

1 **BILL NO. 2017-15**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE CITY'S REGULATIONS GOVERNING STORMWATER AND
4 STORMWATER MANAGEMENT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Sponsored by: Councilman Bob Coffin
6 (by request)

Summary: Updates the City's regulations
governing stormwater and stormwater
management.

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

9 SECTION 1: Title 14, Chapter 18, Section 10, of the Municipal Code of the City of Las
10 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **14.18.010:** As used in this Chapter, the following terms shall have the meanings ascribed:

12 "Act" means the provisions of the Clean Water Act, as amended and as set forth in 33 U.S.C.
13 Sections 1251 et seq., together with all guidelines, limitations and standards that are promulgated by the
14 EPA pursuant to the Act.

15 "BMP" or "best management practices" means a structural or non-structural device, facility,
16 measure, source control practice, or any activity, along with any required documentation thereof, that helps
17 to achieve compliance with any discharge requirement set forth in this Chapter.

18 "CFR" means the Code of Federal Regulations, a codification of regulations issued by the
19 executive departments and agencies of the Federal Government.

20 "Construction activity" means activities subject to NPDES construction permits as defined in 40
21 CFR Section 122.26.

22 "Director" means the Director of Public Works, or an authorized agent or representative of the
23 Director.

24 "Discharge" means a point source discharge of pollutants into the [storm system.] MS4.

25 "Groundwater infiltration" means the entry into the MS4 of water other than wastewater, including
26 groundwater, by means of sewer service connections, foundation drains, defective pipes, pipe joints,

connections or manholes. The term does not include inflow.

“Illicit discharge” means a direct or indirect discharge of non-stormwater to the [storm system,] MS4, except as allowed for in this Chapter.

“Illicit connection” means any connection to the [storm system] MS4 from an indoor sink or drain, or any drain or conveyance, whether on the surface or subsurface, which allows entrance to the [storm system] MS4 of a discharge of sewage, industrial process wastewater, or non-stormwater that could interfere with the [storm system] MS4 or present an imminent and substantial endangerment to human health or the environment.

“Industrial activity” means activities subject to NPDES industrial permits as defined in 40 CFR Section 122.26[.], as well as other activities that the City has determined contribute to the loading of substantial pollutants to the MS4.

“Inflow” means entry into the MS4 of water other than wastewater by means of sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwater, surface runoff, street wash waters, or drainage.

“Maximum extent practicable” means the technology-based discharge standard to reduce pollutants in stormwater discharges that was established by Section 402(p) of the Act and is described in 40 CFR Section 122.34(a).

“MS4” means a municipal separate storm sewer system consisting of any publicly-owned facility by which stormwater is collected or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

“NDEP” means the Division of Environmental Protection of the Nevada Department of Conservation and Natural Resources.

“Non-stormwater” means any discharge to the [storm system] MS4 that is not composed entirely of

1 stormwater.

2 “NPDES permit” means a National Pollutant Discharge Elimination System permit that is issued
3 by NDEP pursuant to Section 402 of the Act, authorizing a person to discharge pollutants into the waters of
4 the United States.

5 “Person” means any individual, association, organization, partnership, firm, corporation or other
6 entity recognized by law and acting as either the owner of premises or of an operation (or as the owner’s
7 agent), but does not include the City or any other state or local governmental entity within the State of
8 Nevada, or any of their employees or agents.

9 “Point source” means “point source” as that term is defined in Section 502(14) of the Act.

10 “Pollutant” means “pollutant” as that term is defined in Section 502(6) of the Act.

11 “Premises” means any building, lot, parcel of land, or portion of land, whether improved or
12 unimproved, and including adjacent sidewalks and parking strips.

13 “Release” or “spill” means any significant spill, leak, or release of any non-stormwater into the
14 [storm system,] MS4, whether intentional or unintentional, other than that which is allowed for in this
15 Chapter.

16 “Stormwater” means any discharge resulting from precipitation, irrigation, or normal residential
17 activity.

18 “Surface waters” means “navigable waters” as that term is defined in Section 502(7) of the Act.

