

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

FEBRUARY 18, 2014
9:00 A.M.

NOTE: Beginning March 3rd, the City of Las Vegas Recommending Committee Meetings will be held at 10 A.M. on the first and third Monday of each month unless noticed otherwise. Location remains the same.

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.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Bill No. 2013-61 - ABEYANCE ITEM - For Possible Action - Amends LVMC 6.50.285 to clarify that the owner of an establishment adjacent to a pedestrian mall that is licensed to conduct nonrestricted gaming and is authorized to sell alcoholic beverages pursuant to a tavern license may operate one or more bars upon such adjacent pedestrian mall. Proposed by: Bradford R. Jerbic, City Attorney
4. Bill No. 2014-8 - ABEYANCE ITEM - For Possible Action - Updates the standards applicable to home occupation permits; eliminates the exception from the home occupation permit requirement for educational activities, including music lessons, tutoring and religious instruction; and establishes parameters for cottage food operations to be conducted as a home occupation. (TXT-51219) Proposed by: Flinn Fagg, Director of Planning
5. Bill No. 2014-10 - ABEYANCE ITEM - For Possible Action - Permits the Director of Planning discretion as to when an ice cream truck shall be inspected prior to the issuance or renewal of its business license. Proposed by: Flinn Fagg, Director of Planning
6. Bill No. 2014-11 - For Possible Action - Adopts the latest revision to the Uniform Regulations for the Control of Drainage, together with local amendments pertaining to drainage facilities. Sponsored by: Councilman Steven D. Ross
7. Bill No. 2014-12 - For Possible Action - Updates the appeal and hearing procedures for nuisance abatements in accordance with State law. Sponsored by: Councilman Steven D. Ross and Councilman Ricki Y. Barlow

City of Las Vegas

8. 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 forward 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
9. 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 for 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 FEBRUARY 18, 2014

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CALL TO ORDER



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF FEBRUARY 18, 2014

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF FEBRUARY 18, 2014

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2013-61 - ABEYANCE ITEM - For Possible Action - Amends LVMC 6.50.285 to clarify that the owner of an establishment adjacent to a pedestrian mall that is licensed to conduct nonrestricted gaming and is authorized to sell alcoholic beverages pursuant to a tavern license may operate one or more bars upon such adjacent pedestrian mall. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

As part of a recent ordinance updating the City's alcoholic beverage regulations, the City Council adopted a provision authorizing the owner of an establishment adjacent to a pedestrian mall that holds a license for nonrestricted gaming and a tavern license at the same location to operate a temporary or permanent bar upon the mall. This bill clarifies the intent of that provision: to allow one or more such bars to be established rather than establishing a limitation of one bar only.

RECOMMENDATION:

ABEYANCE to 2/18/2014 Recommending Committee meeting by the 2/5/2014 Recommending Committee

First Reading - 12/18/2013 First Publication - 12/26/2013

BACKUP DOCUMENTATION:

1. Bill No. 2013-61
2. Comments from Charleston Neighborhood Preservation by Juanita Clark submitted for the 2/4/2014 Recommending Committee Meeting.

1 **BILL NO. 2013-61**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND LVMC 6.50.285 TO CLARIFY THAT THE OWNER OF AN
4 ESTABLISHMENT ADJACENT TO A PEDESTRIAN MALL THAT IS LICENSED TO CONDUCT
5 NONRESTRICTED GAMING AND IS AUTHORIZED TO SELL ALCOHOLIC BEVERAGES
PURSUANT TO A TAVERN LICENSE MAY OPERATE ONE OR MORE BARS UPON SUCH
ADJACENT PEDESTRIAN MALL, AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Proposed by: Bradford R. Jerbic, City Attorney

Summary: Amends LVMC 6.50.285 to clarify
that the owner of an establishment adjacent to a
pedestrian mall that is licensed to conduct
nonrestricted gaming and is authorized to sell
alcoholic beverages pursuant to a tavern license
may operate one or more bars upon such adjacent
pedestrian mall.

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

12 SECTION 1: Ordinance No. 6266 and Title 6, Chapter 50, Section 285, of the Municipal
13 Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section 6.50.285 reads
14 as follows:

15 **6.50.285:** (A) Notwithstanding any provision in this Chapter to the contrary, the owner of an
16 establishment adjacent to or within the pedestrian mall that holds a tavern license is authorized to sell
17 alcoholic beverages through a walk-up window that faces a street alignment within the boundaries of the
18 pedestrian mall, except for the Casino Center Boulevard and 4th Street alignments. Prior to the placement
19 or construction of such window, a licensee shall comply with all requirements of the Director, the Building
20 Official and the Director of Public Works. Such window shall be considered another bar at the
21 establishment for purposes of this Chapter.

