

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
JANUARY 31, 2012
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.

ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF ORDER PRESENTED; TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED 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. 2011-46 - ABEYANCE ITEM - For Possible Action - Removes the licensing and zoning provisions that prohibit Class III jewelry stores, pawnshops, auto pawn businesses and secondhand dealers from locating on Las Vegas Boulevard between Charleston Boulevard and Sahara Avenue. Sponsored by: Mayor Carolyn G. Goodman
4. Bill No. 2012-4 - For Possible Action - Adopts the 2009 Edition of the International Residential Code, together with amendments thereto, and amends the City's Administrative Code regarding repetitive plans. Sponsored by: Councilman Steven D. Ross
5. Bill No. 2012-5 - For Possible Action - Updates the nuisance abatement provisions of the Municipal Code to reflect recent changes in State law regarding notice periods and civil penalties. Proposed by: Christopher Knight, Director of Building and Safety
6. 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
7. 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 Thursday, 7:00 A.M. to 5:30 P.M.

City of Las Vegas

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. The City's TDD number is 386-9108.

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

City Hall Plaza, 400 Stewart Avenue, Vending Area
City Clerk's Bulletin Board, 400 Stewart Avenue, 2nd Floor Skybridge
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: JANUARY 31, 2012

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
CALL TO ORDER



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 31, 2012

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 31, 2011

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

Bill No. 2011-46 – ABEYANCE ITEM - For Possible Action - Removes the licensing and zoning provisions that prohibit Class III jewelry stores, pawnshops, auto pawn businesses and secondhand dealers from locating on Las Vegas Boulevard between Charleston Boulevard and Sahara Avenue. Sponsored by: Mayor Carolyn G. Goodman

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

For many years City licensing regulations (and later zoning regulations as well) have prohibited Class III jewelry stores, pawnshops and secondhand dealers from locating on Las Vegas Boulevard between Charleston Boulevard and Sahara Avenue. A similar prohibition exists for Fremont Street. It is believed that such prohibitions were based on a historical view of what types of development along those corridors should include. It has been proposed by means of this bill to remove the prohibition regarding Las Vegas Boulevard.

RECOMMENDATION:

ABEYANCE to 1/31/2012 Recommending Committee meeting by the 12/20/2011

Recommending Committee for review, hearing and recommendation to the City Council for final action.

First Reading – 12/7/2011; First Publication – 12/9/2011

BACKUP DOCUMENTATION:

1. Bill No. 2011-46
2. Aerial Map Submitted by Mayor Goodman and Protest Emails by Michael Hanratty and Hart Fleischhauer from the Recommending Committee Meeting of December 20, 2011

1 **BILL NO. 2011-46**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO REMOVE THE LICENSING AND ZONING PROVISIONS THAT
4 PROHIBIT CLASS III JEWELRY STORES, PAWN SHOPS, AUTO PAWN BUSINESSES AND
5 SECONDHAND DEALERS FROM LOCATING ON LAS VEGAS BOULEVARD BETWEEN
6 CHARLESTON BOULEVARD AND SAHARA AVENUE, AND TO PROVIDE FOR OTHER
7 RELATED MATTERS.

8 Sponsored by: Mayor Carolyn G. Goodman

Summary: Removes the licensing and zoning
provisions that prohibit Class III jewelry stores,
pawn shops, auto pawn businesses and
secondhand dealers from locating on Las Vegas
Boulevard between Charleston Boulevard and
Sahara Avenue.

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

12 SECTION 1: Title 6, Chapter 74, Section 50, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.74.050:** A secondhand dealer's license must not be issued to a location on Fremont Street, [or
15 on Las Vegas Boulevard South between Charleston Boulevard and Sahara Avenue, unless a variance
16 has been granted, in accordance with the provisions of Title 19, permitting such use at that location.]

17 SECTION 2: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use "Jewelry
19 Store, Class III" so that the list of Conditional Use Regulations applicable to that use reads as follows:

20 **Conditional Use Regulations:**

- 21 1. The use shall comply with the applicable requirements of LVMC Title 6.
22 2. No outdoor display, sales or storage of any merchandise shall be permitted.
23 3. No pawn shop shall be located on either side of Fremont Street, [or on Las Vegas Boulevard South,
24 between Charleston Boulevard and Sahara Avenue.]

