

ORDINANCE NO. 1533

AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTION 24, SUBSECTION (C), PARAGRAPHS 2, 4, and 5 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION TO PROVIDE FOR A PUBLIC HEARING BEFORE THE BOARD OF ZONING ADJUSTMENT ON CERTAIN HOME OCCUPATION PERMIT APPLICATIONS; PROVIDING INCREASE IN CERTAIN FEES; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Title XI, Chapter 1, Section 24, Subsection (C), Paragraph 2 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

- 11-1-24 (C) 2. Criteria: In determining whether to grant or deny a home occupation permit, the Board of Zoning Adjustment shall be guided by the following criteria:
- (a) Will there be any employees?
  - (b) Does the occupation involve the use of material and/or equipment not normally associated with residential neighborhoods?
  - (c) Will there be any buying or selling of any commodities, services, or goods on the premises?
  - (d) Does the occupation involve the use of any commercial vehicle?
  - (e) Will there be any advertising, either in the form of signs, telephone directory or newspapers?
  - (f) Will more than one room of the house be used?
  - (g) Will the occupation involve the use of any accessory building, yard space, or outdoor activity?
  - (h) Does the occupation require the transportation of goods and/or clients to and from the home; thereby creating pedestrian and/or vehicular traffic?

If the answer to any of the above questions is in the affirmative, the use should not normally be permitted as a home occupation.

If the answer to questions (a), (b), (c), (g), or (h) are affirmative, the Board of Zoning Adjustment must conduct a public hearing.

Notwithstanding the criteria listed above, if the Board determines that the granting of a home occupation permit, as applied for, will be detrimental in any way to the public health, safety and welfare, or injurious in any way to the property in the same zoning district or neighborhood in which the property in question is located, the Board shall deny the permit.

SECTION 2. Title XI, Chapter 1, Section 24, Subsection (C), Paragraph 4 of the said Municipal Code is hereby amended to read as follows:

11-1-24 (C) 4. Filing Fee: To partially defray the cost of making maps and other incidental administrative and investigative expenses involved in any application for a home occupation permit the Secretary of the Board of Zoning Adjustment is authorized to make a uniform charge of ten dollars (\$10.00) payable to the City, except that the fee shall be fifty dollars (\$50.00) when a public hearing is mandatory. This charge shall be due and payable at the time of filing such application.

SECTION 3. Title XI, Chapter 1, Section 24, Subsection (C), Paragraph 5 of the said Municipal Code is hereby amended to read as follows:

11-1-24 (C) 5. Public Hearing: The Board of Zoning Adjustment shall not be required to conduct a Public Hearing on every application for a home occupation permit, except as provided in Paragraph 2 above. The validity of each application for a home occupation permit shall be considered by the Board of Zoning Adjustment, based on information and evidence submitted by the applicant, and an investigation conducted by the Secretary.

Notwithstanding the above, the Board of Zoning Adjustment may determine by majority vote that in the instance of any particular home occupation permit application, the public interest will best be served by the conduct of a public hearing thereon. In such event, the Secretary of the Board of Zoning Adjustment shall set the application for a Public Hearing at the next subsequent

regular meeting of the Board; and the procedure applicable to an application for a use permit shall be followed thereafter.

SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the city jail for not more than six (6) months, or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

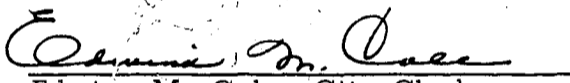
SECTION 5. All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith, are hereby repealed.

PASSED, ADOPTED AND APPROVED this 15th day of September, 1971.

APPROVED:

  
ORAN K. GRAGSON, MAYOR

ATTEST:

  
Edwina M. Cole, City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 4th day of August, 1971, and referred to the following committee composed of Commissioners Thornley and Coblentz for recommendation; thereafter the said committee reported favorably on said ordinance on the 15th day of September, 1971, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as amended and adopted by the following vote:

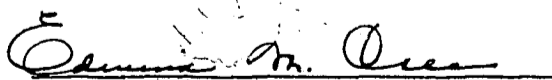
VOTING "AYE": Commissioners Morelli, Coblentz, Thornley and Mayor Gragson

VOTING "NAY": None ABSENT: Commissioner Franklin (excused)

APPROVED:

  
ORAN K. GRAGSON, MAYOR

ATTEST:

  
Edwina M. Cole, City Clerk

FIRST AMENDMENT  
ORDINANCE NO. 1533  
AN ORDINANCE TO AMEND  
TITLE XI, CHAPTER 1, SECTION  
24, SUBSECTION (C), PARAG-  
RAPHS 2, 4, and 5 OF THE MU-  
NICIPAL CODE OF THE CITY OF  
LAS VEGAS, NEVADA, 1960 EDITION  
TO PROVIDE FOR A PUBLIC  
HEARING BEFORE THE BOARD  
OF ZONING ADJUSTMENT ON  
CERTAIN HOME OCCUPATION  
PERMIT APPLICATIONS PROVID-  
ING INCREASE IN CERTAIN  
FEES, PROVIDING OTHER MAT-  
TERS PROPERLY RELATING  
THEREOF, PROVIDING PENAL-  
TIES FOR THE VIOLATION  
HEREOF, AND REPEALING ALL  
ORDINANCES AND PARTS OF OR-  
DINANCES IN CONFLICT HERE-  
WITH.

