

City of Las Vegas

**RECOMMENDING COMMITTEE MEETING
CITY HALL, 495 S. MAIN STREET
CITY CLERK'S 2ND FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
SEPTEMBER 3, 2013
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 THE 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. BACKUP MATERIAL FOR THIS AGENDA MAY BE OBTAINED FROM BEVERLY K. BRIDGES, CITY CLERK, AT THE CITY CLERK'S OFFICE AT 495 SOUTH MAIN STREET, 2ND FLOOR OR ON THE CITY'S WEBPAGE AT www.lasvegasnevada.gov.

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. ABEYANCE ITEM - Bill No. 2013-35 - For Possible Action - Amends the Unified Development Code to reinstate the R-D (Single Family Residential-Restricted) District and standards pertaining thereto. (TXT-48648, portion)
Sponsored by: Councilman Steven D. Ross
4. Bill No. 2013-38 - For Possible Action - Updates the City's wastewater collection and treatment regulations regarding discharges. Proposed by: Jorge Cervantes, Executive Director, Community Development
5. Bill No. 2013-39 - For Possible Action - Updates the City's stormwater management regulations regarding the disposal of wastes and discharge of pollutants. Proposed by: Jorge Cervantes, Executive Director, Community Development
6. Bill No. 2013-40 - For Possible Action - Repeals LVMC Chapter 14.12, relating to the regulation of municipal cemeteries. Proposed by: Jorge Cervantes, Executive Director, Community Development
7. Bill No. 2013-41 - For Possible Action - Amends LVMC Chapter 14.04 to update provisions regarding certain sewer charges payable by the City of North Las Vegas, and clarify provisions regarding the installation and maintenance of sewer facilities. Proposed by: Jorge Cervantes, Executive Director, Community Development
8. Bill No. 2013-42 - For Possible Action - Annexation No. ANX-49448 - Property location: located on the northwest corner of Wittig Avenue and Jones Boulevard; Petitioned by: Danny & Vikki Riddle Living Trust; Acreage: 3.81 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Steven D. Ross

City of Las Vegas

9. Bill No. 2013-43 - For Possible Action - Annexation No. ANX-49618 - Property location: located east of Hualapai Way, between Elkhorn Road and Farm Road; Petitioned by: Omni Family LP, et al; Acreage: 35.86 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Steven D. Ross
10. Bill No. 2013-44 - For Possible Action - Annexation No. ANX-50089 - Property location: on the south side of Severence Lane approximately 345 feet east of Hualapai Way; Petitioned by: Drago Survivors Trust; Acreage: Approximately 5.10 acres; Zoned: R-E (County zoning), R-E, (City equivalent). Sponsored by: Councilman Steven D. Ross
11. Bill No. 2013-45 - For Possible Action - Declares a moratorium on the application for, construction and/or operation of medical marijuana establishments as contemplated by Senate Bill 374 of the 2013 Legislative Session. Sponsored by: Mayor Pro Tem Stavros S. Anthony
12. 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
13. 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.

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. Dial 7-1-1 to connect to Relay Nevada.

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

City Hall, 495 South Main Street, 1st Floor
Clark County Government Center, 500 South Grand Central Parkway
Grant Sawyer Building, 555 East Washington Avenue
City of Las Vegas Development Services Center, 333 North Rancho Drive

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 3, 2013

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CALL TO ORDER



AGENDA SUMMARY PAGE

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SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 3, 2013

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

ABEYANCE ITEM - Bill No. 2013-35 - For Possible Action - Amends the Unified Development Code to reinstate the R-D (Single Family Residential-Restricted) District and standards pertaining thereto. (TXT-48648, portion) Sponsored by: Councilman Steven D. Ross

Fiscal Impact

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No Impact

☐

Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

When the Unified Development Code was adopted in 2011, the R-D (Single Family Residential-Restricted) District was eliminated as part of a consolidation effort. That district provided a transition or middle ground between the R-E and R-1 Districts in terms of lot sizes and standards. Based upon discussions with the development community, it has been recommended that the R-D District and accompanying standards be reinstated. This bill will accomplish that reinstatement.

RECOMMENDATION:

ABEYANCE to the 9/3/2013 Recommending Committee Meeting by the 8/6/2013 Recommending Committee, for review, hearing and recommendation to the City Council for final action.

First Reading – 7/24/2013

BACKUP DOCUMENTATION:

1. Bill No. 2013-35
2. Exhibits A-C

BILL NO. 2013-35

ORDINANCE NO. _____ .

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO REINSTATE THE R-D (SINGLE FAMILY RESIDENTIAL-RESTRICTED) DISTRICT AND STANDARDS PERTAINING THERETO, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Amends the Unified Development Code to reinstate the R-D (Single Family Residential-Restricted) District and standards pertaining thereto.

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

SECTION 1: Ordinance No. 6190 and the Unified Development Code adopted as Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in Sections 2 to 14, inclusive, of this Ordinance. For each of those sections, the amendment is deemed to be an amendment to both Ordinance No. 6190 and the Unified Development Code adopted as Title 19.

SECTION 2: Title 19, Chapter 00, Section 100, Subsection (B), Paragraph (1), is hereby amended by adding to the table listed therein, at the appropriate location, a new row for the Single-Family Residential-Restricted District, as follows:

Abbreviated Designation	Zoning District Name	District Purpose
R-D	Single Family Residential-Restricted	page ____ (to be inserted)

SECTION 3: Title 19, Chapter 4, Section 40, Subsection (B), Paragraph (2), is hereby amended by amending the introductory portion thereof, before Subparagraphs (a) and (b), to read as follows:

2. The minimum required Connectivity Ratio is 1.30 (links/nodes) for all development in R-D, R-1, R-MH, R-CL, R-TH, R-2, R-3 and R-4 zoning districts. The Connectivity Ratio required for multi-family residential developments will be determined by the Director, with advice from the Director of Public Works, based on the proposed site layout.

SECTION 4: Title 19, Chapter 4, Section 160, is hereby amended by adding the R-D

1 District to the Transportation–Land Use Matrix shown in Table 1. That addition shall be
2 accomplished by replacing that table with the two-page exhibit attached as Exhibit A.

3 SECTION 5: Title 19, Chapter 6, is hereby amended by adding thereto a new Section
4 65 to set forth standards applicable to the R-D District. That new section shall consist of the material
5 contained in the four-page exhibit attached as Exhibit B.

6 SECTION 6: Title 19, Chapter 6, Section 140, Subsection (F), is hereby amended by
7 amending Paragraphs (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15) and (17) thereof, in
8 particular Tables 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 13 that appear therein, to indicate that the same
9 standards apply to the R-D District as apply to the R-1 District. In order to so reflect, the designation
10 “R-D” is inserted in each table just before the R-1 designation.

11 SECTION 7: Title 19, Chapter 8, Section 40, Subsection (H), Paragraph (1),
12 Subparagraph (a), is hereby amended to read as follows:

13 a. All property to be developed for nonresidential or multifamily residential use that is located
14 adjacent to property which is zoned R-E, R-D, R-1 or R-CL, unless such adjacent property is
15 developed with a nonresidential use, shall conform to the residential adjacency standards set
16 forth in this Subsection.

17 SECTION 8: Title 19, Chapter 10, Section 20, Subsection (E), Paragraph (2), is
18 hereby amended to read as follows:

19 2. In addition to the standards established above, property in the C-V District adjacent to
20 residential uses in the U, R-E, R-D, R-1, R-CL and R-2 Districts shall be subject to the height
21 standards of LVMC 19.06.060, the landscape buffer standards of LVMC 19.08.040(F) and
22 parking standards of LVMC 19.08.110.

23 SECTION 9: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section
24 10, is hereby amended by adding thereto a new column for the R-D District to indicate which uses are
25 permitted in the R-D District and by what means. The new column shall read as it is set forth in the
26 seven-page exhibit attached as Exhibit C, with the new material being shown by underlining.

27 SECTION 10: Title 19, Chapter 12, Section 70, is hereby amended by amending the
28 Conditional Use Regulations for the use “Animal Keeping & Husbandry” to read as follows:

1 **Conditional Use Regulations:**

2 1. With respect to domestic animals:

3 a. The applicant must submit to the Department, for administrative review and approval, a site
4 plan with notes indicating the number and types of animals to be kept or reproduced on the premises.

5 b. No more than 3 sheep or goats may be kept for each 20,000 square feet of land included in
6 the building site.

7 c. All operations and activities shall be in accordance with LVMC Title 7.

8 d. No more than one horse or cow is permitted for each 7,500 square feet of lot area.

9 e. In the R-D Zoning District, no more than 2 horses may be stabled on building site, and the
10 site must have a minimum net lot size of 18,000 square feet.

11 [e.] f. No horses or cattle may be kept at any location south of Cheyenne Avenue.

12 2. With respect to non-domestic animals:

13 a. Animals shall be confined at all times within a secured, enclosed or fenced area.

14 b. Animals which are kept outdoors must be located at least 1,500 feet from any residential
15 dwelling, school, child care facility or public park.

16 c. The site must have a minimum area of 2 acres.

17 d. All operations and activities shall be in accordance with LVMC Title 7.

18 SECTION 11: Title 19, Chapter 12, Section 70, is hereby amended by amending the
19 Conditional Use Regulations for the use "Auto Dealer Inventory Storage" to read as follows:

20 **Conditional Use Regulations:**

21 1. All loading and unloading of vehicles shall occur on site.

22 2. Loading and unloading of vehicles shall occur between the hours of 7:00 am and 10:00 pm.

23 3. All areas used for the parking or storage of vehicles shall be paved.

24 4. Stored vehicles shall be effectively screened so as not to be visible from adjoining properties or
25 public rights-of-way.

26 5. The parcel must be located on a primary or secondary thoroughfare, or on a parcel that is adjacent
27 to and accessed through a parcel located on a primary or secondary thoroughfare.

28 6. Lighting shall be shielded from adjacent properties.

1 7. The use shall not occupy or interfere with any parking spaces that are required for the dealership
2 use or any other existing or proposed use for which required parking is or will be provided on the site.
3 For commercial or industrial sites 15 acres or greater in size, the use may occupy up to 50 percent of
4 the parking area that is provided in excess of the parking that is required by this Section for other uses.

5 8. The use shall not be located adjacent to any property zoned R-E, R-D, R-1 or R-CL unless that
6 property has been developed with a nonresidential use.

7 SECTION 12: Title 19, Chapter 12, Section 70, is hereby amended by amending the
8 Conditional Use Regulations for the use “Auto Repair Garage, Major” to read as follows:

9 **Conditional Use Regulations:**

10 1. All repair and service work shall be performed within a completely enclosed building.

11 2. All disabled vehicles shall be stored on a concrete or asphalt surface in an area which is screened
12 from view from the surrounding properties and adjoining streets, pursuant to LVMC 19.08.040.

13 3. Outdoor hoists are prohibited.

14 4. All hazardous materials resulting from the repair, storage, or dismantling of vehicles shall be
15 properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic
16 substances, solid waste pollution and flammable liquids, particularly gasoline, paints, solvents and
17 thinners, shall conform to all applicable Federal, State, and local regulations.

18 5. No vehicle may be parked on the premises for the purpose of offering the vehicle for sale.

19 6. Outdoor bells and loudspeakers are prohibited.

20 7. This use shall not be located adjacent to any property zoned R-E, R-D, R-1 or R-CL unless that
21 property has been developed with a nonresidential use. (C-2 only)

22 SECTION 13: Title 19, Chapter 12, Section 70, is hereby amended by amending the
23 Conditional Use Regulations for the use “Small Wind Energy System” to read as follows:

24 **Conditional Use Regulations:**

25 1. The minimum parcel size shall be 20,000 square feet.

26 2. No small wind energy system is eligible for approval if all or part of the property is within a
27 conservation easement or scenic highway corridor, or is listed on the State or National Registers of
28 Historic Places, unless the applicant submits satisfactory evidence that the addition of a small wind

- 1 energy system is not a violation of the rules that govern the development of the property.
- 2 3. A system may be directly mounted on or attached to the principal structure on the site, or may be
3 mounted on a freestanding tower. Where possible, the system should be integrated with other
4 structures, such as buildings, light poles or on-premise sign structures, so as to minimize visual
5 impacts.
- 6 4. A system shall not extend to a height greater than the following, measured with reference to the
7 highest point of the fixed structure to which the system is attached (but excluding the wind turbine):
- 8 a. 50 feet, for parcels in the R-D, R-1 and R-2 Zoning Districts;
9 b. 65 feet, for parcels in the R-E, and R-3 Zoning Districts, and
10 c. 90 feet for parcels in the R-4, C-1, C-2, C-M and M Zoning Districts.
- 11 5. When a system is mounted on a freestanding tower:
- 12 a. The tower and any guy-wires or other supports shall comply with all minimum setbacks for
13 the property; and
14 b. The tower shall be set back from any habitable structure on an adjacent property a distance
15 at least as great as the height of the tower.
- 16 6. No more than one system shall be permitted on a parcel of land.
- 17 7. A system shall be constructed and maintained so that noise levels do not exceed 60dBA, as
18 measured by a sound level meter at the closest neighboring inhabited dwelling. However, this level
19 may be exceeded during short term events such as utility outages or sever windstorms.
- 20 8. The applicant must submit proof of turbine certification approved under the Emerging
21 Technologies program of the California Energy Commission or any other small wind certification
22 program recognized by the American Wind Energy Association.
- 23 9. A system must comply with applicable FAA regulations, including any necessary approvals for
24 installations close to airports. Such approvals must be received prior to the submittal of a building
25 permit application. For locations within the Airport Overlay District, the system must comply with
26 all regulations and requirements applicable to that district.
- 27 10. A system must comply with all applicable fire codes and building codes.
- 28 11. A building permit application for a system must be accompanied by:

- a. Standard drawings of the wind turbine structure including base, tower and footings;
- b. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional engineer; and
- c. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

12. Before the installation of a system, the applicant must provide satisfactory evidence that the electrical utility provider has been informed of the applicant's intent to install a system. An off-grid system shall be exempt from this requirement if the property is not served by an electrical utility provider.

13. No system shall be erected or moved onto any lot prior to construction of the main building unless a building permit has been issued for the construction of the main building.

14. Except with respect to Conditional Use Regulations 1, 3, 4, 5(b), 6 and 12 the Special Use Permit provision of Section 19.12.040(B) does not apply to this use. In the case of a Special Use Permit application filed as a consequence of not qualifying for conditional use treatment regarding any of the Regulations listed in the preceding sentence, the remaining Regulations shall apply as Minimum Special Use Permit Requirements, and Regulations 2, 5(a), 7, 8, 9, 10, 11 and 13 above, when imposed as Minimum Special Use Permit Requirements, shall be deemed to be nonwaivable.

