

1 **BILL NO. 2009-47**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE CITY'S DROUGHT CONSERVATION MEASURES IN
4 ACCORDANCE WITH REVISIONS TO THE SOUTHERN NEVADA WATER AUTHORITY'S
DROUGHT PLAN, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Sponsored by: Councilwoman Lois Tarkanian

Summary: Updates the City's drought
conservation measures in accordance with
revisions to the Southern Nevada Water
Authority's Drought Plan.

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

10 SECTION 1: Title 14, Chapter 11, Section 20, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **14.11.020:** For purposes of this Chapter, the following terms shall have the meanings ascribed to
13 them, unless the context requires otherwise:

14 "Community Use Recreational Turf" refers to any private or public park facility consisting of
15 a turf-dominated, multi-purpose recreational area that:

16 (1) Has at least two acres and no dimension less than one hundred feet; or

17 (2) Is a field that is programmable for athletic or other recreational events.

18 "District" means the Las Vegas Valley Water District.

19 "Drought" means a condition in which the combination of many complex factors acting and
20 interacting with the environment results in water supplies not being replenished normally. For
21 purposes of this Chapter, a "drought" occurs when existing water supplies cannot meet established
22 demands for a period of time.

23 ["Drought Alert" refers to a second-level drought declaration of the Board of Directors of the
24 Southern Nevada Water Authority based upon current or projected reductions in the community's
25 renewable water supply.

26 "Drought Critical" refers to a third-level drought declaration of the Board of Directors of the
27 Southern Nevada Water Authority based upon current or projected reductions in the community's
28 renewable water supply.

1 “Drought Watch” refers to a first-level drought declaration of the Board of Directors of the
2 Southern Nevada Water Authority based upon current or projected reductions in the community’s
3 renewable water supply.

4 “No Drought” refers to a condition where no drought declaration of the Board of Directors of
5 the Southern Nevada Water Authority is in effect.]

6 “Non-potable water” means water not suitable for drinking.

7 “Potable” water means water suitable for drinking.

8 “Raw Water” means non-potable water diverted from a natural source, subjected to minimal
9 or no treatment, and delivered to a user for subsequent treatment or use.

10 “Reclaimed Water” means municipal wastewater that has been treated to meet all applicable
11 federal, state and local standards for use in approved applications, including without limitation
12 landscape irrigation, construction and industrial cooling. For purposes of this Chapter, “reclaimed
13 water” and “recycled water” are equivalent terms.

14 “Resort Hotel” means any building or group of buildings that is maintained as and held out to
15 the public to be a hotel where sleeping accommodations are furnished to the transient public and that
16 has:

- 17 (1) More than two hundred rooms available for sleeping accommodations;
- 18 (2) At least one bar with permanent seating capacity for more than thirty patrons
19 that serves alcoholic beverages sold by the drink for consumption on the premises;
- 20 (3) At least one restaurant with permanent seating capacity for more than sixty
21 patrons that is open to the public twenty-four hours each day and seven days each week; and
- 22 (4) A gaming area within the building or group of buildings.

23 “Service Rules” means the service rules that have been adopted by the District.

24 “Southern Nevada Water Authority” or “SNWA” means the organization by that name that
25 has been formed by cooperative agreement among local agencies to address Southern Nevada’s water
26 needs on a regional basis.

27 “Spray irrigation” means the application of water by means of sprinklers or other devices that
28 disperse droplets of water through the air.

1 “Water Use Reduction Plan” means a document or documents to be submitted by or on behalf
2 of an applicant in connection with a request to exempt fountains or water features from the
3 prohibitions contained in this Chapter. The term includes a plan that is modeled after the Water
4 Efficiency and Drought Response Plan outline or similar document that may have been approved for
5 use by the District or the City Manager.

6 “Xeriscape” means a type of landscaping that incorporates drought-tolerant and low water-use
7 plants with an organic or inorganic surface mulch layer as a water-efficient alternative to traditional
8 turfgrass landscaping.

9 SECTION 2: Title 14, Chapter 11, Section 30, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **14.11.030:** (A) The Drought Plan adopted by the SNWA in February 2003 and approved by
12 the City Council in March 2003, and any amendments adopted by SNWA, shall serve as the basis for
13 adopting this Chapter, and as a guideline in its interpretation. The Drought Plan was adopted in order
14 to preserve, protect and encourage the conservation of water resources. [The plan describes different
15 stages of water supply conditions as follows:

- 16 (1) No drought;
- 17 (2) Drought watch;
- 18 (3) Drought alert;
- 19 (4) Drought critical.