22 (B) Notwithstanding any provision in this Chapter to the contrary, the owner of an
23 establishment licensed to operate nonrestricted gaming that is also authorized to sell alcoholic beverages
24 upon the premises of that establishment pursuant to a tavern alcoholic beverage license may locate [a] one
25 or more temporary or permanent [bar] bars upon an adjacent pedestrian mall, provided that such bar or bars
26 [is] are directly adjacent to the premises of that establishment and upon the pedestrian mall. Prior to the

1 placement or construction of such bar or bars, a licensee shall comply with all requirements of the Director,
2 the Building Official and the Director of Public Works.

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

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

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

4 PASSED, ADOPTED and APPROVED this ____ day of _____, 2014.

5 APPROVED:

6
7 By _____
CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 _____
BEVERLY K. BRIDGES, MMC
10 City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 12-3-13
13 Val Steed, Date
14 Deputy City Attorney
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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the _____
2 day of _____, 2013, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2014, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 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 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk

FAX to: 382-4803 for Recommendation Deputy

TO: RECOMMENDING COMMITTEE— designees for 2/4/2014 @ 9:00am

FROM: CHARLESTON NEIGHBORHOOD PRESERVATION

CONDITIONS: We humbly request that you will cause to be included with your recommendations from this morning, CNP'S tardy comments to follow:

Agenda items:

3. Bill No. 2013--61

We voice an emphatic NO that this be recommended because of the monopoly effect which nearly always provides a distinct advantage which is surely NOT the role of any council person. CNP board is concerned that such reason may be precisely why such a bill may be before our council.

4. Bill No. 2014—6

We voice a YES to this bill.

5. Bill No. 2014--7

CNP voices a YES to this bill.

6. Bill No. 2014—8

CNP voices an emphatic NO on this bill. Mr. Fagg is diligent in his position. YOU, the elected Mayor and Council must also be diligent in protecting the rights of your constituents. This bill is particularly egregious and should be noted as not one that you want to approve in any manner.

7. Bill No. 2014—9

NO. Constituents will not realize that the certificate is "temporary" OR the "certain circumstances". The Unified Development Code is an unsatisfactory instrument to be using, please, council, revise this or remove asap.

??????? RA-4-2014 Please explain to City of Las Vegas constituents WHY they did not and evidently the council intent is THEY WILL NOT BE ABLE TO PREVIEW OR COMMENT ON THIS ITEM SET FORTH ON THE CLV COUNCIL MEET AGENDA AS A **CONSENT ITEM**!!!!!!!!!!!!!!!!!!!!!! ----Email -sisterjmc@hotmail.com or

Signed: June Ingram, President CNP

by: J. Clark

Fax: to 877-2438

RECEIVED
CITY CLERK
FEB - 5 A 7:08

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF FEBRUARY 18, 2014

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

Bill No. 2014-8 - ABEYANCE ITEM - For Possible Action - Updates the standards applicable to home occupation permits; eliminates the exception from the home occupation permit requirement for educational activities, including music lessons, tutoring and religious instruction; and establishes parameters for cottage food operations to be conducted as a home occupation. (TXT-51219) Proposed by: Flinn Fagg, Director of Planning

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

This bill will update the standards applicable to home occupation permits. One change will eliminate the exception from the home occupation permit requirement for educational activities, including music lessons, tutoring and religious instruction. Another change will establish parameters for cottage food operations to be conducted as a home occupation, implementing recent changes to State law.

RECOMMENDATION:

ABEYANCE to 2/18/2014 Recommending Committee meeting by the 2/4/2014 Recommending Committee

BACKUP DOCUMENTATION:

1. Bill No. 2014-8
2. Comments from Charleston Neighborhood Preservation by Juanita Clark submitted for the 2/4/2014 Recommending Committee Meeting.

1 **BILL NO. 2014-8**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO UPDATE THE
4 STANDARDS APPLICABLE TO HOME OCCUPATION PERMITS; ELIMINATE THE EXCEPTION
5 FROM THE HOME OCCUPATION PERMIT REQUIREMENT FOR EDUCATIONAL ACTIVITIES,
6 INCLUDING MUSIC LESSONS, TUTORING AND RELIGIOUS INSTRUCTION; ESTABLISH
7 PARAMETERS FOR COTTAGE FOOD OPERATIONS TO BE CONDUCTED AS A HOME
8 OCCUPATION; AND PROVIDE FOR OTHER RELATED MATTERS.

9 Proposed by: Flinn Fagg, Director of Planning

Summary: Updates the standards applicable to
home occupation permits; eliminates the
exception from the home occupation permit
requirement for educational activities, including
music lessons, tutoring and religious instruction;
and establishes parameters for cottage food
operations to be conducted as a home occupation.

