

1 BILL NO. 94-58

2 Ordinance No. 3827

3 AN ORDINANCE TO CURE AN ERROR IN THE ADOPTION OF ORDINANCE NO. 3806
4 OF THE CITY OF LAS VEGAS AND TO CLARIFY THE INTENT OF THE CITY COUNCIL
5 WITH RESPECT TO THE ADOPTION OF SAID ORDINANCE; REENACTING, AS TWO
6 NEW CHAPTERS OF TITLE 18 OF THE MUNICIPAL CODE OF THE CITY OF LAS
7 VEGAS, NEVADA, 1983 EDITION, THE PROVISIONS OF TWO CHAPTERS WHICH, IN
8 CONNECTION WITH THE ADOPTION OF ORDINANCE NO. 3806, WERE
9 INADVERTENTLY DELETED FROM SAID TITLE AND NOT READOPTED, NAMELY,
10 PROVISIONS CONCERNING MODEL HOME PERMITS AND DESERT TORTOISE
11 HABITAT CONSERVATION; PROVIDING FOR AN EFFECTIVE DATE THAT WILL
12 EFFECTUATE THE CITY COUNCIL'S INTENT FOR SAID PROVISIONS TO CONTINUE
13 IN FORCE AS IF THE REPEAL HAD NOT OCCURRED; PROVIDING FOR REVIVAL OF
14 THOSE PROVISIONS AS AN ALTERNATE MEANS OF ACCOMPLISHING THE CITY
15 COUNCIL'S INTENT; PROVIDING PENALTIES FOR THE VIOLATION HEREOF;
16 PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND
17 REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT
18 HEREWITH.

12 Sponsored by:

Summary: Reenacts provisions of Title 18
(relating to model homes and desert tortoise
habitat conservation) that were inadvertently
repealed and not replaced

15 WHEREAS, on June 1, 1994, the City Council of the City of Las Vegas adopted
16 Ordinance No. 3806, which was published on June 4, 1994, and became effective on June 5,
17 1994; and

18 WHEREAS, the stated intent of Ordinance No. 3806 was to repeal all of Title 18
19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, relating to subdivisions
20 and land development, and to replace it with a new Title 18 governing the same subjects; and

21 WHEREAS, due to oversight and error, the provisions of two chapters of the
22 previous Title 18 (namely, Chapters 46 and 47, relating to model home permits and desert tortoise
23 habitat conservation, respectively), were not included or readopted as part of the new Title 18
24 adopted by Ordinance No. 3806; and

25 WHEREAS, it is not and was not the City Council's intent to repeal those
26 provisions without readopting them as part of the new Title 18; and

1 WHEREAS, by the adoption of this ordinance, the City Council desires to clarify
2 and hereby clarifies its intent to preserve those provisions as part of Title 18 by reenacting them
3 by means of this Ordinance; and

4 WHEREAS, by the adoption of this Ordinance, the Council hereby indicates its
5 intent that such reenactment be interpreted as if the provisions reenacted herein have been in effect
6 continuously without intervening repeal; and

7 WHEREAS, in view of the Council's intent concerning the reenactment of those
8 provisions, and because that intent is curative and clarifying in nature, it is deemed necessary and
9 appropriate to establish herein that the reenactment of the provisions contained herein as Sections
10 2 and 3, and Sections 5 to 17, inclusive, of this Ordinance be effective as of the effective date of
11 Ordinance No. 3806, namely June 5, 1994, so that there is no period of time following the
12 adoption of Ordinance No. 3806 that the above-cited provisions of this Ordinance were not in
13 effect; and

14 WHEREAS, the Council also recognizes a traditional, though not universally
15 accepted, rule of statutory construction that the repeal of legislation which repealed an earlier
16 provision of law serves to "revive" that earlier provision of law to the extent that such "revival"
17 appears consistent with legislative intent; and

18 WHEREAS, as an alternative and independent basis for indicating and
19 implementing its intent, the Council desires to "revive" the provisions of the previous Title 18 that
20 relate to model home permits and desert tortoise habitat conservation by repealing that portion of
21 Ordinance No. 3806 (and only that portion) that had the effect of repealing those provisions, if
22 and to the extent that such revival is recognized in Nevada; and

23 WHEREAS, in adopting this Ordinance, the Council intends that the provisions
24 contained herein with respect to model home permits and desert tortoise habitat conservation be
25 deemed to have been in effect continuously, as if they had not been repealed, whether by virtue
26 of reenactment or revival, and that any future determination that any provision of this Ordinance

1 is invalid or ineffective toward that end shall not invalidate or make ineffective any other
2 provision toward that end, nor shall any such determination invalidate the prospective application
3 of those provisions.

