

# City of Las Vegas

**RECOMMENDING COMMITTEE MEETING  
CITY HALL, 400 STEWART AVENUE  
CITY MANAGER'S EIGHTH FLOOR CONFERENCE ROOM  
CITY OF LAS VEGAS INTERNET ADDRESS: [www.lasvegasnevada.gov](http://www.lasvegasnevada.gov)  
AUGUST 4, 2009  
9:00 A.M.**

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Bill No. 2009-32 – ABEYANCE ITEM - Authorizes under certain circumstances the administrative extension of temporary licensing approval and the administrative reinstatement of alcoholic beverage licenses suspended or revoked for nonpayment of license fees. Proposed by: Bradford R. Jerbic, City Attorney
4. Bill No. 2009-33 – Revises the zoning regulations governing small wind energy systems. (TXT-33703)  
Sponsored by: Councilman Steven D. Ross
5. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited
6. ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Clerk's Bulletin Board, City Hall Plaza, 2<sup>nd</sup> Floor Skybridge  
Bulletin Board, City Hall Plaza, (next door to Metro Records)  
Las Vegas Library, 833 Las Vegas Boulevard North  
Clark County Government Center, 500 S. Grand Central Parkway  
Grant Sawyer Building, 555 E. Washington Avenue

**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: AUGUST 4, 2009**

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**DEPARTMENT: CITY CLERK**

**DIRECTOR: BEVERLY K. BRIDGES**

**SUBJECT:**  
**CALL TO ORDER**



**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: AUGUST 4, 2009**

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**DEPARTMENT: CITY CLERK**

**DIRECTOR: BEVERLY K. BRIDGES**

**SUBJECT:**

**ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW**



**AGENDA SUMMARY PAGE****RECOMMENDING COMMITTEE MEETING OF: AUGUST 4, 2009**

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**DEPARTMENT: CITY ATTORNEY****DIRECTOR: BRADFORD R. JERBIC**☐ Consent ☒ Discussion**SUBJECT:**

Bill No. 2009-32 – ABEYANCE ITEM - Authorizes under certain circumstances the administrative extension of temporary licensing approval and the administrative reinstatement of alcoholic beverage licenses suspended or revoked for nonpayment of license fees. Proposed by: Bradford R. Jerbic, City Attorney

**Fiscal Impact**☒**No Impact**☐**Augmentation Required**☐**Budget Funds Available****Amount:****Funding Source:****Dept./Division:****PURPOSE/BACKGROUND:**

This bill will authorize the administrative extension of temporary licensing approval in certain cases where City Council action is unable to be taken in a timely manner through no fault of the licensee. The bill will also authorize the administrative reinstatement of alcoholic beverage licenses suspended or revoked for nonpayment of license fees. Such reinstatement will be available only within a limited time following suspension or revocation and will be subject to the payment of a reinstatement fee. This item was held in abeyance at the 7/14/2009 Recommending Committee meeting.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

1. Bill No. 2009-32
2. Business Impact Statement
3. Proposed First Amendment

BILL NO. 2009-32

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO BUSINESS LICENSING; AUTHORIZING UNDER CERTAIN CIRCUMSTANCES THE ADMINISTRATIVE EXTENSION OF TEMPORARY LICENSING APPROVAL AND THE ADMINISTRATIVE REINSTATEMENT OF ALCOHOLIC BEVERAGE LICENSES SUSPENDED OR REVOKED FOR NONPAYMENT OF LICENSE FEES; AND PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Authorizes under certain circumstances the administrative extension of temporary licensing approval and the administrative reinstatement of alcoholic beverage licenses suspended or revoked for nonpayment of license fees.

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

SECTION 1: Title 6, Chapter 2, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

**6.02.030:** It shall be the duty of the Director to administer the provisions of this Title unless provided otherwise herein. Notwithstanding any other provision of this Title, the Director shall have the authority to extend temporary licensing approval beyond that otherwise available under this Title in cases where unforeseen circumstances, such as technical or agenda-related difficulties, prevent Council action from being taken in a timely fashion. Unless the circumstances otherwise dictate, the extension of temporary licensing approval shall not extend beyond the next occasion at which Council consideration can properly take place.

