

1 **BILL NO. 2003-10**

2 **ORDINANCE NO. 5571**

3 AN ORDINANCE TO UPDATE THE PROVISIONS OF TITLE 13 OF THE MUNICIPAL CODE  
4 THAT PERTAIN TO PUBLIC IMPROVEMENTS, TO AUTHORIZE THE ADOPTION OF A FEE  
5 SCHEDULE FOR PUBLIC IMPROVEMENT-RELATED WORK, AND TO PROVIDE FOR  
6 OTHER RELATED MATTERS.

6 Proposed by: Charles Kajkowski, Deputy  
7 Director, Department of Public Works

Summary: Updates the provisions of Title 13  
that pertain to public improvements, and  
authorizes the adoption of a fee schedule for  
public improvement-related work.

8  
9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN  
10 AS FOLLOWS:

11 SECTION 1: Title 13, Chapter 12, Section 120, of the Municipal Code of the City of  
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **13.12.120:** The [Board of Commissioners] City Council may grant exceptions to the minimum  
14 right-of-way widths required by this Chapter, in addition to those listed in Sections 13.12.080 et seq.,  
15 where such exceptions are deemed necessary. Any proposed exception shall first be referred to the  
16 Planning Commission for a recommendation, and may be granted thereafter by the adoption of an  
17 ordinance which sets forth the specific exception.

18 SECTION 2: Title 13, Chapter 12, Section 170, of the Municipal Code of the City of  
19 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **13.12.170:** (A) Except as otherwise provided in this Section, [Whenever] whenever the owner  
21 or developer of property abutting a major street or highway as shown on the Master Plan, other than  
22 a freeway or expressway, is required by this Code, or by any other law or regulation, to install any  
23 improvement on a proposed or existing major street or highway, he shall improve the area from the  
24 right-of way line to the centerline, or from such point within the right-of-way to the centerline as may  
25 be required by the City Engineer.

26 (B) The Traffic Engineer may require the owner or developer of property abutting  
27 a street or highway to improve an area beyond the centerline thereof if the additional improvement  
28 is necessary to provide safe access to the property and to maintain traffic continuity.



1           (C)    In [, except in those] cases where the owner or developer owns or develops the  
2 abutting property on both sides of the proposed or existing major street or highway, [in which case]  
3 he shall improve the entire right-of-way, or the area within the right-of-way as may be required by the  
4 City Engineer.

5           (D)    Any required improvement shall also include the additional area created by the  
6 curblin radius as described in Section 13.12.100.

7           SECTION 3: Title 13, Chapter 16, Section 20, of the Municipal Code of the City of  
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **13.16.020:**   For the purpose of this Chapter, the following definitions shall apply:

10          [(A)] “Alley” means a narrow public thoroughfare, providing access to the rears of the abutting  
11 properties.

12          “City Specifications” means any and all improvement standards or other specifications that  
13 have been adopted by the City.

14          [(B)] “Curb cut” means that portion of the street curbing that is removed and depressed to  
15 provide ingress to and egress from abutting property.

16          [(C)] “Curb opening” means the total street curbing that is removed to place a curb cut and  
17 slopes.

18          [(D)] “Curb return” means the curved portion of a street curb at street, alley or shopping center  
19 intersections.

20          [(E)] “Driveway” means that area on private property where vehicles are operated, parked or  
21 allowed to stand.

22          [(F)] “Driveway apron” means the area, construction or improvement between the curb  
23 opening or, if no curb exists, then between the roadway and private property, to provide ingress and  
24 egress for vehicles from the alley, street, roadway or highway to a definite area of the private property,  
25 such as a driveway, parking area or a building having an access opening at least eight feet wide,  
26 intended and used for the ingress and egress of vehicles.

27          [(G)] “Intersection” means:

28                [(1)] (A)       The area embraced within the prolongation or connection of the lateral

1 curblines or, if none, then the lateral boundary lines of the roadways of two highways which join each  
2 other at, or approximately at, right angles, or the area within which vehicles traveling upon different  
3 highways joining at any other angle may come in conflict.

4 [(2)] (B) When a highway includes two roadways thirty feet or more apart, then  
5 every crossing of each roadway of such divided highway by an intersecting highway shall be regarded  
6 as a separate intersection. In the event such intersecting highway also includes roadways thirty feet  
7 or more apart, then each crossing of two roadways of such highways shall be regarded as a separate  
8 intersection.

9 [(H)] "Right-of-way" means public property dedicated for streets, alleys or other public uses.