4 THEREFORE, based upon the foregoing:

5 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY
6 ORDAIN AS FOLLOWS:

7 SECTION 1: Title 18 of the Municipal Code of the City of Las Vegas,
8 Nevada, 1983 Edition, as amended by Ordinance No. 3806 of the City of Las Vegas, is hereby
9 amended by adding thereto a new chapter, consisting of the provisions set forth as Sections 2 and
10 3 of this Ordinance.

11 SECTION 2: With respect to any separately identified subdivision, building
12 permits may be issued for not more than six model homes before the final subdivision map per-
13 taining thereto is recorded if and only if all of the following conditions are met:

14 (A) The final map either:

15 (1) Has been approved by the City Council, or

16 (2) Has been approved by the Planning Commission, the period
17 for appeal to or review by the City Council concerning such map has expired and no such appeal
18 or review is pending.

19 (B) All preconstruction requirements of zoning and plot plan approvals
20 have been met.

21 (C) The site and setbacks of the model homes are in conformance with
22 the final map and the approved zoning.

23 (D) Plan checking of the model homes has been completed and all the
24 items described in Chapter 18.10 have been submitted and approved in accordance therewith.

25 (E) The following departments have certified in writing, through their
26 authorized representatives, that their respective preconstruction requirements have been met:

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- (1) The Department of Public Works;
- (2) The Department of Community Planning and Development;
- and
- (3) The Department of Fire Services.

(F) The applicant for such model home permits has acknowledged and agreed in writing that:

(1) No changes to the final map as approved will be made, except those required by the City, and all construction and improvements will conform to the approved map.

(2) The permitted model homes will not be sold or occupied for residential purposes until the final map has been recorded.

(3) The issuance of model home permits will be expressly limited to the model home use and will not be construed as a commitment by the City to approve the final map or to approve any zoning matter.

(4) The applicant will indemnify, defend and hold the City and its officers, agents and employees harmless from any liability and from and against any claim, loss or damage it or they may incur because of the issuance of any such permit.

SECTION 3: If the permittee or applicant violates or fails to comply with any requirement of Title 18 or Title 19 of this Code or breaches any promise or obligation entered into pursuant to this Chapter, the City may deny, suspend or revoke any building permit for a model home and may issue a Stop Work Order with respect thereto.

SECTION 4: Title 18 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, as amended by Ordinance No. 3806 of the City of Las Vegas, is hereby amended by adding thereto a new chapter, consisting of the provisions set forth as Sections 5 to 17, inclusive, of this Ordinance.

SECTION 5: The City Council of the City of Las Vegas finds and

1 determines that:

2 (A) Pursuant to its emergency authority under the Federal Endangered
3 Species Act of 1973, 16 U.S.C. Section 1531 et seq., the U.S. Fish and Wildlife Service has
4 listed the Desert Tortoise (*Gopherus agassizii*) as an endangered species, effective August 4, 1989.
5 Thereafter, on April 12, 1990, the desert tortoise was listed as a threatened species pursuant to
6 the provisions of the Federal Endangered Species Act.

7 (B) Following the federal listing of the desert tortoise as an endangered
8 or threatened species, the Secretary of Interior may permit the incidental taking of the species in
9 accordance with a permit issued pursuant to Section 10(a) of the Endangered Species Act (16
10 U.S.C. Section 1539). All applications for a Section 10(a) permit must be accompanied by a
11 habitat conservation plan approved by the U.S. Fish and Wildlife Service. Said permit will then
12 allow the incidental taking of the tortoise as a consequence of otherwise lawful activities on the
13 basis that the habitat conservation plan will provide a program for the protection of the species
14 and guarantee its survival.

15 (C) The U.S. Fish and Wildlife Service has decreed that:

16 (1) Development within the historic range (habitat) of the desert
17 tortoise has resulted in loss and degradation of occupied desert tortoise habitat, increased the
18 isolation of desert tortoise populations, reduced the potential habitat areas for future colonization,
19 and eliminated the corridors which allow the species to relocate as environmental conditions
20 warrant;

21 (2) The desert tortoise's survival cannot be insured on small
22 isolated acreages surrounded by, or in close proximity to, development or human populations; and

23 (3) Impacts to the desert tortoise are not limited to loss or
24 degradation of actually occupied habitat only.