THE BOARD OF COM-  
MISSIONERS OF THE CITY OF LAS  
VEGAS DOES ORDAIN AS FOL-  
LWS:

SECTION 1. Title XI, Chapter 1,  
Section 24, Subsection (C), Para-  
graph 2 of the Municipal Code of the  
City of Las Vegas, Nevada, 1960 Ed-  
ition, is hereby amended to read as  
follows:

11-1-24 (C)  
2. Criteria: In determining whether  
to grant or deny a home occupation  
permit, the Board of Zoning Adjust-  
ment shall be guided by the follow-  
ing criteria:

- (a) Will there be any employees?
- (b) Does the occupation involve  
the use of material and/or equipment  
not normally associated with residen-  
tial neighborhoods?
- (c) Will there be any buying or  
selling of any commodities, services,  
or goods on the premises?
- (d) Does the occupation involve  
the use of any commercial vehicle?
- (e) Will there be any advertising,  
either in the form of signs, telephone  
directory or newspapers?
- (f) Will more than one room of the  
house be used?
- (g) Will the occupation involve the  
use of any accessory building, yard  
space, or outdoor activity?
- (h) Does the occupation require  
the transportation of goods and/or  
clients to and from the home there-  
by creating pedestrian and/or vehicu-  
lar traffic?

RECEIVED

9 16 AM '71

# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,  
COUNTY OF CLARK

{ ss.

CITY CLERK

ROBERT E. HUNTER

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the  
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published  
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was  
continuously published in said newspaper for a period of 8 Days

from September 18, 1971 to September 25, 1971

inclusive, being the issues of said newspaper for the following dates, to-wit:

September 18, 25, 1971

That said newspaper was regularly issued and circulated on each of the dates  
above named.

Signed *R. E. Hunter*

Subscribed and sworn to before me this 4<sup>th</sup>  
day of October, 1971

*Ruth V. Deskin*

Notary Public in and for Clark County, Nevada

**RUTHE V. DESKIN**

Notary Public—State of Nevada  
COUNTY OF CLARK  
My Commission Expires April 14, 1973



My Commission Expires

13092



If the answer to any of the above questions is in the affirmative, the use shall not normally be permitted as a home occupation. In the answer to questions (a), (b), (c), (d), (e), (f), (g), or (h) are affirmative, the Board of Zoning Adjustment must conduct a public hearing.

Notwithstanding the criteria listed above, if the Board determines that the granting of a home occupation permit, as applied for, will be detrimental in any way to the public health, safety and welfare, or injurious in any way to the property in the same zoning district or neighborhood in which the property in question is located, the Board shall deny the permit.

SECTION 2. Title XI, Chapter 1, Section 24, Subsection (C), Paragraph 4 of the said Municipal Code is hereby amended to read as follows:

11-1-24 (C)

4. Filing Fee: To partially defray the cost of making maps and other incidental administrative and investigative expenses involved in any application for a home occupation permit, the Secretary of the Board of Zoning Adjustment is authorized to make a uniform charge of ten dollars (\$10.00) payable to the City, except that the fee shall be fifty dollars (\$50.00) when a public hearing is mandatory. This charge shall be due and payable at the time of filing such application.

SECTION 3. Title XI, Chapter 1, Section 24, Subsection (C), Paragraph 5 of the said Municipal Code is hereby amended to read as follows:

11-1-24 (C)

5. Public Hearing: The Board of Zoning Adjustment shall not be required to conduct a Public Hearing on every application for a home occupation permit, except as provided in Paragraph 2 above. The validity of each application for a home occupation permit shall be considered by the Board of Zoning Adjustment, based on information and evidence submitted by the applicant, and an investigation conducted by the Secretary.

Notwithstanding the above, the Board of Zoning Adjustment may determine by majority vote that in the instance of any particular home occupation permit application, the public interest will best be served by the conduct of a public hearing thereon. In such event, the Secretary of the Board of Zoning Adjustment shall set the application for a Public Hearing at the next subsequent regular meeting of the Board; and the procedure applicable to an application for a use permit shall be followed thereafter.

SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the city jail for not more than six (6) months, or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 5. All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith, are hereby repealed.

PASSED, ADOPTED AND APPROVED this 15th day of September, 1971.

APPROVED:  
s—Oran K. Gragson