SECTION 2: Title 6, Chapter 50, Section 370, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

**6.50.370:** (A) Each semiannual fee is due in advance on April 1st and October 1st in each year except that the applicant for a new alcoholic beverage license who starts business between April 1st and October 1st or between October 1st and April 1st shall have its semiannual fees prorated on a monthly basis.

(B) Any semiannual fee which is not received by the Department on or before the due date shall be assessed a late-payment penalty in an amount equal to ten percent of the amount of

1 such semiannual fee. If the semiannual fee and penalty is not received by the Department within  
2 fifteen days after the due date, an additional penalty in an amount equal to twenty-five percent of such  
3 semiannual fee shall be assessed. If the semiannual fee and all penalties are not received by the  
4 Department within sixty days after the due date, the license shall be automatically  
5 ~~[revoked.]~~suspended.

6 (C) A license that has been suspended for nonpayment of license fees and penalties  
7 may be reinstated by the Director to full standing if the licensee pays the delinquent license fees and  
8 penalties, plus an additional reinstatement fee in an amount equal to one-half of the semiannual license  
9 fee for such business. The reinstatement fee is exclusive of the regular semiannual alcoholic beverage  
10 license fee for that license. The fees and penalties required to be paid pursuant to this Subsection (C)  
11 shall be paid not later than ten calendar days following the date of suspension of the license or, if the  
12 tenth day falls on a weekend or holiday, the next business day. The license shall be deemed  
13 automatically revoked if such fees and penalties are not paid in accordance with this Section.

14 (D) A license that, under a previous version of this Section, was automatically  
15 revoked for nonpayment of license fees and penalties may be reinstated by the Director to full standing  
16 if the licensee, within ninety days after the revocation, pays the delinquent license fees and penalties,  
17 plus an additional reinstatement fee in an amount equal to the semiannual license fee for such  
18 business. The reinstatement fee is exclusive of the regular semiannual alcoholic beverage license fee  
19 for that license.

20 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or  
21 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or  
22 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
23 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the  
24 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,  
25 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,  
26 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,  
27 invalid or ineffective.

28 . . .

1 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,  
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

5 APPROVED:

6  
7 By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

8 ATTEST:

9  
10 BEVERLY K. BRIDGES, CMC  
City Clerk

11 APPROVED AS TO FORM:

12 Val Hood 6-17-09  
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_\_ day of \_\_\_\_\_, 2009, 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 \_\_\_\_\_, 2009, 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, CMC  
City Clerk

## **BUSINESS IMPACT STATEMENT**

### **BILL NO. 2009-32**

**(Authorizes under certain circumstances the administrative extension of temporary licensing approval and the administrative reinstatement of alcoholic beverage licenses suspended or revoked for nonpayment of license fees)**

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2009-32, that would authorize under certain circumstances the administrative extension of temporary licensing approval and the administrative reinstatement of alcoholic beverage licenses suspended or revoked for nonpayment of license fees.

**1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

Not applicable

**2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:**

**Adverse effects:**

None

**Beneficial effects:**

In certain cases, businesses otherwise having to reapply for licensing will be able to get approval sooner and at less expense.

**Direct effects:**

In certain cases, businesses otherwise having to reapply for licensing will be able to get approval sooner and at less expense.

**Indirect effects:**

None

**3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:**

Not applicable

**4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:**

No additional cost

**5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:**

Unknown. Amount collected will depend on number of applications to which it applies, and implementation will actually result in lower fee amounts collected by the City than would be the case without the ordinance.

**6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:**

Pay for the benefits conferred by the ordinance.