10 [(I)] "Roadway" means that portion of a street or highway improved, designed and  
11 customarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway  
12 includes two or more separate roadways, the term "roadway" as used herein shall refer to any such  
13 roadway separately but not to all such roadways collectively.

14 [(J)] "Shopping center" means an area of land consisting of twenty or more acres, developed  
15 into twenty or more facilities to service daily living needs of people, with integrated access and off-  
16 street parking area.

17 [(K)] "Sidewalk" means that portion of a street between curblines or the outer lateral lines of  
18 a roadway, and the adjacent property lines, intended for use of pedestrians.

19 "Standard Specifications" means the standards adopted pursuant to Section 13.44.010.

20 [(L)] "Street" or "highway" means the entire width between the boundary lines of the right-of-  
21 way publicly maintained when any part thereof is open to the use of the public for purposes of  
22 vehicular travel.

23 [(M)] "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances,  
24 either singly or together, while using any street, alley, highway or roadway for purposes of travel.

25 SECTION 4: Title 13, Chapter 16, Section 30, of the Municipal Code of the City of  
26 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 **13.16.030:** It shall be unlawful for any person either as owner, agent, servant, contractor or  
28 employee, to cut, break, remove, or alter any curbing, driveway apron, or sidewalk, or cause to have

1 cut, broken or removed any curbing, driveway apron, or sidewalk, or to install or cause to have  
2 installed any driveway [or] within or upon any public right-of-way in the City without a permit.  
3 Permits shall be issued only to properly licensed contractors by the Department of Public [Services]  
4 Works after payment of fees as [provided in] set forth in the schedule of fees adopted pursuant to  
5 Section 13.40.050. In connection with the issuance of a permit, the City is authorized to establish and  
6 collect an additional fee to cover work that was previously performed by or on behalf of the applicant  
7 without the benefit of a valid permit.

8 SECTION 5: Title 13, Chapter 16, Section 40, of the Municipal Code of the City of  
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **13.16.040:** At the time the permit application is made, the City Traffic Engineer shall be advised  
11 of any parking meters, traffic or street signs, signal poles, street light poles, [fireplugs] fire hydrants  
12 or obstructions that will be affected by the placement or removal of the driveway or sidewalk.

13 SECTION 6: Title 13, Chapter 16, Section 50, of the Municipal Code of the City of  
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **13.16.050:** Before a permit is granted for the breaking of the curb and the construction of a  
16 driveway on any street having Portland cement concrete curbs constructed thereon, the applicant for  
17 the driveway permit must produce evidence satisfactory to the Director of Public [Services] Works  
18 to show that the construction of such driveway is agreeable to and in accordance with the desire of the  
19 owners of the property to which such driveway will be an entrance.

20 SECTION 7: Title 13, Chapter 16, Section 60, of the Municipal Code of the City of  
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **13.16.060:** Permit, inspection and service fees shall be charged by the City in accordance with the  
23 schedule of fees adopted pursuant to Section 13.40.050.

24 SECTION 8: Title 13, Chapter 16, Section 70, of the Municipal Code of the City of  
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **13.16.070:** The Director of Public [Services] Works shall furnish an inspector to inspect every  
27 piece of curb, driveway and driveway apron to be constructed, whose duties shall be to check the  
28 forms for alignment, grade and materials and to see that the work is done in accordance with the

1 specifications of the City at the time of the issuance of the permit.

2 SECTION 9: Title 13, Chapter 16, Section 80, of the Municipal Code of the City of  
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **13.16.080:** The Director of Public [Services] Works shall be notified at least twenty-four hours  
5 in advance of the time when the work is proposed to be started.

6 SECTION 10: Title 13, Chapter 16, Section 110, of the Municipal Code of the City of  
7 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **13.16.110:** Curb cuts for shopping centers, as defined in Section 13.16.020(J), whenever the main  
9 entrance is located within a street intersection, may be designed and constructed as shown in [City  
10 Specifications Drawing No. 400.] the applicable Standard Specification.

11 SECTION 11: Title 13, Chapter 16, Section 160, of the Municipal Code of the City of  
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **13.16.160:** No curb cut shall be made between the points of curvature of any curb return at  
14 intersections, or closer than seven feet from the said point of curvature, [, or between the points of  
15 curvature of any curb return of short radius if deemed hazardous by the Traffic and Parking  
16 Commission.]

