic signal impact fees collected from development located north of
26 Cheyenne Avenue, which shall be deposited in the Zone 2 account and which shall be expended only
27 for traffic signal system improvements located in Zone 2.

28 (3) Traffic signal impact fees collected from development located south of

1 Cheyenne Avenue and east of Rancho Drive, which shall be deposited in the Zone 3 account and
2 which shall be expended only for traffic signal system improvements located in Zone 3.

3 (B) The fund shall contain only those impact fees that have been collected pursuant
4 to this Chapter, plus any interest which may accrue from time to time.

5 (C) Monies in the fund shall be considered to be spent in the order collected, on a
6 first-in/first-out basis.

7 (D) Monies in the fund shall be used only for the following:

8 (1) To pay for traffic signal system improvements;

9 (2) To pay debt service on any portion of any current or future general
10 obligation bond or revenue bond issued after the effective date of this Chapter and used to finance
11 traffic signal system improvements;

12 (3) To pay refunds, as described in Section 4.32.090 of this Chapter; or

13 (4) To be used as credits against impact fees, as described in Section
14 4.32.100 of this Chapter.

15 (E) Monies in the fund shall not be used for the following:

16 (1) The acquisition of land or rights-of-way;

17 (2) The repair, operation or maintenance of existing or new traffic signals;

18 (3) Administrative or operating costs of the City;

19 (4) Debt service for any past general obligation bond or revenue bond issued
20 prior to the effective date of this Chapter, or any portion of any current or future bond issued after the
21 effective date of this Chapter and not used to finance traffic signal system improvements;

22 (5) The replacement of existing traffic signals to provide better service to
23 existing development or to meet more stringent safety, environmental or regulatory standards.

24 (F) Traffic signal system improvements eligible for the expenditure of impact fees
25 under this Chapter shall be limited to projects identified in the Impact Fee CIP as:

26 (1) Intersections for potential signalization; or

27 (2) Intersections where signals are under design or construction.

28 SECTION 7: Title 4, Chapter 32, Section 110, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **4.32.110:** (A) The City Council shall review and may revise the land use assumptions and
3 Impact Fee CIP at least once every three years. The three-year period begins upon the date the City
4 Council adopts the Impact Fee CIP.

5 (B) Upon the completion of any revision of the land use assumptions and Impact
6 Fee CIP, the City [Council] shall conduct a public hearing and give public notice in accordance with
7 NRS 278B.290.

8 (C) The City Council shall approve or disapprove the adoption of any revised land
9 use assumptions and Impact Fee CIP within thirty days after the public hearing.

10 SECTION 8: Title 4, Chapter 32, of the Municipal Code of the City of Las Vegas,
11 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 150,
12 reading as follows:

13 **4.32.150:** There is hereby adopted a Traffic Signal Impact Fee Schedule. The schedule, which
14 was attached to and adopted by Ordinance No. _____, is incorporated by this reference and shall be
15 maintained on file in the office of the City Clerk. The schedule may be revised or amended from time
16 to time by resolution of the City Council.

17 SECTION 9: The Traffic Signal Impact Fee Schedule that is attached to this
18 Ordinance is hereby adopted, is incorporated by reference into LVMC 4.32.150, and shall replace and
19 supersede the Schedule of Traffic Signal Impact Fees and Related Traffic Signal System Component
20 Costs adopted previously.

21 SECTION 10: With respect to traffic signal fee amounts that have been collected
22 before the effective date of this Ordinance and have not been expended:

23 (A) Amounts already encumbered for particular traffic signal improvements may
24 be expended toward such improvements.

25 (B) Where determined feasible by the Impact Fee Administrator, other remaining
26 amounts shall be apportioned to the three zone funds based upon where the funds were collected or,
27 alternatively, in proportion to the historical incidence of development within the three zones during
28 the period traffic signal impact fees have been collected.

1 (C) To the extent that apportionment of remaining amounts in accordance with
2 Subsection (B) is determined not to be feasible, such amounts may be spent throughout the City, as
3 deemed appropriate by the Administrator.

4 SECTION 11: If any section, subsection, subdivision, paragraph, sentence, clause or
5 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
6 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
7 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
8 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
9 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
10 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
11 invalid or ineffective.

12 SECTION 12: All ordinances or parts of ordinances or sections, subsections, phrases,
13 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
14 1983 Edition, in conflict herewith are hereby repealed.

15 PASSED, ADOPTED and APPROVED this ____ day of _____, 2011.

16 APPROVED:

17
18 By _____
19 OSCAR B. GOODMAN, Mayor

20 ATTEST:

21 _____
22 BEVERLY K. BRIDGES, MMC
City Clerk

23 APPROVED AS TO FORM:

24 Val Heed 12-1-10
25 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 _____, 2011, 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

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BEVERLY K. BRIDGES, MMC
City Clerk

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TRAFFIC SIGNAL IMPACT FEE SCHEDULE

LAND USE	UNIT	FEE (NET COST/UNIT)
Single-Family Detached	Dwelling	\$195
Multi-Family	Dwelling	\$135
Mobile Home Park	Pad	\$102
Adult Congregate Living Facility	Dwelling	\$71
Hotel/Motel	Room	\$140
Retail/Commercial		
Shopping Center/General Retail (0-249,999 sq. ft.)	1,000 sq. ft.	\$271
Shopping Center/General Retail (250,000-499,999 sq. ft.)	1,000 sq. ft.	\$233
Shopping Center/General Retail (500,000 + sq. ft.)	1,000 sq. ft.	\$207
Automobile Care Center	1,000 sq. ft.	\$222
Automobile Parts Sales	1,000 sq. ft.	\$172
Bank with Drive-Through	1,000 sq. ft.	\$455
Bank without Drive-Through	1,000 sq. ft.	\$214
Car Wash, Self Service	Stall	\$101
Casino Hotel, Local*	1,000 sq. ft.	\$2,776
Casino Hotel, Resort Corridor*	1,000 sq. ft.	\$2,283
Convenience Store with Gasoline Sales	1,000 sq. ft.	\$769
Drinking Place	1,000 sq. ft.	\$588
Golf Course (open to public)	Acre	\$70
New Car Sales	1,000 sq. ft.	\$284
Recreational Community Center	1,000 sq. ft.	\$268
Restaurant, Fast Food	1,000 sq. ft.	\$846
Restaurant, Sit-Down	1,000 sq. ft.	\$389
Office/Institutional		
Office, General (0-99,999 sq. ft.)	1,000 sq. ft.	\$252
Office, General (100,000 + sq. ft.)	1,000 sq. ft.	\$183
Office, Medical	1,000 sq. ft.	\$581
Church	1,000 sq. ft.	\$133
College	1,000 sq. ft.	\$424

Day Care Center	1,000 sq. ft.	\$263
Hospital	1,000 sq. ft.	\$277
Library	1,000 sq. ft.	\$388
Nursing Home	1,000 sq. ft.	\$127
School, Elementary/Secondary	1,000 sq. ft.	\$53
Industrial		
General Light Industrial	1,000 sq. ft.	\$112
Warehouse	1,000 sq. ft.	\$57
Mini-Warehouse	1,000 sq. ft.	\$31

* gaming area only