25 SECTION 3: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of
26 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use "Jewelry
27 Store, Class III" so that the list of Minimum Special Use Permit Requirements applicable to that use
28 reads as follows:

1 **Minimum Special Use Permit Requirements:**

2 *1. The use shall comply with the applicable requirements of LVMC Title 6.

3 *2. No outdoor display, sales or storage of any merchandise shall be permitted.

4 *3. No such use shall be located on either side of Fremont Street, [or on Las Vegas Boulevard South,
5 between Charleston Boulevard and Sahara Avenue.]

6 SECTION 4: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of
7 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use "Pawn Shop"
8 so that the list of Conditional Use Regulations applicable to that use reads as follows:

9 **Conditional Use Regulations:**

10 1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.

11 2. No outdoor display, sales or storage of any merchandise shall be permitted.

12 3. No pawn shop shall be located on either side of Fremont Street, [or on Las Vegas Boulevard South,
13 between Charleston Boulevard and Sahara Avenue.]

14 4. No pawn shop use may be located closer than 200 feet from any parcel used or zoned for residential
15 use. In addition, no pawn shop use may be located closer than 1000 feet from any other pawn shop
16 use or specified financial institution use. For purposes of this Regulation 4, distances shall be
17 measured in a straight line from property line to property line, without regard to intervening obstacles.
18 The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.

19 SECTION 5: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use "Pawn Shop"
21 so that the list of Minimum Special Use Permit Requirements applicable to that use reads as follows:

22 **Minimum Special Use Permit Requirements:**

23 *1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.

24 *2. No outdoor display, sales or storage of any merchandise shall be permitted.

25 *3. No pawn shop shall be located on either side of Fremont Street, [or on Las Vegas Boulevard
26 South, between Charleston Boulevard and Sahara Avenue.]

27 4. No pawn shop use may be located closer than 200 feet from any parcel used or zoned for residential
28 use. In addition, no pawn shop use may be located closer than 1000 feet from any other pawn shop

1 use or specified financial institution use. For purposes of this Regulation 4, distances shall be
2 measured in a straight line from property line to property line, without regard to intervening obstacles.
3 The term “property line” refers to property lines of fee interest parcels and not leasehold parcels.

4 SECTION 6: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use “Pawn, Auto”
6 so that the list of Conditional Use Regulations applicable to that use reads as follows:

7 **Conditional Use Regulations:**

- 8 1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.
- 9 2. Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise
10 shall be permitted.
- 11 3. Vehicles that have been pawned may not be parked or stored in parking spaces that are designated
12 as off-street parking necessary to meet the minimum requirements of this [Subchapter] Section. Any
13 parking or storage of such vehicles must occur only in spaces that are in excess of the required
14 minimum parking.
- 15 4. No auto pawn use shall be located on either side of Fremont Street, [or on Las Vegas Boulevard
16 South, between Charleston Boulevard and Sahara Avenue.]
- 17 5. Window signs shall not:
 - 18 a. Cover more than 20 percent of the area of all exterior windows;
 - 19 b. Include flashing lights or neon lighting; or
 - 20 c. Include any text other than text that indicates the hours of operation and whether the
21 business is open or closed.
- 22 6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
- 23 7. The building or portion thereof that is dedicated to the use shall have a minimum size of 1500
24 square feet, and shall be designed to have sufficient interior space to provide for adequate customer
25 waiting areas, customer queuing, and transaction space (such as “teller” windows or desks).
- 26 8. No auto pawn use may be located closer than 200 feet from any parcel used or zoned for residential
27 use. In addition, no auto pawn use may be located closer than 1000 feet from any other auto pawn use,
28 auto title loan use or specified financial institution use. For purposes of this Regulation 8, distances

1 shall be measured in a straight line from property line to property line, without regard to intervening
2 obstacles. The term “property line” refers to property lines of fee interest parcels and not leasehold
3 parcels.

4 SECTION 7: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use “Pawn, Auto”
6 so that the list of Minimum Special Use Permit Requirements applicable to that use reads as follows:

7 **Minimum Special Use Permit Requirements:**

- 8 1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.
- 9 2. Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise
10 shall be permitted.
- 11 3. Vehicles that have been pawned may not be parked or stored in parking spaces that are designated
12 as off-street parking necessary to meet the minimum requirements of this [Subchapter] Section. Any
13 parking or storage of such vehicles must occur only in spaces that are in excess of the required
14 minimum parking.
- 15 4. No auto pawn use shall be located on either side of Fremont Street, [or on Las Vegas Boulevard
16 South, between Charleston Boulevard and Sahara Avenue.]
- 17 5. Window signs shall not:
 - 18 a. Cover more than 20 percent of the area of all exterior windows;
 - 19 b. Include flashing lights or neon lighting; or
 - 20 c. Include any text other than text that indicates the hours of operation and whether the
21 business is open or closed.
- 22 6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
- 23 7. The building or portion thereof that is dedicated to the use shall have a minimum size of 1500
24 square feet, and shall be designed to have sufficient interior space to provide for adequate customer
25 waiting areas, customer queuing, and transaction space (such as “teller” windows or desks).
- 26 8. No auto pawn use may be located closer than 200 feet from any parcel used or zoned for residential
27 use. In addition, no auto pawn use may be located closer than 1000 feet from any other auto pawn use,
28 auto title loan use or specified financial institution use. For purposes of this Regulation 8, distances

1 shall be measured in a straight line from property line to property line, without regard to intervening
2 obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold
3 parcels.

4 SECTION 8: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use "Secondhand
6 Dealer" so that the list of Conditional Use Regulations applicable to that use reads as follows:

7 **Conditional Use Regulations:**

- 8 1. No outdoor display, sales or storage of any merchandise shall be permitted.
9 2. The use shall comply with the applicable requirements of LVMC Title 6.
10 3. No secondhand dealer shall be located on either side of Fremont Street, [or on Las Vegas Boulevard
11 South, between Charleston Boulevard and Sahara Avenue.]

12 SECTION 9: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use "Secondhand
14 Dealer" so that the list of Minimum Special Use Permit Requirements applicable to that use reads as
15 follows:

16 **Minimum Special Use Permit Requirements:**

- 17 *1. No outdoor display, sales or storage of any merchandise shall be permitted.
18 *2. The use shall comply with the applicable requirements of LVMC Title 6.
19 *3. No secondhand dealer shall be located on either side of Fremont Street, [or on Las Vegas
20 Boulevard South, between Charleston Boulevard and Sahara Avenue.]

21 SECTION 10: The Department of Planning is authorized and directed to incorporate
22 into the Unified Development Code the amendments set forth in Sections 2 to 9, inclusive, of this
23 Ordinance.

24 SECTION 11: If any section, subsection, subdivision, paragraph, sentence, clause or
25 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
26 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
27 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
28 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,

1 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
2 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
3 invalid or ineffective.

4 SECTION 12: All ordinances or parts of ordinances or sections, subsections, phrases,
5 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
6 1983 Edition, in conflict herewith are hereby repealed.

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

8 APPROVED:

9
10 By _____
11 CAROLYN G. GOODMAN, Mayor

12 ATTEST:

13 _____
14 BEVERLY K. BRIDGES, MMC
City Clerk

15 APPROVED AS TO FORM:

16 Val Steed 11-21-11
17 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2011, 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 _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk
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Submitted At Meeting

Date *12/6/06* Item *3*
by *Margot Goodman*

Jessica M. Jackson

From: MICHAEL HANRATTY [southridge@centurylink.net]
Sent: Monday, December 19, 2011 10:01 PM
To: Jessica M. Jackson
Subject: Opposition to overturning the ban on pawn shops

To The Recommending Committee,

First of all, I'd just like to say and this has been one of my pet peeves, as citizens we are somewhat at a disadvantage when asked to take time out of our day to attend meetings to voice our opinions on issues that effect our lives. I thought that's why we vote! When we don't or can't attend it is automatically assumed that we're not interested. I think after awhile we get tired of doing the same old dog and pony act for our elected officials, I know I do. We're not getting paid for this, maybe we should. If government is going to determine the fate of our community then there needs to be an easier way for people to be heard.

Now to the matter at hand, let this be put in the record. On behalf of Southridge Neighborhood Association, I am vehemently opposed to overturning the ban on pawn shops, etc. on Las Vegas Blvd. between Sahara Ave. and Charleston Blvd. There's an overabundance of these types of businesses in our area already. Like I said before, there's a reason a ban was put into place to begin with. Could it be the old well established historic neighborhood just east of this stretch of road?