**7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:**

Not applicable

Date: June 18, 2009

**FIRST AMENDMENT**

**BILL NO. 2009-32**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE RELATING TO BUSINESS LICENSING; AUTHORIZING UNDER CERTAIN CIRCUMSTANCES THE ADMINISTRATIVE EXTENSION OF TEMPORARY LICENSING APPROVAL AND THE ADMINISTRATIVE REINSTATEMENT OF ALCOHOLIC BEVERAGE LICENSES SUSPENDED OR REVOKED FOR NONPAYMENT OF LICENSE FEES; CLARIFYING THE STATUS AND NATURE OF TEMPORARY LICENSES; AND PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Authorizes under certain circumstances the administrative extension of temporary licensing approval and the administrative reinstatement of alcoholic beverage licenses suspended or revoked for nonpayment of license fees, and clarifies the status and nature of temporary licenses.

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

SECTION 1: Title 6, Chapter 2, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 35, reading as follows:

**6.02.035:** (A) Notwithstanding any other provision of this Title, the Director shall have the authority to extend temporary licensing approval beyond that otherwise available under this Title in cases where unforeseen circumstances, such as technical or agenda-related difficulties, prevent Council action from being taken in a timely fashion. Unless the circumstances otherwise dictate, the extension of temporary licensing approval shall not extend beyond the next occasion at which Council consideration can properly take place.

(B) No temporary license issued under this Title may be sold, transferred or assigned while under temporary status.

(C) The holder of a license under temporary status may request that the license be withdrawn or put into inactive or non-operational status, but the request shall not be deemed granted until affirmative action to do so has been taken by the Director.

SECTION 2: Title 6, Chapter 50, Section 370, of the Municipal Code of the City of

**Submitted At Meeting**

**Date**

**Item** <sup>A</sup>6

7/14/09

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

**6.50.370:** (A) Each semiannual fee is due in advance on April 1st and October 1st in each year except that the applicant for a new alcoholic beverage license who starts business between April 1st and October 1st or between October 1st and April 1st shall have its semiannual fees prorated on a monthly basis.

(B) Any semiannual fee which is not received by the Department on or before the due date shall be assessed a late-payment penalty in an amount equal to ten percent of the amount of such semiannual fee. If the semiannual fee and penalty is not received by the Department within fifteen days after the due date, an additional penalty in an amount equal to twenty-five percent of such semiannual fee shall be assessed. If the semiannual fee and all penalties are not received by the Department within sixty days after the due date, the license shall be automatically ~~revoked.~~suspended.

(C) A license that has been suspended for nonpayment of license fees and penalties may be reinstated by the Director to full standing if the licensee pays the delinquent license fees and penalties, plus an additional reinstatement fee in an amount equal to one-half of the semiannual license fee for such business. The reinstatement fee is exclusive of the regular semiannual alcoholic beverage license fee for that license. The fees and penalties required to be paid pursuant to this Subsection (C) shall be paid not later than ten calendar days following the date of suspension of the license or, if the tenth day falls on a weekend or holiday, the next business day. The license shall be deemed automatically revoked if such fees and penalties are not paid in accordance with this Section.

(D) A license that, under a previous version of this Section, was automatically revoked for nonpayment of license fees and penalties may be reinstated by the Director to full standing if the licensee, within ninety days after the revocation, pays the delinquent license fees and penalties, plus an additional reinstatement fee in an amount equal to the semiannual license fee for such business. The reinstatement fee is exclusive of the regular semiannual alcoholic beverage license fee for that license.

SECTION 3: 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

1 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
2 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the  
3 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,  
4 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,  
5 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,  
6 invalid or ineffective.

7 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,  
8 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
9 1983 Edition, in conflict herewith are hereby repealed.

