

1 **BILL NO. 2007-57**

2 **ORDINANCE NO. 5944**

3 AN ORDINANCE TO CONFORM THE CITY'S DROUGHT PLAN REGULATIONS TO THE
4 MOST RECENT VERSION OF THE SOUTHERN NEVADA WATER AUTHORITY'S DROUGHT
5 PLAN BY REMOVING CERTAIN TURF-PLANTING RESTRICTIONS AND PROVIDING A
6 LIMITED EXEMPTION FROM THE MANDATORY WATERING SCHEDULE FOR
7 PROPERTIES USING SMART CONTROLLERS, AND TO PROVIDE FOR OTHER RELATED
8 MATTERS.

9 Sponsored by: Councilwoman Lois Tarkanian

Summary: Amends the City's drought plan regulations to remove certain turf-planting restrictions and to provide a limited exemption from the mandatory watering schedule for properties using smart controllers.

10 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

11 AS FOLLOWS:

12 SECTION 1: Title 14, Chapter 11, Section 110, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **14.11.110:** The following are exempt from the watering restrictions described in Section 14.11.100
15 above:

16 (A) Hand watering for the purpose of preserving lawn or shrubbery so that
17 vegetation does not die;

18 (B) Irrigation of new lawns or re-seeding of an existing lawn, for a period of thirty
19 days from the date of planting or installation;

20 (C) Drip and/or bubbler irrigation systems, provided that they are not run more
21 frequently than would be permitted for spray irrigation;

22 (D) Irrigation of commercial stock by commercial gardens or plant nurseries that
23 are licensed by the City, provided that the licensee or a representative is personally on the premises
24 at the time the irrigation is taking place;

25 (E) Testing of landscape irrigation systems, provided that the person performing
26 the test is present to observe system performance;

27 (F) Municipal operations or procedures that are necessary to protect the health,
28 safety and well-being of the public; and

(G) Such other activities as may be exempted under the service rules[.] including

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1 an exemption from the mandatory watering schedule for properties that use automated weather-based
2 controllers (“smart controllers”). The availability and duration of any such exemption shall be in
3 accordance with the service rules and subject to the approval of the District.

4 SECTION 2: Title 14, Chapter 11, Section 150, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **14.11.150:** During drought alert conditions:

7 (A) Except as otherwise provided in Subsection (B), no new turf may be installed
8 in residential front yards. In single-family residential development, the installation of new turf shall
9 not exceed fifty percent of the gross area of the side and rear yard or one hundred square feet,
10 whichever is greater (up to a maximum of five thousand square feet). No turf area may be installed
11 in the side or rear yard if any dimension thereof is less than ten feet.

12 (B) The owner of a single family dwelling may apply to the Director for an
13 exemption from the prohibition in Subsection (A) regarding new turf in residential front yards.
14 Approval of an exemption authorizes the applicant to install new turf in the front yard, but only if the
15 total quantity of turf in the front, side and rear yards does not exceed the amount otherwise allowable
16 in the side and rear yards under Subsection (A). An application for exemption shall include such
17 information regarding the applicant’s plans as the Director may require, including authorization for
18 City representatives to gain access to the property for purposes of determining compliance with this
19 Section.

20 (C) [During the months of May through August, the planting of cool-season grasses
21 (i.e. tall fescue or rye grass) is prohibited. The planting of warm-season grasses (i.e. bermuda and
22 zoysia) is permitted.


23 (D)] The restrictions applicable to nonresidential development during drought watch
24 conditions shall apply during drought alert conditions as well.


25 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
26 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
27 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
28 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the

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

5 SECTION 4: 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,
7 1983 Edition, in conflict herewith are hereby repealed.

8 PASSED, ADOPTED and APPROVED this 7TH day of NOVEMBER, 2007.

9 APPROVED:
10
11 By 
OSCAR B. GOODMAN, Mayor

12 ATTEST:
13 
14 BEVERLY K. BRIDGES, CMO
City Clerk

15 APPROVED AS TO FORM:
16 Val Steed 9-20-07
Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 3rd day of October, 2007, and referred to a committee for recommendation;
3 thereafter the committee reported favorably on said ordinance on the 7th day of November,
4 2007, which as a regular meeting of said Council; that at said regular meeting, the
5 proposed ordinance was read by title to the City Council as first introduced and adopted by
6 the following vote:

7 VOTING "AYE": Mayor Pro Tem Reese and Councilmembers Brown, Wolfson,
8 Tarkanian, Ross and Barlow

9 VOTING "NAY": None

10 EXCUSED: Mayor Goodman

11 ABSTAINED: None

12 APPROVED:

13 
14 _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17 
18 _____
19 BEVERLY K. BRIDGES, CMO City Clerk
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**BUSINESS IMPACT STATEMENT
BILL NO. 2007-57**

**(Amends the City's drought plan regulations to remove certain turf-planting restrictions
and to provide a limited exemption from the mandatory watering schedule for
properties using smart controllers)**

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2007-57, that would amend the City's drought plan regulations to remove certain turf-planting restrictions and to provide a limited exemption from the mandatory watering schedule for properties using smart controllers.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None

Beneficial effects:

None

Direct effects:

None

Indirect effects:

None

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: September 20, 2007

AFFP DISTRICT COURT
Clark County, Nevada

RECEIVED
CITY CLERK

AFFIDAVIT OF PUBLICATION

2007 OCT 29 A 10: 23

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK

2296311LV

2922611

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/25/2007 to 10/25/2007, on the following days:

10/25/2007

BILL NO. 2007-57

AN ORDINANCE TO CONFORM THE CITY'S DROUGHT PLAN REGULATIONS TO THE MOST RECENT VERSION OF THE SOUTHERN NEVADA WATER AUTHORITY'S DROUGHT PLAN BY REMOVING CERTAIN TURF-PLANTING RESTRICTIONS AND PROVIDING A LIMITED EXEMPTION FROM THE MANDATORY WATERING SCHEDULE FOR PROPERTIES USING SMART CONTROLLERS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Lois Tarkanian.
Summary: Amends the City's drought plan regulations to remove certain turf-planting restrictions and to provide a limited exemption from the mandatory watering schedule for properties using smart controllers.

At the City Council meeting of OCTOBER 3, 2007 BILL NO. 2007-57 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE.

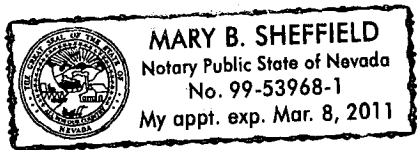
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: October 25, 2007
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE
25 day of October, 2007.

Mary B. Sheffield
Notary Public



AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 3016780

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/10/2007 to 11/10/2007, on the following days:

11/10/2007

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CITY CLERK

2007 NOV 14 P 1:46

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 3rd day of October 2007 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 7th day of November 2007, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as introduced and was adopted by the following vote:

VOTING "AYE": Mayor Pro Tem Reese and Councilmembers Brown, Wolfson, Tarkanian, Ross, and Barlow
VOTING "NAY": NONE
EXCUSED: Mayor Goodman

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: November 10, 2007
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE
12 day of November, 2007.

Mary B. Sheffield
Notary Public