Sincerely,
Michael Hanratty
President, Southridge N A

2011 DEC 20 A 7:43

RECEIVED
CITY CLERK

Submitted after final agenda
by Michael Hanratty
Date 12/20/11 Item #3

Jessica M. Jackson

From: Hart Fleischhauer [hart@justfunstuff.com]
Sent: Tuesday, December 20, 2011 10:49 AM
To: Jessica M. Jackson
Subject: [Suspected Spam]

Protest

I would like inform you that I am strongly against over turning the ban on pawn shops and payday loans, etc. on Las Vegas Blvd. between Sahara Ave. and Charleston Blvd. The ban was obviously put in place for a reason, to protect the neighborhood from blight when influential people lived in the area. Now every one wants to dump there problems on our historic neighborhood. Let them open more pawn shops in Semmerlin, Green Valley or Atlanta but we do not want it in our neighborhood. Please vote NO on overturning over turning the ban on pawn shops on Las Vegas Blvd. between Sahara Ave. and Charleston Blvd.

JUST FUN STUFF LLC

Hart Fleischhauer

Operating Manager

Phone (702) 283-6225

hart@justfunstuff.com

2011 DEC 20 P 12:52

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 31, 2012

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

Bill No. 2012-4 - For Possible Action - Adopts the 2009 Edition of the International Residential Code, together with amendments thereto, and amends the City's Administrative Code regarding repetitive plans. 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 adopt the 2009 Edition of the International Residential Code (IRC), together with amendments thereto, and amend the City's Administrative Code regarding repetitive plans. The 2009 IRC is a standard update, but the City's version includes a future requirement to install automatic sprinklers in one- and two-family dwellings once a certain threshold of permit activity in the Las Vegas Valley is reached. The amendment regarding repetitive plans essentially restores provisions that were inadvertently left out of the most recent version of the Administrative Code.

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. 2012-4
2. Business Impact Statement

1 **BILL NO. 2012-4**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL RESIDENTIAL
4 CODE, TOGETHER WITH AMENDMENTS THERETO; AMEND THE CITY'S
5 ADMINISTRATIVE CODE REGARDING REPETITIVE PLANS; AND PROVIDE FOR OTHER
6 RELATED MATTERS.

6 Sponsored by: Councilman Steven D. Ross

Summary: Adopts the 2009 Edition of the
International Residential Code, together with
amendments thereto, and amends the City's
Administrative Code regarding repetitive plans.

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

11 SECTION 1: Title 16, Chapter 4, Section 10, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **16.04.010:** A building code is established and adopted for the City. The building code adopted
14 by this Section, to be known as the City's Building Code, shall consist of the following documents,
15 which are adopted by this reference and copies of which shall be maintained on file in the Office of
16 the City Clerk:

17 (A) The publication entitled "International Building Code, 2009 Edition," as
18 modified herein, including all Appendices, except as otherwise specified. This publication, as
19 modified, is designated as Part 1 of this Chapter.

20 (B) The document entitled "Southern Nevada Amendments to the 2009
21 International Building Code, which amends, by adding to and deleting from, certain sections of the
22 International Building Code, 2009 Edition. This document is adopted as Part 2 of this Chapter.

23 (C) The publication entitled the ["International Residential Code for One- and Two-
24 Family Dwellings, 2006 Edition" (also known as the "International Residential Code, 2006 Edition"),
25 "International Residential Code for One- and Two-Family Dwellings, 2009 Edition" (also known as
26 the "International Residential Code, 2009 Edition") as modified herein, including all chapters and
27 Appendices, except as otherwise specified. This publication, as modified, is designated as Part 3 of
28 this Chapter.

1 (D) The document entitled [“Southern Nevada Amendments to the 2006
2 International Residential Code,”] “Southern Nevada Amendments to the 2009 International
3 Residential Code,” which amends, by adding to and deleting from, certain sections of the International
4 Residential Code, [2006] 2009 Edition. This document is adopted as Part 4 of this Chapter.

5 SECTION 2: The document entitled “Southern Nevada Amendments to the 2009
6 International Residential Code” referred to in Section 1 of this Ordinance, which is attached hereto,
7 is hereby modified as set forth in Sections 3 to 7, inclusive, of this Ordinance.

8 SECTION 3: The document entitled “Southern Nevada Amendments to the 2009
9 International Residential Code” is modified by adding thereto the following provision:

10 **Section R302.2 Townhouses**

11 *Revise the exception to read as follows:*

12 **Exception:** A common 2-hour* fire-resistance-rated wall assembly tested in
13 accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do
14 not contain plumbing or mechanical equipment, ducts or vents in the cavity of the
15 common wall. The wall shall be rated for fire exposure from both sides and shall
16 extend to and be tight against exterior walls and the underside of the roof sheathing.
17 Electrical installations shall be installed in accordance with Chapters 34 through 43.
18 Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

19 *A 1-hour fire-resistance-rated wall assembly is permitted in townhouses in
20 which automatic residential fire sprinkler systems have been installed in
21 accordance with Section R313.1.