20 (B) The provisions of this Chapter shall apply whenever a drought watch, drought
21 alert or drought critical condition has been declared by the Board of Directors of SNWA and remains
22 in effect. Unless the context otherwise requires, whenever a provision of this Chapter does not specify
23 whether it applies to a drought watch, drought alert or drought critical condition, the provision shall
24 apply when any of those conditions are in effect.] In the event of conflict between the provisions of
25 this Chapter and other applicable ordinances, regulations or the Service Rules, the most stringent
26 provisions will prevail. However, with respect to any provision of the Service Rules that is less
27 stringent than the provisions of this Chapter, the District may enforce that provision instead.

28 [(C) In the case of a drought critical condition, the provisions of this Chapter

1 pertaining to a drought alert shall continue to apply. However, based upon the recommendations of
2 SNWA and a citizens advisory committee, the City shall have the authority to adopt additional
3 restrictions that are deemed necessary in order to protect the public health, safety and welfare. Upon
4 the adoption and publication of those additional restrictions, they shall become binding on water users
5 within the City.]

6 SECTION 3: Title 14, Chapter 11, Section 140, of the Municipal Code of the City of
7 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **14.11.140:** [During drought watch conditions:]

9 (A) Single-family and multifamily developments are prohibited from installing new
10 turf in common areas of residential neighborhoods. This restriction shall not apply to turf area to be
11 installed in public parks or privately owned and maintained parks, including required usable open
12 space in residential developments, provided that such turf area has no dimension of less than ten feet.

13 (B) The installation of new turf in non-residential developments is prohibited,
14 unless specifically permitted by the approval of a land use application or permit for construction. Any
15 new turf permitted shall be limited to no more than fifty percent of the turf that would be permitted
16 under non-drought conditions. This restriction shall not apply to schools or to public or private parks.

17 SECTION 4: Title 14, Chapter 11, Section 150, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **14.11.150:** [During drought alert conditions:]

20 (A) Except as otherwise provided in Subsection (B), no new turf may be installed
21 in residential front yards. In single-family residential development, the installation of new turf shall
22 not exceed fifty percent of the gross area of the side and rear yard or one hundred square feet,
23 whichever is greater (up to a maximum of five thousand square feet). No turf area may be installed
24 in the side or rear yard if any dimension thereof is less than ten feet.

25 (B) The owner of a single family dwelling may apply to the Director for an
26 exemption from the prohibition in Subsection (A) regarding new turf in residential front yards.
27 Approval of an exemption authorizes the applicant to install new turf in the front yard, but only if the
28 total quantity of turf in the front, side and rear yards does not exceed the amount otherwise allowable

1 in the side and rear yards under Subsection (A). An application for exemption shall include such
2 information regarding the applicant(s) plans as the Director may require, including authorization for
3 City representatives to gain access to the property for purposes of determining compliance with this
4 Section.

5 [(C) The restrictions applicable to nonresidential development during drought watch
6 conditions shall apply during drought alert conditions as well.]

7 SECTION 5: Title 14, Chapter 11, Section 160, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **14.11.160:** [During drought watch and drought alert conditions, outdoor] Outdoor mist cooling
10 systems are not restricted within residential development. In commercial operations, outdoor mist
11 cooling systems relating to animal safety are permitted, but those relating to human comfort are
12 permitted only during the months of June, July and August, and only between the hours of twelve
13 noon and ten p.m.

14 SECTION 6: Title 14, Chapter 11, Section 180, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **14.11.180:** [Under drought watch and drought alert conditions, the] The washing of personal
17 vehicles upon residential properties is limited to once per week per vehicle and requires a positive
18 shut-off nozzle. Commercial vehicles may be washed without limitation as to frequency, but only:

19 (A) At a commercial facility in accordance with applicable laws and regulations[,
20 or;], or

21 (B) By means of a high-pressure, low volume sprayer using less than ten gallons
22 per vehicle.

23 SECTION 7: Title 14, Chapter 11, Section 190, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **14.11.190:** (A) Fountains and water features are prohibited upon property that is serviced by
26 the District. The following features, however, are exempt from this prohibition:

27 (1) Swimming pools;

28 (2) Fountains and water features that are supplied by privately-owned water

rights, by water rights obtained by means of a State-issued permit, or by nuisance water discharged during normal facility dewatering;

(3) Not more than one fountain or other water feature at any single-family residence, provided that the surface area of the fountain or other water feature does not exceed [two hundred square feet during a drought watch condition, or] twenty-five square feet; [during a drought alert condition;]

(4) Not more than one fountain or other water feature within the common areas of a single-family or multi-family development, provided that the fountain or other water feature is not an entryway or streetscape feature and its surface area does not exceed [two hundred square feet during a drought watch condition, or] twenty-five square feet; [during a drought alert condition;]

(5) Fountains or water features that are necessary and functional components serving other allowable uses, such as storage ponds on a golf course or aeration devices;

(6) Fountains or water features within public parks and public or private recreational water parks, provided that the fountains or water features have a recreational function and are not merely decorative;

(7) Indoor water features, or features with the majority of the total water volume contained indoors or underground. If practical alternatives exist for separating indoor and outdoor components, they shall be separated and managed accordingly. (Example: timers on shut-off valves);

(8) Fountains or water features necessary to sustain aquatic animals, provided that the animals have been actively managed within the water feature prior to the declaration of drought.