SECTION 14: Title 19, Chapter 12, Section 70, is hereby amended by amending the Conditional Use Regulations for the use "Vehicle Parking, Storage or Repair in Residential Zoning Districts" to read as follows:

Conditional Use Regulations:

1. Except as otherwise provided in Regulations 2 to 14, inclusive, motor vehicles, including passenger cars, trucks and motorcycles which are not designed or used for racing or for purposes other than transportation, may be parked, stored or repaired on any property in a residential district, provided the same is accessory and incidental to the use of the property for residential purposes and does not constitute a nuisance, health or fire hazard offense under the provisions of this Code and do not have a detrimental effect on the neighborhood. Unless stored or parked within a completely enclosed building, the motor vehicles shall be stored or parked:

- 1 a. In the front yard, either:
- 2 i. On an approved driveway;
- 3 ii. On a surface of pavers or other blocks of uniform appearance that are at least 2
- 4 inches in thickness that extends the full length and width of the vehicle;
- 5 iii. On concrete or asphaltic paving that extends the full length and width of the
- 6 vehicle; or
- 7 iv. On a surface of decomposed granite no less than 2 inches thick, defined with
- 8 borders, but this alternative is available only on lots with a zoning designation of R-E; or
- 9 b. In the side yard, either:
- 10 i. Obscured by a 6-foot high fence to permanently screen the vehicles from view;
- 11 ii. On an approved driveway;
- 12 iii. On a surface of pavers or other blocks of uniform appearance that are at least 2
- 13 inches in thickness that extends the full length and width of the vehicle; or
- 14 iv. On concrete or asphaltic paving that extends the full length and width of the
- 15 vehicle; provided, however, that the vehicle storage or parking complies with the other provisions set
- 16 out in Regulations 1 to 14, inclusive.
- 17 2. Except as otherwise provided in Regulation 10 below, on a single family residential lot:
- 18 a. No more than 3 operable vehicles may be stored, or one vehicle per 1,250 square feet of lot
- 19 area, whichever allows the greater number of vehicles;
- 20 b. No more than 50 percent of the front yard area may be used for the storage or parking of
- 21 vehicles; and
- 22 c. No stored vehicles may be utilized for storing items of personal property, and the area under
- 23 each vehicle must be kept free of debris and vegetation.
- 24 3. Unless stored or parked within a completely enclosed building, a recreational vehicle or trailer, or
- 25 combination thereof, may be stored or parked only as follows:
- 26 a. In a rear yard, either:
- 27 i. On a surface of pavers or other blocks of uniform appearance that are at least 2
- 28 inches in thickness that extends the full length and width of the vehicle;

1 ii. On a surface of decomposed granite no less than 2 inches thick, defined with
2 borders; or

3 iii. On concrete or asphaltic paving, gravel or chat that extends the full length and
4 width of the vehicle, trailer or combination;

5 b. In a front yard, but only on lots with a zoning designation of R-E, R-D or R-1, and in each
6 case provided that the recreational vehicle or trailer, or combination thereof, is stored either on a
7 surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness that
8 extends the full length and width of the vehicle; on concrete or asphaltic paving that extends the full
9 length and width of the vehicle, trailer or combination; or on a surface of decomposed granite no less
10 than 2 inches thick, defined with borders (provided, however, that this third alternative is available
11 only on lots with a zoning designation of R-E). Additionally, on a lot with a size of .2 acres or less,
12 no recreational vehicle or trailer, or combination thereof, may be stored or parked in a front yard if it
13 exceeds 24 feet in length. Finally, in no event may a recreational vehicle or trailer, or combination
14 thereof, be stored or parked in a front yard in any district described in this Subparagraph (b) unless at
15 least one of the following conditions is met:

16 i. The recreational vehicle or trailer, or combination thereof, is stored entirely in the
17 yard area with no portion of the unit located closer than 2 feet from an adjacent public street or
18 sidewalk; or

19 ii. It is demonstrated that the side and rear yards are not reasonably accessible for
20 storage purposes. A corner lot shall be deemed to have reasonable access, and the existence of a fence
21 or block wall, by itself, shall not be deemed to prevent reasonable access to the side or rear yards;

22 c. In a side yard, either:

23 i. Permanently screened from view from the public street by a 6 foot wall, with a 5 foot
24 gate;

25 ii. On a surface of pavers or other blocks of uniform appearance that are at least 2
26 inches in thickness that extends the full length and width of the vehicle; or

27 iii. On concrete or asphaltic paving that extends the full length and width of the
28 vehicle;

- 1 d. If it is not connected to any electrical or sewer service for more than 24 consecutive hours;
- 2 e. If it is not used for dwelling purposes;
- 3 f. If it is not used for the storage of goods, materials or equipment, other than those items
- 4 considered to be part of the recreational vehicle and are related to the immediate use and enjoyment
- 5 thereof; and
- 6 g. Its use is in full compliance with applicable provisions of the Fire Code and other technical
- 7 codes.
- 8 4. Except as provided in Regulation 9 below:
- 9 a. No vehicle may be repaired, stored or parked for more than 4 consecutive hours if its
- 10 manufacturer's rated carrying capacity exceeds one ton.
- 11 b. No vehicle may be repaired unless it is owned by a permanent resident at the location where
- 12 the repair takes place.
- 13 c. On a parcel within a single family residential district, not more than one passenger vehicle
- 14 with commercial advertising displayed thereon may be stored or parked.
- 15 5. Except as otherwise provided in Regulation 10 below:
- 16 a. Any vehicle that is in mechanically inoperable condition shall be stored or repaired in a
- 17 garage, shed or other enclosure; in a driveway; or in a rear yard that is enclosed by a 6-foot high fence
- 18 to permanently screen the vehicle from view; provided, however, that if the abutting property is
- 19 undeveloped, the fencing shall not be required until the adjacent property is developed.
- 20 b. No repair outside of an enclosure may occur later than 9:00 p.m. or earlier than 7:00 a.m.
- 21 6. Except as otherwise provided in Regulation 10 below:
- 22 a. No more than one vehicle that is in a mechanically inoperable condition shall be stored or
- 23 repaired at any time outside of a fully enclosed building on the premises, and there shall be no repair
- 24 of vehicles or storage of mechanically inoperable vehicles in the side yards.
- 25 b. A vehicle shall not be stored in a mechanically inoperable condition for more than 60 days.
- 26 c. No repair may be performed on any motor vehicle, including a recreational vehicle, within
- 27 the front yard, including any driveway area, unless the repair is a "normal, reasonable and customary
- 28 repair" as defined in Regulation 14 below.

1 d. No more than 4 vehicles may be repaired on the same parcel within any 12-month period.

2 7. There shall be no storage of junked vehicles, or parts thereof. Only serviceable parts for owned
3 vehicles may be stored on the premises. Such storage shall not be permitted in the front or side yards
4 but shall be permitted in the rear yard only if such storage is either fully enclosed by a 6-foot high
5 fence to permanently screen the parts from view, or in a fully enclosed building; provided, however,
6 that if the abutting property is undeveloped, the fence or enclosed building shall not be required until
7 the adjacent property is developed. No more than 200 square feet of space shall be used for the
8 storage of serviceable parts.

9 8. The following are prohibited, except in connection with an approved construction yard or except
10 as necessary to perform grading or construction work on the premises pursuant to a development
11 permit:

12 a. The repair or storage of any vehicle whose primary function is other than the transportation
13 of passengers, including but not limited to forklifts, backhoes, tractors, tow trucks and similar types
14 of machinery, construction or industrial equipment; or

15 b. Unless for the sole purpose of loading or unloading passengers or goods, the parking or
16 standing of any vehicle whose primary function is other than the transportation of passengers,
17 including but not limited to forklifts, backhoes, tractors, tow trucks and similar types of machinery,
18 construction or industrial equipment.

19 9. Nothing in Regulations 1 to 14, inclusive, shall be construed to permit the operation of a business
20 as defined in Title 6. There shall be no repair, restoration or modification of non-owned vehicles for
21 money or barter. However, nothing in Regulations 1 to 14, inclusive, prohibits the temporary
22 emergency repair of owned or non-owned vehicles which have become mechanically inoperable while
23 on the property or in the street.

24 10. On any lot owned by a member of a duly-recognized organization of automobile collectors or
25 restorers, the owner may exceed the limitations on vehicle storage and repair set forth in Regulations
26 2, 5(a) and 6 above with respect to the restoration, refurbishing or rebuilding of his or her own classic
27 or antique vehicle if any such vehicle is covered with a fitted full-vehicle pullover cover when it is not
28 being worked on, the vehicle's tires are inflated, and the area under the vehicle is kept free of debris

1 and vegetation.

2 11. In order to facilitate vehicle inspection and enforcement under Regulations 1 to 14, inclusive, any
3 person responsible for or engaged in the parking, storage, repair, restoration or modification of any
4 vehicle shall, upon request, provide to any authorized enforcement officer:

5 a. Evidence regarding the operability of the vehicle, as well as the ownership of the vehicle,
6 such as current registration, title, bill of sale or other documentation from an authority responsible for
7 motor vehicle regulation;

8 b. As applicable to the exception set forth in Regulation 10, evidence regarding the person's
9 membership in a duly-recognized organization of automobile collectors or restorers; and

10 c. As applicable to the exception set forth in Regulation 10, evidence regarding the extent to
11 which the vehicle or vehicles in question are actually and currently in the process of being restored,
12 refurbished or rebuilt.

13 12. No vehicle may be parked or stored in a driveway unless:

14 a. All tires or wheels that support the vehicle are in contact with the driveway; or

15 b. Where any such tire or wheel is not in contact with the driveway, the vehicle at that location
16 is resting on a jack stand or wheel ramp that is designed and manufactured for the purpose of
17 temporarily supporting a vehicle.

18 13. The provisions of Regulations 1 to 14, inclusive, shall apply to any person in control or lawful
19 possession of any real property, including an owner, tenant, occupant, lessee or otherwise.

20 14. For purposes of these Regulations:

21 a. "Approved driveway" means a driveway that complies with all applicable curb cut
22 requirements that have been established by the City.

23 b. "Mechanically inoperable," with respect to a motor vehicle, means that the vehicle is
24 inoperative, cannot be moved under its own power, or cannot be operated lawfully on a public street
25 or highway because one or more component parts necessary for such movement or lawful operation
26 are lacking or have been damaged or deteriorated so as to become inoperative. Such component parts
27 include without limitation the engine, transmission, wheels, tires, doors, windshield and windows.

28 c. "Normal, reasonable and customary repairs," with respect to a motor vehicle, means

1 incidental repairs or service, including changing flat tires; repairing or servicing the electrical or
2 ignition system; replacing hoses; cleaning or replacing filters; installing minor accessories; and adding
3 or replacing lubricants, coolants, refrigerants, or hydraulics system fluids.

4 SECTION 15: For purposes of Section 2.100(3) of the City Charter, the following are
5 deemed to be subchapters rather than sections:

6 19.00.100

7 19.04.040

8 19.04.160

9 19.06.140

10 19.08.040

11 19.10.020

12 19.12.010

13 19.12.070

14 SECTION 16: The Department of Planning is authorized and directed to incorporate
15 into the Unified Development Code the amendments set forth in Sections 2 to 14, inclusive, of this
16 Ordinance.

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

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SECTION 18: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 7-1-13
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

11
12 APPROVED:

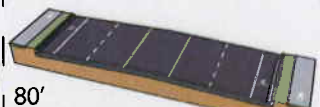
13
14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk

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Transportation - Land Use Matrix - Table 1

	 120' Parkway Arterial Street	 106' Primary Arterial Street	 80' Major Collector Street
U Undeveloped			
R-E Residential Estates			
R-D Single Family Residential-Restricted			
R-1 Single Family Residential			
R-MH Mobile/Manufactured Home Residential			
R-CL Single Family Compact-Lot			
R-TH Single Family Attached			
R-2 Medium-Low Density Residential			
R-3 Medium Density Residential			
R-4 High Density Residential			
P-O Professional Office			
O Office			
C-1 Limited Commercial			
C-2 General Commercial			
C-PB Planned Business Park			
C-M Commercial/Industrial			
M Industrial			



Transportation - Land Use Matrix - Table 1

60' Minor Collector Street	47' Residential Street	47' Residential Street (Narrow Lot)		
			U Undeveloped	MATRIX KEY Compatible Street - Land Use Combination (No mitigation)
			R-E Residential Estates	
			<u>R-D</u> <u>Single Family Residential-Restricted</u>	
			R-1 Single Family Residential	
			R-MH Mobile/Manufactured Home Residential	
			R-CL Single Family Compact-Lot	Compatible Street - Land Use Combination (Mitigation may be requested)
			R-TH Single Family Attached	
			R-2 Medium-Low Density Residential	
			R-3 Medium Density Residential	Less Compatible Street - Land Use Combination (Mitigation may be required)
			R-4 High Density Residential	
			P-O Professional Office	
			O Office	
			C-1 Limited Commercial	
			C-2 General Commercial	
			C-PB Planned Business Park	
			C-M Commercial/Industrial	
			M Industrial	



19.06.065

R-D SINGLE FAMILY RESIDENTIAL-RESTRICTED DISTRICT

The purpose of the R-D District is to provide for the development of low density, large lot, single-family detached residential units. This District is consistent with the policies of the Rural Density Residential category of the General Plan.

BUILDING PLACEMENT (see Figure 1) **TABLE 1**

A. Minimum Lot Size	11,000 square feet
Minimum Lot Width	90 feet ¹
B. Max. Lot Coverage	NA
Dwelling Units per Lot	1
C. Minimum Front Yard Setback	25 feet
D. Minimum Side Yard Setback	10 feet
E. Minimum Corner Side Yard Setback	15 feet
F. Minimum Rear Yard Setback	30 feet

Footnotes:

1. Notwithstanding the minimum lot width in this Table, lots located along the circular portion of a cul-de-sac or a knuckle portion of a street may be reduced to a minimum of 30 feet in width at the front property line, provided the average lot width meets the required lot width.

ACCESSORY STRUCTURES ¹ (see Figure 2) **TABLE 2**

A. Separation from Main Bldg.	6 feet
B. Minimum Corner Side Yard Setback	15 feet
C. Minimum Rear Yard Setback	3 feet
D. Minimum Side Yard Setback	3 feet
E. Size and Coverage	Not to exceed 50% of the rear and side yard areas

Footnotes:

1. In the case of a stable, corral or aviary, the structure must be placed at least 50 feet from any dwelling on an adjacent residential lot.

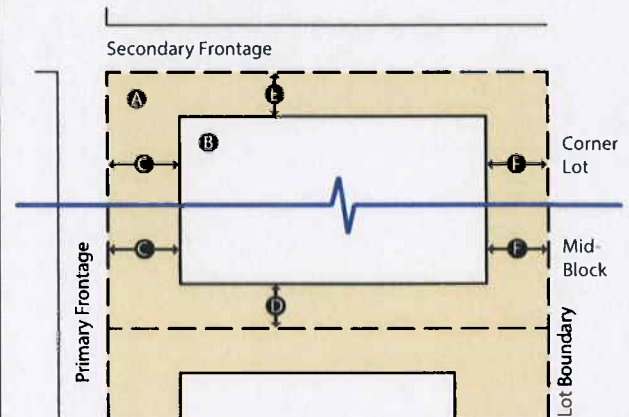
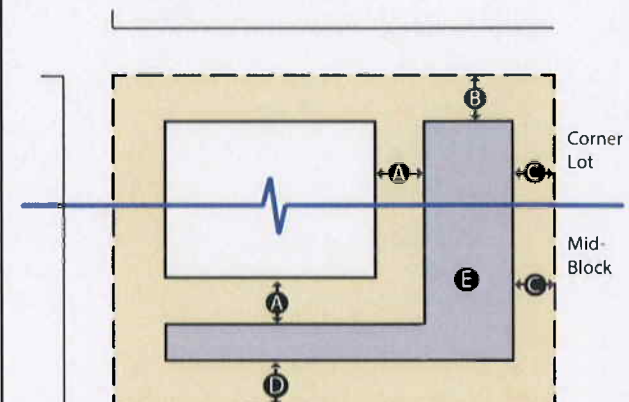
Illustrations & Graphics**R-D****19.06.065****FIGURE 1 - BUILDING PLACEMENT****FIGURE 2 - ACCESSORY STRUCTURES**

FIGURE 3 - BUILDING HEIGHT

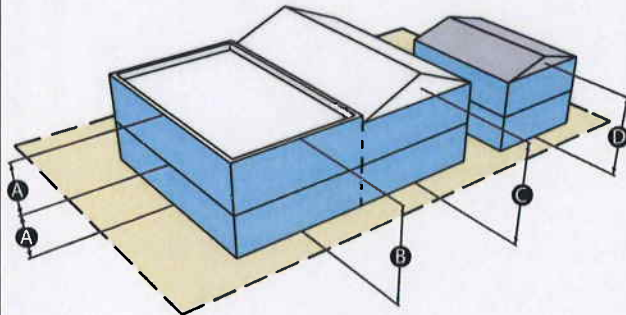
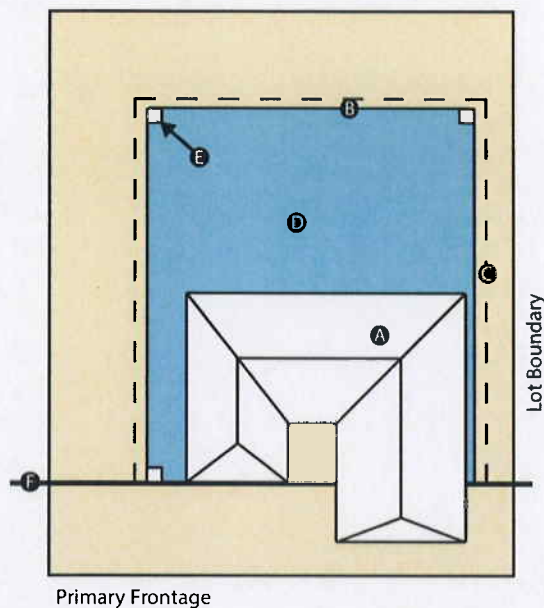


FIGURE 4 - PATIO COVER



BUILDING HEIGHT (see Figure 3)		TABLE 3
A. Stories	2 max	
B. Flat Roof - Max. Height	35 feet measured to the top of the roof coping	
C. Pitched Roof - Max. Height	35 feet measured to the midpoint between the eaves and ridgeline of a pitched roof	
D. Accessory Bldg. - Stories	Not to exceed 2 stories or 35 feet in height, whichever is less	

PATIO COVER (see Figure 4)		TABLE 4
A. Principal Dwelling Unit		
B. Patio Cover Setback to Post	5 feet - Rear 5 feet - Side 15 feet - Corner Side	
C. Patio Cover Overhang	May overhang 3 feet beyond the post/support column	
D. Patio Cover	Buildable Envelope	
E. Patio Cover Support Columns	Must be located within the required Setbacks	
F. Front Yard Setback	Patio Cover may not extend into	

LANDSCAPE BUFFERS AND TURF LIMITATIONS (see Figure 5)		TABLE 5
A. Landscape Buffer - Minimum Zone Depths ¹	6 feet - Adjacent to Right-of-Way ² 0 feet - Interior Lot Lines	
B. Primary Dwelling		
C. Impermeable Surfaces	Should be minimized to reduce stormwater quality management impacts	



Illustrations & Graphics

R-D
19.06.065

D. Front Yard Area - Turf Coverage	0%
E. Front Yard Setback Line	

Footnotes:

1. Nonresidential development shall have a minimum landscape buffer width of 15 feet adjacent to a right-of-way and eight feet along interior lot lines.
2. Only applies to single family developments with five or more lots.