22 SECTION 4: The document entitled “Southern Nevada Amendments to the 2009
23 International Residential Code” is modified by amending the entry for Section R313.1 to read as
24 follows:

25 **Section R313.1 Townhouse automatic fire sprinkler systems.**

26 *Revise Subsection R313.1.1, as follows:*

27 **R313.1 Townhouse automatic fire sprinkler systems.** An automatic residential fire
28 sprinkler system shall be installed in *townhouses*.

1 **Exception:** An automatic residential fire sprinkler system shall not be required when
2 *additions* or *alterations* are made to existing *townhouses* that do not have an automatic
3 residential fire sprinkler system installed.

4 **R313.1.1 Design and installation.** Automatic residential fire sprinkler systems for
5 *townhouses* shall be designed and installed in accordance with Section P2904 or NFPA
6 13D.

7 SECTION 5: The document entitled “Southern Nevada Amendments to the 2009
8 International Residential Code” is modified by amending the entry for Section R313.2 to read as
9 follows:

10 **Section R313.2 One- and two-family dwellings automatic fire systems.**

11 *Revise Section R313.2, as follows:*

12 **R313.2 One- and two-family dwellings automatic fire systems.** Effective upon the
13 commencement date described in this section, an automatic residential fire sprinkler system
14 shall be installed in one- and two- family *dwellings*. The commencement date shall be the July
15 1st that follows the first calendar year, if any, during which the combined number of building
16 permits issued by the Southern Nevada jurisdictions for single family *dwellings* reaches or
17 exceeds 10,000. For purposes of the preceding sentence, the Southern Nevada jurisdictions
18 means Clark County and the cities of Las Vegas, North Las Vegas and Henderson.

19 **Exception:** An automatic residential fire sprinkler system shall not be required for
20 *additions* or *alterations* to existing buildings that are not already provided with an
21 automatic residential sprinkler system.

22 SECTION 6: The document entitled “Southern Nevada Amendments to the 2009
23 International Residential Code” is modified by deleting the entry for Section R313.2.1, thus restoring
24 the text of that Section as it appears in the International Residential Code, 2009 Edition.

25 SECTION 7: The document entitled “Southern Nevada Amendments to the 2009
26 International Residential Code” is modified by amending the entry for Chapters 11 through 43 to read
27 as follows:

28 *Delete Chapters 11 through 43 in their entirety, except for Section P2904 of Chapter 29,*

1 *which is retained for purposes of Sections R313.1.1 and R313.2.1.*

2 SECTION 8: Nothing in Section 5 of this Ordinance shall be deemed or interpreted
3 to limit the City Council's authority or ability to adopt in place of Section 5 a different or superseding
4 provision.

5 SECTION 9: The document entitled "A Supplemental Document Amending the
6 Uniform Administrative Code, 1997 Edition," which was most recently adopted by Ordinance No.
7 6140 and subsequently amended by Ordinance No. 6160, is hereby amended as set forth in Section
8 10 of this Ordinance.

9 SECTION 10: Section 303 of the Uniform Administrative Code, as adopted by the
10 City, is hereby amended by adding thereto a new Section 303.1.1, reading as follows:

11 **303.1.1 Plan Review in the Case of Code Updates.** Plan review for repetitive plans reviewed under
12 a particular edition of the International Building Code or International Residential Code is valid for
13 the period during which that edition is in effect. Plans must be resubmitted within 6 months after the
14 adoption of a more recent edition of either Code, as applicable. Plan review for non-repetitive plans
15 is valid for 6 months after approval. Unless permits are issued within that period, plans must be
16 re-reviewed under the then-current International Building Code or International Residential Code, and
17 new plan review fees paid. For purposes of this Section, "repetitive plans" refer to model building
18 plans for a dwelling or other building from which two or more buildings are to be built without
19 substantial modifications, as determined by the Building Official, where model building plans are
20 submitted by any one building contractor during the period of time in which the Code edition under
21 which the plans were approved by the Building Official are in effect.

22 SECTION 11: The documents entitled "International Residential Code, 2006 Edition"
23 and "Southern Nevada Amendments to the 2006 International Residential Code" are hereby repealed.