25 (D) To decrease the impact upon land development in Clark County
26 caused by the listing of the desert tortoise as a threatened species and to assist in the preservation

1 of the desert tortoise, the City desires to implement a habitat conservation plan, with the costs of
2 developing and implementing such a plan to be borne by those who grade, invade or encroach
3 upon, or cause, directly or indirectly, the grading, invasion or encroachment of the historic range
4 or habitat of the desert tortoise. This short-term habitat conservation plan has been approved and
5 submitted to the U.S. Fish and Wildlife Service and a request for a permit to take tortoises
6 pursuant to Section 10(a) of the Endangered Species Act has been made by the cities of Las
7 Vegas, North Las Vegas, Henderson, Boulder City and Clark County by way of a joint resolution
8 approved by these entities on or about December 18, 1990.

9 (E) All mitigation fees collected pursuant to the provisions of this
10 Chapter shall be used to facilitate implementation and modification of the habitat conservation plan
11 for the desert tortoise and the application for and implementation of a Section 10(a) permit under
12 the Federal Endangered Species Act.

13 (F) Adoption and implementation of this Chapter demonstrates the City's
14 intent to cooperate with federal and state agencies and conservation groups to provide for the
15 survival of the desert tortoise and at the same time provide for the further development of
16 property in the City of Las Vegas.

17 (G) The adoption of this Chapter is intended to be consistent with the
18 requirements of federal environmental legislation.

19 SECTION 6: The purpose of this Chapter is to finance the preparation and
20 development of a long-term habitat conservation plan, and the application for a Section 10(a)
21 permit under the Federal Endangered Species Act for the Clark County Desert Tortoise Habitat
22 Conservation Plan Study Area. It is further the purpose of this ordinance to facilitate the
23 implementation and modification of the short-term habitat conservation plan for the desert tortoise
24 in the Las Vegas Valley, Clark County, Nevada dated December 5, 1990, adopted by the Board
25 of County Commissioners on December 18, 1990, and on file with the County Clerk, Commission
26 Division, including the funding necessary to receive and maintain a permit to take tortoises issued

1 pursuant to Section 10(a) of the Endangered Species Act.

2 SECTION 7: As used in this Chapter, the following terms shall have the
3 following meanings:

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

5 (B) "City" means the City of Las Vegas.

6 (C) "Development permit" means City approval of a building or grading
7 permit on previously unimproved property pursuant to the provisions of all applicable City
8 ordinances. "Development permit" does not include a demolition permit or a temporary power
9 permit.

10 (D) "Fee assessment area" means all real property located within the
11 Clark County Desert Tortoise fee assessment area as described in Section 8 of this Ordinance.

12 (E) "Habitat conservation plan" means a plan prepared pursuant to
13 Section 10(a) of the Federal Endangered Species Act of 1973, 16 U.S.C. Section 1539.

14 (F) "Interim mitigation fee" means the fee imposed pursuant to the
15 provisions of this Chapter prior to the issuance and the City's receipt of the Section 10(a) permit
16 described in Section 5 of this Ordinance.

17 (G) "Parcel" means all real property for which a development permit is
18 applied.

19 (H) "Residential unit" means a building or portion thereof used by one
20 family and containing but one kitchen, and designed for single-family residential purposes only.

21 (I) "Section 10(a) permit" means a permit issued by the Secretary of
22 Interior pursuant to Section 10(a) of the Federal Endangered Species Act of 1973, 16 U.S.C.
23 Section 1539.

24 (J) "Desert tortoise" means an animal species known as *Gopherus*
25 *agassizii*.

26 (K) "Mitigation fee" means the fee imposed pursuant to the provisions

1 of this Chapter after the Section 10(a) permit described in Section 5 of this Ordinance has been
2 issued and has been received by the City.

3 (L) "Permit area" means all of the land encompassed within the boundary
4 of the area covered by the Section 10(a) permit including exclusionary zones 1, 2, and 3 as
5 depicted on the map adopted pursuant to Section 8 of this Ordinance.

6 (M) "Tortoise transfer facility" means a facility designated by the City
7 for relocation of tortoises found in the permit area.

8 (N) "Working day" means all days except Saturday, Sunday and legal
9 holidays.

10 SECTION 8: All those certain lands located in the incorporated areas of the
11 City of Las Vegas, State of Nevada, below the elevation of four thousand feet as measured from
12 sea level, are designated as the Clark County fee assessment area and are included in the fee
13 assessment area. For the purpose of determining the appropriate fee and to provide for tortoise
14 survey and potential removal procedures, the Las Vegas City Council adopts as a part of this
15 Chapter, a map labeled "Permit Area" as signed and dated by the Mayor of the City of Las Vegas
16 and available for public inspection in the office of the City Clerk.