17 SECTION 12: Title 13, Chapter 16, Section 200, of the Municipal Code of the City of  
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **13.16.200:** All curb cuts and driveway aprons are to be constructed of Portland cement concrete  
20 of a quality and type as specified by the Department of Public [Services] Works, and in accordance  
21 with City Specifications in effect at the time of such work. Curb cuts shall be permitted only with  
22 construction of adjoining Portland cement concrete aprons having minimum width of five feet.

23 SECTION 13: Title 13, Chapter 16, Section 210, of the Municipal Code of the City of  
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **13.16.210:** All work shall be done under the supervision of the Department of Public [Services]  
26 Works and in accordance with City Specifications in effect at the time of such work.

27 SECTION 14: Title 13, Chapter 16, Section 260, of the Municipal Code of the City of  
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **13.16.260:** Any curb cut or driveway apron which has become abandoned or unused through a  
2 change of the conditions for which it was originally intended, or which is unauthorized and ineligible  
3 for a permit, shall be closed and the owner shall replace any such curb cut and/or driveway apron with  
4 a standard curb and sidewalk, if necessary, to be constructed according to the City Specifications in  
5 effect at the time of such work. In the event the owner does not make such replacement within sixty  
6 days after notice, the City may do so at the expense of [said owner.] the owner. The City is authorized  
7 to charge the owner the cost of the work, and may calculate the cost in the same way that the cost of  
8 extra and force account work is determined and charged under Section 109.03 of the Standard  
9 Specifications. The City may collect the amount so charged by any available means, including by  
10 making the amount a charge against the abutting property and recording an appropriate lien against  
11 the property.

12 SECTION 15: Title 13, Chapter 16, Section 280, of the Municipal Code of the City of  
13 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

14 SECTION 16: Title 13, Chapter 16, of the Municipal Code of the City of Las Vegas,  
15 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 280,  
16 reading as follows:

17 **13.16.280:** The City Council may waive any requirement of this Chapter for good cause, unless  
18 the granting of the waiver would cause undue hardship to neighboring properties. The applicant for  
19 a waiver has the burden to demonstrate the need for and appropriateness of the waiver. The City  
20 Council may consider a waiver application directly or may refer the application to the Traffic and  
21 Parking Commission for its recommendation. The Director of Public Works shall establish a  
22 procedure and form for processing waiver applications.

23 SECTION 17: Title 13, Chapter 20, Section 10, of the Municipal Code of the City of  
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **13.20.010:** (A) For purposes of this Chapter, the term "emergency work" means work  
26 performed by the owner or operator of a utility, [or] by any governmental [entities as the case may be]  
27 entity, or by persons authorized to perform work within the City rights-of-way that must be performed  
28 or that will compromise the health, safety and welfare of the public if not performed and completed

1 as soon as possible, even if such completion requires continuous repairs at times other than normal  
2 working hours.

3 (B) The City Traffic Engineer shall establish and maintain a schedule of time  
4 restrictions applicable to work to be performed on City streets. Except for emergency work, no work  
5 may be performed in [any travel lanes, on any street listed on Schedule 13-1, below except during the  
6 time periods specified in said schedule.] the travel lanes of any street except in accordance with the  
7 schedule.

8 (C) [Schedule 13-1] The schedule described in Subsection (B) may be amended  
9 from time to time as necessary by [resolution of the City Council upon the recommendation of the  
10 Department of Public Works.] the City Traffic Engineer. No amendment to [Schedule 13-1 may be  
11 considered by the City Council without actual notice to the general contractor involved in such  
12 construction work at least ten days prior to adoption of the resolution. Schedule 13-1 shall be in a  
13 form as follows:

14 **SCHEDULE 13-1**

15 **Street From To Time Restrictions**

16 **LEGEND OF TIME RESTRICTIONS**

Restriction	Permitted Work Periods
A	7:00 p.m. to 6:00 a.m., 7 days per week
B	9:00 p.m. to 6:00 a.m., 7 days per week
C	9:00 p.m. to 6:00 a.m., except no work on holidays and Friday night through Sunday morning
D	9:00 a.m. to 3:00 p.m. and 9:00 p.m. to 6:00 a.m.]

21 the schedule shall become effective without at least ten days' notice to the general contractor  
22 performing the construction work.

