

1 BILL NO. 97-35

2 ORDINANCE NO. 4086

3 AN ORDINANCE RELATING TO MANMADE WATER FEATURES; REPEALING TITLE 14,
4 CHAPTER 8, SECTIONS 80, 90, 100 AND 110, OF THE MUNICIPAL CODE OF THE CITY OF
5 LAS VEGAS, NEVADA, 1983 EDITION, PERTAINING TO MANMADE LAKES; AMENDING
6 SAID TITLE 14 BY ADDING THERETO A NEW CHAPTER TO CONTINUE THE
7 PROHIBITION OF MANMADE LAKES IN THE CITY AND TO PERMIT CERTAIN MANMADE
DECORATIVE WATER FEATURES UNDER SPECIFIED CONDITIONS; PROVIDING
PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS
PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF
ORDINANCES IN CONFLICT HEREWITH.

8 Sponsored by:
9 Mayor Jan Laverty Jones

Summary: Permits the use of manmade decorative
water features under specified conditions.

10 SECTION 1: Title 14, Chapter 8, Sections 80, 90, 100, and 110, of the Municipal Code
11 of the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

12 SECTION 2: Title 14 of the Municipal Code of the City of Las Vegas, Nevada, 1983
13 Edition, is hereby amended by adding thereto a new Chapter, consisting of the provisions set forth as
14 Sections 3 to 6, inclusive, of this Ordinance.

15 SECTION 3: The City Council of the City of Las Vegas finds that the rapid growth of
16 the population and the limited supply of water in the City of Las Vegas make the conservation of
17 water resources vital to the future growth, prosperity, health and safety of the City. The Council
18 further finds that the use of manmade lakes and manmade decorative water features for recreational,
19 scenic and landscape purposes is a use of the limited water supply that is wasteful and adversely
20 impacts future growth and development in the City. The provisions of this Chapter have been enacted
21 pursuant to the authority granted by the City Charter, NRS 268.411 and NRS 533.030 to preserve
22 water resources for municipal and industrial uses.

23 SECTION 4: As used in this Chapter, the following words and phrases have the
24 meanings ascribed to them:

25 (A) "City Council" means the City Council of the City of Las Vegas.

26 (B) "Manmade decorative water feature" means any manmade stream, fountain,
27 waterfall, reflective pool, or other manmade water feature which contains water that flows, is
28 recirculated, or that is sprayed into the air, and is constructed for decorative, scenic or landscape

1 purposes, except the following bodies of water:

2 (1) A water feature which was in existence before the effective date of this
3 Ordinance, or for which final development approvals and permits have been obtained by that date.

4 (2) A water feature constituting a wetlands project or located in a recreational
5 facility which is owned or operated by a governmental entity.

6 (3) A manmade lake, as defined in Subsection (C) of this Section.

7 (C) "Manmade lake" means any manmade body of water, whether potable or otherwise,
8 including a lake or reservoir (excluding a fully-enclosed, fully-contained tank-type reservoir), which
9 is used or intended to be used for recreational, scenic or landscape purposes, except the following
10 bodies of water:

11 (1) A body of water which was in existence before the effective date of this
12 Ordinance, or for which final development approvals and permits have been obtained by that date.

13 (2) A body of water constituting a wetlands project or located in a recreational
14 facility which is owned or operated by a political subdivision of this state and utilizes nonpotable
15 water.

16 (3) A body of water which is located in a recreational facility that is open to the
17 public and owned or operated by the United States, the State of Nevada, or any other governmental
18 entity.

19 (4) A body of water which stores water for use in flood control, in meeting peak
20 water demands or for purposes relating to the treatment of sewage by a political subdivision of this
21 state.

22 (5) A body of water which stores water for use by the Las Vegas Valley Water
23 District or by a water district created pursuant to NRS Chapter 318.

24 (6) Bodies of water located on a golf course which are used for the purpose of
25 storing golf course irrigation water, which have an aggregate surface area of less than 5.5 percent of
26 the total golf course area (excluding clubhouse and parking areas) and which are lined with
27 impermeable material.

28

1 (7) A swimming pool or spa that is subject to the requirements of LVMC
2 Chapter 16.30.

3 (8) A body of water which stores and distributes water or sewage effluent for
4 use by an irrigation district created pursuant to NRS Chapter 539.

