

FIRST AMENDMENT

BILL NO. 83-63

Ordinance No. 3087

AN ORDINANCE AMENDING TITLE 13, CHAPTER 52, SECTION 170 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983 EDITION, BY DELETING THE REFERENCES TO "BOARD OF COMMISSIONERS", "BOARD" AND "DIRECTOR OF PUBLIC SERVICES" AND INSERTING IN LIEU THEREOF REFERENCES TO "CITY COUNCIL", "COUNCIL" AND "DIRECTOR OF ENGINEERING SERVICES", RESPECTIVELY; ADDING AN ADDITIONAL BASIS FOR THE GRANTING OF A WAIVER TO THE REQUIREMENT OF INSTALLING EXISTING DISTRIBUTION LINES UNDERGROUND; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by: Councilman Ron Lurie	Summary: Replaces the references to the "Board of Commissioners" and the "Director of Public Services" with references to the "City Council" and "Director of Engineering Services"; Allows the Council to waive the requirement of underground installations when enforcing that requirement would not promote the purposes of Section 13.52.010, or is unreasonable due to other circumstances presented by the applicant.
---------------------------------------	--

THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA, DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Las Vegas Municipal Code, Section 13.52.170
is hereby amended to read as follows:

13.52.170: (A) An application may be made to the Director of [Public] Engineering Services requesting approval by the [Board of Commissioners] City Council of a waiver of the requirements of this Chapter pertaining to underground installation of an existing distribution line for the following reasons:

- (1) Extensions of services requiring the replacement, relocation, re-erection or reconstruction of a distribution line less than one-half of a mile in length;
- (2) In cases of emergency where [the] public health and safety [will] would be [injured;] jeopardized;
- (3) Unavailability of materials necessary for

- 1 underground installation;
- 2 (4) Topographical or subsurface conditions making
- 3 such underground installations economically
- 4 unreasonable or impractical.
- 5 (5) Requiring the underground installation does
- 6 not promote the purposes stated under
- 7 Section 13.52.010, or is unreasonable due
- 8 to other circumstances presented by the
- 9 applicant.

10 (B) The application shall be reviewed by the Director

11 of [Public] Engineering Services who shall make

12 recommendations for approval or denial to the

13 [Board] Council. After reviewing the recommenda-

14 tions of the Director of [Public] Engineering

15 Services, the [Board] Council shall approve the

16 application if it comes within one of the cate-

17 gories set out in Subsection (A) of this Section

18 for which a waiver shall be granted to the

19 applicant.

20 SECTION 2: If any section, subsection, subdivision,

21 paragraph, sentence, clause or phrase in this Chapter or any part

22 thereof, is for any reason held to be unconstitutional or invalid

23 or ineffective by any court of competent jurisdiction, such

24 decision shall not affect the validity or effectiveness of the

25 remaining portions of this Chapter or any part thereof. The City

26 Council of the City of Las Vegas, Nevada, hereby declares that it

27 would have passed each section, subsection, subdivision, paragraph,

28 sentence, clause or phrase thereof, irrespective of the fact that

29 any one or more sections, subsections, subdivisions, paragraphs,

30 sentences, clauses or phrases be declared unconstitutional,

31 invalid or ineffective.

32 SECTION 3: All ordinances or parts of ordinances,

1 sections, subsections, phrases, sentences, clauses or paragraphs
2 contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 16th day of
5 November, 1983.

6 APPROVED,

7
8 BY William H. Briare
9 WILLIAM H. BRIARE, MAYOR

10 ATTEST:

11
12 Carol A. Hawley
13 Carol Ann Hawley, City Clerk
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

1 The above and foregoing ordinance was first proposed
2 and read by title to the City Council on the 19th day of
3 October, 1983, and referred to the following committee
4 composed of Councilmen Lurie and
5 Levy for recommendation; thereafter
6 the said committee reported favorably on said ordinance on the
7 16th day of November, 1983, which was a regular meeting
8 of said City Council; that at said regular meeting, the
9 proposed ordinance was read by title to the City Council as
10 amended and adopted by the following vote:

11 VOTING "AYE" Councilmen: Christensen, Levy, Lurie and Nolen
12 VOTING "NAY" Councilmen: None
13 ABSENT: Mayor Briare

14
15 APPROVED:

16
17 BY William H. Briare
18 WILLIAM H. BRIARE, MAYOR

19 ATTEST:

20 Carol A. Hawley
21 Carol Ann Hawley, City Clerk
22
23
24
25
26
27
28
29
30
31
32

BILL NO. 83 - 63

Ordinance No. _____

AN ORDINANCE AMENDING TITLE 13, CHAPTER 52, SECTION 170 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983 EDITION, BY DELETING THE REFERENCES TO "BOARD OF COMMISSIONERS", "BOARD" AND "DIRECTOR OF PUBLIC SERVICES" AND INSERTING IN LIEU THEREOF REFERENCES TO "CITY COUNCIL", "COUNCIL" AND "DIRECTOR OF ENGINEERING SERVICES", RESPECTIVELY; ADDING AN ADDITIONAL BASIS FOR THE GRANTING OF A WAIVER TO THE REQUIREMENT OF INSTALLING EXISTING DISTRIBUTION LINES UNDERGROUND; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by:

Councilman Ron Lurie

Summary: Replaces the references to the "Board of Commissioners" and the "Director of Public Services" with references to the "City Council" and "Director of Engineering Services"; Allows the Council to waive the requirement of underground installations when enforcing that requirement would not promote the purposes of Section 13.52.010 or is unreasonable due to other circumstances presented by the applicant.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA, DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Las Vegas Municipal Code, Section 7.08.010
is hereby amended to read as follows:

- 7.08.010: (A) An application may be made to the Director of
[Public] Engineering Services requesting approval
by the [Board of Commissioners] City Council of a
waiver of the requirements of this Chapter pertain-
ing to underground installation of an existing
distribution line for the following reasons:
- (1) Extensions of services requiring the replace-
ment, relocation, re-erection or reconstruction
of a distribution line less than one-half of a
mile in length;
 - (2) In cases of emergency where the public health
and safety will be injured;
 - (3) Unavailability of materials necessary for

1 underground installation;

2 (4) Topographical or subsurface conditions making
3 such underground installations economically
4 unreasonable or impractical.

5 (5) Requiring the underground installation does
6 not promote the purposes stated under
7 Section 13.52.010, or is unreasonable due
8 to other circumstances presented by the
9 applicant.

10 (B) The application shall be reviewed by the Director
11 of [Public] Engineering Services who shall make
12 recommendations for approval or denial to the
13 [Board] Council. After reviewing the recommenda-
14 tions of the Director of [Public] Engineering
15 Services, the [Board] Council shall approve the
16 application if it comes within one of the cate-
17 gories set out in Subsection (A) of this Section
18 for which a waiver shall be granted to the
19 applicant.

20 SECTION 2: If any section, subsection, subdivision,
21 paragraph, sentence, clause or phrase in this Chapter or any part
22 thereof, is for any reason held to be unconstitutional or invalid
23 or ineffective by any court of competent jurisdiction, such
24 decision shall not affect the validity or effectiveness of the
25 remaining portions of this Chapter or any part thereof. The City
26 Council of the City of Las Vegas, Nevada, hereby declares that it
27 would have passed each section, subsection, subdivision, paragraph,
28 sentence, clause or phrase thereof, irrespective of the fact that
29 any one or more sections, subsections, subdivisions, paragraphs,
30 sentences, clauses or phrases be declared unconstitutional,
31 invalid or ineffective.

32 SECTION 3: All ordinances or parts of ordinances,

1 sections, subsections, phrases, sentences, clauses or paragraphs
2 contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this _____ day of
5 _____, 1983.

6 APPROVED,

7
8 By _____
9 WILLIAM H. BRIARE, MAYOR

10 ATTEST:

11
12 _____
13 Carol Ann Hawley, City Clerk

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

1 The above and foregoing ordinance was first proposed
2 and read by title to the City Council on the ____ day of
3 _____, 1983, and referred to the following committee
4 composed of Councilmen _____ and
5 _____ for recommendation; thereafter the
6 said committee reported favorably on said ordinance on the ____
7 day of _____, 1983, which was a _____ meeting of
8 said City Council; that at said _____ meeting, the
9 proposed ordinance was read by title to the City Council as
10 first introduced and adopted by the following vote:

11 VOTING "AYE" Councilmen: _____
12 VOTING "NAY" Councilmen: _____
13 ABSENT: _____

14 APPROVED:

15
16 By _____
17 WILLIAM H. BRIARE, MAYOR

18 ATTEST:
19
20 _____
21 Carol Ann Hawley, City Clerk
22
23
24
25
26
27
28
29
30
31
32

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
COUNTY OF CLARK

{ ss.