PARKING (see Figure 5)

TABLE 6

F. Minimum On-site Parking Requirement ¹ - Single Family Residential	2 unimpeded spaces per dwelling unit
---	--------------------------------------

Footnotes:

1. For any use approved for this district other than Single Family Residential (Attached or Detached) the On-site Parking Requirements shall be as outlined in LVMC 19.12.060 for that use and shall meet the parking area design standards as outlined in LVMC 19.08.110.

FENCES AND WALLS

Front Yard Wall/Fence (see Figure 6)	Table 7
A. Maximum primary wall height	5 feet
B. Maximum solid wall base height	2 feet
C. Maximum Ornament height above wall	18 inches
D. Maximum on-center distance between Pilasters	24 feet
E. Decorative Cap feature	5 inches
Front Yard Wall/Fence with Standard Stepback ¹	
F. Maximum secondary wall height	2 feet
G. Minimum spacing between wall sections - Outside Dimensions	5 feet

Footnotes:

1. Retaining walls along the front property line may not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 6).

FIGURE 5 - LANDSCAPE BUFFER AND TURF LIMITATIONS / SINGLE FAMILY (ATTACHED OR DETACHED) PARKING

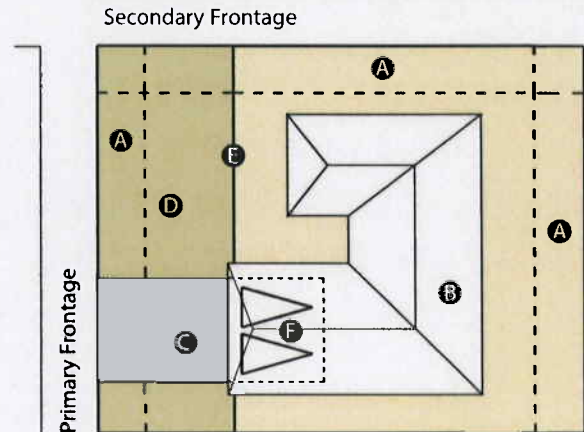


FIGURE 6 - FRONT YARD WALL/FENCE WITH STANDARD STEPBACK

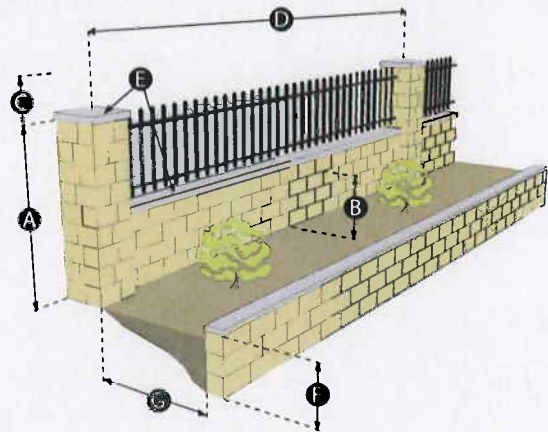
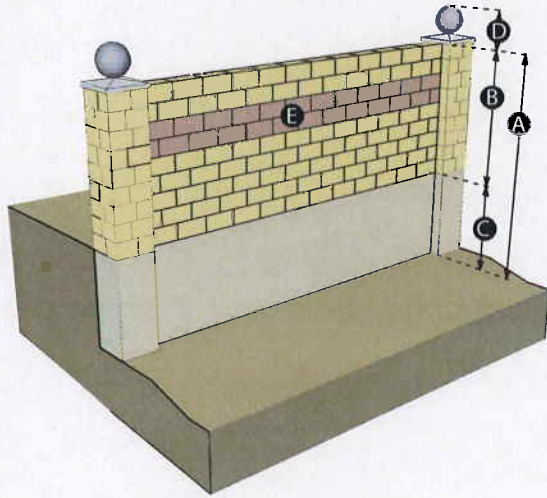
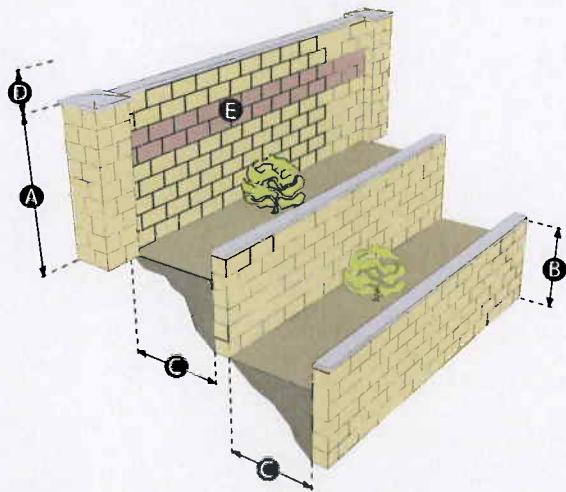


FIGURE 7 - RETAINING AND PERIMETER WALL



Perimeter and Retaining Walls (see Figure 7)	Table 8
Perimeter and Retaining Walls with Slope $\leq$ 2%	
A. Maximum Wall Height	10 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	4 feet
D. Maximum Ornament Height above wall	18 inches
E. Contrasting Material	20%
Perimeter and Retaining Walls with Slope $>$ 2%	
A. Maximum Wall Height	12 feet
B. Maximum Perimeter Wall Height	6 - 8 feet
C. Maximum Retaining Wall Height	6 feet
D. Maximum Ornament Height above wall	18 inches
E. Contrasting Material	20%

FIGURE 8 - RETAINING AND PERIMETER WALL STANDARD STEPBACK



Perimeter and Retaining Walls Standard Stepback (see Figure 8)	Table 9
A. Maximum Primary wall Height	6 - 8 feet
B. Maximum Secondary wall Height	4 feet
C. Minimum spacing between wall sections	5 feet
D. Maximum Ornament Height	18 inches
E. Contrasting Material	20%



19.12.010

Permitted Use - Table 2

P - Permitted	A - Accessory	C - Conditional
S - Special Use Permit	H - Home Occupation Permit	T - Temporary Commercial Permit

	U	RE	RD	R-1	R-CL	R-TH	R-2	R-3	R-4	R-MH	P-O	O	C-1	C-2	C-PB	C-M	M	Additional Information
Accessory Structure (Class I)	S	S	S	S														page 317
Accessory Structure (Class II)	C	C	C	C	C	C	C	C	C	C								page 317
Airport, Heliport or Landing Field																P	P	page 317
Animal Hospital, Clinic, or Shelter (with no Outside Pens)												C	C	P	P	P	P	page 317
Animal Hospital, Clinic, or Shelter (with Outside Pens)	S	S										S	P			P	P	page 317
Animal Keeping & Husbandry	C	C	C															page 317
Asphalt or Concrete Batch Plant																	P	page 318
Assisted Living Apartments							S	P	P				S	S				page 318
Auction House													S			C	C	page 318
Auto Broker													C	C		C	C	page 318
Auto Dealer Inventory Storage													S	C	S	P	P	page 319
Auto Parts (Accessory Installation)													C	P		P	P	page 319
Auto Parts (New & Rebuilt) (Accessory Sales & Service)													S	C		P	P	page 319
Auto Repair Garage, Major														C		C	C	page 320
Auto Repair Garage, Minor													S	C		C	C	page 320
Auto Sales Showroom													S	P	S	P	P	page 320
Auto Smog Check													C	C		C	C	page 320
Auto Title Loan												S	S	S		C	C	page 320
Automobile Rental													S	C		C	C	page 321
Automobile Repossession Agency													C	C		C	C	page 322
Bailbond Service													S	S		P	P	page 322
Banquet Facility (Ord. 6067 §1, 11/16/11)													P	P	A	P	P	page 322
Bed & Breakfast Inn	S	S	S	S	S	S	S	C	C		C							page 322
Beer/Wine/Cooler Cultural Establishment													S	S		S	S	page 323
Beer/Wine/Cooler Off-Sale Establishment													S	S		S	S	page 323
Beer/Wine/Cooler On- and Off-Sale Establishment													S	S		S	S	page 324
Beer/Wine/Cooler On-Sale Establishment													S	S		S	S	page 325
Blood Plasma Donor Center														S		S	P	page 325
Boarding or Rooming House							P	P										page 325
Boat & Trailer Dealership (New and Used)													S	C		C	C	page 326
Building & Landscape Material/Lumber Yard													S	P		P	P	page 326
Building Maintenance Service and Sales													S	P	S	P	P	page 326



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Permitted Use - Table 2

	U	RE	R-D	R-1	R-CL	R-TH	R-2	R-3	R-4	R-MH	P-O	O	C-1	C-2	C-PB	C-M	M	Additional Information
Bus Charter Service & Service Facility																P	P	page 326
Business School												P	P	P	P	P	P	page 326
Car Wash, Full Service or Auto Detailing													S	C		C	C	page 326
Car Wash, Self-Service													S	C		C	C	page 326
Catering Service													P	P	P	P	P	page 327
Cemetery/Mausoleum	C	C												C		C	C	page 327
Check Cashing Service, Limited												C	C	C	C	C	C	page 327
Church/House of Worship	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	page 327
Cleaners, Commercial/Industrial														S	S	P	P	page 328
Clinic													P	P	P	P	P	page 328
Cold Storage Plant														P		P	P	page 328
College, University, or Seminary												S	P	P	P	P	P	page 328
Commercial, Other than Listed													S	P	S	P	P	page 328
Commercial Recreation/Amusement (Indoor)												S	P	P	P	P	P	page 328
Commercial Recreation/Amusement (Outdoor)														P		P	P	page 329
Community Center, Private (Accessory)	C	C	C	C	C	C	C	A	A	C								page 329
Community Garden (Ord. 6189 §1, 05/02/12)	C	C	C	C	C	C	C	C	C	C	P	P	P	P		P	P	page 329
Community Recreational Facility (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	page 329
Community Residence (including Family Community Residence and Transitional Community Residence)	C	C	C	C	C	C	C	C	C	C		C	C	C				page 330
Construction Material Supply Yard																P	P	page 331
Contractor's Plant, Shop & Storage Yard																P	P	page 331
Convalescent Care Facility/Nursing Home	S	S	S	S	S		S	S	S				P	P	P			page 331
Convent or Monastery								P	P									page 331
Copy Center											P	P	P	P	P	P	P	page 331
Country Club, Private	S	S	S	S	S		S	S	S	S	S	P	P	P		P	P	page 331
Crematory														C		C	C	page 332
Crop Production	P	P																page 332
Custodial Institution																S	S	page 332
Custom & Craft Work													S	C	P	P	P	page 332
Daily Labor Service													S	S		S	S	page 332
Delivery and Service Vehicle Storage														S	S	P	P	page 332
Desktop Publishing											P	P	P	P	P	P	P	page 333
Drive Through												C	C	C		C	C	page 333



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Permitted Use - Table 2

P - Permitted	A - Accessory	C - Conditional
S - Special Use Permit	H - Home Occupation Permit	T - Temporary Commercial Permit

	U	RE	RD	R-1	R-CL	RTH	R2	R3	R4	R-MH	P-O	O	C-1	C-2	C-PB	C-M	M	Additional Information
Electric Generating Plant														S	S	S	S	page 333
Electric Utility Substation	S						S	S			S	P	P	P	P	P	P	page 333
Emergency Ambulance Services, Ground												S	P	P	P	P	P	page 333
Employment Agency											P	P	P	P	P	P	P	page 333
Environmentally Hazardous Materials																	P	page 333
Facility for Transitional Living for Released Offenders							S	S										page 334
Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse												S	S			C	C	page 334
Financial Institution, General											P	P	P	P	P	P	P	page 334
Financial Institution, Specified											S	S	S			C	C	page 335
Food Processing													C			P	P	page 336
Fraternity, Sorority House or Private Dorm							S	S										page 336
Gaming Establishment, General Business-Related												S	S	S	S	S	S	page 336
Gaming Establishment, Non-restricted												S	S			S	S	page 336
Gaming Establishment, Restricted												A	A	A	A	A	A	page 336
Garden Supply/Plant Nursery												S	P			P	P	page 336
General Personal Service											A	P	P	S	P	P	P	page 337
General Retail Store, Other Than Listed											C	P	P	S	P	P	P	page 337
Government Facility											P	P	P	P	P	P	P	page 337
Gun Club, Skeet or Target Range, or Archery Club (Indoor)													S			P	P	page 337
Gun Club, Skeet or Target Range, or Archery Club (Outdoor)	S															S	P	page 337
Health Club											A	P	P	S	P	P	P	page 337
Heavy Machinery and Equipment (Rental, Sales & Service)																P	P	page 337
Heavy Machinery and Equipment (Storage)																	P	page 338
Helipad											S	S	S	S	P	P	P	page 338
Home Occupation	H	H	H	H	H	H	H	H	H	H								page 338
Horse Corral or Stable (Commercial)	S	S										C	C			C	C	page 338
Hospice		S					P	P			S	S	P	P		S		page 338
Hospital											S	C	P	P	P	P	P	page 338
Hotel, Motel or Hotel Suites												S	P	S	P	P	P	page 338
Hotel, Residence									S			S	S	S	P			page 338
Individual Care – Family Home	P	P	P	P	P	P	P	P	P	P								page 339



P - Permitted	A - Accessory	C - Conditional
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Permitted Use - Table 2

	U	RE	RD	R-1	RCL	RTH	R-2	R-3	R-4	R-MH	PO	O	C-1	C-2	C-PB	C-M	M	Additional Information
Individual Care – Group Home	S	S	S	S	S	S	S	S	S	S								page 339
Individual Care Center	S	S	S					C	C	S	C	C	P	P	P	P	P	page 339
Internet/Catalogue Sales Office											C	C	P	P		P	P	page 339
Laboratory, Medical or Dental											A	A	P	P	P	P	P	page 339
Landfill																	S	page 340
Laundry, Self-Service													P	P		P	P	page 340
Library, Art Gallery or Museum (Public)											P	P	P	P		P	P	page 340
Light Assembly & Fabrication													C	C	P	P	P	page 340
Liquefied Petroleum Gas Installation (288 Gallons or Less)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	page 340
Liquefied Petroleum Gas Installation (Over 288 Gallons)													S	S	S	S	S	page 341
Liquor Establishment (Tavern)													S	S	S	S	S	page 341
Lounge Bar													S	S	S	S	S	page 342
Manufactured Home (Not Qualifying for Treatment as Single Family Detached Dwelling)										P								page 342
Manufactured Home (Qualifying for Treatment as Single Family Detached Dwelling)	C	C	C	C	C	C	C	C	C									page 343
Manufacturing, Heavy																S	P	page 343
Manufacturing, Light															P	P	P	page 343
Martial Arts Studio													P	P		P	P	page 343
Massage, Accessory											A	A	A	A	A	A	A	page 344
Massage Establishment													S	S	S	S	C	page 344
Mining, Sand & Gravel Excavation	S															S	S	page 344
Mini-Storage Facility													S	C		C	C	page 344
Mixed-Use								S	S		S	S	C	C	S			page 345
Mobile Home										P								page 345
Mobile Home Park										C								page 346
Monorail	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	page 346
Mortuary or Funeral Chapel													S	P		P	P	page 347
Motor Vehicle Sales (New)														C		C	C	page 347
Motor Vehicle Sales (Used)														S		C	C	page 347
Motorcycle/Motor Scooter Sales													S					page 347
Mounted Antenna over 15 Feet (Ultimate Height)	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	P	P	page 347
Multi-Family Residential								P	P		C	C	C	C				page 348
Museum, Art Display, or Art Sales (Private)											S	P	P	P	P	P	P	page 348