24 SECTION 12: If any section, subsection, subdivision, paragraph, sentence, clause or
25 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
26 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
27 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
28 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,

1 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
2 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
3 invalid or ineffective.

4 SECTION 13: Whenever in this ordinance any act is prohibited or is made or declared
5 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
6 required or the failure to do any act is made or declared to be unlawful or an offense or a
7 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
8 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
9 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
10 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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

14 PASSED, ADOPTED and APPROVED this _____ day of _____, 2012.

15 APPROVED:

16
17 By _____
CAROLYN G. GOODMAN, Mayor

18 ATTEST:

19 _____
20 BEVERLY K. BRIDGES, MMC
City Clerk

21 APPROVED AS TO FORM:

22 Valsted 1-5-12
23 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2012, 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 _____, 2012, 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:

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14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
City Clerk

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BUSINESS IMPACT STATEMENT

BILL NO. 2012-4

(Adopts the 2009 Edition of the International Residential Code, together with amendments thereto, and amends the City's Administrative Code regarding repetitive plans)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2012-4, that will adopt the 2009 Edition of the International Residential Code, together with amendments thereto, and amend the City's Administrative Code regarding repetitive plans.

1. The following constitutes a description 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.

Informal notice of the proposed ordinance was provided through meetings with interested parties over the course of several months. Formal notice was mailed to several groups representative of the homebuilding and construction industries. Notice was posted on the City's website as well. No written responses were received.

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:

One aspect of the ordinance will require the installation of sprinklers in certain homes upon the occurrence of the event that triggers the requirement, as described in the ordinance. That requirement will represent an increased construction cost

Beneficial effects:

The ordinance will adopt the latest standard requirements for residential structures. As to the sprinkler requirement, the installation of sprinklers will provide greater protection for life and property

Direct effects:

See adverse and beneficial effects above

Indirect effects:

None identified

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:

Not applicable

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:

Not applicable

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 why such duplicative or more stringent provisions are necessary:

Not applicable

Date: January 5, 2012

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: JANUARY 31, 2012**

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

Bill No. 2012-5 - For Possible Action - Updates the nuisance abatement provisions of the Municipal Code to reflect recent changes in State law regarding notice periods and civil penalties. Proposed by: Christopher Knight, Director of Building and Safety

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

During its 2011 Session, the Nevada Legislature adopted Assembly Bill 360 on the subject of nuisance abatement proceedings. In particular, the bill revises provisions regarding notice periods and civil penalties applicable to such proceedings. This bill will conform the City's Code provisions to reflect the changes.

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. 2012-5

BILL NO. 2012-5

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE NUISANCE ABATEMENT PROVISIONS OF THE MUNICIPAL CODE TO REFLECT RECENT CHANGES IN STATE LAW REGARDING NOTICE PERIODS AND CIVIL PENALTIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Christopher Knight, Director of Building and Safety

Summary: Updates the nuisance abatement provisions of the Municipal Code to reflect recent changes in State law regarding notice periods and civil penalties.

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

SECTION 1: Title 9, Chapter 4, Section 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9.04.050: (A) If it is determined by an authorized official that a public nuisance exists on property within the City, the official may cause a notice of violation to be issued to the owner or responsible party to abate the nuisance. Such notice shall:

- (1) Identify the owner of the property and any responsible party, if known;
 - (2) Identify with particularity the property upon which the nuisance has been committed;
 - (3) Include a statement of violations in sufficient detail to allow an owner or responsible party to identify and correct the nuisance;
 - (4) Require abatement to be performed within a specific time period, not less than ten days, [unless the public health or safety requires a shorter period;] except as otherwise provided in Subsection (C) of this Section;
 - (5) Set any reinspection date deemed appropriate;
 - (6) Provide an address and telephone number of an authorized official with whom contact regarding the violation can be made; and
 - (7) Inform the owner or responsible party of the right to appeal as provided in this Chapter.
- (B) A notice of violation may be served in any of the following ways:

- 1 (1) By personal service thereof upon the owner or responsible party;
- 2 (2) By mailing the notice by certified mail, return receipt requested to the
- 3 owner or responsible party at the last known address; or
- 4 (3) By posting the notice in a conspicuous place on the property; provided,
- 5 however, that service by posting shall only be used when the authorized official cannot determine the
- 6 last known address of the owner or responsible party.