23 (D) The Director of Public Works, or [his/her] the Director's designee, may waive  
24 the time restrictions set forth in this Section if the health, safety or welfare of the public is not  
25 adversely affected and if the work to be performed:

- 26 (1) Is not within two hundred fifty feet of a residential dwelling; [or]
- 27 (2) Will not unnecessarily disrupt traffic flow; [or]
- 28 (3) Requires materials that are not readily available during the restricted

1 time periods; [or]

2 (4) Would not significantly disrupt traffic flow during the restricted time  
3 periods any more than during the unrestricted time periods; [or]

4 (5) Necessitates that such work be accomplished at different time periods  
5 than those specified herein; or

6 (6) Can be completed in whole or in part with more intense construction  
7 activity that shortens the overall length of the traffic disruption.

8 (E) If the Director of Public Works denies a waiver of the time restrictions, the  
9 applicant may appeal the [director's] decision to the City Council within ten days [of the Director's  
10 decision.] after the decision is made. The appeal shall be in writing, shall be filed with the Director,  
11 [of Public Works,] and shall state the factual basis [upon which the appeal is based.] for the appeal.  
12 The Director shall, within thirty days thereafter, place the matter before the City Council, whose  
13 decision shall be final.

14 SECTION 18: Title 13, Chapter 20, Section 30, of the Municipal Code of the City of  
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **13.20.030:** Any person obtaining a permit for any of the purposes designated in Section 13.20.020  
17 shall, before [renewing] commencing work upon or in any manner changing the surface of the street,  
18 highway, avenue or alley, execute to the City a bond to be approved by the City Engineer, in such sum  
19 as shall be designated by the City Engineer as necessary for the proper protection of the City,  
20 conditioned that the obligors of such bond will pay to the City the amount of the bond, should the  
21 person obtaining such permit fail, neglect or refuse to complete the excavating, grading, paving,  
22 leveling, repairing, sidewalk, crosswalking or filling in the public street, highway, avenue, or alley  
23 for which such permit was obtained, within the time stated in the permit, or fail, neglect or refuse to  
24 restore the street, highway, avenue or alley in proper condition to the satisfaction of the City Engineer  
25 after the work provided for in the permit has been finished, and to keep the same in such condition for  
26 at least six months thereafter, reasonable wear thereof excepted, refilling any such excavation during  
27 such time, whenever and wherever it may sink or settle below the surface of the street, alley, sidewalk,  
28 highway, avenue or place, and without notice to do so from the City Engineer; provided, however, that

1 instead of special bonds to cover particular work, any person intending to make excavations in public  
2 streets, alleys, or any public places in the City may make and maintain with the City a general bond  
3 in the sum of [two] fifty thousand dollars, which general bond shall be conditioned and used for the  
4 same purpose as the special bond hereinbefore described in this Section, covering all work to be done  
5 instead of any particular piece of work; and while such general bond is maintained at the sum of [two]  
6 fifty thousand dollars, such person shall not be required to make the special bond hereinbefore in this  
7 Section provided, but shall be required to comply with all the other provisions of this Chapter.

8 SECTION 19: Title 13, Chapter 20, Section 50, of the Municipal Code of the City of  
9 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

10 SECTION 20: Title 13, Chapter 20, of the Municipal Code of the City of Las Vegas,  
11 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 50,  
12 reading as follows:

13 **13.20.050:** The City is authorized to charge fees in connection with each permit issued. The fees  
14 shall be in accordance with the schedule of fees adopted pursuant to Section 13.40.050, and may  
15 include without limitation fees related to the restoration of streets, alleys, public ways, and easements  
16 to City Specifications following excavation for sewer, water, gas or other public utility purposes.  
17 Such fees shall take into account the size of the excavation and the type of pavement in existence at  
18 the time of excavation. For purposes of this Section, "City Standards" include the standards adopted  
19 pursuant to Section 13.44.010 and any and all other improvement standards or specifications that have  
20 been adopted by the City.

21 SECTION 21: Title 13, Chapter 20, Section 60, of the Municipal Code of the City of  
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **13.20.060:** A permit shall be issued to an applicant if:

24 (A) The applicant has filled out an application for a permit stating the time and  
25 location of the excavation;

26 (B) The plans for the proposed excavation have been approved by the Department  
27 of Public [Services] Works;

28 (C) A bond or deposit in lieu of bond has been made according to the provisions

1 of Sections 13.20.030 and 13.20.040; [and 13.20.050;]

2 (D) The excavation will not unreasonably interfere with vehicular and pedestrian  
3 traffic, the demand and necessity for parking spaces, and the ingress and egress from the affected or  
4 adjacent properties; [and]

5 (E) The health, safety and welfare of the public will not be unreasonably  
6 impaired[.]