19 [“Storm system” means any publicly-owned facility by which stormwater is collected or conveyed,
20 including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped
21 storm drains, pumping facilities, retention and detention basins, natural and human-made or altered
22 drainage channels, reservoirs, and other drainage structures.]

23 SECTION 2: Title 14, Chapter 18, Section 20, of the Municipal Code of the City of Las
24 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **14.18.020:** The purpose of this Chapter is to provide for the health, safety, and general welfare of City
26 residents and visitors through the regulation of discharges to the [storm system,] MS4, to the maximum

1 extent practicable. This Chapter establishes methods for controlling the introduction of stormwater and
2 non-stormwater into the [storm system] MS4 in order to comply with the requirements of the [City's] Las
3 Vegas Valley MS4 NPDES stormwater permit[.] that pertain to and are binding upon the City. The
4 objectives of this Chapter are to:

5 (A) Regulate the discharge of stormwater and non-stormwater to the [storm system;]
6 MS4, including without limitation discharges from spills, dumping or disposal of materials;

7 (B) Establish legal authority in order to require compliance necessary for conformance
8 with the provisions of this Chapter and with the requirements and conditions of any permits, orders or
9 contracts issued under or in connection with this Chapter;

10 (C) Establish legal authority in order to require compliance with BMPs for erosion and
11 sediment controls at construction sites;

12 (D) Establish legal authority in order to inspect construction sites disturbing one acre
13 or larger (or less than one acre, if part of a common plan of development) to establish compliance with this
14 Chapter, as well as authority to take appropriate enforcement action as necessary;

15 (E) Establish legal authority in order to inspect industrial sites that are part of the
16 City's inventory to establish compliance with this Chapter, as well as authority to take appropriate
17 enforcement action as necessary;

18 [(B)] (F) Prohibit illicit connections and illicit discharges to the [storm system;] MS4;

19 [(C)] (G) Establish legal authority in order to carry out all inspection, surveillance,
20 monitoring procedures, and enforcement activities necessary to [ensure compliance with this Chapter;]
21 determine compliance and noncompliance with the provisions of this Chapter (including without limitation
22 the prohibition of illicit discharges to the MS4), and to enforce the provisions of this Chapter;

23 [(D)] (H) Establish civil, administrative and criminal penalties for violations of the
24 provisions of this Chapter; and

25 [(E)] (I) Provide procedures for City compliance with requirements that are placed upon the
26 City by other governmental agencies.

SECTION 3: Title 14, Chapter 18, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.18.030: This Chapter shall apply to all water entering the [storm system] MS4 that has been generated on any developed and undeveloped lands, unless explicitly exempted by the Director or NDEP.

SECTION 4: Title 14, Chapter 18, Section 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.18.050: The standards established by this Chapter are minimum standards that have been adopted by the City for the purposes stated. Nothing in this Chapter:

(A) Is intended, nor shall be deemed, to imply that compliance with this Chapter by any person will insulate that person from liability under other sources of law or theories of liability relating to the discharge of pollutants into the [storm system;] MS4;

(B) Shall create liability on the part of the City or its officers, employees or agents for any damages that result from a discharger's reliance on this Chapter or any administrative decision lawfully made thereunder.

SECTION 5: Title 14, Chapter 18, Section 60, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.18.060: The City is authorized to regulate discharges from persons and premises that are located outside of the corporate boundaries of the City but are tributary to the [storm system,] MS4, consistent with any interlocal agreement. The requirements of this Chapter shall apply to each such person. The Director is authorized to inspect and monitor the facilities of each such person in order to determine its compliance with this Chapter.

SECTION 6: Title 14, Chapter 18, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.18.070: (A) It is unlawful for any person to discharge or cause to be discharged into the [storm system] MS4 any non-stormwater, unless the discharge has been authorized by NDEP and approved by the Director, or is one of the following:

(1) Water line flushing; [water] discharges from other potable water sources; landscape irrigation or lawn watering; diverted stream flows; rising [ground water; ground water infiltration to the storm system;] groundwater; uncontaminated groundwater infiltration; discharges from foundation [or] and footing drains (not including active groundwater dewatering systems for which a separate State permit is required); water from crawl space pumps; air conditioning and swamp cooler condensation; [springs; non-commercial washing of vehicles; natural riparian habitat or wetland flows;] non-commercial washing of vehicles; springs; flows from natural riparian habitats or wetlands; discharges or flows from firefighting activities; runoff from the washing of streets, if no detergents or chemicals are used; or any other water source not containing pollutants, provided that NDEP has not determined the source to be a substantial contributors of pollutants.