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Permitted Use - Table 2

P - Permitted	A - Accessory	C - Conditional
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	U	RE	RD	R-1	R-CL	R-TH	R-2	R-3	R-4	R-MH	P-O	O	C-1	C-2	C-PB	C-M	M	Additional Information
Night Club													S	P	S	P	P	page 348
Office, Medical or Dental											P	P	P	P	P	P	P	page 348
Office, Other than Listed											P	P	P	P	P	P	P	page 348
Off-Premise Sign													S	S	S	S	S	page 348
Open Air Vending/ Transient Sales Lot (Ord. 6220 §12, 10/17/12)												C	C	C		C	C	page 348
Outcall Entertainment Referral Service													S	S		P	P	page 349
Outdoor Storage (Ord. 6222 §2, 10/17/12)														A	A	P	P	page 349
Package Liquor Off-Sale Establishment													S	S		S	S	page 350
Parking Facility											C	C	P	P	P	P	P	page 350
Parking Lot/Sidewalk Sale													T	T	T	T	T	page 350
Pawn Shop													S	S		S	C	page 350
Pawn, Auto																S	C	page 351
Pet Boarding													C	C		C	C	page 352
Pet Shop													C	C		C	C	page 352
Post Office, Local Service											P	P	P	P	P	P	P	page 352
Post Office, Regional														P	P	P	P	page 352
Printing & Publishing															P	P	P	page 352
Private Club, Lodge or Fraternal Organization												S	P	P		P	P	page 352
Private Street	C	C	C	C	C	C	C	C	C	C								page 352
Public or Private School, Primary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	page 353
Public or Private School, Secondary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	page 353
Public Park or Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	page 353
Radio, TV or Microwave Communication Tower												S	S	S	S	S	P	page 354
Rail/Transit Yard or Shop																	P	page 354
Recreational Vehicle and Boat Storage													S	C		C	C	page 354
Recycling Collection Center																C	C	page 354
Rental Store (with Outside Storage)														S		P	P	page 354
Rescue Mission or Shelter for the Homeless														S		S	S	page 354
Restaurant with Service Bar												S	S	S	S	S	S	page 355
Restaurant (Ord. 6222 §3, 10/17/12)												C	P	P	P	P	P	page 355
Retail Establishment with Accessory Package Liquor Off-Sale													S	S		S	S	page 355
Salvage or Reclamation of Products (Indoor)															S	P	P	page 356



P - Permitted	A - Accessory	C - Conditional
S - Special Use Permit	H - Home Occupation Permit	T - Temporary Commercial Permit

19.12.010

Permitted Use - Table 2

	U	RE	RD	R-1	R-CL	R-TH	R-2	R-3	R-4	R-MH	P-O	O	C-1	C-2	C-PB	C-M	M	Additional Information
Salvage or Reclamation of Products (Outdoor)																	C	page 356
Satellite Dish	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	page 357
Seasonal Outdoor Sales											T		T	T	T	T	T	page 357
Secondhand Dealer													C	C		C	C	page 357
Senior Citizen Apartments								C	C				S					page 358
Sex Offender Counseling Facility													S	S		C	C	page 358
Sexually Oriented Business																C	C	page 358
Shopping Center													P	P		P	P	page 360
Short-Term Residential Rental	C	C	C	C	C	C	C	C	C	C								page 360
Single Family, Attached					P	P	P	P	P									page 361
Single Family, Detached	P	P	P	P		P	P	P	P	P								page 361
Single Family, Zero Lot Line					C	C												page 361
Single Room Occupancy Residence													S			P		page 361
Slaughtering and Processing of Live Poultry													S	S		S	P	page 361
Small Wind Energy System		C	C	C			C	C	C		C	C	C	C	C	C	C	page 362
Social Event with Alcoholic Beverage Sales											S	S	S	S	S	S	S	page 363
Social Service Provider												S	S	S		S	S	page 363
Solar Panel	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	page 364
Sound Stage													S	S		P	P	page 364
Supper Club												S	S	S	S	S	S	page 364
Swap Meet													S	S		C	C	page 365
Tattoo Parlor/Body Piercing Studio														S		P	P	page 365
Tavern-Limited Establishment													S	S	S	S	S	page 365
Taxicab/Limo Yard																P	P	page 365
Teen Dance Center													C	C		C	C	page 365
Temporary Contractor's Construction Yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	page 366
Temporary Outdoor Commercial Event	T	T											T	T	T	T	T	page 366
Temporary Real Estate Sales Office	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	page 366
Thrift Shop													S	S		C	C	page 366
Time-Share Development														C				page 367
Towing & Impound Yard																C	C	page 367
Towing Service (with No Storage)														P		P	P	page 367
Townhouse						P		P	P									page 367
Trade School												C	P	P	P	P	P	page 367



19.12.010

Permitted Use - Table 2

P - Permitted	A - Accessory	C - Conditional
S - Special Use Permit	H - Home Occupation Permit	T - Temporary Commercial Permit

	U	RE	R-D	R-1	R-CL	R-TH	R-2	R-3	R-4	R-MH	P-O	O	C-1	C-2	C-PB	C-M	M	Additional Information
Trailer/RV Camp or Park													S	S		P	P	page 367
Transit Passenger Facility													C	C		P	P	page 368
Truck Rental														S		P	P	page 368
Trucking Company														S		P	P	page 368
Tutoring Center											C	C	C	C		C	C	page 368
TV Broadcasting & Other Communication Service												S	S	P	S	P	P	page 368
Two-Family Dwelling							P	P	P									page 368
Urban Lounge													S	S		S	S	page 368
Utility Installation, Other Than Listed	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	page 369
Utility Transmission Lines	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	page 369
Valet Parking												C	C	C		C	C	page 369
Vehicle Parking, Storage or Repair in Residential Zoning Districts	C	C	C	C	C	C	C	C	C	C								page 369
Warehouse/Distribution Center															S	P	P	page 371
Wedding Chapel													P	P		P	P	page 371
Welding Repair																P	P	page 372
Wholesale Showroom Facility														P	S	P	P	page 372
Wireless Communication Facility, Non-Stealth Design (Not Qualifying for Conditional Use Approval)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	page 372
Wireless Communication Facility, Non-Stealth Design (Qualifying for Conditional Use Approval)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	page 372
Wireless Communication Facility, Stealth Design	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	page 373

(Ord. 62105 26 through 55, 09/05/12)

(Ord. 622956, 12/19/12)



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 3, 2013

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2013-38 - For Possible Action - Updates the City's wastewater collection and treatment regulations regarding discharges. Proposed by: Jorge Cervantes, Executive Director, Community Development

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the City's wastewater collection and treatment regulations regarding discharges. The bill makes minor changes regarding the assessment of costs for detrimental discharges, the monitoring of outfalls, and the use of interceptors. The update is part of a project designed to identify and update obsolete and duplicative Code provisions.

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. 2013-38

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BILL NO. 2013-38

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE CITY'S WASTEWATER COLLECTION AND TREATMENT REGULATIONS REGARDING DISCHARGES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Jorge Cervantes, Executive Director, Community Development	Summary: Updates the City's wastewater collection and treatment regulations regarding discharges.
---	---

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

SECTION 1: Title 14, Chapter 17, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.070: Any user who discharges or causes to be discharged any wastewater into the system, where such discharge causes damage to, or detrimental effects on, the system, or any part thereof, shall be liable to the City for all damages, cleanup costs, and other associated costs that result therefrom. The City may assess the associated costs against the property owner and bill the owner for such costs, which may be processed as in the case of sewer charges in accordance with Sections 14.04.090, 14.04.100 and 14.04.105.

SECTION 2: Title 14, Chapter 17, Section 130, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.130: (A) It is unlawful for any industrial user to introduce wastewater into the system that, at any time, exceeds the following concentrations:

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Parameter	Maximum Concentration (mg/L unless otherwise noted)
[Ammonia (as N)]	[61.0]
Arsenic	2.3
Barium	13.1
Beryllium	0.02
Cadmium	0.15
Chromium (Hexavalent)	0.1
Chromium (Total)	5.6
Copper	0.6
Cyanide (Total)	19.9
Lead	0.20
Mercury	0.001
Nickel	1.1
pH	5.0–11.0 Standard Units
Phenols	33.6
Selenium	0.5
Silver	2.7
Total Petroleum Hydrocarbons	100
Zinc	8.2

(B) Notwithstanding the concentration limitations that are set forth in Subsection (A) of this Section, if the Director, in order to implement any provision of this Chapter or any national pretreatment standard, imposes more additional or more restrictive limitations upon a user's environmental control permit and includes them in the permit, it is unlawful for the user to introduce wastewater into the system that exceeds the permit limitations.

(C) Except as otherwise allowed by the Director pursuant to Subsection (D), it is unlawful for any industrial user to introduce wastewater into the system that exceeds the surcharge thresholds set forth in the table below:

...

...

Parameter	Surcharge Threshold (mg/L)
<u>Ammonia (as N)</u>	<u>61.0</u>
Biochemical Oxygen Demand	600
Phosphorus	14.0
Total Suspended Solids	750

(D) The Director may allow a particular industrial user to discharge in excess of any surcharge threshold set forth in Subsection (C). In such a case, the Director may impose reasonable conditions on the discharge. The user shall pay surcharge fees in amounts that have been established by the City Council pursuant to LVMC 14.17.345, which shall be in addition to sewer service charges established under LVMC Chapter 14.04.

(E) The Director shall determine the method to be used to calculate the total amount of any parameter described in Subsection (C) that is discharged into the system and the amount to be subject to surcharge fees. The method shall be subject to other applicable provisions of this Chapter. The user shall pay the costs of laboratory analyses and staff coordination time used to determine the amount of surcharge fees.

(F) The Director may deny a request to exceed any surcharge threshold set forth in Subsection (C) upon a determination that the discharge has a reasonable potential, either alone or in combination with discharges from other contributing industrial users, to adversely affect the system.

(G) Concentrations of parameters identified in this Section shall be determined using sampling procedures specified in LVMC 14.17.240.

SECTION 3: Title 14, Chapter 17, Section 205, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.17.205: (A) Any industrial user who discharges wastewater under a City permit shall, as required and approved by the Director and at the user's expense, install and maintain monitoring facilities and equipment in order to allow inspection, sampling or measurement, or any combination thereof, of its building sewer or plumbing systems. Such facilities shall normally be situated on the industrial user's premises, but the Director shall have the discretion to allow or require monitoring facilities to be constructed elsewhere at the industrial user's expense.

1 (B) Required monitoring equipment may include a calibrated flume, weir, flow
2 meter, or any similar device that is approved by the Director and that is suitable to measure the
3 industrial wastewater flow rate and total volume. A flow-indicating, recording and totalizing register
4 may also be required by the Director. In lieu of such wastewater flow measurement, the Director may
5 accept records of water consumption and may adjust the flow volumes by suitable factors in order to
6 determine the peak and average flow rates for a specific discharge.

7 (C) If two or more industrial users can discharge into a common side sewer, the
8 Director may require the installation of a separate monitoring facility for each such user. Also, if, in
9 the judgment of the Director, there is a significant difference in the parameters and characteristics of
10 the wastewaters produced by the different operations of a single industrial user, the Director may
11 require that separate monitoring facilities be installed for each separate operation.

12 (D) Sampling and flow measurement facilities shall be constructed and located in
13 such a manner as will provide safe access to authorized personnel from the City. If a monitoring
14 facility is in a location with restricted access, measures shall be taken in order to afford access to the
15 facility by the personnel of the City, including without limitation such measures as a gate secured with
16 a lock that is furnished by the Director. There shall be ample operating area in or near such
17 monitoring facility in order to allow accurate sampling and compositing of the samples for analysis.
18 The industrial user shall assure that the access and the sampling and measuring equipment are
19 maintained in a safe and proper operating condition at all times at no expense to the City.

20 (E) Monitoring facilities, and the sampling and measuring equipment therein, shall
21 be provided in accordance with design requirements provided by the City and all applicable
22 construction standards, safety devices and specifications. Construction shall be completed within
23 ninety days following the industrial user's receipt of written notification from the City to provide the
24 monitoring facilities.

25 (F) Monitoring facilities may be required to include a security closure that can be
26 locked during the sampling or monitoring with a lock that will be provided by the Director.

27 (G) Unrestricted access to monitoring facilities shall be available to authorized
28 personnel of the City at all times that are deemed necessary by the Director.

1 (H) Notwithstanding the provisions of this Section, if an industrial user has more
2 than one outfall, the Director may identify any particular outfall as de minimis and not require
3 monitoring regarding that outfall if the Director determines that neither the discharge volume or the
4 pollutant concentration from that outfall has reasonable potential to cause a violation of the user's
5 permit.

6 SECTION 4: Title 14, Chapter 17, Section 210, of the Municipal Code of the City of
7 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **14.17.210:** Interceptors shall be installed and maintained by the user, and at the user's expense,
9 in accordance with the following requirements:

10 (A) Each commercial food preparation or food dispensing facility shall install a
11 grease interceptor, the size and design of which shall be in accordance with current City requirements.

12 (B) Each vehicle or equipment maintenance, repair or washing facility shall install
13 a sand/oil interceptor, the size and design of which shall be in accordance with current City
14 requirements.

15 (C) Any facility not identified in Subsection (A) or (B) of this Section that is
16 determined by the Director to have the potential to discharge floatable or settleable material into the
17 system shall install a grease interceptor or a sand/oil interceptor, as determined by the Director, of a
18 size and design that are in accordance with current City requirements.

19 (D) An interceptor that, at the time of its installation at a user's facility, was legally
20 and properly installed in accordance with then-applicable requirements, but which does qualify as an
21 interceptor required under Subsection (A), (B) or (C) of this Section, shall be acceptable as an
22 alternative if the interceptor is effective in removing floatable and settleable material, and is designed
23 and installed in such a manner that it can be inspected and properly maintained. If at any time the
24 Director determines that such interceptor is incapable of adequately retaining the floatable and
25 settleable material in the wastewater flow, or that it was installed in such a manner that it can no
26 longer be inspected or properly maintained, the user shall install a new interceptor, of a size and design
27 that are in accordance with current City requirements, within ninety days after being notified of the
28 requirement.

1 (E) A user's installation of an interceptor of a design that is specified in Subsection
2 (A), (B) or (C) of this Section shall not relieve the user of the responsibility to keep floatable and
3 settleable material from entering the system contrary to the provisions of this Chapter. If at any time
4 the Director determines that an interceptor is not adequate under the actual conditions of its use, the
5 user shall install a new interceptor or pretreatment facility that is effective in accomplishing the
6 intended purpose. The new interceptor or pretreatment facility shall be of a size and design that are
7 in accordance with current City requirements, and shall be installed by the user within ninety days
8 after the user is notified of the requirement.

9 (F) Any interceptor that is required by this Section shall be readily accessible for
10 inspection and shall be properly maintained to ensure that accumulations of floatable and settleable
11 material do not impair the efficiency of the interceptor and are not discharged into the system. An
12 interceptor shall not be considered properly maintained if accumulations of floatable and settleable
13 material in any chamber total more than twenty-five percent of the chamber's operative fluid capacity.
14 Each interceptor shall be routinely pumped at an appropriate frequency, but no less than once per
15 calendar year. The Director may impose additional pumping and cleaning requirements consistent
16 with this Chapter. Every fitting, standpipe, plumbing appurtenance, baffle and chamber that is
17 required for correct operation of an interceptor shall be properly installed and in proper working
18 condition at all times.

19 (G) Each user that is required to use and maintain an interceptor shall keep a record
20 of every time the interceptor is pumped or cleaned. This record shall include the date, the name of the
21 company that pumped or cleaned the interceptor, and the amount of waste that was removed. Such
22 records shall be made available to the Director upon request. The removal of waste shall be done by
23 a company licensed to haul such waste and the waste shall be disposed of in accordance with Federal,
24 State and local regulations.

25 (H) Each user that is required to use and maintain an interceptor shall ensure that
26 the interceptor does not release odors that create a public nuisance, as determined by the Director. The
27 Director may require a user to develop and implement best management practices or other measures
28 to mitigate odors relating to an interceptor.

1 [(H)] (I) If a user fails to comply with any requirement of this Section, a notice of
2 violation may be issued to, and a penalty fee levied against, the user. If, on any subsequent inspection,
3 it is found that the failure to comply continues, additional penalty fees may be levied against the user.
4 The Director may also take any other action concerning the user that is provided for in this Chapter.