7 ; and

8 (F) The applicant has submitted a traffic barricade plan and has obtained approval  
9 of the plan from the City Traffic Engineer.

10 SECTION 22: Title 13, Chapter 20, Section 70, of the Municipal Code of the City of  
11 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

12 SECTION 23: Title 13, Chapter 20, Section 80, of the Municipal Code of the City of  
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **13.20.080:** (A) All excavations shall be made and completed in accordance with the [Uniform  
15 Standard Specifications for Public Works Construction Off-Site Improvements for Clark County Area,  
16 Nevada, 1978.] Standard Specifications adopted pursuant to Section 13.44.010.

17 (B) All pavement cuts shall be made by power saw, leaving vertical edges.

18 (C) Backfill shall be as specified by [Section 208 of the Uniform] the applicable  
19 provisions of the Standard Specifications[.] adopted pursuant to Section 13.44.010.

20 (D) All trenches shall be made safe to pedestrian and vehicle traffic from start to  
21 completion of work.

22 (E) [An asphaltic concrete pavement surface patch, minimum one and one-half  
23 inches thick, shall be promptly placed. The patch shall be compacted with a specially designed  
24 mechanical pavement compactor; pavement finished surface shall be smooth and shall not vary more  
25 than one-half inch from the testing edge of a ten-foot-long straightedge.] Pavement surface patch shall  
26 be placed in accordance with the applicable provisions of the Standard Specifications adopted  
27 pursuant to Section 13.44.010.

28 SECTION 24: Title 13, Chapter 20, Sections 90 and 100, of the Municipal Code of the

1 City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

2 SECTION 25: Title 13, Chapter 20, Section 110, of the Municipal Code of the City of  
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **13.20.110:** (A) Excavations in the City right-of-way shall be properly protected by barricade  
5 methods as provided under the manual entitled [“Nevada Work Zone Traffic Control Handbook, 1985  
6 Edition.”] the “Manual on Uniform Traffic Control Devices,” in the version adopted by the Nevada  
7 Department of Transportation pursuant to NAC 408.411. Any person maintaining improper  
8 barricades within street rights-of-way which require the placing of additional barricades, warning  
9 lights or signs by the City in the interest of public safety shall be charged [fifty dollars] a fee for each  
10 occasion in which the City finds it necessary to place the barricades. The City Traffic Engineer shall  
11 bill the responsible party according to a fee schedule established by the City pursuant to Section  
12 13.40.050.

13 (B) The City is authorized to charge fees related to the placement of traffic  
14 barricades in accordance with the fee schedule established pursuant to Section 13.40.050. The fees  
15 may include, without limitation, fees relating to the approval and renewal of traffic barricade plans,  
16 and the fees described in this Section.

17 (C) Where barricades or other traffic-control devices are left within the travel lanes  
18 or sidewalk areas of a right-of-way for longer than the period authorized by a permit, the City is  
19 authorized to charge a correction fee and lane/sidewalk rental fees, including fees charged on a  
20 per-unit of equipment basis, in accordance with the fee schedule established pursuant to Section  
21 13.40.050.

22 (D) The City is authorized to charge fees related to the patching and resurfacing of  
23 pavement that is cut or disturbed in connection with utility installations and other development-related  
24 work. The fees may include the costs of slurry seal installation, asphalt resurfacing or reinstallation,  
25 or may be based upon reimbursement for lost value. The fees shall be in accordance with the fee  
26 schedule established pursuant to Section 13.40.050.

27 SECTION 26: Title 13, Chapter 20, Section 130, of the Municipal Code of the City of  
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **13.20.130:** Whenever any excavation as mentioned in the preceding sections is made for the  
2 purposes of connecting a drain with a public sewer or repairing a drain connected with a public sewer,  
3 before beginning such excavation, such person, firm, association or corporation shall notify the  
4 Department of Public [Services] Works of the place where, and the time when such excavation is to  
5 be made, and such excavation and filling shall be made under his direction. In such cases the  
6 provisions of the foregoing sections and of this Chapter shall apply in all respects, except as to the  
7 making of the deposit and the execution of the bond as therein specified, no bond or deposit being  
8 required in such cases, but in addition to the penalty provided in this Code, the City may recover  
9 against the person, firm, association or corporation in a civil action in a court of competent jurisdiction  
10 for all damage or injury, direct or indirect, which the City may suffer by reason of the failure, neglect  
11 or refusal of the person, firm, association or corporation making such excavation to strictly comply  
12 with the provisions of this Chapter.