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

13 SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title
14 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth
15 in Sections 2 through 6, inclusive, of this Ordinance. The amendments are deemed to be amendments to
16 both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

17 SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section
18 10, is hereby amended to indicate that home occupations are allowable in each of the zoning districts
19 described in Table 2. In order to reflect the amendment, the letter "H" shall be added to the columns for the
20 P-O, O, C-1, C-2, C-PB, C-M and M Zoning Districts.

21 SECTION 3: Title 19, Chapter 12, Section 70, is hereby amended by amending the entry
22 for the use "Home Occupation" so that the description of the use reads as follows:

23 **Description:** An income producing activity conducted [in a residential zone] from a residential dwelling
24 unit pursuant to LVMC 19.16.180.

25 SECTION 4: Title 19, Chapter 16, Section 180, is hereby amended to read as follows:

26 **19.16.180 Home Occupation Permit**

1 A. Purpose

2 The purpose of this Section is to provide for a Home Occupation Permit to allow limited types of income
3 producing activities [within residential zoning districts.] conducted from a residential dwelling unit. A
4 home occupation is an incidental or secondary use so located that the average neighbor, under normal
5 circumstances, would not be aware of its existence. Except as otherwise provided in this Section and Title,
6 no [residentially zoned parcel] residential dwelling unit may be used for the purpose of conducting any
7 business or income producing activity except as allowed by means of a Home Occupation Permit.

8 B. [Exceptions

9 No Home Occupation Permit shall be required for educational activities, including but not limited to music
10 lessons, academic tutoring or religious instruction, provided that no more than two students are present at
11 any one time and the use complies with the requirements of this Section.

12 C.] Authority

13 The Director or, upon appeal, the Planning Commission, shall have the authority to approve, approve with
14 conditions, or deny a Home Occupation Permit. In approving a Home Occupation application, the Director
15 (or if applicable, the Planning Commission) may impose conditions, stipulations or restrictions as are
16 deemed necessary to ensure that the activity will be consistent with the intent of this Section.

17 [D.] C. Application

18 An application for a Home Occupation Permit shall be filed with the Director. The application shall
19 contain sufficient information and detail to enable the Director to determine the appropriateness of issuing a
20 permit under this Section. If the Home Occupation is to be conducted by the tenant of property which is
21 leased or rented, the tenant shall obtain written authorization from the property owner or property manager
22 and submit the authorization with the Home Occupation Permit application.

23 [E.] D. Process and Review

24 Within 30 days after receipt of a complete application, the Director shall approve, approve with conditions,
25 or deny the application.

26 [F.] E. Decision and Notice of Decision

1. The Director shall approve a Home Occupation Permit if the Director finds that:

a. The proposed Home Occupation is compatible with the existing residential uses on the property and surrounding properties; and

b. The proposed Home Occupation will conform to the Operational Standards and requirements contained in this [subchapter.] Section.

2. The Director shall provide written notice of the decision, which shall include the reasons for the decision and, if the decision is to approve the Home Occupation Permit, any modifications, conditions or limitations that the Director may impose. The notice shall be provided to the owner or the owner's agent.

[G.] F. Operational Standards

1. In order to approve a Home Occupation Permit, the Director (or if appealed, the Planning Commission) must be satisfied that the proposed Home Occupation can and will comply with the following operational standards:

a. Only the occupants of the dwelling unit shall be engaged in the business activity approved for the Home Occupation Permit;

b. No employees shall report to work or be dispatched from the property;

c. There shall be no transacting of business or offers to transact business with customers or clients who have come to the property[;], with the following exceptions:

i. Educational activities, including without limitation music lessons and academic tutoring, by appointment only, and provided that no more than two students are present at any one time; and

ii. A cottage food operation, subject to the following:

(A) Except as permitted as part of a garage or yard sale under Subsubparagraph (B) below, no more than two customers may be present on the property at any one time;

(B) The outdoor sale of food items may occur with no restriction on the number of customers present, but only in accordance with the garage or yard sale provisions of LVMC 19.12.020(B)(1);

d. There shall be no signage or other advertising of any kind, whether on the property or

1 elsewhere, which advertises the address or physical location of the property or identifies the existence of a
2 Home Occupation on the property. A home telephone number or a post office box may be advertised by
3 any medium other than on-site signage;

4 e. No [motor vehicle repair, paint or body work;] repair, painting or body work pertaining to
5 motor vehicles or trailers; sales of vehicles by a vehicle dealer as defined in NRS Chapter 482; commercial
6 preparation of food for service on the premises; business related to or involving explosives, ammunitions or
7 weapons; beauty parlor or barber shop; or ambulance or related emergency services shall be permitted as a
8 Home Occupation;