(2) Dechlorinated swimming pool water (less than [one] 0.1 mg/L chlorine), provided that a suitable connection to the sanitary sewer is not available, as determined by the Director, and permission to discharge swimming pool water into the [storm system] MS4 has first been obtained from the Director.

(3) Discharges specified by NDEP as being necessary to protect public health and safety.

(4) Dye testing, provided that notification, either verbal or written, is given to the Director prior to the time of the testing.

(B) It is unlawful for any person to discharge or cause to be discharged into any surface waters within the City any pollutant, without first obtaining from NDEP an NPDES permit authorizing the discharge, when such a permit is required by the Act.

(C) It is unlawful for any person to discharge or cause to be discharged into the [storm system] MS4 any non-stormwater that would cause a violation of the City's NPDES stormwater permit.

SECTION 7: Title 14, Chapter 18, Section 80, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.18.080: (A) The construction, use, maintenance or continued existence of illicit connections to

1 the [storm system] MS4 is prohibited, which expressly includes, without limitation, illicit connections
2 made in the past, regardless of whether the connection was permissible under law or practices applicable or
3 prevailing at the time of connection.

4 (B) A person is considered to be in violation of this Chapter if the person connects a
5 line conveying sewage to the [storm system,] MS4, or allows such a connection to continue.

6 (C) It is unlawful for any person to remove any manhole cover, or to discharge or
7 cause to be discharged any stormwater or non-stormwater directly into a manhole or other opening in the
8 [storm system] MS4 that has not been authorized for stormwater discharge, unless such discharge is
9 approved by the Director. The Director may require a written application by the person and the payment of
10 the applicable fees and charges that have been established by the City Council pursuant to Section
11 14.18.200 of this Chapter.

12 SECTION 8: Title 14, Chapter 18, Section 90, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **14.18.090:** It is unlawful for any person to dispose of construction debris, landscaping clippings,
15 industrial waste materials or other wastes into the [storm system,] MS4, except as allowed by this Chapter
16 or by the Director.

17 SECTION 9: Title 14, Chapter 18, Section 100, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **14.18.100:** (A) The Director shall have the full power and authority to immediately and effectively
20 halt or prevent, through whatever means and procedures are deemed reasonably necessary, and after
21 informal notice to the discharger, any discharge of non-stormwater into the [storm system] MS4 which
22 appears to present an imminent endangerment to the health or welfare of any person or the environment, or
23 which discharge threatens property or the proper operation of the [storm system,] MS4, or which places or
24 threatens to place the City in violation of its NPDES stormwater permit. In implementing such measure or
25 measures, the personnel of the City, any party with which the City has contracted for such purpose, or a
26 duly authorized representative of any other government agency shall have immediate access to the premises

1 on which such condition exists. The Director may prohibit the approach to such premises by any person,
2 vehicle, vessel or thing, and all persons who are not actually employed in the abatement of such condition
3 or in the preservation of life or property on, or in the vicinity of, such premises may be excluded from such
4 premises. The affected person or persons shall have the opportunity to respond, after the fact, to any action
5 taken pursuant to this Section by requesting a hearing in the manner that is set forth in Subsection (E) of
6 this Section.

7 (B) Any person who is notified of action pursuant to Subsection (A) of this Section [(a
8 “storm system access suspension”)] (an MS4 access suspension) shall immediately cease and desist the
9 discharge of all non-stormwater from its facilities into the [storm system.] MS4.

10 (C) If a person fails to comply voluntarily with [a storm system] an MS4 access
11 suspension order, the Director may take such action as may be reasonably necessary in order to [ensure]
12 establish immediate compliance with such order, including without limitation the immediate blockage or
13 the disconnection of the person’s connection to the [storm system.] MS4.