13 SECTION 27: Title 13, Chapter 24, Section 10, of the Municipal Code of the City of  
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **13.24.010:** For the purpose of this Chapter, certain words and phrases shall be construed herein  
16 as set forth in this Section, unless it is apparent from the context that a different meaning is intended:

17 [(A)] "Block" or "block face" means one side of a street between two consecutive intersecting  
18 streets.

19 "Director" means the Director of Public Works or his designee.

20 [(B)] "News rack" means any self-service or coin-operated box, containers, storage unit or  
21 other dispenser installed, used, or maintained for the displaying or dispensing of newspapers, news  
22 periodicals, magazines or other publications.

23 [(C)] "Parkway" means that area between the sidewalks and the curb of any street, and where  
24 there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto.  
25 "Parkway" also includes any area within a roadway which is not open to vehicular travel.

26 [(D)] "Roadway" means that portion of a street improved, designed, or ordinarily used for  
27 vehicular travel.

28 [(E)] "Sidewalk" means any surface provided for the exclusive use of pedestrians.

1 [(F)] "Street" means all that area dedicated to public use for public street purposes and shall  
2 include, but not be limited to, roadways, parkways, alleys and sidewalks.

3 [(G)] "Zone A" means the area described in Section 13.24.150.

4 SECTION 28: Title 13, Chapter 40, Section 10, of the Municipal Code of the City of  
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **13.40.010:** The Department of Public [Services] Works shall inspect all installations of utilities,  
7 street improvements, street lighting or other improvements in public rights-of-way for the benefit of  
8 the public using the rights-of-way. [It is the purpose of this Chapter to provide for fees for the  
9 issuance of permits and for the inspection of construction within public rights-of-way.]

10 SECTION 29: Title 13, Chapter 40, Section 20, of the Municipal Code of the City of  
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **13.40.020:** It shall be unlawful for any person, either as an owner, agent, servant, contractor or  
13 employee, to cut, break, remove, [or] alter, or install any improvements or portion of improvements  
14 [which are] within the public rights-of-way, or cause to have cut, broken or removed any  
15 improvements, or to install or to cause to have installed any utilities or poles, or make other  
16 excavations on any public street within the City, without having first obtained a permit to do so from  
17 the Department of Public [Services and having paid the fee as herein specified.] Works. The Director  
18 of Public Works may deny a permit to any applicant who:

19 (A) Has a documented history of unsatisfactory safety conditions;

20 (B) Has failed or refused to honor warranty requirements;

21 (C) Has failed to correct noncompliance with permit requirements; or

22 (D) Otherwise has failed to comply with the requirements of this Chapter.

23 SECTION 30: Title 13, Chapter 40, Section 40, of the Municipal Code of the City of  
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **13.40.040:** The Director of Public [Services] Works shall furnish an inspector for each permit for  
26 improvements or installation of underground utilities in the streets, alleys, or easements within the  
27 City, whose duties shall be to check for application and conformance to the [Uniform Standard  
28 Specifications for Public Works Construction of Off-Site Improvements.] Standard Specifications

1 adopted pursuant to Section 13.44.010. The Director of Public [Services] Works shall be notified at  
2 least twenty-four hours in advance of the time when the work is proposed to be started unless an  
3 emergency occurs during the period in which the office is not open, in which instance the applicant  
4 for a permit shall contact the Department of Public [Services] Works within the first hour after the  
5 office reopens.

6 SECTION 31: Title 13, Chapter 40, Section 50, of the Municipal Code of the City of  
7 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

8 SECTION 32: Title 13, Chapter 40, of the Municipal Code of the City of Las Vegas,  
9 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 50,  
10 reading as follows:

11 **13.40.050:** (A) The Department of Public Works is authorized to charge fees in connection  
12 with the issuance of permits and the construction of improvements pursuant to this Chapter. Such fees  
13 may include fees associated with plan checking and inspection, fees for services performed by or on  
14 behalf of the City in implementing this Chapter, fees relating to noncompliance with the provisions  
15 of this Chapter, and fees associated with corrective action required under this Chapter.

16 (B) In connection with the issuance of a permit, the City is authorized to establish  
17 and collect an additional fee to cover work that was previously performed by or on behalf of the  
18 applicant without the benefit of a valid permit. In addition, the City is authorized to charge fees for  
19 noncompliance with permit requirements set forth in this Title.

20 (C) The City is authorized to charge fees related to the patching and resurfacing of  
21 pavement that is cut or disturbed in connection with utility installations and other development-related  
22 work. The fees may include the costs of slurry seal installation, asphalt resurfacing or reinstallation,  
23 or may be based upon reimbursement for lost value.