5 (9) A body of water which stores water used in a mining reclamation project.

6 (10) A manmade decorative water feature, as defined in Subsection (B) of this
7 Section.

8 (D) "Shallow groundwater aquifer" means a region of elevated groundwater caused
9 by secondary recharge, for which the State Engineer has issued a permit in accordance with NRS
10 534.050, to pump water to alleviate potential nuisances or hazards to persons or property resulting
11 from the rise of groundwater.

12 (E) "Single development" means any business, commercial, resort, multiple-family
13 (attached) residential, industrial or agricultural development, or any commonly held area in a single-
14 family (detached) residential or mixed use development, which is located on a single parcel of land
15 or on contiguous parcels under common ownership (including parent holding company), lease or
16 management.

17 SECTION 5: It is unlawful to use any potable water or shallow aquifer groundwater
18 for the purpose of filling or refilling:

19 (A) A manmade lake, or

20 (B) A manmade decorative water feature, unless the water is recirculated and the water
21 feature complies with the provisions of Section 6 of this Ordinance.

22 SECTION 6: The maximum aggregate ground-surface area for one or more outdoor
23 manmade decorative water features within a single development is 0.2 percent of the total
24 development area.

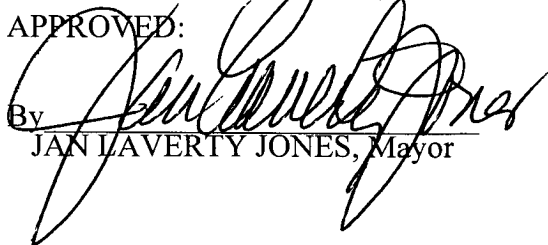
25 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared
26 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
27 required or the failure to do any act is made or declared to be unlawful or an offense or a
28 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall


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

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

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

15 PASSED, ADOPTED and APPROVED this 27th day of MAY, 1997.

16 APPROVED:
17 
18 By JAN LAVERTY JONES, Mayor

19 ATTEST:
20 
21 BARBARA JO RONEMUS, City Clerk

22
23 APPROVED AS TO FORM:
24 Valstead 4-18-97
25 Date

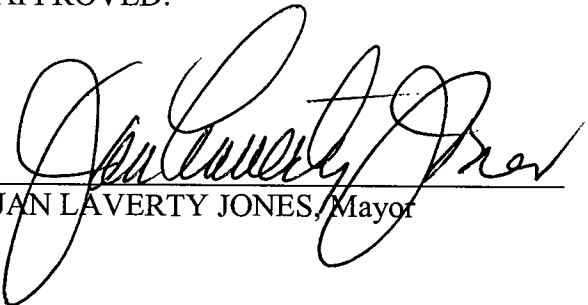
1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 28th day of April, 1997 and referred to the following committee composed of the
3 Councilmen Adamsen and Reese for recommendation; thereafter the said committee reported
4 favorably on said ordinance on the 27th day of May, 1997 which was a regular meeting of
5 said Council; that at said regular meeting, the proposed ordinance was read by title to the City
6 Council as first introduced and adopted by the following vote:

7 VOTING "AYE": Councilmen Adamsen, Callister, McDonald, Reese and Mayor Jones

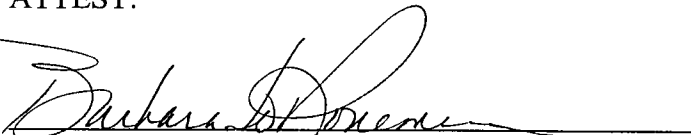
8 VOTING "NAY": NONE

9 ABSENT: NONE

10 APPROVED:

11 
12 JAN LAVERTY JONES, Mayor

13 ATTEST:

14 
15 BARBARA JO RONEMUS, City Clerk

AFFIDAVIT OF PUBLICATION

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BILL NO 97-35
ORDINANCE NO. 4086

AN ORDINANCE RELATING TO MANMADE WATER FEATURES, REPEALING TITLE 14, CHAPTER 8, SECTIONS 80, 90, 100 AND 110, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, PERTAINING TO MANMADE LAKES; AMENDING SAID TITLE 14 BY ADDING THERETO A NEW CHAPTER TO CONTINUE THE PROHIBITION OF MANMADE LAKES IN THE CITY AND TO PERMIT CERTAIN MANMADE DECORATIVE WATER FEATURES UNDER SPECIFIED CONDITIONS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