14 (D) In addition, the Director, in the event of any violation of this Chapter by any
15 person, may serve such person with a notice of an intended order of [storm system] MS4 access suspension,
16 which notice states the reasons therefor, notifies the person of the opportunity for a hearing with respect
17 thereto and establishes the proposed effective date of the intended order.

18 (E) Any person who has been notified of [a storm system] an MS4 access suspension
19 under this Section may file with the Director a request for a hearing with respect thereto; provided,
20 however, that the filing of such a request shall not stay the existing or proposed [storm system] MS4 access
21 suspension.

22 (F) If a hearing is requested with respect to an existing or proposed [storm system]
23 MS4 access suspension; the Director shall hold a hearing with respect to such [storm system] MS4 access
24 suspension within fourteen days after receipt of the request. Within two working days following the close
25 of the hearing, the Director shall make a determination concerning whether to affirm, to terminate or
26 conditionally to terminate the [storm system] MS4 access suspension. Reasonable notice of the hearing

1 shall be given to such person no less than five working days prior to the date of the hearing.

2 (G) The Director may terminate [a storm system] an MS4 access suspension under this
3 Section upon proof of the compliance by the person with applicable requirements, which compliance ends
4 the emergency nature of the hazard that had caused the Director to initiate the [storm system] MS4 access
5 suspension; provided, however, that the Director must be satisfied that the person will henceforth comply
6 with all of the discharge requirements that are set forth in this Chapter, the City's rules and regulations that
7 relate to the discharge of stormwater, and any lawful order that is issued pursuant to this Chapter.

8 SECTION 10: Title 14, Chapter 18, Section 120, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **14.18.120:** (A) Whenever it is necessary to make an inspection to monitor or enforce any of the
11 provisions of, or to perform any duty imposed by, this Chapter, or whenever the Director has reasonable
12 cause to believe that there exists upon any premises any violation of the provisions of this Chapter or any
13 condition which makes such premises hazardous, unsafe or dangerous, the Director is authorized to enter
14 such premises at all reasonable times and inspect the same and perform any duty that is imposed upon the
15 Director by this Chapter, subject to the following conditions:

16 (1) If the premises are occupied, the Director shall first present proper
17 credentials to the occupant and request entry after explaining the reasons therefor and the purpose of the
18 inspection; or

19 (2) If the premises are unoccupied, the Director shall first make a reasonable
20 effort to locate the owner or other person who has the care or control of such premises and request entry
21 after explaining the reasons therefor and the purpose of the inspection. If such entry is refused or cannot be
22 obtained because the owner or other person who has the care or control of such premises cannot be found
23 after due diligence, the Director may have recourse to every remedy that is provided by law to effect lawful
24 entry and to inspect such premises.

25 (B) Notwithstanding the provisions of Subsection (A) of this Section, if the Director
26 has reasonable cause to believe that non-stormwater discharge conditions on or emanating from the

premises are so hazardous, unsafe or dangerous as to require immediate inspection and action in order to safeguard the public health or safety, the Director shall have the right immediately to enter and inspect such premises and may use any reasonable means that may be required in order to effect such entry and make such inspection, whether the premises are occupied or unoccupied and whether or not formal permission to enter and inspect has been obtained.

(C) It shall be unlawful for any person to fail or refuse, after a proper demand has been made upon that person in accordance with Subsection (B) of this Section, promptly to permit the Director to enter such premises and to make any inspection that is provided for by Subsection (B). In addition to any criminal penalty that may be imposed upon any person who violates this Subsection (C), such person's [storm system] MS4 access may be suspended as provided for in Section 14.18.100.

(D) Any person subject to this Chapter shall consent and agree to the entry at all reasonable times by the Director or designated personnel upon any premises subject to this Chapter for any of the following purposes:

(1) To inspect all areas of the person's facilities that have the potential to influence the characteristics of the non-stormwater that is, or may be, discharged to the [storm system;] MS4;

(2) To inspect, sample and take flow measurements of the discharge from such person's facilities and to examine records in the performance of the Director's authorized duties;

(3) To set up on such person's property such devices as may be necessary or appropriate in order to conduct sampling, inspections, compliance monitoring, flow measuring or metering operations, or any combination thereof;

(4) To inspect and copy any record, report, test result or other information that is required to carry out the provisions of this Chapter; and

(5) To photograph or otherwise create a record of any waste, waste container, vehicle, waste treatment process, discharge location or violation that is discovered during any such inspection.