FIRST AMENDMENT

BILL NO. 83-63

ORDINANCE NO. 3087

AN ORDINANCE AMENDING TITLE 13, CHAPTER 52, SECTION 170 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983 EDITION, BY DELETING THE REFERENCES TO "BOARD OF COMMISSIONERS", "BOARD" AND "DIRECTOR OF PUBLIC SERVICES" AND INSERTING IN LIEU THEREOF REFERENCES TO "CITY COUNCIL", "COUNCIL" AND "DIRECTOR OR ENGINEERING SERVICES", RESPECTIVELY; ADDING AN ADDITIONAL BASIS FOR THE GRANTING OF A WAIVER TO THE REQUIREMENT OF INSTALLING EXITING DISTRIBUTION LINES UNDERGROUND; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored By:

Councilman Ron Lurie

Summary: Replaces the references to the "Board of Commissioners" and the "Director of Public Services" with references to the "City Council" and "Director of Engineering Services". Allows the Council to waive the requirement of underground installations when enforcing that requirement would not promote the purposes of Section 13.52.010, or is unreasonable due to other circumstances presented by the applicant.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of October, 1983, and referred to the following committee composed of Councilmen Lurie and Levy, for recommendation; thereafter the said committee reported favorably on said ordinance on the 16th day of November, 1983, which was a regular meeting of said Council; 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:

Christensen, Levy, Lurie and Nolan

VOTING "NAY" Councilmen: None

ABSENT: Mayor Briars

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA

PUB: November 19, 1983

Las Vegas SUN

Carol Black, being first duly sworn,

deposes and says: That he is Legal Clerk 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 1 time.

from November 19, 1983 to November 19, 1983

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

November 19, 1983

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

Signed

Carol Black

Subscribed and sworn to before me this 19th
day of November, 1983

Ruth V. Deskin

Notary Public in and for Clark County, Nevada

RUTHE V. DESKIN

Notary Public-State of Nevada

COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985

My Commission Expires



RECEIVED

Nov 28 12 59 PM '83

CITY CLERK

07065

BILL NO. 83-83
AN ORDINANCE AMENDING TITLE 13,
CHAPTER 52, SECTION 170 OF THE
MUNICIPAL CODE OF THE CITY OF
LAS VEGAS, 1983 EDITION, BY DELET-
ING THE REFERENCES TO "BOARD OF
COMMISSIONERS", "BOARD" AND "DI-
RECTOR OF PUBLIC SERVICES" AND
INSERTING IN LIEU THEREOF REF-
ERENCES TO "CITY COUNCIL",
"COUNCIL" AND "DIRECTOR OF EN-
GINEERING SERVICES", RESPEC-
TIVELY; ADDING AN ADDITIONAL
BASIS FOR THE GRANTING OF A
WAIVER TO THE REQUIREMENT OF
INSTALLING EXISTING DISTRIBUTION
LINES UNDERGROUND, PROVIDING
FOR OTHER MATTERS PROPERLY RE-
LATING THERETO, AND REPEALING
ALL ORDINANCES AND PARTS OF OR-
DINANCES IN CONFLICT HERewith.
Sponsored by:
COUNCILMAN RON LURIE
Summary: Replaces the references to
the "Board of Commissioners" and the
"Director of Public Services" with re-
ferences to the "City Council" and "Di-
rector of Engineering Services"; Allows
the Council to waive the requirement
of underground installations when en-
forcing that requirement would not pro-
mote the purposes of Section 13.52.010,
or is unreasonable due to other circum-
stances presented by the applicant.
At a City Council Meeting on
October 19, 1983
BILL NO. 83-83 WAS READ BY
TITLE AND REFERRED TO RECOM-
MENDING COMMITTEE:
COUNCILMEN: Lurie and Levy
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE OFFICE
OF THE CITY CLERK, 10TH FLOOR,
CITY HALL, 400 EAST STEWART AVE-
NUE, LAS VEGAS, NEVADA
PUB: November 5, 1983
Las Vegas SUN

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.
COUNTY OF CLARK

Carol Black, being first duly sworn,

deposes and says: That he is Legal Clerk 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 1 time.

from November 5, 1983 to November 5, 1983

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

November 5, 1983

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

Signed Carol Black

Subscribed and sworn to before me this 5th
day of November 1983.

My Commission Expires

Notary Public in and for Clark County, Nevada
RUTHE V. DESKIN
Notary Public-State of Nevada
COUNTY OF CLARK
My Appointment Expires Apr. 14, 1985



RECEIVED

Nov 14 11 32 AM '83

CITY CLERK

07066