5 [(I)] (J) It is unlawful for any person to:

6 (1) Discharge into the system wastewater from any mobile catering vehicle,
7 other than through an approved connection that is designed for such purpose and that flows into an
8 approved grease interceptor;

9 (2) Dispose of oil, grease or any other floatable or settleable material into
10 an interceptor, other than material that has been washed off during normal cleaning;

11 (3) Dispose of any material into an interceptor other than through the
12 approved inlet plumbing; or

13 (4) Introduce into an interceptor any additive that causes or is designed to
14 cause any floatable or settleable material to be discharged into the system that would otherwise have
15 been retained in the interceptor.

16 [(J)] (K) Compliance with this Section shall not absolve a user from complying with the
17 maximum discharge limitations set forth in LVMC 14.17.130(A).

18 [(K)] (L) Compliance with the maximum discharge limitations set forth in LVMC
19 14.17.130(A) shall not absolve a user from complying with any requirement of this Section.

20 SECTION 4: 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 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared

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

7 SECTION 6: 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 _____, 2013.

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk

17 APPROVED AS TO FORM:

18 Val Steed 8-7-13
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council 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: SEPTEMBER 3, 2013

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2013-39 - For Possible Action - Updates the City's stormwater management regulations regarding the disposal of wastes and discharge of pollutants. Proposed by: Jorge Cervantes, Executive Director, Community Development

Fiscal Impact

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No Impact

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Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the City's stormwater management regulations regarding the disposal of wastes and discharge of pollutants. The bill clarifies what types of waste are not to be discharged into the stormwater system and expands the application of best management practices relative to development sites that might impact the system. The update is part of a project designed to identify and update obsolete and duplicative Code provisions.

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. 2013-39

BILL NO. 2013-39

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE CITY'S STORMWATER MANAGEMENT REGULATIONS REGARDING THE DISPOSAL OF WASTES AND DISCHARGE OF POLLUTANTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Jorge Cervantes, Executive Director, Community Development	Summary: Updates the City's stormwater management regulations regarding the disposal of wastes and discharge of pollutants.
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THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 14, Chapter 18, Section 90, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.18.090: It is unlawful for any person to dispose of [trash,] construction debris, landscaping clippings, [or] industrial waste materials or other wastes into the storm system, except as allowed by this Chapter or by the Director.

SECTION 2: Title 14, Chapter 18, Section 130 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.18.130: (A) For any construction[, commercial or industrial] site, the Director may require BMPs that reduce the discharge of pollutants to the maximum extent practicable. These BMPs shall be consistent with applicable local guidance documents developed to implement this Section. BMPs that are consistent with the applicable local guidance documents shall be deemed in compliance with this Section. These BMPs shall be installed and maintained at the sole expense of the owner or operator.

(1) The Director may require the owner or operator of any construction[, commercial or industrial site] to submit a written plan for BMPs before commencement of construction or operation of the site, or at any time thereafter. The Director may require any person who proposes development or significant redevelopment to submit a written plan for BMPs, and for the operation and maintenance of any BMP. Any such plan is subject to approval by the Director, and shall be maintained at the same site for which it was written and be available for inspection during normal business hours.

1 (2) Compliance with all terms and conditions of a valid NPDES stormwater
2 permit authorizing the discharge of stormwater to the storm system shall be deemed in compliance
3 with the provisions of this Section.

4 (B) If the Director determines that existing BMPs do not reduce the discharge of
5 pollutants to the maximum extent practicable, the Director may require additional BMPs to satisfy the
6 provisions of Subsection (A) of this Section.

7 (C) The Director may require secondary containment for any hazardous substance
8 when the Director determines that the substance has the potential to enter the storm system illicitly.
9 Such secondary containment shall be provided and maintained at the sole cost and expense of the
10 person responsible for the substance.

11 (D) In connection with any development proposal or significant redevelopment
12 proposal, the Director may require:

13 (1) The implementation of BMP's to reduce the discharge of pollutants to
14 the storm drain system after development is complete to the maximum extent practicable; and

15 (2) The submission of a written plan for the design, installation, operation
16 or maintenance of post-development BMP's, or any combination thereof.

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

25 SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared
26 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
27 required or the failure to do any act is made or declared to be unlawful or an offense or a
28 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall

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

4 SECTION 5: 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 _____, 2013.

8 APPROVED:

9
10 By _____
CAROLYN G. GOODMAN, Mayor

11 ATTEST:

12 _____
13 BEVERLY K. BRIDGES, MMC
City Clerk

14 APPROVED AS TO FORM:

15 Val Steed 8-7-13
16 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council 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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AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 3, 2013**

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

NEW BILL:

Bill No. 2013-40 - For Possible Action - Repeals LVMC Chapter 14.12, relating to the regulation of municipal cemeteries. Proposed by: Jorge Cervantes, Executive Director, Community Development

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

This bill will repeal LVMC Chapter 14.12, relating to the regulation of municipal cemeteries. That chapter is no longer in use because the City no longer operates a cemetery, except by means of a management agreement. The agreement addresses the operational issues previously covered by the Code. The repeal is part of a project designed to identify and update obsolete and duplicative Code provisions.

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. 2013-40
2. Text of Chapter to be Repealed

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BILL NO. 2013-40

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL IN ITS ENTIRETY LVMC CHAPTER 14.12, RELATING TO THE REGULATION OF MUNICIPAL CEMETERIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Jorge Cervantes, Executive Director, Community Development	Summary: Repeals LVMC Chapter 14.12, relating to the regulation of municipal cemeteries.
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THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 14, Chapter 12, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

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

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

PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 8-7-13
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 _____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council 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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Las Vegas, Nevada, Code of Ordinances >> Title 14 - PUBLIC SERVICES >> CHAPTER 14.12
CEMETERY REGULATIONS >>

CHAPTER 14.12 CEMETERY REGULATIONS

- 14.12.010 Superintendent—Appointment.
- 14.12.020 Superintendent—Duties.
- 14.12.030 Superintendent—Records.
- 14.12.040 Superintendent—Deposit of moneys received.
- 14.12.050 Payment for lot required.
- 14.12.060 Sale of lots.
- 14.12.070 Conveyance of lots.
- 14.12.080 Caskets required.
- 14.12.090 Interment on holiday.
- 14.12.100 Permit required.
- 14.12.110 Permission required for burial or disinterment.
- 14.12.120 Burial outside of cemetery.
- 14.12.130 Monuments and markers.
- 14.12.140 Headstones in new sections.
- 14.12.150 Planting of flowers, shrubs or trees.
- 14.12.160 Removal of flowers, weeds or trees.
- 14.12.170 Disposal of floral frames.
- 14.12.180 Restrictions on ornaments.
- 14.12.190 Injury of property.
- 14.12.200 Speed limit.
- 14.12.210 Animals.
- 14.12.220 Perpetual care funds.

14.12.010 Superintendent—Appointment.

The office of Superintendent of Cemeteries is hereby created. The City Manager shall appoint a suitable person qualified to administer the affairs of such office, whose duties shall include the sale of lots, the direction and supervision of interments and the setting of headstones and markers, the care and maintenance of cemetery grounds, and, generally, the supervision and control of municipal cemeteries and their affairs in accordance with the provisions of this Chapter and the orders and resolutions passed and adopted from time to time by the Board of Commissioners. He shall receive as compensation such sum as shall be fixed and determined by the Board of Commissioners, and shall be allowed such assistants and employees, to be appointed by the City Manager, and for such compensation as the Board of Commissioners shall from time to time prescribe.

(Ord. 320 § 1, 1946: prior code §§ 9-8-14, 9-8-15)

14.12.020 Superintendent—Duties.

The Superintendent of Cemeteries shall take charge of the municipal cemeteries, improve the grounds thereof and keep them in an orderly condition under the direction of the City Manager and as the Board of Commissioners shall prescribe. He shall keep a plat of the cemeteries showing the avenues and paths therein, together with the lots for burial purposes, and shall place temporary grave markers on each grave, and keep in his office a map showing the exact location of each

grave. He shall, whenever requested by duly constituted official authority and by the owners of lots in the cemetery, furnish the true lines of lots according to the plats and maps on file in his office, and shall prevent and prohibit the marking of any lots or graves, except official landmarks and temporary grave markers as provided in this Section, and shall prevent and prohibit such grading as would alter or destroy the general topography of the land of the cemetery.

(Ord. 320 § 3, 1946: prior code § 9-8-16)

14.12.030 Superintendent—Records.

The Superintendent of Cemeteries shall at all times keep all papers and documents used in connection with the affairs of the municipal cemeteries on file in his office, and shall keep at all times a full, accurate, and complete record and account, in books secured for that purpose, of the affairs and transactions of the municipal cemeteries, and such other financial records as may be prescribed by the City Manager.

(Ord. 719 § 5, 1956: Ord. 320 § 4 (part), 1946: prior code § 9-8-17)

14.12.040 Superintendent—Deposit of moneys received.

The Superintendent of Cemeteries shall each day turn over all moneys received by him to the Director of Finance and receive a receipt therefor.

(Ord. 719 § 6, 1956: Ord. 320 § 4 (part), 1946: prior code § 9-8-18)

14.12.050 Payment for lot required.

It is unlawful for any person, firm or corporation to bury or cause to be buried, the body of a deceased person in the municipal cemetery unless the lot wherein the burial is to be made has been paid for in full and a cemetery deed has been executed and delivered therefor; provided, however, a burial made at the request of the county or a licensed mortuary may be made without payment at the time of burial; provided, that full payment is made within one month from billing by the City.

(Ord. 719 § 1, 1956: Ord. 320 § 6, 1946: prior code § 9-8-1)

14.12.060 Sale of lots.

The Superintendent of Cemeteries shall supervise and negotiate the sale of lots in the municipal cemeteries according to the schedule of prices and upon the terms, conditions, rules and regulations, as are adopted from time to time by the Board of Commissioners, including the collection of any and all fees payable by reason thereof. In such cases where lots are sold under the installment or delayed payment plan, he shall deliver to the purchaser a purchase agreement describing the lot sold and setting forth the terms of sale, and all payments shall be entered as and when made until the balance of the purchase price is paid in full, whereupon, and in all other cases where the purchase price is paid in full, he shall deliver to the purchaser a deed of conveyance duly executed by the Mayor and attested to by the Clerk. Every purchase agreement and deed of conveyance shall, in addition to such other recitals as are necessary to their validity, recite the further condition that the ownership, use, and care of the lot or grave is subject always to such rules and regulations as the Board of Commissioners might adopt from time to time, and the Superintendent of Cemeteries shall retain for his files a copy of every purchase agreement and deed of conveyance so delivered.

(Ord. 1775 § 1, 1975: Ord. 719 § 7, 1956: Ord. 320 § 5, 1946: prior code § 9-8-19)

14.12.070 Conveyance of lots.

Whenever a lot which has been purchased from the City in accordance with the provisions of this Chapter is conveyed to a third party, notice of such conveyance shall be given to the Superintendent of Cemeteries. In those instances where any such lot is conveyed either to the City or to a third party, the City shall charge a reasonable fee on account thereof as shall from time to time be decided by the Board of Commissioners.

(Ord. 2217 § 1, 1981; Ord. 1775 § 2, 1975; prior code § 9-8-24)

14.12.080 Caskets required.

No interment shall be made in the municipal cemeteries, except in a casket enclosed in an outside burial case of steel, concrete or fiberglass.

(Ord. 1213 § 1, 1965; Ord. 320 § 7 (part), 1946; prior code § 9-8-2)

14.12.090 Interment on holiday.

No interment shall be made on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day, except for reasons of health emergency upon written order of the County Health Officer. Interments on any Saturday or Sunday or any other nonworking day by virtue of it being a holiday, including those enumerated above, shall be made upon payment of an additional one hundred fifty dollars for each interment to defray cost of necessary personnel. Interments made after regular working hours of cemetery personnel shall include an additional fee to defray the overtime cost incurred by the City because of late interment.

(Ord. 1719 § 1, 1974; Ord. 1680 § 1, 1974; Ord. 1229 § 1, 1966; Ord. 1213 § 2, 1965; Ord. 719 § 2, 1956; Ord. 320 § 7 (part), 1946; prior code § 9-8-3)

14.12.100 Permit required.

The Superintendent of Cemeteries shall require the production of a permit from the Health Department before any burial or disinterment, and after such burial or disinterment he shall endorse upon the permit the title of the plat, and the block and lot number where the burial or from which the disinterment took place, and shall return such permit or a certified copy thereof to the Health Department.

(Ord. 320 § 8, 1946; prior code § 9-8-4)

14.12.110 Permission required for burial or disinterment.

It is unlawful for any person, firm or corporation to bury or disinter or cause to be buried or disinterred the body of a deceased person except under the direction of the Superintendent of Cemeteries and with the written permit of the Health Department and written order of the owner of the lot or grave, or the written order of the nearest next of kin if the body be that of the owner of the lot or grave.

(Ord. 320 § 9, 1946; prior code § 9-8-5)

14.12.120 Burial outside of cemetery.

It is unlawful for any person, firm or corporation to bury or cause to be buried the body of a deceased person anywhere within the corporate limits of the City, except in the municipal cemetery or such other place as is duly set aside, constituted, and designated by law as burial grounds,

without the written consent of the City Manager given with the approval of a majority vote of the Board of Commissioners.

(Ord. 320 § 10, 1946: prior code § 9-8-6)

14.12.130 Monuments and markers.

All headstones, tombstones, markers or monuments, other than those required by Section 14.12.140, to be placed on graves shall be of the flat type and not more than four and one-half feet along the width of the grave nor more than two and one-half feet along the length thereof, and shall not extend more than three inches above the surface of the ground. No marker, headstone, tombstone or monument shall be placed on any unoccupied grave or part thereof in that section of the municipal cemeteries known as the Woodlawn Cemetery Annex No. 1.

(Ord. 320 § 11, 1946: prior code § 9-8-7)

14.12.140 Headstones in new sections.

Headstones to be installed on graves in all sections east of Myrtle Drive in Woodlawn Cemetery shall be of the flat type, and shall be placed level with the ground, at grade, and all single headstones shall be twelve inches by twenty-four inches, double stones shall be twelve inches by thirty-six inches.

(Ord. 1717 § 1, 1974: prior code § 9-8-20)

14.12.150 Planting of flowers, shrubs or trees.

No flowers, shrubs or trees shall be planted in the municipal cemeteries, except in concrete depressions constructed and provided therefor in accordance with the instructions and under the supervision of the Superintendent of Cemeteries. Such planting shall be done in accordance with the instructions and under the supervision of the Superintendent of Cemeteries and shall be cared for by the owner or such other person as may have done the planting or cause the same to be done. No planting of any kind will be allowed in Woodlawn Cemetery without the approval of the Superintendent of Cemeteries, and no planting of any kind shall be permitted in any sections east of Myrtle Drive nor in Sections P, P-A, Q, Peace, X, A-2, G-2, G-3, H-AA, H-C, and Y. Where plantings and depressions are allowed, no grave shall have more than three such depressions for planting, and no flower, shrub or tree shall be permitted to grow higher than three feet or gain a girth of more than two feet, and if such flower, shrub or tree at any time exceeds these dimensions, it may be removed by the Superintendent of Cemeteries.

(Ord. 1718 § 1, 1974: Ord. 320 § 13, 1946: prior code § 9-8-8)

14.12.160 Removal of flowers, weeds or trees.

The Superintendent shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemetery as soon as, in the judgment of the Superintendent, they become unsightly, dangerous, detrimental or diseased or when they do not conform to the standards maintained. The Superintendent shall not be liable for floral pieces, baskets or frames in which or to which such floral pieces are attached. The Superintendent shall not be liable for lost, misplaced, or broken flower vases. The Superintendent shall not be responsible for plants, herbage, or plantings of any kind damaged by the elements, thieves, vandals, or by other causes beyond his control.

(Prior code § 9-8-21)

14.12.170 Disposal of floral frames.

Floral frames when removed from the plot site, unless called for within five days by those lawfully entitled thereto, may be disposed of by the Superintendent in any manner he deems advisable.

(Prior code § 9-8-22)

14.12.180 Restrictions on ornaments.

The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, vases, glass, wood or iron cases, and similar articles upon plots shall not be permitted, and, if so placed, the Superintendent shall remove the same.

(Prior code § 9-8-23)

14.12.190 Injury of property.

It is unlawful for any person, firm or corporation to injure or deface, or cause to be injured or defaced, any headstone, tombstone, marker, monument, tree, shrub, or any other property in the municipal cemeteries.

(Ord. 320 § 12, 1946; prior code § 9-8-9)

14.12.200 Speed limit.

It is unlawful for any person to ride or drive any vehicle within the limits of any municipal cemetery at a rate of speed in excess of the posted speed limit.