(B) The following fountains or water features may be exempted from the prohibition contained in Subsection (A) in accordance with the remaining provisions of this Section:

(1) Fountains or water features that are integral to the operation of a resort hotel or a coalition of resort hotels; or

(2) Other fountains or water features that are proposed to be allowed in exchange for water use reduction activities in accordance with Subsection (D) of this Section.

1 (C) In order to be eligible for an exemption pursuant to Subsection (B), an applicant
2 must submit a request for exemption and a water use reduction plan. The request for exemption must
3 be submitted in writing to the City Manager, to be forwarded to the City Council for consideration.
4 The water use reduction plan must be submitted to the District, with a copy to the City, and must
5 contain such information, and be in a format, that is satisfactory to the District. Any exemption shall
6 be conditioned upon the posting of one or more signs in proximity to the exempted fountain or water
7 feature stating that the fountain or water feature is operating in compliance with this Chapter and that
8 a water use reduction plan is on file with the District and the City.

9 (D) The granting of any exemption pursuant to Subsection (B)(2) of this Section
10 shall be subject to the following conditions:

11 (1) The fountains or water features for which an exemption is sought must
12 not be operational at the time the exemption is applied for, except as permitted in Subsection (F) of
13 this Section;

14 (2) The submitted water use reduction plan must provide for a minimum
15 total water savings of greater than fifty times the consumptive use of the operation of the fountain or
16 water feature;

17 (3) The water use reduction plan must have been submitted to the District
18 and implemented by the applicant;

19 (4) In the event that the required consumptive use savings cannot be
20 achieved on the property that has the fountain or water feature, the applicant must pay to the City a
21 fee of ten dollars for every square foot of surface area of the fountain beyond that which is accounted
22 for in the removal of turf on the property to achieve the required consumptive use savings. If there
23 is no turf on the subject property, the ten dollar per square foot fee must be paid for the entire square
24 footage of the water feature; and

25 (5) In order to maintain an exemption beyond the calendar year in which
26 the exemption was granted, [during any portion of a calendar year in which either a drought watch or
27 drought alert condition is declared,] an annual fee of two hundred fifty dollars must be paid to the
28 City. The first annual fee is payable:

1 (a) For exemptions granted during the first six months of a calendar
2 year, at the beginning of the next succeeding calendar year.

3 (b) For exemptions granted during the last six months of a calendar
4 year, at the beginning of the second succeeding calendar year.

5 (E) In order to continue to operate any fountain or water feature that is integral to
6 the operation of a resort hotel or a coalition of resort hotels, that is prohibited by Subsection (A) of
7 this Section, and that is in operation on the effective date of the Ordinance codified in this Section,
8 a request for exemption and water use reduction plan must be submitted within ninety days after the
9 effective date of the Ordinance codified in this Section. If the exemption is not approved, the fountain
10 or water feature may not be operated except as permitted in Subsection (F) of this Section.

11 (F) Nothing in this Section that prohibits or limits the operation of fountains or
12 water features shall be deemed to:

13 (1) Prohibit the construction of fountains or water features; or

14 (2) Require a fountain or water feature to be drained if maintaining a
15 recirculating water pool is necessary in order to maintain pumps, pond liners, and ancillary equipment,
16 but in such a case the recirculating water pool may only be operated between the hours of one a.m. and
17 four a.m.

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

26 SECTION 9: Whenever in this ordinance any act is prohibited or is made or declared
27 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
28 required or the failure to do any act is made or declared to be unlawful or an offense or a

1 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
2 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
3 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
4 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

5 SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases,
6 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
7 1983 Edition, in conflict herewith are hereby repealed.

8 PASSED, ADOPTED and APPROVED this ____ day of _____, 2009.

9 APPROVED:

10 By _____
11 OSCAR B. GOODMAN, Mayor

12 ATTEST:

13 _____
14 BEVERLY K. BRIDGES, CMC
City Clerk

15 APPROVED AS TO FORM:

16 Val Steel 10-22-09
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: _____

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, CMC
City Clerk

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