10 PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

11 APPROVED:

12  
13 By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 \_\_\_\_\_  
16 BEVERLY K. BRIDGES, CMC  
City Clerk

17 APPROVED AS TO FORM:

18 \_\_\_\_\_  
Date  
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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_ day of \_\_\_\_\_, 2009, 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 \_\_\_\_\_, 2009, 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 amended and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

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APPROVED:

13

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By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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\_\_\_\_\_  
BEVERLY K. BRIDGES, CMC  
City Clerk

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**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: AUGUST 4, 2009**

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**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

☐ Consent ☒ Discussion

**SUBJECT:**

Bill No. 2009-33 – Revises the zoning regulations governing small wind energy systems. (TXT-33703) Sponsored by: Councilman Steven D. Ross

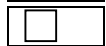
**Fiscal Impact**



No Impact



Augmentation Required



Budget Funds Available

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

This bill will revise the zoning regulations governing small wind energy systems, expanding the zoning districts and circumstances in which such systems may be used in connection with both residential and nonresidential development. The revisions are consistent with State law, as well as with City plans and policies that encourage the use of alternative energy sources. The revisions include provisions to ensure that the use of such systems is compatible with surrounding uses.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2009-33

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|----|-----------|-----------------------------------------------------------------------------------------------------------|
| 1  |           | <u>structure, measured with reference to the highest point of the fixed structure to which the</u>        |
| 2  |           | <u>system is attached (but excluding the wind turbine).</u>                                               |
| 3  | 3.        | <u>On parcels 20,000 square feet in size or larger:</u>                                                   |
| 4  | a.        | <u>The system may be directly mounted on or attached to the principal structure on the site, or</u>       |
| 5  |           | <u>may be mounted on a freestanding tower. Where possible, the system should be integrated</u>            |
| 6  |           | <u>with other structures, such as buildings, light poles or on-premise sign structures, so as to</u>      |
| 7  |           | <u>minimize visual impacts.</u>                                                                           |
| 8  | b.        | <u>The system shall not extend to a height greater than 65 feet for residential parcels, or 90 feet</u>   |
| 9  |           | <u>for nonresidential parcels, measured with reference to the highest point of the fixed structure</u>    |
| 10 |           | <u>to which the system is attached (but excluding the wind turbine).</u>                                  |
| 11 | c.        | <u>When the system is mounted on a freestanding tower, the tower and any guy-wires or other</u>           |
| 12 |           | <u>supports shall comply with all minimum setbacks for the property, and the tower shall be</u>           |
| 13 |           | <u>set back from any habitable structure on an adjacent property a distance at least as great as</u>      |
| 14 |           | <u>the height of the tower.</u>                                                                           |
| 15 | 4.        | <u>[In the R-D Zoning District, the entire system must be set back at least 30 feet from the front</u>    |
| 16 |           | <u>property line and at least 10 feet from the side and rear property lines. In the R-A and R-E</u>       |
| 17 |           | <u>Zoning Districts, the entire system must be set back at least 50 feet from the front and side</u>      |
| 18 |           | <u>property lines, and at least 10 feet from the rear property line.] No more than one system shall</u>   |
| 19 |           | <u>be permitted on a parcel of land.</u>                                                                  |
| 20 | 5.        | <u>[No part of a system, including guy wire anchors, may be closer to any residential building or</u>     |
| 21 |           | <u>outbuilding than the sum of the following distances: the length of the tower, plus half the length</u> |
| 22 |           | <u>of the blade diameter, plus an additional 10 feet.</u>                                                 |
| 23 | 6.        | <u>A) The system shall be constructed and maintained so that noise levels do not exceed 60dBA,</u>        |
| 24 |           | <u>as measured by a sound level meter at the closest neighboring inhabited dwelling. However, this</u>    |
| 25 |           | <u>level may be exceeded during short term events such as utility outages or severe windstorms.</u>       |
| 26 | [7.] 6.   | <u>The applicant must submit proof of turbine certification approved under the Emerging</u>               |
| 27 |           | <u>Technologies program of the California Energy Commission or any other small wind</u>                   |
| 28 |           | <u>certification program recognized by the American Wind Energy Association.</u>                          |
| 29 | [8.] 7.   | <u>A system must comply with applicable FAA regulations, including any necessary approvals</u>            |
| 30 |           | <u>for installations close to airports. Such approvals must be received prior to the submittal</u>        |
| 31 |           | <u>of a building permit application. For locations within the Airport Overlay District, the</u>           |
| 32 |           | <u>system must comply with all regulations and requirements applicable to that district.</u>              |
| 33 | [9.] 8.   | <u>A system must comply with all applicable fire codes and building codes.</u>                            |
| 34 | [10.] 9.  | <u>A building permit application for a system must be accompanied by:</u>                                 |
| 35 | a.        | <u>Standard drawings of the wind turbine structure including base, tower and footings;</u>                |
| 36 | b.        | <u>An engineering analysis of the tower showing compliance with the International</u>                     |
| 37 |           | <u>Building Code and certified by a licensed professional engineer; and</u>                               |
| 38 | c.        | <u>A line drawing of the electrical components in sufficient detail to allow for a</u>                    |
| 39 |           | <u>determination that the manner of installation conforms to the National Electrical Code.</u>            |
| 40 | [11.] 10. | <u>Before the installation of a system, the applicant must provide satisfactory evidence that</u>         |
| 41 |           | <u>the electrical utility provider has been informed of the applicant's intent to install a</u>           |
| 42 |           | <u>system. An off-grid system shall be exempt from this requirement if the property is not</u>            |
| 43 |           | <u>served by an electrical utility provider.</u>                                                          |
| 44 | [12.] 11. | <u>No system shall be erected or moved onto any lot prior to construction of the main</u>                 |
| 45 |           | <u>building unless a building permit has been issued for the construction of the main</u>                 |
| 46 |           | <u>building.</u>                                                                                          |
| 47 | [13.] 12. | <u>Except with respect to Conditional Use Regulations 2, 3, 4 and 10, [The] the Special</u>               |
| 48 |           | <u>Use Permit provisions of Section 19.04.040(B) do not apply to this use.</u>                            |