17 SECTION 9: (A) Except as otherwise provided in this
18 Section, all applicants for development permits within the boundaries of the fee assessment area
19 shall pay a mitigation fee of two hundred fifty dollars per gross acre or a prorated sum for a
20 portion of the parcels proposed for development. Those applicants for development permits within
21 the boundaries of the permit area shall pay an additional mitigation fee of three hundred dollars
22 per gross acre for a total mitigation fee of five hundred fifty dollars per gross acre or a prorated
23 sum for a portion thereof of the parcels proposed for development.

24 (B) For a single-family residential development and manufactured
25 housing on lots two gross acres in size or greater, and where less than one-quarter of an acre of
26 the property is graded or otherwise disturbed, with the balance of the property left in its natural

1 condition, the mitigation fee shall be sixty-two dollars and fifty cents. Where more than
2 one-quarter acre but less than one-half acre is graded or otherwise disturbed, and the balance of
3 the property is left in its natural condition, the fee shall be one hundred twenty-five dollars. The
4 fee where more than one-half acre is graded or otherwise disturbed by the construction shall be
5 two hundred fifty dollars per acre for each acre graded or otherwise disturbed. For single-family
6 residential development and manufactured housing on lots two gross acres in size or greater
7 located within the boundaries of the permit area and where less than one-quarter of an acre of the
8 property is graded or otherwise disturbed, with the balance of the property left in its natural
9 condition, the mitigation fee shall be one hundred thirty-seven dollars and fifty cents. Within the
10 boundaries of the permit area where more than one-quarter but less than one-half acre is graded
11 or otherwise disturbed, and the balance of the property is left in its natural condition, the fee shall
12 be two hundred seventy-five dollars. The fee where more than one half-acre is graded or
13 otherwise disturbed by the construction within the boundaries of the permit area shall be five
14 hundred fifty dollars per acre for each acre graded or otherwise disturbed.

15 (C) The mitigation fee for free-standing off-premises signs, communi-
16 cation towers and similar structures that are unoccupied except for maintenance and where less
17 than one-quarter of an acre of the property is graded or otherwise disturbed shall be sixty-two
18 dollars and fifty cents. Where more than one-quarter but less than one-half acre is graded or
19 otherwise disturbed, the fee shall be one hundred twenty-five dollars. The fee where more than
20 one-half acre is graded or otherwise disturbed by the construction of a free-standing off-premises
21 sign or communication tower shall be two hundred fifty dollars per acre for each acre graded or
22 otherwise disturbed. The mitigation fee for free-standing off-premises signs, communication
23 towers and similar structures within the boundaries of the permit area that are unoccupied except
24 for maintenance and where less than one-quarter of an acre of the property is graded or otherwise
25 disturbed shall be one hundred thirty-seven dollars and fifty cents. Where more than one-quarter
26 acre but less than one-half acre is graded or otherwise disturbed within the boundaries of the

1 permit area, the fee shall be two hundred seventy-five dollars. The fee where more than one-half
2 acre is graded or otherwise disturbed by the construction of a free-standing off-premises sign or
3 communication tower within the boundaries of the permit area shall be five hundred fifty dollars
4 per acre for each acre graded or otherwise disturbed.

5 (D) The developer of townhouses, condominiums or other dwelling units
6 in a planned unit development shall pay a mitigation fee of two hundred fifty dollars per acre for
7 the entire planned unit development or, if partially completed, a pro rata share for each additional
8 unit based upon the entire project acreage. If the townhouse, condominiums or other dwelling
9 units are located within the boundaries of the permit area the developer shall pay an additional
10 mitigation fee of three hundred dollars per gross acre for a total mitigation fee of five hundred
11 fifty dollars per gross acre for the entire planned unit development or, if partially completed, a
12 pro rata share for each additional unit based upon the entire project acreage.

13 SECTION 10: No development permit for real property located within
14 the boundaries of the fee assessment area shall be issued or approved without the payment of the
15 mitigation fees required by this Chapter. Where a development permit was issued upon payment
16 of the interim mitigation fee and has expired, the applicant for a new development permit on the
17 same property shall pay the fee pursuant to the current provision of this ordinance less the amount
18 previously paid as the interim mitigation fee.