1 (E) If a person has instituted security measures that require proper identification and
2 clearance before entry upon its premises, such person shall make all arrangements with its security guards
3 that may be necessary in order that, upon presentation of their credentials, the duly designated personnel of
4 the City shall be permitted to enter upon the premises without delay for the purpose of performing their
5 authorized duties.

6 SECTION 11: Title 14, Chapter 18, Section 130, of the Municipal Code of the City of
7 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **14.18.130:** (A) For any construction site, the Director may require BMPs that reduce the discharge
9 of pollutants to the maximum extent practicable. These BMPs shall be consistent with applicable local
10 guidance documents developed to implement this Section. BMPs that are consistent with the applicable
11 local guidance documents shall be deemed in compliance with this Section. These BMPs shall be installed
12 and maintained at the sole expense of the owner or operator.

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

19 (2) Compliance with all terms and conditions of a valid NPDES stormwater
20 permit authorizing the discharge of stormwater to the [storm system] MS4 shall be deemed in compliance
21 with the provisions of this Section.

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

25 (C) The Director may require secondary containment for any hazardous substance
26 when the Director determines that the substance has the potential to enter the [storm system] MS4 illicitly.

1 Such secondary containment shall be provided and maintained at the sole cost and expense of the person
2 responsible for the substance.

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

5 (1) The implementation of [BMP's] BMPs to reduce the discharge of
6 pollutants to the storm drain system after development is complete to the maximum extent practicable; and

7 (2) The submission of a written plan for the design, installation, operation or
8 maintenance of post-development [BMP's,] BMPs, or any combination thereof.

9 SECTION 12: Title 14, Chapter 18, Section 140, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **14.18.140:** Notwithstanding any other requirement of law, as soon as any person responsible for a
12 facility or operation, or responsible for emergency response related thereto, has information regarding any
13 known or suspected release of non-stormwater at or from that facility or operation, where such release is
14 not authorized by this Chapter, the person shall take all necessary steps [to ensure] for the discovery,
15 containment, and cleanup of such release. In the event of a release that is in excess of a Federally-
16 reportable quantity, the person shall immediately notify the Director and emergency response agencies of
17 the occurrence by calling 911. In the event of any non-hazardous release, the person shall notify the
18 Director no later than the next business day. If the release emanates from a commercial or industrial
19 establishment, the owner or operator of such establishment shall also retain an on-site written record of the
20 discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three
21 years.

22 SECTION 13: Title 14, Chapter 18, Section 180, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **14.18.180:** (A) Whenever, on the basis of the information that is available, the Director finds that
25 any person is in violation of any of the provisions of this Chapter, the Director may assess an administrative
26 penalty in an amount that is not less than five hundred dollars nor more than ten thousand dollars for each

1 day that each such violation continues, unless a different administrative penalty for any of such violations is
2 established in the schedule of fees and charges that has been established by the City Council pursuant to
3 Section 14.18.200.

4 (B) Before assessing any administrative penalty pursuant to this Section, the Director
5 shall give the person upon whom such penalty is to be imposed written notice of the proposed assessment
6 and the opportunity to request, within thirty days after the date on which such notice is received by it, a
7 hearing with respect to the proposed order of assessment.

8 (C) In determining the amount of any penalty assessed pursuant to this Section, the
9 Director shall consider the nature, circumstances, extent and gravity of the violation in respect of which the
10 penalty is proposed to be assessed; the economic benefit, if any, that has inured to the person as the result
11 of such violation; any good faith effort on the part of the person to comply with the applicable
12 requirements; the potential economic impact of the penalty upon the user or other person; any history of
13 similar violations; the degree of culpability of the user or other person; and such other matters as justice
14 may require.