SECTION 2: Ordinance No. 6041 and Title 19, Chapter 8, Section 60, Subsection (B), Paragraph (3), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Paragraph (3) reads as follows:

1 (3) Exceptions.

2 (a) The following structures may project a maximum of twelve feet above the Proximity  
3 Slope:

4 (i) Chimney and vent stacks.

5 (ii) Roof structures for the use of solar panel units, elevators, stairs, tanks,  
6 ventilation and similar necessary mechanical equipment.

7 (iii) Visual screens which surround mounted mechanical equipment.

8 (iv) Skylights.

9 (v) Whip and mounted antennas.

10 (b) Church steeples, utility transmission lines and towers, wireless communication  
11 facilities when attached to a utility transmission line pole or tower, small wind energy systems, and  
12 municipal utility facilities such as water towers are exempt from the maximum height provisions.

13 SECTION 3: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of  
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to amend the definition of "Small Wind Energy  
15 System" to read as follows:

16 "Small Wind Energy System" means a wind energy conversion system consisting of a wind turbine,  
17 a tower or supporting structure, and associated control or conversion electronics, which has a rated  
18 capacity of not more than 100kW and which is intended to primarily reduce on-site consumption of  
19 utility power. For purposes of this Title, the use shall not be deemed an accessory structure.

20 SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010,  
21 19.08.060 and 19.20.020 are deemed to be subchapters rather than sections.

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

1 invalid or ineffective.

2 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,  
3 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
4 1983 Edition, in conflict herewith are hereby repealed.

5 PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

6 APPROVED:

7  
8 By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 \_\_\_\_\_  
11 BEVERLY K. BRIDGES, CMC  
City Clerk

12 APPROVED AS TO FORM:

13 Val Steed 6-30-09  
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_\_ day of \_\_\_\_\_, 2009, 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 \_\_\_\_\_, 2009, 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, CMC  
City Clerk

**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: AUGUST 4, 2009**

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**DEPARTMENT: CITY CLERK**

**DIRECTOR: BEVERLY K. BRIDGES**

**SUBJECT:**

**CITIZENS PARTICIPATION:** Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited



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**DEPARTMENT: CITY CLERK**

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☐ Consent ☒ Discussion

**SUBJECT:**  
**ADJOURNMENT**