9 f. A Home Occupation shall not create pedestrian, automobile or truck traffic in excess of the
10 normal amount associated with residential uses in the district;

11 g. A Home Occupation shall be conducted exclusively within the main dwelling or within an
12 accessory structure which has been approved for the Home Occupation Permit, except for horticultural
13 activities;

14 h. No more than one vehicle, with a maximum capacity of one-ton, shall be used in connection
15 with a Home Occupation Permit;

16 i. The number of on-site parking spaces shall not be reduced to less than two;

17 j. There shall be no outdoor storage or use of any toxic chemicals or hazardous materials of any
18 type or in any amount not normally found in a residential structure;

19 k. There shall be no electrical or mechanical equipment which is not normally found in a
20 residential structure, and no equipment found on the premises shall cause a change in the fire safety or
21 occupancy classification of the dwelling unit; and

22 l. No Home Occupation shall create or cause noise, dust, light, vibration, gas, fumes,
23 toxic/hazardous materials, smoke, glare, electrical interference or other hazards or nuisances.

24 2. The following uses are uses that normally may be permitted by means of Home Occupation Permit if
25 they can be conducted in compliance with the Operational Standards in Paragraph (1) of this Subsection.

26 This is not a comprehensive list but should be used to establish appropriate types of uses for Home

- 1 Occupations.
- 2 a. 800 and 900 number telephone services;
- 3 b. Accounting, bookkeeping, tax preparation or related services;
- 4 c. Appraisal, real estate or related services;
- 5 d. Architectural, engineering, general contractor or related professional services;
- 6 e. Artist, artisans, hobbyists, jeweler or related services;
- 7 f. Computer based businesses, desktop publishing, drafting or related services;
- 8 g. Consulting or related services;
- 9 h. Employment services;
- 10 i. Financial investment, brokerage or related services;
- 11 j. Handicrafts, gift basket assembly, floral, ceramics or related services;
- 12 k. Health fitness training services;
- 13 l. Home improvement and repair services;
- 14 m. Incidental office and telephone uses;
- 15 n. Information services;
- 16 o. Insurance services;
- 17 p. Interior design and decorating services;
- 18 q. Legal, court reporting or related services;
- 19 r. Mail order and catalog services;
- 20 s. Mobile serve businesses;
- 21 t. Network marketing services;
- 22 u. Janitorial, maintenance and repair services;
- 23 v. Party planning services;
- 24 w. Photography, video or related services;
- 25 x. Secretarial, typing, answering or related services;
- 26 y. Tailoring and sewing services;

- z. Teaching or related services with a maximum of two students at any one time;
- aa. Travel services;
- bb. Vending machine businesses; [and]
- cc. Writers, authors or related professionals~~[.]; and~~
- dd. Cottage food operations.

3. Any Home Occupation Permit which is found to be similar to those enumerated in this Subsection and which, in the opinion of the Director, is compatible with the intent of this Section, may be approved or approved with conditions. If the Director determines that a proposed Home Occupation would be detrimental to the public health, safety and welfare or injurious to the existing land uses on the property or to the surrounding properties, or does not substantially conform to the Operational Standards contained in this Section, the Director shall deny the Home Occupation Permit.

[H.] G. Appeal of Director's Action

If the applicant is aggrieved by the Director's decision, or any conditions attached thereto, the applicant may appeal the decision to the Planning Commission by written request within 10 days after the date of decision by the Director. The appeal must be filed with the Department. The appeal hearing shall be scheduled as soon as is reasonably possible, and appropriate notice of the hearing shall be provided. The Planning Commission may affirm, reverse or modify the Director's decision. Notice of the Planning Commission's decision shall be provided to the applicant or the applicant's agent, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

[I.] H. Optional Treatment of Appeal

The Director or Planning Commission may require that an appeal filed pursuant to Subsection [(H)] (G) be heard as a public hearing item. The requirement for a public hearing must be based upon a determination that, in the instance of that particular application, the public interest will best be served by providing notice and an opportunity to be heard to surrounding property owners. In such event, the Director shall process the application in accordance with the standards and procedures for Special Use Permit applications.

[J.] I. Transfer of Permits

1 A Home Occupation permit shall not be transferable to:

2 1. Another address, or

3 2. Any person other than the applicant, a family member residing in the home, or a legal entity in which
4 the applicant or resident family member has a controlling interest.

5 [K.] J. Expiration

6 Home Occupation Permits not exercised within one year after approval shall be void without further action
7 unless a greater time limit is specified in the approval. Home Occupation uses which cease for more than 6
8 months shall be void without further action.