24 (D) The fees chargeable by the City pursuant to this Section shall be those that are  
25 set forth in a fee schedule that may be approved and amended from time to time by resolution of the  
26 City Council. The fee schedule may contain fees chargeable under other Chapters of this Code.

27 SECTION 33: Title 13, Chapter 40, Section 60, of the Municipal Code of the City of  
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **13.40.060:** [The permit, inspection and service fees provided in] Permit fees established pursuant  
2 to this Chapter shall be paid [to the Department of Public Services before any work is done; provided,  
3 however, that in the event it is found more practical by the Engineering Department in any case to  
4 require the work to be done first, the provisions of this Section may be waived until after completion.]  
5 before the issuance of a permit. Inspection and service fees shall be paid before any work is done.  
6 In connection with fees that are required in order to recover the City's costs in performing corrective  
7 action, the City is authorized to charge the permittee the cost of the work, and may calculate the cost  
8 in the same way that the cost of extra and force account work is determined and charged under Section  
9 109.03 of the Standard Specifications. The City may collect the amount so charged by any available  
10 means. In cases where the corrective work is the responsibility of the abutting property owner,  
11 collection efforts may include making the amount a charge against the abutting property and recording  
12 an appropriate lien against the property.

13 SECTION 34: Title 13, Chapter 40, of the Municipal Code of the City of Las Vegas,  
14 Nevada, 1983 Edition, is hereby amended by adding thereto six new sections, designated as Sections  
15 70, 80, 90, 100, 110 and 120, respectively, reading as follows:

16 **13.40.070:** A permittee under this Chapter shall:

17 (A) Warrant all work covered by the permit for a period of one year following  
18 acceptance of the work by the City; and

19 (B) Maintain for the warranty period a warranty bond equal to the principal bond  
20 amount.

21 **13.40.080:** Whenever a permittee has failed to complete the installation of improvements as  
22 required by the permit, the Director of Public Works may notify the permittee in writing that he has  
23 thirty days in which to take and complete remedial action, or to file an appeal with the City Council.  
24 The notice shall state that, in the event the permittee fails to take the remedial action or file an appeal  
25 within the thirty-day period, the City may take action against the bond for the cost of completing the  
26 installation of improvements in accordance with the permit.

27 **13.40.090:** If the permittee elects to appeal in accordance with Section 13.40.080, the permittee  
28 shall file an appeal in writing with the City Clerk within the appeal period. Thereafter, a hearing date

1 before the City Council shall be set, and written notification of the hearing date shall be sent to the  
2 permittee at least seven days before the hearing.

3 **13.40.100:** If after the expiration of thirty days from the date of receipt of a written notice pursuant  
4 to Section 13.40.080, the permittee has failed to complete the work as required by the permit and the  
5 permittee has not filed an appeal, the Department of Public Works shall report the circumstances to  
6 the City Council. Thereafter, the City Council shall determine if the remedial action, as recommended  
7 by the Department of Public Works, is necessary and if so, the City Council may instruct and  
8 authorize the Director of Public Works to proceed with remedial action.

9 **13.40.110:** In the event of an appeal hearing described in Section 13.40.090, the permittee may  
10 present evidence for consideration by the City Council. After considering the presentations and  
11 evidence of both the permittee and the Department of Public Works, the City Council shall determine  
12 if remedial action on the part of the permittee is necessary to the health, safety, welfare or benefit of  
13 the public. If such action is found to be necessary to the public health, safety, welfare or benefit, then  
14 the permittee shall be notified of the decision of the City Council that remedial action shall be  
15 commenced and completed within ten days from the date of notification of the City Council's decision  
16 and that failure to complete such action shall result in the Department of Public Works proceeding  
17 with such remedial action and action taken against the bond for the costs incurred by the City.

18 **13.40.120:** Subsequent to the completion of the work, the Director of Public Works shall forward  
19 to the permittee a statement of the costs incurred by the City in connection with the remedial action  
20 and informing the permittee that failure to pay the amount stated therein within thirty days from the  
21 date of the statement shall result in action taken against the bond of the permittee.

22 SECTION 35: Title 13, Chapter 44, Section 10, of the Municipal Code of the City of  
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **13.44.010:** [A certain document, three copies of which are on file in the office of the Clerk, being  
25 marked and designated as] The document entitled "Uniform Standard Specifications for Public  
26 Works' Construction Off-Site Improvements for the Clark County Area, Nevada, [1978,]" Third  
27 Edition, and any subsequent revision adopted by the City Council, is by such reference adopted and  
28 made a part of this Chapter the same as if it were fully set forth herein.