19 SECTION 11: All applicants for development permits within the
20 boundaries of the permit area shall, prior to application for a development permit, complete a
21 habitat conservation plan compliance report on the forms furnished by the City of Las Vegas
22 Department of Building and Safety. This compliance report must be complete, signed and contain
23 at a minimum, for each application, the assessor's parcel numbers, number of acres, location and
24 whether the site is located within an exclusionary zone or if it has been surveyed for tortoises.
25 Those applicants for development permits within the boundary of the permit area covered by the
26 Section 10(a) permit not included within exclusionary zones 1, 2, and 3 as depicted on the map

1 adopted pursuant to Section 8 of this Ordinance shall in addition fully complete Parts II, Tortoise
2 Survey, and III, Tortoise Removal, if applicable, of the habitat conservation plan compliance
3 report on the forms furnished by the City of Las Vegas Department of Building and Safety. A site
4 location map that clearly depicts the subject property in relation to the permit area must
5 accompany the submission of Parts II and III of the compliance report. If tortoise removal is
6 required, Part III of the compliance report must be signed by an authorized representative of the
7 Tortoise Transfer Facility prior to its acceptance by the City of Las Vegas Department of Building
8 and Safety.

9 SECTION 12: All applicants for development permits that are
10 required to submit a habitat conservation plan compliance report shall pay processing fees to the
11 City of Las Vegas Department of Building and Safety of twenty-five dollars per residential
12 development permit and fifty dollars per commercial development permit.

13 SECTION 13: As all habitat conservation plan compliance reports are
14 subject to a seven-working-day audit period by the Nevada Department of Wildlife, no
15 development permits can be issued within the boundaries of the permit area until seven working
16 days after a complete habitat conservation plan compliance report has been accepted by the City
17 of Las Vegas Department of Building and Safety. If, during the seven-working-day audit period,
18 the Nevada Department of Wildlife elects to audit the compliance report, no development permits
19 for the property may be issued until authorized by the Nevada Department of Wildlife following
20 their review and independent survey. If the Nevada Department of Wildlife has not completed
21 their review and independent survey within the seven-working-day audit period, the development
22 permit may be issued.

23 SECTION 14: The mitigation fee shall be paid upon issuance of any
24 of the permits defined as a development permit.

25 SECTION 15: For purposes of this Chapter, the following types of
26 development shall not be required to pay a mitigation fee unless such development voluntarily

1 participates in order to mitigate the disturbance of occupied desert tortoise habitat:

2 (A) Reconstruction of any structure damaged or destroyed by fire or
3 other natural causes;

4 (B) Rehabilitation or remodeling of existing structures, or existing off-site
5 improvements;

6 (C) Development of any parcel used by local, district, state or federal
7 governments for governmental purposes (i.e., public works, schools); provided such governmental
8 entities or districts have participated in and contributed moneys to support the habitat conservation
9 plan through an interlocal agreement approved by the City Council.

10 (D) Development of any parcel for which an interim mitigation fee or
11 mitigation fee has been previously paid. However, in instances where the fee previously paid was
12 the fee for single-family or manufactured housing residential development, wherein all lots within
13 the development were two gross acres in size or greater with part of the lot being left in its
14 natural condition, and the applicant for a development permit subsequently requests an increase
15 in residential density or a change from a residential to a nonresidential use, the fee shall be
16 recalculated for the new density or use pursuant to the current provisions of this Chapter. Any
17 difference between the recalculated fee and the previously paid fee shall be required to be paid
18 by the applicant. Further, where a development permit was issued upon payment of the interim
19 mitigation fee and has expired, the applicant for a new development permit on the same property
20 shall pay the mitigation fee established by this Chapter less the amount previously paid as the
21 interim mitigation fee.

22 (E) The construction of public utility transmission facilities. Said
23 exemption shall not include substations, treatment facilities, pumping stations, access roads or any
24 activity requiring alterations of the land.

25 (F) Development of any parcel which has previously been approved and
26 issued a Section 10(a) permit under the Federal Endangered Species Act of 1973 for the desert

1 tortoise.

2 (G) Residential accessory structures or additions to an existing residence
3 on a developed lot, provided that the size of the accessory structure or addition does not exceed
4 fifty percent of the size of the existing residence.

5 (H) The temporary occupancy of a residential mobile home.

6 (I) Commercial accessory structures or additions to existing commercial
7 structures on a developed lot, provided that the size of the accessory structure or addition does
8 not exceed ten percent of the size of the existing commercial structures.

9 (J) The temporary occupancy of modular buildings in conjunction with
10 commercial development.