9 [L.] K. Revocation or Modification

10 1. Notice and Hearing. Upon proper notice to, and an opportunity to be heard by, the permit holder, the
11 Director may revoke or modify a Home Occupation permit if the Director determines one or more of the
12 following:

13 a. That the Home Occupation is not in compliance with one or more of the Operational Standards of
14 this [Subchapter;] Section;

15 b. That the Home Occupation Permit was obtained by misrepresentation or fraud;

16 c. That the Home Occupation is being conducted in violation of any statute, ordinance, law or
17 regulation.

18 2. Appeal and Notice of Decision. The Director's decision may be appealed in the same manner as the
19 initial denial of a Home Occupation Permit, in accordance with Subsection [(H).] (G). The provisions of
20 Subsection [(I)] (H) shall not apply to the appeal, except that the Director [and the] or the Planning
21 Commission may provide notice and opportunity to be heard to surrounding property owners.

22 SECTION 5: Title 19, Chapter 18, Section 20, is hereby amended by amending the
23 definition of the term "Home Occupation" to read as follows:

24 **Home Occupation.** An income producing activity conducted [in a residential zone] from a residential
25 dwelling unit pursuant to LVMC [19.16.170.] 19.16.180.

26 SECTION 6: Title 19, Chapter 18, Section 20, is hereby amended by adding thereto the

1 following term, together with its corresponding definition:

2 **Cottage Food Operation.** An operation which manufactures or prepares a food item by any manner or
3 means whatever for sale, or which offers or displays a food item for sale, if each such food item is:

4 1. Sold on the private property of the natural person who manufactures or prepares the food item or at a
5 location where the natural person who manufactures or prepares the food item sells the food item directly to
6 a consumer, including, without limitation, a farmers' market, flea market, swap meet, church bazaar, garage
7 or yard sale or craft fair, by means of an in-person transaction that does not involve selling the food item by
8 telephone or via the Internet; and

9 2. Sold to a natural person for his or her consumption and not for resale.

10 ⇨ As used in this definition, "food item" means any of the following: Nuts and nut mixes; candies; jams,
11 jellies and preserves; vinegar and flavored vinegar; dry herbs and seasoning mixes; dried fruits; cereals,
12 trail mixes and granola; popcorn and popcorn balls; or baked goods that are not potentially hazardous
13 foods; do not contain cream, uncooked egg, custard, meringue or cream cheese frosting or garnishes; and
14 do not require time or temperature controls for food safety.

15 SECTION 7: For purposes of Section 2.100(3) of the City Charter, Sections 19.12.010,
16 19.12.070, 19.16.180 and 19.18.020 are deemed to be subchapters rather than sections.

17 SECTION 8: The Department of Planning is authorized and directed to incorporate into
18 the Unified Development Code the amendment set forth in Sections 2 to 6, inclusive, of this Ordinance.

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

26 SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases,

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
2 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this _____ day of _____, 2014.

4 APPROVED:

5
6 By _____
CAROLYN G. GOODMAN, Mayor

7 ATTEST:

8 _____
9 BEVERLY K. BRIDGES, MMC
City Clerk

10 APPROVED AS TO FORM:

11 Val Steed 1-6-14
12 Val Steed, Date
Deputy City Attorney

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the _____
2 day of _____, 2014, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2014, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 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 ATTEST:
15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk

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FAX to: 382-4803 for Recommendation Deputy

TO: RECOMMENDING COMMITTEE— designees for 2/4/2014 @ 9:00am

FROM: CHARLESTON NEIGHBORHOOD PRESERVATION

CONDITIONS: We humbly request that you will cause to be included with your recommendations from this morning, CNP'S tardy comments to follow:

Agenda items:

3. Bill No. 2013--61

We voice an emphatic NO that this be recommended because of the monopoly effect which nearly always provides a distinct advantage which is surely NOT the role of any council person. CNP board is concerned that such reason may be precisely why such a bill may be before our council.

4. Bill No. 2014—6

We voice a YES to this bill.

5. Bill No. 2014--7

CNP voices a YES to this bill.

6. Bill No. 2014—8

CNP voices an emphatic NO on this bill. Mr. Fagg is diligent in his position. YOU, the elected Mayor and Council must also be diligent in protecting the rights of your constituents. This bill is particularly egregious and should be noted as not one that you want to approve in any manner.

7. Bill No. 2014—9

NO. Constituents will not realize that the certificate is "temporary" OR the "certain circumstances". The Unified Development Code is an unsatisfactory instrument to be using, please, council, revise this or remove asap.