(Ord. 719 § 3, 1956; Ord. 320 § 14, 1946; prior code § 9-8-10)

14.12.210 Animals.

It is unlawful for any person to bring into or upon the grounds of the municipal cemeteries any dog, cat, or other animal, or for the owner of any such dog, cat, or other animal, which may have entered the cemetery grounds in any way whatever, to allow the same to remain if its presence therein is known to the owner; provided, however, that if such dog, cat, or other animal enters upon the cemetery grounds with its owner or any other person in a motor vehicle or other enclosed means of transportation and is securely leashed in such vehicle or other means of transportation so as not to permit of its escape therefrom, it shall be allowed to remain upon the cemetery grounds while so leashed in such vehicle or other means of transportation while its owner or other person whom it accompanied remains at such cemetery.

(Ord. 320 § 15, 1946; prior code § 9-8-11)

14.12.220 Perpetual care funds.

Perpetual care funds received under contract for the perpetual care of lots in the municipal cemetery shall be invested in the manner and method as follows:

- (A) Bonds of the United States; or
- (B) Bonds of this State; or
- (C) Bonds of other states of the union; or
- (D) Bonds of counties or other municipalities of the states of the union; or
- (E)

Bank deposits in any bank or savings and loan association which is insured by the Federal Deposit Insurance Corporation; or

- (F) With the approval of the State Board of Finance, first mortgages or first trust deeds on improved real estate; or
- (G) With the approval of the State Board of Finance, any investment which would be proper under the provisions of NRS 164.050.

Pending investment as provided in this Section, such funds may be deposited in any savings bank in this state.

(Ord. 1468 § 1, 1970; Ord. 1075 § 2, 1963; prior code § 9-8-12)

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 3, 2013**

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

Bill No. 2013-41 - For Possible Action - Amends LVMC Chapter 14.04 to update provisions regarding certain sewer charges payable by the City of North Las Vegas, and clarify provisions regarding the installation and maintenance of sewer facilities. Proposed by: Jorge Cervantes, Executive Director, Community Development

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

This bill updates provisions regarding certain sewer charges payable by the City of North Las Vegas to reflect that they are now assessed by means of agreement. The bill also clarifies provisions regarding the installation and maintenance of sewer facilities to be consistent with current practices, as well as State law and regulations. The update is part of a project designed to identify and update obsolete and duplicative Code provisions.

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. 2013-41

BILL NO. 2013-41

ORDINANCE NO. _____

AN ORDINANCE RELATING TO SEWER SERVICE; AMENDING LVMC CHAPTER 14.04 TO UPDATE PROVISIONS REGARDING CERTAIN CHARGES PAYABLE BY THE CITY OF NORTH LAS VEGAS, AND CLARIFY PROVISIONS REGARDING THE INSTALLATION AND MAINTENANCE OF SEWER FACILITIES; AND PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Jorge Cervantes, Executive Director, Community Development

Summary: Amends LVMC Chapter 14.04 to update provisions regarding certain sewer charges payable by the City of North Las Vegas, and clarifies provisions regarding the installation and maintenance of sewer facilities.

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

SECTION 1: Title 14, Chapter 4, Section 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.04.050: (A) User charges, except those to the City of North Las Vegas, shall be calculated as follows:

- (1) Customer class of user is determined;
- (2) Number of ERUs for user is determined;
- (3) ERU rate for user is determined;
- (4) Commodity charge is determined by multiplying number of user ERU's by user ERU rate;
- (5) User charge is determined by adding commodity charge.

(B) User charges to the City of North Las Vegas shall be [based on flow (volume) and strength (five-day biochemical oxygen demand and suspended solids concentrations). Also included in the charges to the City of North Las Vegas shall be any monitoring costs. User charges shall be calculated on the basis of the volume of wastewater and the load of five-day biochemical oxygen demand (BOD's) and suspended solids (SS) according to the following schedule:

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Parameter	Rate
Volume	\$272.51 per million gallons
BOD5	\$56.29 per thousand pounds
SS	\$35.54 per thousand pounds]

determined by agreement between the City and the City of North Las Vegas.

SECTION 2: Title 14, Chapter 4, Section 120, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.04.120: (A) It shall be the responsibility of the City to maintain all [sewer main] sewer collection facilities installed in City-owned rights-of-way and easements[.], including sewer mains.

(B) It shall be the responsibility of [private] property owners to maintain all sewer service laterals originating on their property to the point where the laterals are connected into the [City] sewer main. [in a City-owned right-of-way or easement.] The maintenance obligation of property owners described in this Subsection (B):

(1) Extends to any portion of a sewer service lateral located within a public right-of-way or public easement;

(2) Is tied to and based upon the exclusive benefit that the sewer service lateral provides to the serviced property; and

(3) Is subject to and governed by the provisions of Section 14.04.125.

(C) For purposes of this Section:

(1) “Sewer main” means a public sewer line with a diameter that exceeds six inches (together with related appurtenances) that is located within a City right-of-way or easement and is designed to collect and convey wastewater flows from private sewer facilities and sewer service laterals.

(2) “Sewer service lateral” means a pipe or conduit that connects a building or other property to a sewer main.

SECTION 3: Title 14, Chapter 4, 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 125, reading as follows:

1 **14.04.125:** In connection with the maintenance obligation described in Subsection (B) of Section
2 14.04.120:

3 (A) Each contractor that provides any maintenance or repair service with respect
4 to a sewer service lateral must have a City business license and any and all State licenses or permits
5 that are necessary in order to perform such services.

6 (B) It is unlawful for a contractor to misrepresent the maintenance obligation to a
7 property owner, and repeated misrepresentations shall be ground for disciplinary action against a
8 license.

9 (C) In the event a property owner fails to comply with the maintenance obligation
10 and, as a result of that failure, the public health is endangered by reason of an overflow or discharge
11 of fluids into the public right of way, via either surface or subsurface flow, the City may undertake any
12 action that is necessary or appropriate to resolve the cause of the overflow and mitigate the public
13 impact. Following such action, the City may assess all its associated costs against the property owner
14 and bill the owner for such costs, which may be processed as in the case of sewer charges in
15 accordance with Sections 14.04.090, 14.04.100 and 14.04.105.

16 SECTION 4: Title 14, Chapter 4, Section 260, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **14.04.260:** [All new sewers and sewer connections to the Municipal Sewer System must be
19 properly designed and constructed, must conform to the requirements of all applicable local, state and
20 federal laws, including without limitation the provisions of “Uniform Standard Specifications for
21 Public Works’ Construction–Off-Site Improvements–Clark County Area Nevada–1978,” as amended,
22 and must first be approved by the Director of the Department of Public Works.] All new sewers and
23 sewer connections to the municipal sewer system:

24 (A) Must conform to the requirements of all applicable local, state and federal laws,
25 including without limitation the provisions of the most recent edition of the “Design and Construction
26 Standards for Wastewater Collection Systems, Southern Nevada”; and

27 (B) Must first be approved by the Director of Public Works or a designee.

28 SECTION 5: Title 14, Chapter 4, Section 290, of the Municipal Code of the City of

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

2 **14.04.290:** (A) No sewer may be connected to, [the Municipal Sewer System unless it has been
3 inspected during construction by personnel of the Department of Public Works, and no wastewater
4 may be discharged into the Municipal Sewer System prior to obtaining such inspection and the
5 approval by the Director of the Department of Public Works, of the construction of the sewer and its
6 connection to the Municipal Sewer System.] and no wastewater may be discharged into, the municipal
7 sewer system unless and until the construction of the sewer and its connection to the system have been
8 inspected and approved by the Director of Building and Safety or a designee.

9 (B) The applicant or its contractor shall notify the [department of public works,]
10 Department of Building and Safety, either verbally or in writing, at least twenty-four hours before the
11 construction work is to be inspected that the work is ready for inspection, and no work that cannot be
12 visually inspected shall be accepted. A representative of the applicant or its contractor shall be present
13 during the inspection by personnel of the [department of public works.] Department of Building and
14 Safety.

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

23 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared
24 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
25 required or the failure to do any act is made or declared to be unlawful or an offense or a
26 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
27 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
28 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such

1 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

2 SECTION 8: 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 _____, 2013.

6 APPROVED:

7
8 By CAROLYN G. GOODMAN, Mayor

9 ATTEST:

10 BEVERLY K. BRIDGES, MMC
11 City Clerk

12 APPROVED AS TO FORM:

13 Val Steed 8-7-13
14 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 _____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council 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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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 3, 2013

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2013-42 - For Possible Action - Annexation No. ANX-49448 - Property location: located on the northwest corner of Wittig Avenue and Jones Boulevard; Petitioned by: Danny & Vikki Riddle Living Trust; Acreage: 3.81 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Steven D. Ross

Fiscal Impact

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No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the northwest corner of Wittig Avenue and Jones Boulevard. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (September 27, 2013) is set by this ordinance.

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. 2013-42 and Location Map

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8 **BILL NO. 2013-42**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-49448)

13 Sponsored by: Councilman Steven D. Ross Summary: Annexes property described
14 generally as located on the northwest corner
of Wittig Avenue and Jones Boulevard.

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

17 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are
18 hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the
19 following described real property:

20 That portion of the Northeast Quarter (NE 1/4) of the Northeast Quarter
21 (NE 1/4) of Section 23, Township 19 South, Range 60 East, M.D.M., in
Clark County, Nevada, being the Southeast Quarter (SE 1/4) of the Northeast
22 Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter
(NE 1/4) of said Section 23, together with the East Half (E 1/2) of the
23 Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of the
Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section
24 23, more particularly described by metes and bounds as follows:

25 COMMENCING at the northeast corner of said Section 23; thence along the
east line thereof and along the centerline of JONES BOULEVARD (50.00
26 foot half street width), South 00°09'26" West, 335.54 feet to the POINT OF
BEGINNING at the northeast corner of the Southeast Quarter (SE 1/4) of the
27 Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the
Northeast Quarter (NE 1/4) of said Section 23; thence along the north line
28 thereof, South 89°17'53" West, 330.47 feet to the northeast corner of the East
Half (E 1/2) of the Southwest Quarter (SW 1/4) of the Northeast Quarter

(NE 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 23; thence along the north line of said East Half (E 1/2), South 89°17'53" West, 165.23 feet to the northwest corner of said East Half (E 1/2); thence along the west line of said East Half (E 1/2), South 00°09'15" West, 334.78 feet to the southwest corner of said East Half (E 1/2); thence along the south line of said East Half (E 1/2) and along the centerline of WITTIG AVENUE (30.00 foot half street width), North 89°23'14" East, 165.23 feet to the southwest corner of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 23; thence along the south line thereof and continuing along the centerline of said WITTIG AVENUE, North 89°23'14" East, 330.45 feet to the southeast corner of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 23; thence along the east line thereof and along the centerline of said JONES BOULEVARD, North 00°09'26" East, 335.55 feet to the POINT OF BEGINNING.

The Basis of Bearings for this land description is South 00°09'26" West, being the east line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 23, Township 19 South, Range 60 East, M.D.M., Clark County, Nevada, as shown on that map in File 57 of Parcel Maps, Page 74, of Clark County, Nevada, Records.

Written by:
Neil Wacaser
City of Las Vegas, Department of Operations & Maintenance
333 N. Rancho Drive
Las Vegas, Nevada 89106
(702) 229-2475
nwacaser@lasvegasnevada.gov

SECTION 2: The City Council hereby determines that the described territory meets the requirements provided by law for annexation to the City for the following reasons:

- A. The area to be annexed was contiguous to the City's boundaries at the time the annexation proceedings were instituted;
- B. More than one-eighth (1/8) of the aggregate external boundaries of the area are contiguous to the City;
- C. The territory proposed to be annexed is not included within the boundaries of another incorporated city or within the boundaries of any unincorporated town as those boundaries existed as of July 1, 1983;
- D. The City is eligible to annex the described territory since the landowners have signed a petition constituting one hundred percent

1 (100%) of the owners of record of individual lots or parcels of land
2 within the annexation area.

3 SECTION 3: The City will provide police protection through the Las Vegas
4 Metropolitan Police Department, fire protection, street maintenance, and library services
5 immediately upon annexation. Garbage collection by the company franchised by the City
6 will also be provided immediately. The City sanitary sewer system will serve the proposed
7 annexation area. Any connection to or extension of this sewer line to serve the annexation
8 area shall be at the expense of the landowners. Other services, such as participation in the
9 City's recreational programs, special education classes and programs, public works planning,
10 building inspections, and other City services will also be available immediately. Utilities
11 such as gas, electricity, telephone, and water are provided by private utility companies and
12 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
13 sidewalks and street lights which are not in place at the time of annexation will be installed
14 in the presently developed areas upon the request of the property owners and at their expense
15 by means of special assessment districts. Such improvements will be extended into the
16 undeveloped areas as development takes place and the need therefor arises, and will be
17 located according to the needs of the area at that time. Such installations will also be made
18 at the expense of the property owners, either by means of special assessment districts or as
19 prerequisites to the approval of subdivision plats, building permits or other land use or
20 development applications.

21 SECTION 4: The annexation of the described territory shall become
22 effective on the 27th day of September, 2013, and on that date the City will have the funds
23 appropriated in sufficient amount to finance the extension into the described territory of
24 police protection, fire protection, street maintenance, street sweeping, and street lighting
25 maintenance.

26 SECTION 5: The described territory, together with the inhabitants and
27 property thereof, shall, from and after the 27th day of September, 2013, be subject to all
28 debts, laws, ordinances and regulations in force in the City and shall be entitled to the same

1 | privileges and benefits as other parts of the City, and shall be subject to municipal taxes
2 | levied by the City.

3 | SECTION 6: The City Engineer is hereby instructed to cause to be prepared
4 | an accurate map or plat of the described territory and to record the map or plat, together with
5 | a certified copy of this ordinance, in the office of the County Recorder of Clark County,
6 | Nevada, which recording shall be done prior to the 27th day of September, 2013.

7 | SECTION 7: The described territory, which previously has been zoned R-E
8 | (County of Clark classification), is hereby classified as R-E (City of Las Vegas
9 | classification), which is deemed to be the City equivalent of the County classification.

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

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

PASSED, ADOPTED and APPROVED this _____ day of _____,
2013.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 8-7-13
Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 _____ day of _____, 2013, and referred to a committee for
3 recommendation, the committee being composed of the following members
4 _____; thereafter the said committee reported
5 favorably on said ordinance on the _____ day of _____, 2013, which was
6 a _____ meeting of said Council; that at said _____ meeting, the
7 proposed ordinance was read by title to the City Council as first introduced and adopted by
8 the following vote:

9 VOTING "AYE": _____

10 VOTING "NAY": _____

11 ABSENT: _____

12 APPROVED:

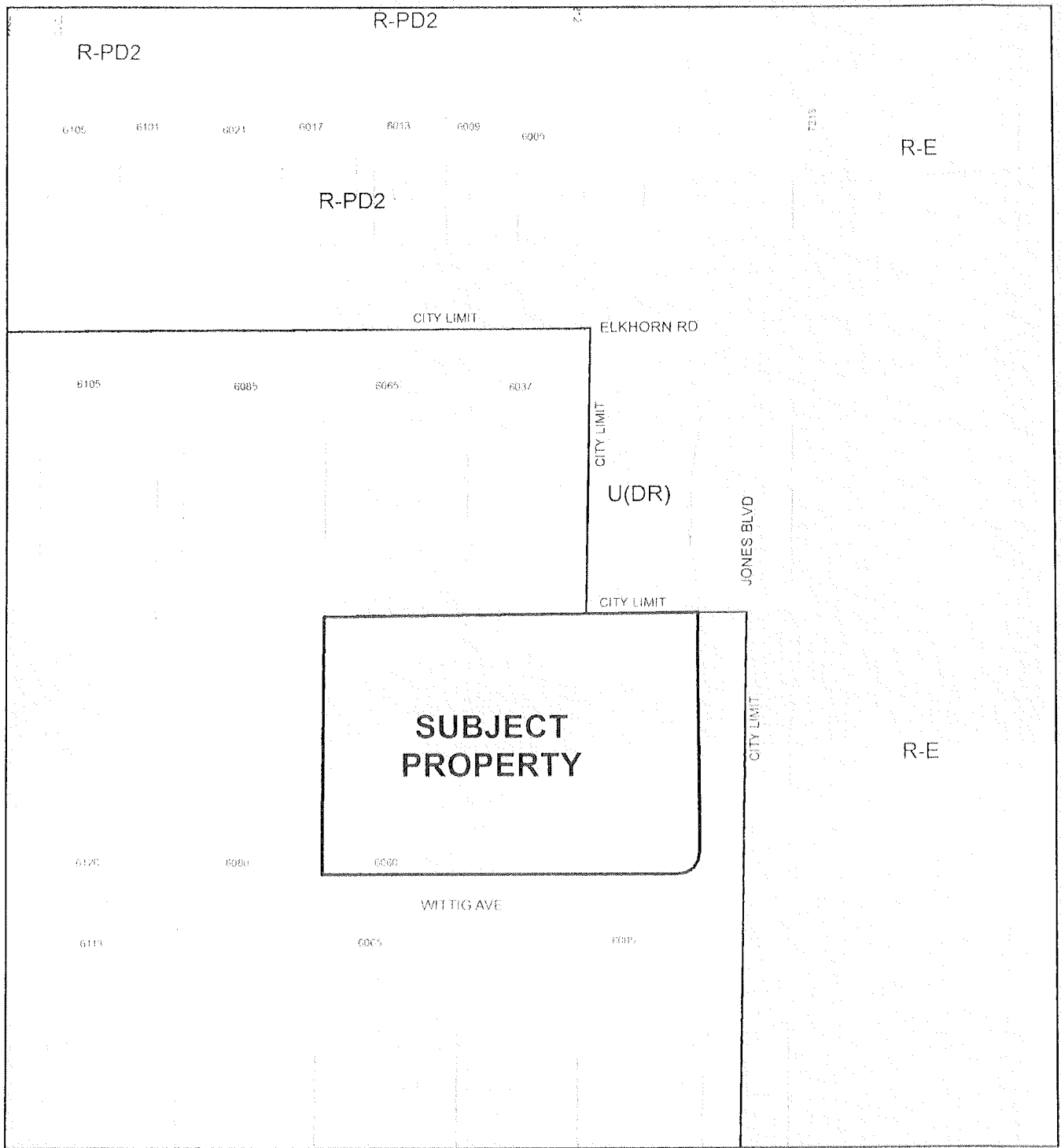
13

14 By _____
15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17

18 BEVERLY K. BRIDGES, MMC
19 City Clerk
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CASE: ANX-49448



AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 3, 2013**

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

Bill No. 2013-43 - For Possible Action - Annexation No. ANX-49618 - Property location: located east of Hualapai Way, between Elkhorn Road and Farm Road; Petitioned by: Omni Family LP, et al; Acreage: 35.86 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Steven D. Ross

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

The proposed ordinance annexes certain real property generally located east of Hualapai Way, between Elkhorn Road and Farm Road. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (September 12, 2013) is set by this ordinance.