7 (C) The time period for abatement of a nuisance described in Paragraph (4) of

8 Subsection (A) of this Section:

9 (1) May be less than ten days if the public health or safety requires a shorter

10 period; and

11 (2) May not be less than thirty days if the condition is not an immediate

12 danger to the public health, safety or welfare and was caused by the criminal activity of a person other

13 than the owner.

14 SECTION 2: Title 9, Chapter 4, Section 80, of the Municipal Code of the City of Las

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

16 **9.04.080:** (A) In addition to and independent of any other proceeding or remedy authorized

17 by this Chapter or by State law, if an owner or responsible party in violation of this Chapter fails or

18 neglects to remove the public nuisance within the applicable time limit specified in Section 9.04.060

19 and has not filed a timely appeal pursuant to Section 9.04.070, the City may take any and all action

20 necessary to abate the public nuisance. In addition, after the City has taken abatement action more

21 than once concerning a particular parcel, the City may undertake preventative measures as part of its

22 abatement action, which may include, without limitation, creating a dirt berm or installing a fence

23 around the appropriate portions of the parcel, and installing appropriate signage, to prevent and

24 discourage future nuisance activity.

25 (B) Except as otherwise provided in this Section, at least ten days' notice of the

26 City's intent to take or cause abatement action under this Section must be provided to an owner or

27 responsible party. Subject to compliance with the provisions of Paragraph (2) of Subsection (C) of

28 Section 9.04.050, [This] this notice requirement shall be deemed to have been met if a notice of

1 violation indicates that such abatement action may be taken upon failure to remove a public nuisance
2 within the time limit specified.

3 (C) A fifteen percent administrative fee shall be added to the cost of the contract
4 price, if any, for each abatement action conducted to remove or correct a public nuisance.

5 (D) If, in the opinion of the City Manager, or a duly authorized representative, the
6 condition of a property constitutes an imminent hazard, the City Manager or representative may order
7 immediate abatement of the hazard without notice. The abatement work shall be limited to the
8 minimum work necessary to remove the hazard. Before ordering abatement under this Section, the
9 City Manager or representative shall first obtain the concurrence of at least one other City or public
10 agency official. City and public agency officials that may concur with or request a designation of
11 imminent hazard pursuant to this Section include, without limitation, the City Manager; the Las Vegas
12 Metropolitan Police Department; the [Clark County] Southern Nevada Health District; and the
13 Departments of Fire and Rescue, Public Works, Planning, [and Development,] Detention and
14 Enforcement, and Parks, Recreation and Neighborhood Services. The City shall pay the initial cost
15 and expense of any emergency abatement from any appropriation made available for that purpose.
16 Any costs and expenses incurred, and any fees imposed, in connection with the removal of an
17 imminent hazard may be assessed against the property or the owner in accordance with the procedure
18 described in Section 9.04.100.

19 (E) A report of abatement proceedings taken pursuant to this Section, and a separate
20 account of the abatement costs on each parcel, shall be filed with the City Clerk.

21 SECTION 3: Title 9, Chapter 4, Section 100 of the Municipal Code of the City of Las
22 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **9.04.100:** (A) Upon the filing of the abatement report for abatement action taken by the City
24 pursuant to Section 9.04.080, the City Clerk shall set a hearing for the City Council to review the
25 report and any accompanying documentation. At the abatement report hearing, the City Council shall
26 either approve or disapprove of the report as submitted, or as modified or corrected by the City
27 Council. In the event the City Council approves the report as submitted, or as modified or corrected,
28 either or both of the following actions may be taken:

1 (1) The City Council may order that the cost of abating the public nuisance
2 be made a personal obligation of the property owner or other responsible party and may direct the City
3 Attorney to collect the costs of abating the nuisance (including reinspection fees) and interest thereon
4 by use of all appropriate remedies.

5 (2) The City Council may order that the cost of abating the public nuisance,
6 including reinspection fees and interest, shall be assessed against the property. In such a case, the City
7 Council shall confirm the assessment and have it filed with the County Recorder and mailed in
8 accordance with Subsection (B) of this Section. Thereafter, the assessment shall constitute a lien upon
9 the property.

10 (B) An assessment lien processed under Subsection (A):

11 (1) Is perfected when the City Clerk has:

12 (a) Filed with the County Recorder a statement of the amount of
13 expenses due and unpaid and describing the property subject to the lien; and

14 (b) Sent by certified mail, return receipt requested, a notice of the
15 lien, separately prepared for each lot affected, and addressed to the last known owner of the property
16 at his last known address, as determined by the real property assessment roll in the Clark County
17 Assessor's Office.