??????? RA-4-2014 Please explain to City of Las Vegas constituents WHY they did not and evidently the council intent is THEY WILL NOT BE ABLE TO PREVIEW OR COMMENT ON THIS ITEM SET FORTH ON THE CLV COUNCIL MEET AGENDA AS A **CONSENT ITEM**!!!!!!!!!!!!!!!!!!!!!! ----Email -sisterjmc@hotmail.com or

Signed: June Ingram, President CNP

by: J. Clark

Fax: to 877-2438

RECEIVED
CITY CLERK
FEB - 5 A 7:08

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 18, 2014

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2014-10 - ABEYANCE ITEM - For Possible Action - Permits the Director of Planning discretion as to when an ice cream truck shall be inspected prior to the issuance or renewal of its business license. Proposed by: Flinn Fagg, Director of Planning

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Ordinance No. 6288, adopted on November 20, 2013, contained a number of ordinance changes regarding ice cream trucks, including a change regarding the inspection of trucks. One of the objectives of the change was to give the Director of Planning discretion whether or not to require an inspection in connection with initial licensing or renewal, but the adopted language did not reflect that discretion. This bill will amend the inspection-related language accordingly.

RECOMMENDATION:

ABEYANCE to 2/18/2014 Recommending Committee meeting by the 2/4/2014 Recommending Committee

BACKUP DOCUMENTATION:

1. Bill No. 2014-10

1. Comments from Charleston Neighborhood Preservation by Juanita Clark submitted for the 2/4/2014 Recommending Committee Meeting.

BILL NO. 2014-10

ORDINANCE NO. _____

AN ORDINANCE TO PERMIT THE DIRECTOR OF PLANNING DISCRETION AS TO WHEN AN ICE CREAM TRUCK SHALL BE INSPECTED PRIOR TO THE ISSUANCE OR RENEWAL OF ITS BUSINESS LICENSE; AND PROVIDING FOR OTHER MATTERS.

Proposed by: Flinn Fagg, Director of Planning

Summary: Permits the Director of Planning discretion as to when an ice cream truck shall be inspected prior to the issuance or renewal of its business license.

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

SECTION 1: Ordinance No. 6288 and Title 6, Chapter 47, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section 6.47.040 reads as follows:

6.47.040: (A) Independent of any certification requirement of the Health District, the Director may require an ice cream truck [must first] to be inspected on behalf of the Department and found to be in compliance with LVMC 6.47.100 before a business license may be issued or renewed for the operation of that truck. At the discretion of the Director, the inspection may be conducted by the Department personnel, an outside vendor or by another local jurisdiction. The applicant or licensee shall pay an inspection fee of fifty dollars for the first inspection. If an ice cream truck does not pass the first inspection, the applicant or licensee shall pay a reinspection fee of fifty dollars for each reinspection until the truck complies with LVMC 6.47.100.

(B) In connection with the initial licensing of an ice cream truck business, the applicant must demonstrate compliance with LVMC 6.47.050 and 6.47.110 before the issuance of the initial license. Following the issuance of an initial license, the licensee, on an ongoing basis and in connection with annual renewal, may certify compliance with those sections by means of an affidavit. However, such certification by affidavit does not preclude the Department, at any time, from requiring actual proof of compliance with those sections.

1 (C) Ice cream trucks do not have to be re-inspected again for the April renewal if they
2 have recently passed inspection since January 1st of the current year.

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

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

13 PASSED, ADOPTED and APPROVED this _____ day of _____, 2014.

14 APPROVED:

15 By _____
16 CAROLYN G. GOODMAN, Mayor

17 ATTEST:

18 _____
19 BEVERLY K. BRIDGES, MMC
City Clerk

20 APPROVED AS TO FORM:

21 Val Steed 1-7-14
22 Val Steed, Date
23 Deputy City Attorney
24
25
26

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the _____
2 day of _____, 2014, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2014, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 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 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk

FAX to: 382-4803 for Recommendation Deputy

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FROM: CHARLESTON NEIGHBORHOOD PRESERVATION

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Signed: June Ingram, President CNP

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 18, 2014

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2014-11 - For Possible Action - Adopts the latest revision to the Uniform Regulations for the Control of Drainage, together with local amendments pertaining to drainage facilities.
Sponsored by: Councilman Steven D. Ross

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will adopt the latest revision to the Uniform Regulations for the Control of Drainage, together with local amendments pertaining to drainage facilities. The local amendments specify under what circumstances easements and other drainage facilities are to be privately maintained or publicly maintained. Included are alternative provisions that can be made applicable to master-planned communities of a certain size located within a natural arroyo or approved greenbelt.