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. 2013-43 and Location Map

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8 **BILL NO. 2013-43**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-49618)

13 Sponsored by: Councilman Steven D. Ross Summary: Annexes property described
14 generally as located east of Hualapai Way,
between Elkhorn Road and Farm Road.

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

17 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are
18 hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the
19 following described real property:

20 Those portions of the Southwest Quarter (SW 1/4) of Section 18, Township
21 19 South, Range 60 East, M.D.M., in Clark County, Nevada, being
22 Government Lot 21, Government Lot 22, Government Lot 23, Government
Lot 26, Government Lot 32, Government Lot 33, and Government Lot 34,
more particularly described by metes and bounds as follows:

23 Parcel 1 - Government Lots 21, 22, 23, and 26:

24 BEGINNING at the northeast corner of the Northwest Quarter (NW 1/4) of
25 the Southwest Quarter (SW 1/4) of said Section 18, also being the northeast
26 corner of Government Lot 21 of said Section 18; thence along the north line
27 of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of
28 said Section 18 and along the north line of said Government Lot 21, North
89°12'14" West, 334.07 feet to the northeast corner of Government Lot 22 of
said Section 18; thence continuing along the north line of the Northwest
Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section 18 and
along the north line of said Government Lot 22, North 89°12'14" West,

1 334.08 feet to the northeast corner of Government Lot 23 of said Section 18;
2 thence continuing along the north line of the Northwest Quarter (NW 1/4) of
3 the Southwest Quarter (SW 1/4) of said Section 18 and along the north line
4 of said Government Lot 23, North 89°12'14" West, 334.08 feet to the
5 northwest corner of said Government Lot 23; thence along the west line of
6 said Government Lot 23, South 00°34'39" East, 668.62 feet to the northwest
7 corner of Government Lot 26 of said Section 23; thence along the west line
8 of said Government Lot 26, South 00°34'39" East, 668.61 feet to the
9 southwest corner of said Government Lot 26; thence along the south line of
10 the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said
11 Section 18 and along the south line of said Government Lot 26, South
12 89°11'14" East, 332.34 feet to the southeast corner of said Government Lot
13 26; thence along the east line of said Government Lot 26, North 00°30'12"
14 West, 668.64 feet to the southwest corner of Government Lot 22 of said
15 Section 18; thence along the south line of said Government Lot 22, South
16 89°11'44" East, 333.21 feet to the southwest corner of Government Lot 21 of
17 said Section 18; thence along the south line of said Government Lot 21,
18 South 89°11'44" East, 333.21 feet to the southeast corner of said Government
19 Lot 21; thence along the east line of the Northwest Quarter (NW 1/4) of the
20 Southwest Quarter (SW 1/4) of said Section 18 and along the east line of said
21 Government Lot 21, North 00°21'19" West, 668.71 feet to the POINT OF
22 BEGINNING.

23 Parcel 2 - Government Lots 32, 33, and 34:

24 BEGINNING at the northwest corner of the Southwest Quarter (SW 1/4) of
25 the Southwest Quarter (SW 1/4) of said Section 18, also being the northwest
26 corner of Government Lot 32 of said Section 18; thence along the west line
27 of said Section 18 and along the west line of said Government Lot 32, South
28 00°19'04" East, 668.64 feet to the northwest corner of Government Lot 33 of
said Section 18; thence continuing along the west line of said Section 18 and
along the west line of said Government Lot 33, South 00°19'04" East, 668.64
feet to the southwest corner of said Section 18; thence along the south line of
said Section 18 and along the south line of said Government Lot 33, South
89°13'08" East, 333.70 feet to the southwest corner of Government Lot 34 of
said Section 18; thence continuing along the south line of said Section 18 and
along the south line of said Government Lot 34, South 89°13'08" East,
333.70 feet to the southeast corner of said Government Lot 34; thence along
the east line of said Government Lot 34, North 00°19'52" West, 668.45 feet
to the northeast corner of said Government Lot 34; thence along the north line
of said Government Lot 34, North 89°12'11" West, 333.62 feet to the
southeast corner of Government Lot 32 of said Section 18; thence along the
east line of said Government Lot 32, North 00°01'00" West, 668.48 feet to
the north line of the Southwest Quarter (SW 1/4) of the Southwest Quarter
(SW 1/4) of said Section 18 and to the northeast corner of said Government
Lot 32; thence along the north line of the Southwest Quarter (SW 1/4) of the
Southwest Quarter (SW 1/4) of said Section 18, and along the north line of
said Government Lot 32, North 89°11'14" West, 337.13 feet to the POINT
OF BEGINNING.

26 The Basis of Bearings for this land description is South 89°12'14" East, being
27 the north line of the Northwest Quarter (NW 1/4) of the Southwest Quarter
28 (SW 1/4) of Section 18, Township 19 South, Range 60 East, M.D.M., Clark
County, Nevada, as shown on that RECORD OF SURVEY in File 123 of
Surveys, Page 32, of Clark County, Nevada, Records.

1 Written by:
Neil Wacaser
2 City of Las Vegas, Department of Operations & maintenance
333 N. Rancho Drive
3 Las Vegas, Nevada, 89106
(702) 229-2475
4 nwacaser@lasvegasnevada.gov

5 SECTION 2: The City Council hereby determines that the described territory
6 meets the requirements provided by law for annexation to the City for the following reasons:

- 7 A. The area to be annexed was contiguous to the City's boundaries at the
8 time the annexation proceedings were instituted;
- 9 B. More than one-eighth (1/8) of the aggregate external boundaries of
10 the area are contiguous to the City;
- 11 C. The territory proposed to be annexed is not included within the
12 boundaries of another incorporated city or within the boundaries of
13 any unincorporated town as those boundaries existed as of July 1,
14 1983;
- 15 D. The City is eligible to annex the described territory since the
16 landowners have signed a petition constituting one hundred percent
17 (100%) of the owners of record of individual lots or parcels of land
18 within the annexation area.

19 SECTION 3: The City will provide police protection through the Las Vegas
20 Metropolitan Police Department, fire protection, street maintenance, and library services
21 immediately upon annexation. Garbage collection by the company franchised by the City
22 will also be provided immediately. The City sanitary sewer system will serve the proposed
23 annexation area. Any connection to or extension of this sewer line to serve the annexation
24 area shall be at the expense of the landowners. Other services, such as participation in the
25 City's recreational programs, special education classes and programs, public works planning,
26 building inspections, and other City services will also be available immediately. Utilities
27 such as gas, electricity, telephone, and water are provided by private utility companies and
28 other services to the area will not be affected by annexation. Street paving, curbs and gutters,

1 sidewalks and street lights which are not in place at the time of annexation will be installed
2 in the presently developed areas upon the request of the property owners and at their expense
3 by means of special assessment districts. Such improvements will be extended into the
4 undeveloped areas as development takes place and the need therefor arises, and will be
5 located according to the needs of the area at that time. Such installations will also be made
6 at the expense of the property owners, either by means of special assessment districts or as
7 prerequisites to the approval of subdivision plats, building permits or other land use or
8 development applications.

9 SECTION 4: The annexation of the described territory shall become
10 effective on the 12th day of September, 2013, and on that date the City will have the funds
11 appropriated in sufficient amount to finance the extension into the described territory of
12 police protection, fire protection, street maintenance, street sweeping, and street lighting
13 maintenance.

14 SECTION 5: The described territory, together with the inhabitants and
15 property thereof, shall, from and after the 12th day of September, 2013, be subject to all
16 debts, laws, ordinances and regulations in force in the City and shall be entitled to the same
17 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
18 levied by the City.

19 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
20 an accurate map or plat of the described territory and to record the map or plat, together with
21 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
22 Nevada, which recording shall be done prior to the 12th day of September, 2013.

23 SECTION 7: The described territory, which previously has been zoned R-E
24 (County of Clark classification), is hereby classified as R-E (City of Las Vegas
25 classification), which is deemed to be the City equivalent of the County classification.

26 SECTION 8: If any section, subsection, subdivision, paragraph, sentence,
27 clause of phrase in this ordinance or any part thereof, is for any reason held to be
28 unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such

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

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

10 PASSED, ADOPTED and APPROVED this _____ day of _____,
11 2013.

12 APPROVED:

13
14 By _____
15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 BEVERLY K. BRIDGES, MMC
18 City Clerk

19 APPROVED AS TO FORM:

20 Val Steed 8-7-13
Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 _____ day of _____, 2013, and referred to a committee for
3 recommendation, the committee being composed of the following members
4 _____; thereafter the said committee reported
5 favorably on said ordinance on the _____ day of _____, 2013, which was
6 a _____ meeting of said Council; that at said _____ meeting, the
7 proposed ordinance was read by title to the City Council as first introduced and adopted by
8 the following vote:

9 VOTING "AYE": _____

10 VOTING "NAY": _____

11 ABSENT: _____

12 APPROVED:

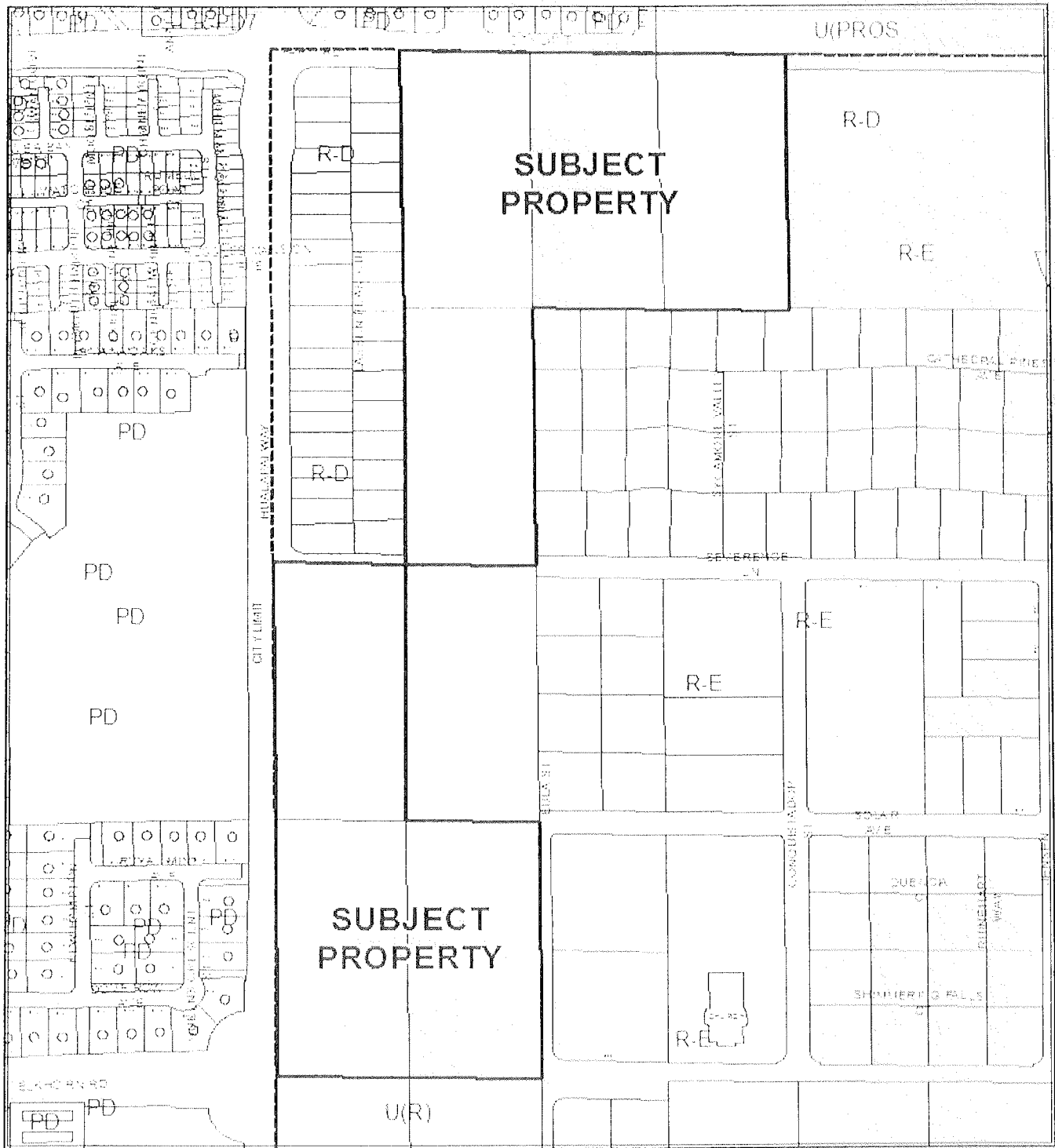
13

14 By _____
15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17

18 BEVERLY K. BRIDGES, MMC
19 City Clerk
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CASE: ANX-49618

0 300 600
Feet

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 3, 2013**

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

Bill No. 2013-44 - For Possible Action - Annexation No. ANX-50089 - Property location: on the south side of Severence Lane approximately 345 feet east of Hualapai Way; Petitioned by: Drago Survivors Trust; Acreage: Approximately 5.10 acres; Zoned: R-E (County zoning), R-E, (City equivalent). Sponsored by: Councilman Steven D. Ross

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

The proposed ordinance annexes certain real property located on the south side of Severence Lane approximately 345 feet each of Hualapai Way. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (September 13, 2013) is set by this ordinance.

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. 2013-44 and Location Map

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8 **BILL NO. 2013-44**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-50089)

13 Sponsored by: Councilman Steven D. Ross Summary: Annexes property described
14 generally as located on the south side of
Severence Lane approximately 345 feet east
15 of Hualapai Way.

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

18 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are
19 hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the
20 following described real property:

21 Government Lot 31 in Section 18, Township 19 South, Range 60 East,
MDM, Clark County, Nevada, said Government Lot 31 being described as
22 the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of the Southwest
Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section 18,
23 Township 19 South, Range 60 East, M.D.B. & M. by that GRANT,
BARGAIN, & SALE DEED, recorded May 28, 2013 in Book 20130528 as
24 Instrument Number 01222 of Clark County, Nevada Records, said
Government Lot 31 more particularly described by metes and bounds as
25 follows:

26 COMMENCING at the northwest corner of Government Lot 32 in said
Section 18, said northwest corner also being the centerline intersection of
27 SEVERENCE LANE and HUALAPAI WAY; thence along the north line of
said Government Lot 32, South 89°11'14" East, 337.13 feet to the POINT OF
28 BEGINNING at the northwest corner of said Government Lot 31 in said
Section 18; thence along the west line of said Government Lot 31, South

1 00°01'200" East, 668.48 feet to the southwest corner of said Government Lot
2 31; thence along the south line of said Government Lot 31, South 89°12'11"
3 East, 333.62 feet to the southeast corner of said Government Lot 31; thence
4 along the east line of said Government Lot 31, North 00°07'34" West, 668.41
5 feet to the northeast corner of said Government Lot 31; thence along the north
6 line of said Government Lot 31, North 89°11'14" West, 332.34 feet to the
7 POINT OF BEGINNING.