18 (2) Shall be:

19 (a) Coequal with the latest lien on the subject property to secure the
20 payment of general taxes;

21 (b) Not subject to extinguishment by the sale of the property on
22 account of the nonpayment of general taxes;

23 (c) Prior and superior to all liens, claims, encumbrances and titles
24 other than the liens of assessments and general taxes.

25 (3) Shall bear interest, from the date of recordation, at the rate set by law
26 for judgments, and shall continue until the assessment and all interest due and payable thereon is paid.

27 (C) Pursuant to NRS 268.4122, the City Council may order that civil penalties
28 assessed under this Chapter be made part of an assessment lien authorized by this Section, but any

1 action to do shall be subject to the limitations contained in NRS 268.4122.

2 SECTION 4: Title 9, Chapter 4, Section 110, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **9.04.110:** (A) Upon the discovery of a chronic nuisance existing on a property, an authorized
5 official, in addition to or lieu of treating the chronic nuisance as a public nuisance under this Chapter,
6 may send to the owner a written notice declaring the existence of a chronic nuisance for purposes of
7 proceeding under this Section and Section 9.04.120. The notice shall be entitled "Notice and
8 Declaration of Chronic Nuisance" and shall:

9 (1) Identify with particularity the property upon which the chronic nuisance
10 is located;

11 (2) Include a description of the conditions or activities which constitute the
12 chronic nuisance;

13 (3) Specify the date by which the condition must be abated in order to
14 prevent the matter from being submitted to the City Attorney for legal action[;], which date may not
15 be less than thirty days if the condition is not an immediate danger to the public health, safety or
16 welfare and was caused by the criminal activity of a person other than the owner; and

17 (4) Indicate that the owner may seek a hearing on the matter before a court
18 of competent jurisdiction.

19 (B) The Notice and Declaration of Chronic Nuisance shall be sent by certified mail,
20 return receipt requested to the owner of the property.

21 (C) The date specified in the Notice and Declaration of Chronic Nuisance for
22 abatement is tolled for the period during which the owner requests a hearing and receives a decision.

23 SECTION 5: Title 9, Chapter 4, Section 120, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **9.04.120:** (A) When a property owner has been served with a Notice and Declaration of
26 Chronic Nuisance and has failed to abate the chronic nuisance by the date specified in the Notice and
27 Declaration, the authorized official may request the City Attorney to file an abatement action in a court
28 of competent jurisdiction. If the court finds that a chronic nuisance exists and emergency action is

1 necessary to avoid immediate threat to the public welfare or safety, the court shall order the City to
2 secure and close the property for a period not to exceed one year or until the nuisance is abated,
3 whichever occurs first. In addition, the court may:

4 (1) Impose a civil penalty [of not more than five hundred dollars per day]
5 in accordance with NRS 268.4124(3) for each day that the condition was not abated after the date
6 specified in the Notice and Declaration of Chronic Nuisance by which the owner was required to abate
7 the condition;

8 (2) Order the owner to pay the City for all costs incurred and fees imposed
9 by the City in abating the condition;

10 (3) If applicable, order the owner to pay reasonable expenses for the
11 relocation of any tenants who are affected by the chronic nuisance; and

12 (4) Order any other appropriate relief.

13 (B) In any proceeding in which the City has expended funds to abate a chronic
14 nuisance that has not been abated by the owner, the City may avail itself of the remedies described in
15 Section 9.04.100 for the abatement of public nuisances generally.

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

24 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared
25 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
26 required or the failure to do any act is made or declared to be unlawful or an offense or a
27 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
28 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than

1 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
2 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

3 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
4 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
5 1983 Edition, in conflict herewith are hereby repealed.

6 PASSED, ADOPTED and APPROVED this ____ day of _____, 2012.

7 APPROVED:

8
9 By _____
CAROLYN G. GOODMAN, Mayor

10 ATTEST:

11 _____
12 BEVERLY K. BRIDGES, MMC
City Clerk

13 APPROVED AS TO FORM:

14 Val Heed 1-5-12
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 _____, 2012, 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 _____, 2012, 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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12 APPROVED:

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14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
City Clerk

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 31, 2012

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



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 31, 2012

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

☐ Consent ☒ Discussion

SUBJECT:
ADJOURNMENT