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. 2014-11

1 **BILL NO. 2014-11**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ADOPT THE LATEST REVISION TO THE UNIFORM REGULATIONS FOR
4 THE CONTROL OF DRAINAGE, TOGETHER WITH LOCAL AMENDMENTS PERTAINING TO
DRAINAGE FACILITIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Sponsored by: Councilman Steven D. Ross

Summary: Adopts the latest revision to the
Uniform Regulations for the Control of Drainage,
together with local amendments pertaining to
drainage facilities.

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

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

12 **20.10.010:** Subject to the remaining provisions of this Chapter, [The] the document entitled “Uniform
13 Regulations for the Control of Drainage,” as adopted by the Clark County Regional Flood Control District
14 and revised as of [December 13, 2007,] February 14, 2013, and as subsequently amended from time to
15 time, is adopted by this reference and made a part of this Code as if set forth herein. A copy of that
16 document (the “Uniform Regulations”) shall be maintained in the office of the City Clerk. In the event of
17 conflict or inconsistency between a provision of the Uniform Regulations and any other provision of this
18 Code, the more stringent provision shall govern.

19 SECTION 2: Title 20, Chapter 10, of the Municipal Code of the City of Las Vegas,
20 Nevada, 1983 Edition, is hereby amended by adding thereto four new sections, designated respectively as
21 Sections 20, 30, 40 and 50, reading as follows:

22 **20.10.020:** Section 12.050 of the Uniform Regulations, Section 303.10 of the Hydrologic Criteria and
23 Drainage Design Manual adopted therein, and the related City-specific amendment to Section 303.10 found
24 in Section 1602 of that Manual specify certain criteria relating to the size, construction, maintenance and
25 operation of certain drainage facilities, including drainage conveyance corridors. Notwithstanding any of
26 those provisions, the provisions of Sections 20.10.030 to 20.10.050, inclusive, shall apply to the extent of

1 any conflict or inconsistency.

2 **20.10.030:** For all facilities not identified as Regional Flood Control facilities in the most recently
3 adopted Regional Flood Control District Master Plan Update, public drainage easements must be privately
4 maintained. Subdivision layouts shall minimize the need for drainage easements through the conveyance
5 of storm water flows within proposed roadway rights-of-way or private streets, meeting applicable criteria
6 within the Hydrologic Criteria and Drainage Design Manual. Public drainage easements not located within
7 proposed roadway rights-of-way or private streets shall be concrete lined and located on common lots
8 owned by an owners' association or equivalent maintenance organization.

9 **20.10.040:** Except as otherwise provided in Section 20.10.050, drainage easements along alignments
10 identified as Regional Flood Control facilities in the most recently adopted Regional Flood Control District
11 Master Plan Update shall be concrete lined and shall be publicly maintained.

12 **20.10.050:** In the case of flood channels located within master planned communities of 640 acres or
13 larger and located within a natural arroyo or approved greenbelt, the public maintenance requirement in
14 Section 20.10.040 and other standards that otherwise would apply may be adjusted by means of the
15 alternate process and standards set forth in this Section (the "alternate process"). A developer who elects
16 the alternate process may develop and provide for the private maintenance of one or more flood channels
17 pursuant to this Section upon written application to the City. Approval of the alternate process is at the
18 discretion of the City and is subject to the following requirements:

19 (A) Provisions must be included within a Master Drainage Study to address how the
20 criteria within the Hydrologic Criteria and Drainage Design Manual are proposed to be met.

21 (B) An operation and maintenance plan must be provided for. That plan must cover
22 the entire development and include or provide for:

23 (1) A demonstration of how an owners' association or maintenance
24 organization will ensure that the necessary maintenance is completed after each event;

25 (2) The establishment and maintenance of a perpetual minimum financial
26 reserve;

1 (3) The posting of a maintenance bond in favor of the City to cover 100% of
2 the construction cost of the drainage facility, with a minimum of \$100,000 bond, maintained by the
3 developer in perpetuity until an acceptable replacement bond is provided by the association or maintenance
4 organization;

5 (4) The transfer of obligations from the developer to the association or
6 maintenance organization in perpetuity;

7 (5) Provisions within (or in association with) applicable covenants, conditions
8 and restrictions governing the site to address maintenance needs of the flood channel, including a clause for
9 the maintenance bond to be maintained in perpetuity, with such provisions to be provided to the City for
10 review and approval prior to the approval of a final subdivision map; and

11 (6) The recordation of the provisions referred to in Paragraph (5) concurrent
12 with recordation of the final subdivision map.

13 (C) A geotechnical report performed by a registered professional engineer must certify
14 that proposed natural washes meet erosion requirements for existing and future channel velocities.
15 Recommendations for necessary improvements shall be included.

16 (D) The flood channel must be established as a multi-use facility with a trail system
17 incorporated into the development's usable open space.

