

1 **BILL NO. 2017-14**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE PERTAINING TO WATER USE AND WATER CONSERVATION; UPDATES
4 VARIOUS PROVISIONS OF LVMC CHAPTERS 14.08, 14.10 AND 14.11 CONSISTENT WITH
5 CONSERVATION INITIATIVES AND RECOMMENDATIONS OF THE SOUTHERN NEVADA
6 WATER AUTHORITY, AND PROVIDES FOR OTHER RELATED MATTERS.

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

Summary: Updates various provisions of LVMC
Chapters 14.08, 14.10 and 14.11 (pertaining to
water use and conservation) consistent with
conservation initiatives and recommendations of
the Southern Nevada Water Authority.

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

11 SECTION 1: Title 14, Chapter 8, Section 140, of the Municipal Code of the City of Las
12 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **14.08.140:** From May 1st until [October 1st] August 31st of each calendar year from the hours of
14 [twelve noon] eleven a.m. until seven p.m., it is unlawful for any customer of a public water system to use
15 water within the City for the purpose of irrigating, regardless of method, exterior lawns, gardens, trees,
16 grass, shrubbery or other vegetation, except as provided in LVMC 14.08.150.

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

19 **14.10.030:** It is unlawful to use any potable water or shallow aquifer groundwater for the purpose of
20 filling or refilling:

21 (A) A manmade lake; or

22 (B) A manmade decorative water feature, unless the water is recirculated and the water
23 [features complies with the provisions of Section 14.10.040 of this chapter.] feature is authorized by and
24 complies with the provisions of Section 14.11.190.

25 SECTION 3: Title 14, Chapter 11, Section 10, of the Municipal Code of the City of Las
26 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **14.11.010:** This Chapter is intended to establish [aggressive] water conservation measures and
2 enhance efficient utilization of water resources. [Water purveyors normally rely on conservation as an
3 essential resource to help meet water needs; however, the existence of drought conditions affecting the
4 Colorado River Basin mandates additional conservation measures. These measures are intended to
5 implement the Southern Nevada Water Authority's (SNWA) Drought Plan, which was adopted as part of
6 SNWA's Water Resource Plan.]

7 SECTION 4: Title 14, Chapter 11, Section 90, of the Municipal Code of the City of Las
8 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **14.11.090:** Between May 1st and [September 30th,] August 31st, it is unlawful to use water for the
10 spray irrigation of turf, gardens, trees, shrubbery, or other vegetation between the hours of eleven a.m. and
11 seven p.m.

12 SECTION 5: Title 14, Chapter 11, Section 190, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **14.11.190:** (A) Fountains and water features are prohibited upon property that is serviced by the
15 District. The following features, however, are exempt from this prohibition:

16 (1) Swimming pools;

17 (2) Fountains and water features that are supplied by privately-owned water
18 rights, by water rights obtained by means of a State-issued permit, or by nuisance water discharged during
19 normal facility dewatering;

20 (3) Not more than one fountain or other water feature at any single-family
21 residence, provided that the surface area of the fountain or other water feature does not exceed twenty-five
22 square feet;

23 (4) Not more than one fountain or other water feature within the common
24 areas of a single-family or multi-family development, provided that the fountain or other water feature is
25 not an entryway or streetscape feature and its surface area does not exceed twenty-five square feet;

26 (5) Fountains or water features that are necessary and functional components

1 serving other allowable uses, such as [storage ponds on a golf course or aeration devices;] irrigation
2 reservoirs for a golf course, park or cemetery; aeration devices; engineered components of a heat exchanger
3 for a cooling system; or interpretive features of an educational exhibit;

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

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

10 (8) Fountains or water features necessary to sustain aquatic animals, provided
11 that the animals have been actively managed within the water feature prior to [the declaration of drought.]
12 February 20, 2003.

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

15 (1) Fountains or water features that are integral to the operation of a resort
16 hotel or a coalition of resort hotels[;], if the maximum surface area of such fountains or water features does
17 not exceed the limitations set forth in Subsection (C) of this Section; or

18 (2) Other fountains or water features that are proposed to be allowed [in
19 exchange for water use reduction activities in accordance with Subsection (D) of this Section.] pursuant to
20 a water use abatement plan in accordance with Subsection (E) of this Section, if the maximum surface area
21 of such fountains or water features does not exceed the limitations set forth in Subsection (C) of this
22 Section.

23 (C) The maximum surface area of fountains or water features eligible for exemption
24 under Subsection (B) of this Section is two percent for the first ten acres or less of development, two-tenths
25 of one percent for any additional development area that exceeds ten acres, and an additional two and one-
26 half square feet for each hotel room used for sleeping accommodations.

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

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

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

14 (2) The submitted water use [reduction plan must provide for a minimum total
15 water savings of greater than fifty times the consumptive use of the operation of the fountain or water
16 feature;] abatement plan must provide for the reduction of consumptive demand by one of the following
17 methods:

18 (a) Converting irrigated turfgrass upon the property to water efficient
19 landscaping at a minimum ratio of twenty square feet converted for each square foot of water surface in the
20 fountain or water feature sought to be exempted; or

21 (b) Reducing or eliminating an existing, compliant body of water
22 upon the property such that there is a net decrease in water surface area on the property;

23 (3) The water use [reduction] abatement plan must have been submitted to the
24 District and implemented by the applicant;

25 (4) In the event that the required consumptive use savings cannot be achieved
26 on the property that has the fountain or water feature, the applicant must pay to the City a fee of [ten] forty

1 dollars for every square foot of surface area of the fountain beyond that which is accounted for in the
2 removal of turf on the property to achieve the required consumptive use savings. If there is no turf on the
3 subject property, the [ten] forty dollar per square foot fee must be paid for the entire square footage of the
4 water feature; and

5 (5) In order to maintain an exemption beyond the calendar year in which the
6 exemption was granted, an annual fee of two hundred fifty dollars must be paid to the City. The first annual
7 fee is payable:

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

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

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

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

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

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

25 SECTION 6: Title 14, Chapter 10, Section 40, of the Municipal Code of the City of Las
26 Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

1 SECTION 7: Title 14, Chapter 11, Section 30, of the Municipal Code of the City of Las
2 Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

3 SECTION 8: 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 9: 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.

17 ...

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

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

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

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

LUANN D. HOLMES, MMC
City Clerk

APPROVED AS TO FORM:

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

17

18

19

20

21

22

23

24

25

26