8 The Basis of Bearings for this land description is South 89°11'14" East, being
9 the north line of the Southwest Quarter (SW 1/4) of the Southwest Quarter
10 (SW 1/4) of Section 18, Township 19 South, Range 60 East, MDM, Clark
11 County, Nevada as shown on that RECORD OF SURVEY in File 123 of
12 Surveys, Page 32 of Clark County, Nevada Records.

13 Written by:
14 Neil Wacaser
15 City of Las Vegas, Department of Operations & Maintenance
16 333 N. Rancho Drive
17 Las Vegas, NV., 89106
18 (702) 229-2475
19 nwacaser@lasvegasnevada.gov

20 SECTION 2: The City Council hereby determines that the described territory
21 meets the requirements provided by law for annexation to the City for the following reasons:

- 22 A. The area to be annexed was contiguous to the City's boundaries at the
23 time the annexation proceedings were instituted;
- 24 B. More than one-eighth (1/8) of the aggregate external boundaries of
25 the area are contiguous to the City;
- 26 C. The territory proposed to be annexed is not included within the
27 boundaries of another incorporated city or within the boundaries of
28 any unincorporated town as those boundaries existed as of July 1,
1983;
- 29 D. The City is eligible to annex the described territory since the
30 landowners have signed a petition constituting one hundred percent
31 (100%) of the owners of record of individual lots or parcels of land
32 within the annexation area.

33 SECTION 3: The City will provide police protection through the Las Vegas
34 Metropolitan Police Department, fire protection, street maintenance, and library services
35 immediately upon annexation. Garbage collection by the company franchised by the City

1 will also be provided immediately. The City sanitary sewer system will serve the proposed
2 annexation area. Any connection to or extension of this sewer line to serve the annexation
3 area shall be at the expense of the landowners. Other services, such as participation in the
4 City's recreational programs, special education classes and programs, public works planning,
5 building inspections, and other City services will also be available immediately. Utilities
6 such as gas, electricity, telephone, and water are provided by private utility companies and
7 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
8 sidewalks and street lights which are not in place at the time of annexation will be installed
9 in the presently developed areas upon the request of the property owners and at their expense
10 by means of special assessment districts. Such improvements will be extended into the
11 undeveloped areas as development takes place and the need therefor arises, and will be
12 located according to the needs of the area at that time. Such installations will also be made
13 at the expense of the property owners, either by means of special assessment districts or as
14 prerequisites to the approval of subdivision plats, building permits or other land use or
15 development applications.

16 SECTION 4: The annexation of the described territory shall become
17 effective on the 13th day of September, 2013, and on that date the City will have the funds
18 appropriated in sufficient amount to finance the extension into the described territory of
19 police protection, fire protection, street maintenance, street sweeping, and street lighting
20 maintenance.

21 SECTION 5: The described territory, together with the inhabitants and
22 property thereof, shall, from and after the 13th day of September, 2013, be subject to all
23 debts, laws, ordinances and regulations in force in the City and shall be entitled to the same
24 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
25 levied by the City.

26 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
27 an accurate map or plat of the described territory and to record the map or plat, together with
28 a certified copy of this ordinance, in the office of the County Recorder of Clark County,

1 Nevada, which recording shall be done prior to the 13th day of September, 2013.

2 SECTION 7: The described territory, which previously has been zoned R-E
3 (County of Clark classification), is hereby classified as R-E (City of Las Vegas
4 classification), which is deemed to be the City equivalent of the County classification.

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

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

17 PASSED, ADOPTED and APPROVED this _____ day of _____,
18 2013.

19 APPROVED:

20
21 By _____
22 CAROLYN G. GOODMAN, Mayor

23 ATTEST:

24 BEVERLY K. BRIDGES, MMC
25 City Clerk

26 APPROVED AS TO FORM:

27 Val Steed 8-7-13
Date

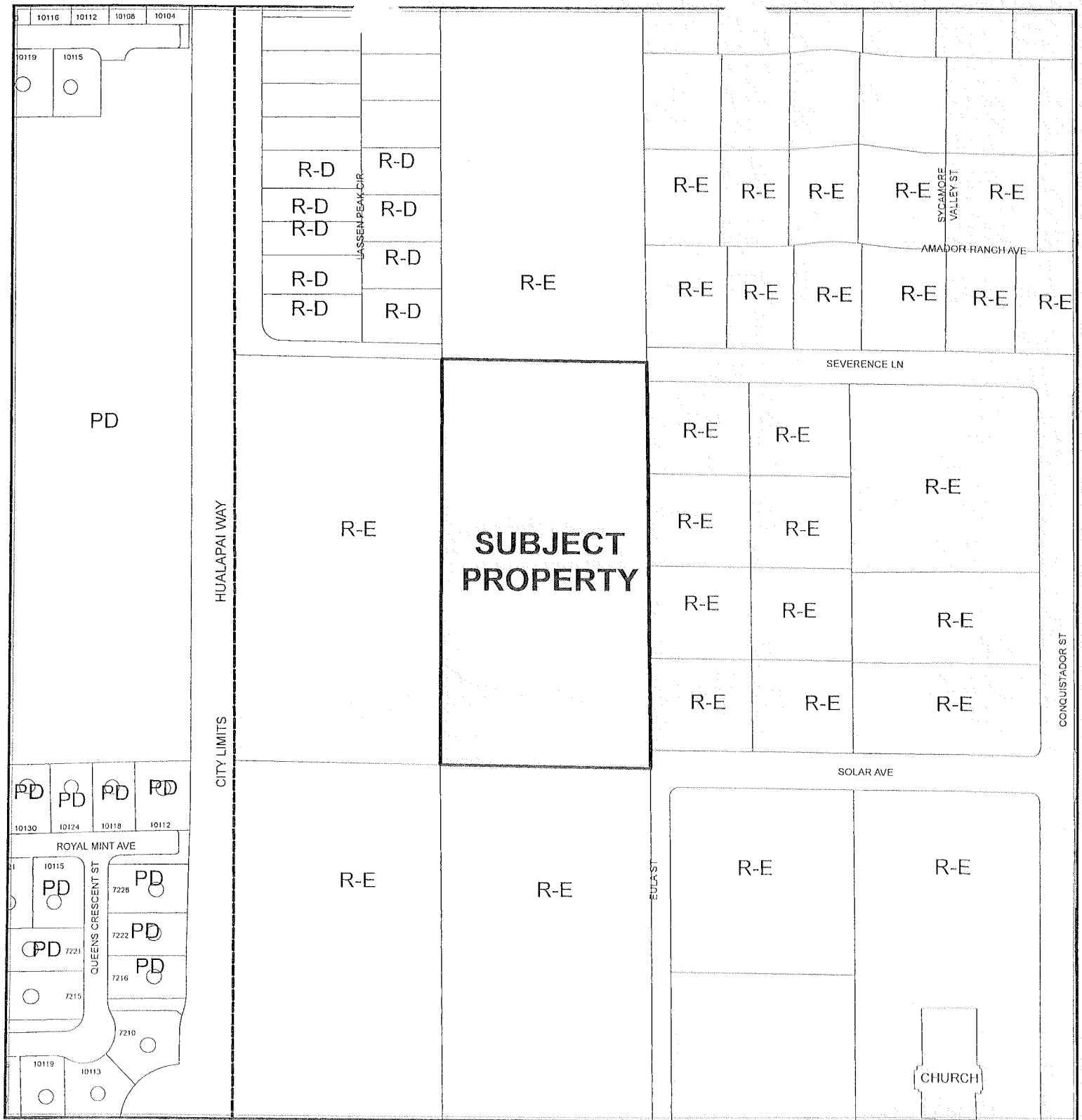
1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation,
3 the committee being composed of the following members _____
4 _____; thereafter the said committee reported
5 favorably on said ordinance on the ____ day of _____, 2013, which was
6 a _____ meeting of said Council; that at said _____ meeting, the
7 proposed ordinance was read by title to the City Council as first introduced and adopted by
8 the following vote:
9 VOTING "AYE": _____
10 VOTING "NAY": _____
11 ABSENT: _____

12 APPROVED:

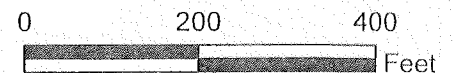
13
14 By _____
15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 _____
18 BEVERLY K. BRIDGES, MMC
City Clerk
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CASE: ANX-50089



AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 3, 2013**

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

Bill No. 2013- 45 - For Possible Action - Declares a moratorium on the application for, construction and/or operation of medical marijuana establishments as contemplated by Senate Bill 374 of the 2013 Legislative Session. Sponsored by: Mayor Pro Tem Stavros S. Anthony

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

This ordinance will act to declare a moratorium on all medical marijuana establishments contemplated by SB 374, prohibiting the acceptance and consideration of any and all land use applications, business license applications, building permit applications or any other applications or requests to operate or otherwise license or permit any of the MMEs as contemplated by SB 374. This moratorium will be effective for six months from the date of adoption by the City Council and by its terms may be extended for an additional six months by majority vote of the City Council. This moratorium will permit the City Council to responsibly consider the policy and legal implications of the SB 374 and the final Health Division regulations and to provide amendments to the Las Vegas Municipal Code to address such policy and legal implications medical marijuana establishments within the City.

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. 2013-45

1 **BILL NO. 2013-45**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO DECLARE A MORATORIUM ON THE APPLICATION FOR,
4 CONSTRUCTION AND/OR OPERATION OF MEDICAL MARIJUANA ESTABLISHMENTS AS
CONTEMPLATED BY SENATE BILL 374 OF THE 2013 LEGISLATIVE SESSION.

5 Sponsored by:
6 Mayor Pro Tem Stavros S. Anthony

Summary: This ordinance acts to enact a
moratorium of the application for, construction
or operation of medical marijuana
establishments as contemplated by Senate Bill
7 374

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

10 SECTION 1: A MORATORIUM IS HEREBY DECLARED ON ALL MEDICAL
11 MARIJUANA ESTABLISHMENTS CONTEMPLATED BY SB 374, PROHIBITING CITY
12 ACCEPTANCE AND CONSIDERATION OF ANY AND ALL LAND USE APPLICATIONS,
13 BUSINESS LICENSE APPLICATIONS, BUILDING PERMIT APPLICATIONS AND ANY
14 OTHER APPLICATION OR REQUEST TO OPERATE OR OTHERWISE LICENSE OR PERMIT
15 ANY OF THE MEDICAL MARIJUANA ESTABLISHMENTS AS CONTEMPLATED BY SB 374.

16 SECTION 2: THIS MORATORIUM SHALL COMMENCE UPON THE
17 ADOPTION OF THIS ORDINANCE BY THE CITY COUNCIL, AND SHALL TERMINATE AT
18 THE CLOSE OF BUSINESS ONE HUNDRED EIGHTY CALENDAR DAYS FROM DATE OF
19 COMMENCEMENT OF THE MORATORIUM, UNLESS: 1) EARLIER TERMINATED BY THE
20 CITY COUNCIL; OR 2) AN EXTENSION OF THIS MORATORIUM IS APPROVED BY THE
21 CITY COUNCIL AT A PUBLIC MEETING. ONE EXTENSION OF A PERIOD OF NO GREATER
22 THAN ONE HUNDRED EIGHTY DAYS IS CONTEMPLATED BY THIS ORDINANCE AND
23 APPROVAL OF SUCH EXTENSION MAY BE CONSIDERED BY A SIMPLE MAJORITY VOTE,
24 WITHOUT THE NEED FOR ADOPTING A NEW ORDINANCE.

25 SECTION 3: The City Council of the City of Las Vegas declares this moratorium for
26 the following reasons:

27 (A) SB 374, colloquially known as the Medical Marijuana Act, was adopted by the
28 Nevada Legislature during its 77th Session and approved by the Governor of the state of Nevada on

1 June 12th, 2013; and

2 (B) Provisions of SB 374 require the Health Division of the Department of Health
3 and Human Services of the state of Nevada (“Health Division”) to promulgate regulations for the
4 consideration of applications and the issuance for certificates to allow the operations of Medical
5 Marijuana Establishments¹ (“MMEs” or “MME”) in the state of Nevada, and specifically in the
6 County of Clark, where the City of Las Vegas is located; and

7 (C) SB 374 mandates that the Health Division finalize these regulations on or prior
8 to April 1, 2014, and the City of Las Vegas understands that the Health Division is attempting to
9 present final regulations for adoption by December 14, 2013; and

10 (D) SB 374 requires an applicant for an MME to provide “proof of licensure with
11 the applicable local governmental authority or a letter from the applicable local governmental
12 authority certifying that the proposed medical marijuana establishment is in compliance with those
13 restrictions and satisfies all applicable building requirements;” and

14 (E) The City of Las Vegas Municipal Code zoning code currently does not allow
15 for any of the MMEs contemplated by SB 374, nor does the City of Las Vegas business licensing code
16 allow for the issuance of any business license for any of the MMEs contemplated by SB 374, and
17 because these uses and businesses are not permitted to operate in the City of Las Vegas, no building
18 permits can be issued specifically for the construction of structures to house any of the MMEs
19 contemplated by SB 374; and

20 (F) As some potential applicants for state MME certificates might attempt to assert
21 to the City of Las Vegas that such MME is a use contemplated by the City of Las Vegas Zoning Code
22 or the City of Las Vegas Business Licensing Code, the City Council desires to make clear that the
23 City’s current municipal code, as drafted, does not permit any of the MMEs as contemplated by SB
24 374, and the City Council desires that its City Manager does not accept any land use applications,
25 business license applications, building permit applications or any other application or request to
26 operate or otherwise license or permit any of the MMEs contemplated by SB 374; and

27
28 ¹SB 374 defines MMEs as: Medical Marijuana Dispensaries, Cultivation Facilities, Laboratories or Facilities for the
Production of Edible Marijuana Products or Marijuana-Infused Products.

1 (G) The City Council understands that there are numerous arguments for and
2 against the use of marijuana for the treatment of certain debilitating diseases and ailments; and

3 (H) Because the City Council must either decide to regulate MMEs and/or prohibit
4 some or all MMEs within its jurisdiction, and this challenge presents very complicated and difficult
5 issues from both a policy and legal perspective; and

6 (I) Because the Health Division currently does not currently have a draft of
7 proposed regulations concerning the certification and operation of MMEs and the products to be
8 produced and sold by these MMEs, nor will the Health Division have final regulations concerning the
9 certification and operation of MMEs and the products to be produced and sold by these MMEs until
10 at least December of 2013, and possibly not until the statutory deadline of April 1, 2014; and

11 (J) Because the City Council desires to take a responsible amount of time to
12 thoughtfully consider the policy and legal implications of permitting MMEs to exist within the
13 boundaries of the City of Las Vegas;

14 (K) The City Council desires to declare this moratorium as provided in Sections 1
15 and 2 above, to prohibit staff acceptance and consideration of any and all land use applications,
16 business license applications, building permit applications and any other application or request to
17 operate or otherwise license or permit any of the medical marijuana establishments as contemplated
18 by SB 374, for a period of 180 days, in order to permit the Health Division to draft and submit final
19 regulations for MMEs by their internal December 14th deadline, and to permit the City Council to
20 responsibly consider the policy and legal implications of the SB 374 and the Health Division
21 regulations and to provide amendments to the Las Vegas Municipal Code to address the policy and
22 legal implications medical marijuana establishments within the jurisdictional limits of the City of Las
23 Vegas.

24 SECTION 4: 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 5: 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 _____, 2013.

8 APPROVED:

9
10 By _____
CAROLYN G. GOODMAN, Mayor

11 ATTEST:

12 _____
13 BEVERLY K. BRIDGES, MMC
City Clerk

14 APPROVED AS TO FORM:

15  8/7/13
16 _____
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

APPROVED:

12

13

By _____
CAROLYN G. GOODMAN, Mayor

14

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 3, 2013

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: SEPTEMBER 3, 2013

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

☐ Consent ☒ Discussion

SUBJECT:

ADJOURNMENT