11 (K) Replacement of an existing mobile home or manufactured building
12 with a different mobile home or manufactured building.

13 (L) Development of any parcel within the permit area pursuant to and
14 in accordance with a consultation under Section 7 of the Federal Endangered Species Act, but only
15 to the extent mitigation fees have been paid to the federal government with respect to such
16 development. The developer shall pay the City the mitigation fee required by this Chapter reduced
17 by the amount of mitigation fees paid to the federal government.

18 SECTION 16: The City Council may periodically review and cause
19 an adjustment to be made to the mitigation fee. By amendment of this Chapter, the fee may be
20 increased or decreased to reflect changes in estimated costs for the implementation of the habitat
21 conservation plan. The adjustment in the fee may also reflect changes in estimated revenues
22 received pursuant to this Chapter, as well as the availability or lack thereof of other funds with
23 which to develop, prepare and implement the short-term and long-term habitat conservation plans.
24 Any adjustment in the fee shall be prospective only and shall become effective as of the date any
25 such amendment is effective; provided, however, that the amount of the mitigation fee for any
26 development permit shall be the fee in effect at the time of payment.

1 SECTION 17: All mitigation fees collected pursuant to the provisions
2 of this Chapter shall be deposited into the Desert Tortoise Special Reserve Fund. Funds, including
3 interest accrued in said account, shall be expended solely for the preparation and development of
4 a long-term habitat conservation plan for the desert tortoise, for the application for a Section 10(a)
5 permit under the Federal Endangered Species Act, to implement the goals and objectives
6 expressed in the short-term habitat conservation plan and to fund the requirements established
7 pursuant to the Section 10(a) permit under the Federal Endangered Species Act.

8 SECTION 18: The provisions set forth in Sections 1 to 17, inclusive,
9 of this Ordinance become effective on June 5, 1994, simultaneous and concurrent with the
10 effectiveness of Ordinance No. 3806.

11 SECTION 19: To the extent the provisions of Sections 1 to 18,
12 inclusive, of this Ordinance, are deemed ineffective in implementing or expressing the intent of
13 the City Council as described in this Ordinance, and to the extent not inconsistent with Nevada
14 law, that portion of Ordinance No. 3806 (and only that portion) which had the effect of repealing
15 the provisions of the previous Title 18 that relate to model home permits and desert tortoise
16 habitat conservation (Chapters 46 and 47 thereof) is hereby repealed, and are thereby revived as
17 two chapters to be designated as part of Title 18.

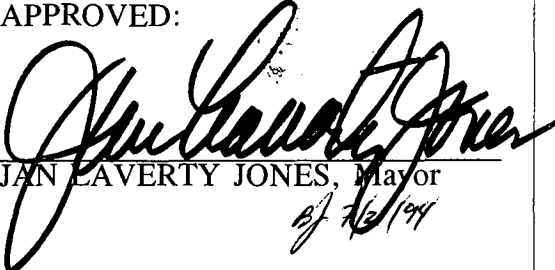
18 SECTION 20: Whenever in this ordinance any act is prohibited or
19 is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance
20 the doing of any act is required or the failure to do any act is made or declared to be unlawful
21 or an offense or a misdemeanor,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

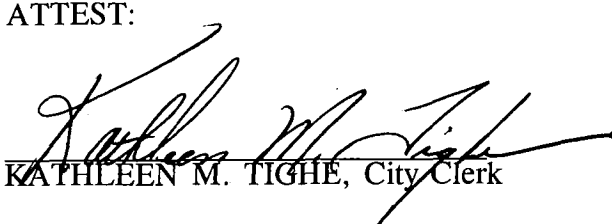
26 SECTION 21: If any section, subsection, subdivision, paragraph,

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

8 SECTION 22: All ordinances or parts of ordinances, sections,
9 subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City
10 of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

11 PASSED, ADOPTED and APPROVED this 20th day of July, 1994.

12 APPROVED:
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15 JAN LAVERTY JONES, Mayor
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17 *of 7/2/94*