18 (E) A six-foot wide concrete low flow channel must be provided, with appropriate
19 erosion protection or appropriate underground storm drain systems, in any otherwise non-concrete channel.

20 (F) Provision must be made for appropriate access into and out of the flood channel for
21 purposes of channel maintenance.

22 (G) Riprap must be installed in the flood channel in a minimum size of 8 inches (D50),
23 with larger sizes to be provided as required by the Hydrologic Criteria and Drainage Design Manual.

24 (H) Public drainage easements must be located on parcels recorded as common lots.

25 (I) Offsite inspection and testing by or on behalf of the City must be allowed, to the
26 City's satisfaction and to the extent deemed necessary, to verify over-excavation, compaction, and concrete

1 testing.

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

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

12 PASSED, ADOPTED and APPROVED this ____ day of _____, 2014.

13 APPROVED:

14
15 By _____
CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 _____
18 BEVERLY K. BRIDGES, MMC
City Clerk

19 APPROVED AS TO FORM:

20 Val Steed 1-22-14
21 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the _____
2 day of _____, 2014, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2014, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 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 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 18, 2014

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2014-12 - For Possible Action - Updates the appeal and hearing procedures for nuisance abatements in accordance with State law. Sponsored by: Councilman Steven D. Ross and Councilman Ricki Y. Barlow

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the appeal and hearing procedures for nuisance abatements in accordance with State law. The changes will implement enabling legislation to allow a City Council designee to hear and decide all aspects of nuisance-related appeals and proceedings.

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. 2014-12

BILL NO. 2014-12

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE APPEAL AND HEARING PROCEDURES FOR NUISANCE ABATEMENTS IN ACCORDANCE WITH STATE LAW, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross
Councilman Ricki Y. Barlow

Summary: Updates the appeal and hearing procedures for nuisance abatements in accordance with State law.

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

SECTION 1: Title 9, Chapter 4, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9.04.070: (A) Within ten days after service of the notice of violation, the owner or responsible party may [appeal to the City Council.] file an appeal. Such appeal shall be in writing and shall be filed with the City Clerk. Within [fifteen] ten days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City Council or by the Council's designee[, with a right of final appeal to the Council.] If the appeal is heard by a designee, there shall be a further right of appeal to a court of competent jurisdiction. The decision of the City Council or the Council's designee, in cases where a designee hears an appeal and no further appeal is taken, shall be final and conclusive. Any owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.

(B) Civil liability under Section 9.04.040 may be imposed by the City Council, or the Council's designee, in connection with:

- (1) An appeal hearing held pursuant to this Section; or
- (2) Another hearing to establish liability concerning which the owner or responsible party has been provided notice and an opportunity to be heard. Service of such notice is sufficient if in accordance with Subsection (B) of Section 9.04.050.

1 SECTION 2: Title 9, Chapter 4, Section 100, of the Municipal Code of the City of Las
2 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **9.04.100:** (A) Upon the filing of the abatement report for abatement action taken by the City
4 pursuant to Section 9.04.080, [the City Clerk shall set a hearing for the City Council to review] a hearing
5 shall be held for the purpose of reviewing the report and any accompanying documentation. At the City's
6 option, such a hearing may be held before the City Council or before the City Council's designee. At the
7 abatement report hearing, the City Council or designee shall either approve or disapprove of the report as
8 submitted, or as modified or corrected by the City Council[.] or designee. In the event the City Council or
9 designee approves the report as submitted, or as modified or corrected, either or both of the following
10 actions may be taken:

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

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

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

21 (1) Is perfected when the City [Clerk] has:

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

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

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(2) Shall be:

- (a) Coequal with the latest lien on the subject property to secure the payment of general taxes;
- (b) Not subject to extinguishment by the sale of the property on account of the nonpayment of general taxes;
- (c) Prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

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

(C) Pursuant to NRS 268.4122, the City Council or designee may order that civil penalties assessed under this Chapter be made part of an assessment lien authorized by this Section, but any action to do shall be subject to the limitations contained in NRS 268.4122. In the case of action taken by a designee, an appeal of that decision may be taken to a court of competent jurisdiction.

(D) For appropriate cause, the City Council or designee may waive or reduce costs and penalties previously assessed under this Chapter.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or 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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1 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
3 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this _____ day of _____, 2014.

5 APPROVED:

6
7 By _____
CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 _____
10 BEVERLY K. BRIDGES, MMC
City Clerk

11 APPROVED AS TO FORM:

12 *Val Steed* 1-22-14
13 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the _____
2 day of _____, 2014, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2014, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
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8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF FEBRUARY 18, 2014

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 FORWARD 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 FEBRUARY 18, 2014

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

☐ Consent ☒ Discussion

SUBJECT:
ADJOURNMENT