15 (D) An order which imposes an administrative penalty pursuant to this Section shall
16 become final:

17 (1) Thirty days after its issuance; or

18 (2) If a hearing has been requested pursuant to Subsection (B) of this Section,
19 upon the Director's issuance of a decision following the hearing.

20 (E) The failure of a person to pay any administrative penalty that is imposed by the
21 Director pursuant to this Section within thirty days after the imposition thereof shall be grounds for any
22 remedy that is available under this Chapter for terminating the person's ability to discharge or cause to be
23 discharged stormwater or non-stormwater from its facilities into the [storm system] MS4.

24 SECTION 14: Title 14, Chapter 18, Section 200, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **14.18.200:** (A) In order to provide for the recovery by the City of its costs that are related to the

1 discharge of stormwater, non-stormwater or pollutants into the [storm system] MS4 and for the
2 enforcement of the provisions of this Chapter, or both, the City Council shall establish a schedule of fees
3 and charges. Such schedule, which shall be subject to periodic revision, may establish a specific amount for
4 any fee, charge, assessment, penalty or other cost that is related to the discharge of stormwater, non-
5 stormwater or pollutants to the [storm system] MS4 or the enforcement of the provisions of this Chapter, or
6 both, including without limitation:

- 7 (1) Inspection fees;
- 8 (2) Application fees;
- 9 (3) Plan review fees;
- 10 (4) Monitoring fees;
- 11 (5) Administrative penalties;
- 12 (6) Fees for filing requests for reconsideration and appeals; and
- 13 (7) Other fees that the City Council deems appropriate.

14 (B) Except as may be otherwise provided in this Chapter, whenever any fee, charge,
15 assessment or penalty that is required by this Chapter to be paid is based upon an estimated value or an
16 estimated quantity, the Director shall make such determination in accordance with generally recognized
17 practices.

18 SECTION 15: Title 14, Chapter 18, Section 250, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **14.18.250:** (A) Any person who does any of the following is guilty of a misdemeanor:

21 (1) Negligently or wilfully introduces or causes to be introduced into the
22 [storm system] MS4 any non-stormwater which such person knew, or with the exercise of reasonable
23 diligence would have known, could cause personal injury or property damage;

24 (2) Causes any violation of any condition of any permit that has been issued to
25 the City pursuant to the Act, unless such action is necessary in order for the person to comply with all
26 applicable Federal, State and local requirements or permits; or

1 (3) Knowingly makes a false statement, representation or certification of any
2 material fact in any application, record, report, plan or other document that is filed or required to be
3 maintained pursuant to this Chapter or who knowingly falsifies, tampers with or renders inaccurate any
4 monitoring device or method that is required by this Chapter.

5 (B) Whenever in this Chapter any act is prohibited or is made or declared to be
6 unlawful or an offense or a misdemeanor, or whenever in this Chapter the doing of any act is required or
7 the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
8 any such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
9 conviction thereof, shall be punished by a fine of not more than one thousand dollars or by imprisonment
10 for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of
11 any violation of this Chapter shall constitute a separate offense.

12 SECTION 16: Title 14, Chapter 18, Section 260, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **14.18.260:** Any person who discharges or causes to be discharged any non-stormwater into the [storm
15 system] MS4 shall be liable to the City for all damages, cleanup costs, monitoring costs and other
16 associated costs that result therefrom.

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 City
21 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
22 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
23 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

24 SECTION 18: Whenever in this ordinance any act is prohibited or is made or declared to
25 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
26 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of

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

5 SECTION 19: All ordinances or parts of ordinances or sections, subsections, phrases,
6 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
7 Edition, in conflict herewith are hereby repealed.

8 PASSED, ADOPTED and APPROVED this ____ day of _____, 2017.

9 APPROVED:

10
11 By _____
CAROLYN G. GOODMAN, Mayor

12 ATTEST:

13 _____
14 LUANN D. HOLMES, MMC
City Clerk

15 APPROVED AS TO FORM:

16 Val Steed
17 Val Steed,
Deputy City Attorney

4-18-17
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____
2 day of _____, 2017, 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 _____, 2017, 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 LUANN D. HOLMES, MMC
City Clerk