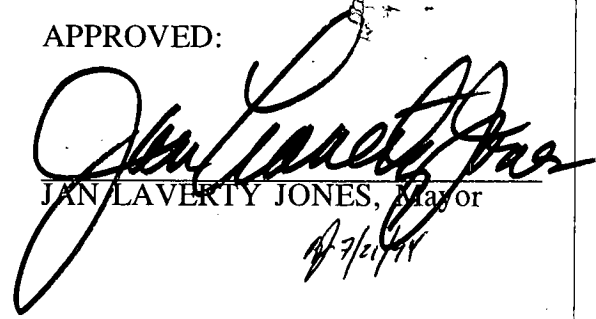
16 ATTEST:
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18 KATHLEEN M. TIGHE, City Clerk
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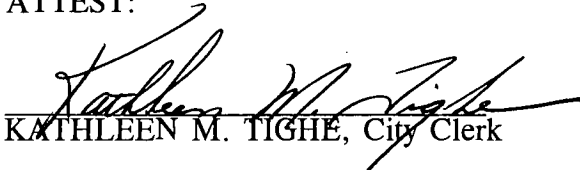
The above and foregoing ordinance was first proposed and read by title to the City Council on the 6th day of July, 1994, and referred to the following committee composed of Councilmen Hawkins Jr. and Brass for recommendation; thereafter the said committee reported favorably on said ordinance on the 20th day of July, 1994, 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 Adamsen, Hawkins Jr. and Brass
VOTING "NAY": NONE
DID NOT VOTE Councilman Higginson and Mayor Jones
ABSENT: NONE

APPROVED:


JAN LAVERTY JONES, Mayor
7/21/94

ATTEST:


KATHLEEN M. TIGHE, City Clerk

RECEIVED
CITY CLERK

Aug 2 11 12 AM '94

AFFIDAVIT OF PUBLICATION

PASTE CLIPPING HERE

BILL NO. 94-58
ORDINANCE NO. 3827

AN ORDINANCE TO CURE AN ERROR IN THE ADOPTION OF ORDINANCE NO. 3804 OF THE CITY OF LAS VEGAS AND TO CLARIFY THE INTENT OF THE CITY COUNCIL WITH RESPECT TO THE ADOPTION OF SAID ORDINANCE; REENACTING, AS TWO NEW CHAPTERS OF TITLE 18 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, THE PROVISIONS OF TWO CHAPTERS WHICH, IN CONNECTION WITH THE ADOPTION OF ORDINANCE NO. 3806, WERE INADVERTENTLY DELETED FROM SAID TITLE AND NOT READOPTED, NAMELY, PROVISIONS CONCERNING MODEL HOME PERMITS AND DESERT TORTOISE HABITAT CONSERVATION; PROVIDING FOR AN EFFECTIVE DATE THAT WILL EFFECTUATE THE CITY COUNCIL'S INTENT FOR SAID PROVISIONS TO CONTINUE IN FORCE AS IF THE REPEAL HAD NOT OCCURRED; PROVIDING FOR REVIVAL OF THOSE PROVISIONS AS AN ALTERNATE MEANS OF ACCOMPLISHING THE CITY COUNCIL'S INTENT; 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: ---
SUMMARY: Reenacts provisions of Title 18 (relating to model homes and desert tortoise habitat conservation) that were inadvertently repealed and not replaced.
The above and foregoing ordinance was first proposed and read by title to the City Council on the 1st day of June, 1994, and referred to the following committee composed of Councilmen Brass and Adomson, for recommendation; thereafter the said committee reported favorably on said ordinance on the 20th day of July, 1994, 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: Adomson, Hawkins Jr. and Brass
VOTING "NAY" NONE
VOTING "ABSTAIN" NONE
DID NOT VOTE Councilmen Higginson and Mayor Jones
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: July 23, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS , 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 JULY 23, 1994 to JULY 23, 1994, on the following days:

JULY 23, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this 28 day of July, 19 94

Peggy D. Barron

Notary Public



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

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BILL NO. 94-58

AN ORDINANCE TO CURE AN ERROR IN THE ADOPTION OF ORDINANCE NO. 3806 OF THE CITY OF LAS VEGAS AND TO CLARIFY THE INTENT OF THE CITY COUNCIL WITH RESPECT TO THE ADOPTION OF SAID ORDINANCE; REENACTING, AS TWO NEW CHAPTERS OF TITLE 18 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, THE PROVISIONS OF TWO CHAPTERS WHICH, IN CONNECTION WITH THE ADOPTION OF ORDINANCE NO. 3806, WERE INADVERTENTLY DELETED FROM SAID TITLE AND NOT READOPTED, NAMELY: PROVISIONS CONCERNING MODEL HOME PERMITS AND DESERT TORTOISE HABITAT CONSERVATION; PROVIDING FOR AN EFFECTIVE DATE THAT WILL EFFECTUATE THE CITY COUNCIL'S INTENT FOR SAID PROVISIONS TO CONTINUE IN FORCE AS IF THE REPEAL HAD NOT OCCURRED; PROVIDING FOR REVIVAL OF THOSE PROVISIONS AS AN ALTERNATE MEANS OF ACCOMPLISHING THE CITY COUNCIL'S INTENT; 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:
SUMMARY: Reenacts provisions of Title 18 (relating to model homes and desert tortoise habitat conservation) that were inadvertently repealed and not replaced.
At a City Council meeting, JUNE 6, 1994
BILL NO. 94-58 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Hawkins Jr. AND Brass
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: July 8, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS, 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 JULY 8, 1994 to JULY 8, 1994, on the following days:

JULY 8, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this 13 day of July, 19 94

Peggy D. Barron

Notary Public



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

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BILL NO. 94-58
ORDINANCE NO. 3827

AN ORDINANCE TO CURE AN ERROR IN THE ADOPTION OF ORDINANCE NO. 3806 OF THE CITY OF LAS VEGAS AND TO CLARIFY THE INTENT OF THE CITY COUNCIL WITH RESPECT TO THE ADOPTION OF SAID ORDINANCE; REENACTING, AS TWO NEW CHAPTERS OF TITLE 18 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, THE PROVISIONS OF TWO CHAPTERS WHICH, IN CONNECTION WITH THE ADOPTION OF ORDINANCE NO. 3806, WERE INADVERTENTLY DELETED FROM SAID TITLE AND NOT READOPTED, NAMELY, PROVISIONS CONCERNING MODEL HOME PERMITS AND DESERT TORTOISE HABITAT CONSERVATION; PROVIDING FOR AN EFFECTIVE DATE THAT WILL EFFECTUATE THE CITY COUNCIL'S INTENT FOR SAID PROVISIONS TO CONTINUE IN FORCE AS IF THE REPEAL HAD NOT OCCURRED; PROVIDING FOR REPEAL OF THOSE PROVISIONS AS AN ALTERNATE MEANS OF ACCOMPLISHING THE CITY COUNCIL'S INTENT; 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: --
SUMMARY: Reenacts provisions of Title 18 (relating to model homes and desert tortoise habitat conservation) that were inadvertently repealed and not replaced.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 1st day of June, 1994, and referred to the following committee composed of Councilmen Brass and Adamsen, for recommendation; thereafter the said committee reported favorably on said ordinance on the 20th day of July, 1994, 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, Hawkins Jr. and Brass
VOTING "NAY": NONE
VOTING "ABSTAIN": NONE
DID NOT VOTE: Councilman Higginson and Mayor Jones

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: July 23, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS , 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 JULY 23, 1994 to JULY 23, 1994, on the following days:

JULY 23, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

28 day of July, 19 94

Peggy D. Barron

Notary Public



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



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STATE OF NEVADA)
COUNTY OF CLARK) SS:

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JULY 8, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

13 day of July, 1994

Peggy D. Barron

Notary Public

BILL NO. 94-58
AN ORDINANCE TO CURE AN ERROR IN THE ADOPTION OF ORDINANCE NO. 3806 OF THE CITY OF LAS VEGAS AND TO CLARIFY THE INTENT OF THE CITY COUNCIL WITH RESPECT TO THE ADOPTION OF SAID ORDINANCE; REENACTING, AS TWO NEW CHAPTERS OF TITLE 18 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, THE PROVISIONS OF TWO CHAPTERS WHICH, IN CONNECTION WITH THE ADOPTION OF ORDINANCE NO. 3806, WERE INADVERTENTLY DELETED FROM SAID TITLE AND NOT READOPTED, NAMELY, PROVISIONS CONCERNING MODEL HOME PERMITS AND DESERT TORTOISE HABITAT CONSERVATION; PROVIDING FOR AN EFFECTIVE DATE THAT WILL EFFECTUATE THE CITY COUNCIL'S INTENT FOR SAID PROVISIONS TO CONTINUE IN FORCE AS IF THE REPEAL HAD NOT OCCURRED; PROVIDING FOR REVIVAL OF THOSE PROVISIONS AS AN ALTERNATE MEANS OF ACCOMPLISHING THE CITY COUNCIL'S INTENT; 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:
SUMMARY: Reenacts provisions of Title 18 (relating to model homes and desert tortoise habitat conservation) that were inadvertently repealed and not replaced.
At a City Council meeting
JUNE 6, 1994
BILL NO. 94-58 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:
Councilmen Hawkins Jr. AND Brass
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: July 8, 1994
Las Vegas Review-Journal



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



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