SPONSORED BY: Mayor Jan Laverly Jones

SUMMARY: Permits the use of manmade decorative water features under specified conditions. The above and foregoing ordinance was first proposed and read by title to the City Council on the 28th day of April, 1997, and referred to the following committee composed of Councilmen Adamsen and Reese for recommendation; thereafter the said committee reported favorably on said ordinance on the 27th day of May, 1997, 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 first introduced and adopted by the following vote, VOTING "AYE" Councilmen Adamsen, Callister, McDonald, Reese and Mayor Jones

VOTING "NAY" NONE
ABSENT NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB: May 29, 1997
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

MAUREEN MELCHIORI, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE ^{June} insertions from the period of MAY 29, 1997 to MAY 29, 1997, on the following days:

MAY 29, 1997

4 29 PM '97

RECEIVED
CITY CLERK

Signed: Maureen Melchiori

Subscribed and sworn to before me this 29 day of May, 1997

Peggy D. Barron
Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998

AFFIDAVIT OF PUBLICATION

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BILL NO 97-35
 AN ORDINANCE RELATING TO MANMADE WATER FEATURES; REPEALING TITLE 14, CHAPTER 8, SECTIONS 80, 90, 100 AND 110, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, PERTAINING TO MANMADE LAKES; AMENDING SAID TITLE 14 BY ADDING THERETO A NEW CHAPTER TO CONTINUE THE PROHIBITION OF MANMADE LAKES IN THE CITY AND TO PERMIT CERTAIN MANMADE DECORATIVE WATER FEATURES UNDER SPECIFIED CONDITIONS, PROVIDING PENALTIES FOR THE VIOLATION HEREOF, PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH
 SPONSORED BY: Mavor Jan Leverty Jones
 SUMMARY: Permits the use of manmade decorative water features under specified conditions. At a City Council meeting APRIL 28, 1997
 BILL NO 97-35 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Adamsen and Reese
 COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
 PUB May 15, 1997
 Las Vegas Review-Journal

STATE OF NEVADA)
 COUNTY OF CLARK) SS:

MAUREEN MELCHIORI, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MAY 15, 1997 to MAY 15, 1997, on the following days:

MAY 15, 1997

MAY 21 2 17 PM '97
 RECEIVED
 CITY CLERK

Signed: Maureen Melchiori

Subscribed and sworn to before me this 15 day of May, 1997

Peggy D. Barron
 Notary Public



PEGGY D. BARRON
 Notary Public - Nevada
 Clark County
 My appt. exp. Feb. 17, 1998

AFFIDAVIT OF PUBLICATION

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BILL NO 97.35
ORDINANCE NO 4696

AN ORDINANCE RELATING TO MANMADE WATER FEATURES, REPEALING TITLE II, CHAPTER 8, SECTIONS 80, 90, 100 AND 110, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, PERTAINING TO MANMADE LAKES; AMENDING SAID TITLE II BY ADDING THERETO A NEW CHAPTER TO CONTINUE THE PROHIBITION OF MANMADE LAKES IN THE CITY AND TO PERMIT CERTAIN MANMADE DECORATIVE WATER FEATURES UNDER SPECIFIED CONDITIONS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

SPONSORED BY: Mayor Jon Loverly Jones
SUMMARY: Permits the use of manmade decorative water features under specified conditions
The above and foregoing ordinance was first proposed and read by title to the City Council on the 28th day of April, 1997, and referred to the following committee composed of Councilmen Adamsen and Reese for recommendation; thereafter the said committee reported favorably on said ordinance on the 27th day of May, 1997, 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 first introduced and adopted by the following vote: VOTING "AYE" Councilmen Adamsen, Collister, McDonald, Reese and Mayor Jones
VOTING "NAY": NONE
ABSENT NONE
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVE NUE, LAS VEGAS, NEVADA.
PUB: May 29, 1997
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

MAUREEN MELCHIORI, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MAY 29, 1997 to MAY 29, 1997, on the following days:

MAY 29, 1997

JUN 2 4 29 PM '97
RECEIVED
CITY CLERK
CLARK COUNTY
NEVADA

Signed: Maureen Melchiori

Subscribed and sworn to before me this 29 day of May, 19 97

Peggy D. Barron
Notary Public

PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998



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