1 SECTION 36: Title 13, Chapter 44, Section 20, of the Municipal Code of the City of  
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **13.44.020:** The provisions of the Uniform Standard Specifications [for Public Works' Construction  
4 Off-Site Improvements for the Clark County Area, Nevada, 1978] adopted pursuant to Section  
5 13.44.010 shall govern operation on contracts for public improvements awarded by the City, unless  
6 the content of any individual contract, together with any changes in the plans and specifications  
7 therefor, shall govern and be binding upon the City and the contractor. These provisions will apply  
8 to public improvements under installation through permits approved by the Director of Public  
9 [Services] Works.

10 SECTION 37: Title 13, Chapter 44, Section 30 of the Municipal Code of the City of  
11 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

12 SECTION 38: If any section, subsection, subdivision, paragraph, sentence, clause or  
13 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid  
14 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
15 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the  
16 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,  
17 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,  
18 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,  
19 invalid or ineffective.

20 SECTION 39: Whenever in this ordinance any act is prohibited or is made or declared  
21 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is  
22 required or the failure to do any act is made or declared to be unlawful or an offense or a  
23 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall  
24 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than  
25 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such  
26 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

27 SECTION 40: All ordinances or parts of ordinances or sections, subsections, phrases,  
28 ...



1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 22<sup>nd</sup> day of January, 2003, and referred to a committee for recommendation; thereafter the  
3 committee reported favorably on said ordinance on the 19<sup>th</sup> day of February, 2003, which was a  
4 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by  
5 title to the City Council as first read and adopted by the following vote:

6 VOTING "AYE": Mayor Goodman, Councilmembers Reese, M. McDonald, Brown, L. B.  
McDonald, Weekly and Mack

7 VOTING "NAY": None

8 EXCUSED: None

9 ABSTAINED: None

10 APPROVED:

11 

12 \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

13 ATTEST:

14   
15 \_\_\_\_\_  
BARBARA JO RONEMUS, City Clerk

AFFP DISTRICT COURT  
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Donna Stark, 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  
2612826

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/07/2003 to 02/07/2003, on the following days: FEB. 7, 2003

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 10

day of February 2003

Mary B. Sheffield  
Notary Public



BILL NO. 2003-10

AN ORDINANCE TO UPDATE THE PROVISIONS OF TITLE 13 OF THE MUNICIPAL CODE THAT PERTAIN TO PUBLIC IMPROVEMENTS, TO AUTHORIZE THE ADOPTION OF A FEE SCHEDULE FOR PUBLIC IMPROVEMENT-RELATED WORK, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Charles Kajkowski, Deputy Director, Department of Public Works

Summary: Updates the provisions of Title 13 that pertain to public improvements, and authorizes the adoption of a fee schedule for public improvement-related work.

At the City Council meeting of JANUARY 22, 2003, BILL NO. 2003-10 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: Feb. 7, 2003 LV Review-Journal

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2003 FEB 28 P 12: 08

AFFP DISTRICT COURT  
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Donna Stark, 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  
2636867

2296311LV


was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/22/2003 to 02/22/2003, on the following days: FEB. 22, 2003

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 25

day of February 2003

Mary B. Sheffield  
Notary Public

 **MARY B. SHEFFIELD**  
Notary Public State of Nevada  
No. 99-53968-1  
My appt. exp. Mar. 8, 2003

BILL NO. 2003-10  
ORDINANCE NO. 5571

AN ORDINANCE TO UPDATE THE PROVISIONS OF TITLE 13 OF THE MUNICIPAL CODE THAT PERTAIN TO PUBLIC IMPROVEMENTS, TO AUTHORIZE THE ADOPTION OF A FEE SCHEDULE FOR PUBLIC IMPROVEMENT-RELATED WORK, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Charles Kajkowski, Deputy Director, Department of Public Works

Summary: Updates the provisions of Title 13 that pertain to public improvements, and authorizes the adoption of a fee schedule for public improvement-related work.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 22nd day of January, 2003, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 19th day of February, 2003, 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": Mayor Goodman and Councilmembers Reese, M. McDonald, Brown, L.B. McDonald, Weekly, and Mack  
VOTING "NAY": NONE  
EXCUSED: NDNE

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: February 22, 2003  
LV Review-Journal