

ORDINANCE NO. 1098

AN ORDINANCE TO AMEND TITLE IV, CHAPTER 1, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960, BY ADDING TO SAID TITLE AND CHAPTER TEN SEPARATE SECTIONS TO BE DESIGNATED SECTIONS 51 THROUGH 60, BOTH INCLUSIVE; ALSO AMENDING THE "UNIFORM BUILDING CODE, 1961 EDITION, VOLUME 1," ADOPTED BY SAID TITLE AND CHAPTER, BY ADDING THERETO A NEW CHAPTER, TO BE DESIGNATED CHAPTER 71, TO PROVIDE RULES AND REGULATIONS RELATING TO FENCES, WALLS AND RETAINING WALLS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. Title IV, Chapter 1 of the Municipal Code of the City of Las Vegas, Nevada, 1960, is hereby amended by adding thereto ten (10) separate sections bearing numbers 4-1-51 to 4-1-60, both inclusive, and the "Uniform Building Code, 1961, Edition, Volume 1," adopted by said Title and Chapter is also amended by adding thereto a new chapter (Sections 7101 to 7110, both inclusive), to provide as follows:

CHAPTER 71
FENCES, WALLS AND RETAINING WALLS

4-1-51: PURPOSE AND SCOPE:

Sec. 7101. The purpose of this Chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, workmanship, construction, location, installation, and maintenance of all fences, walls and retaining walls. To establish the administrative procedure for issuance of permits, approval of plans and inspections of the fences, walls and retaining walls.

4-1-52: DEFINITIONS:

Sec. 7102. (a) Fence: A fence shall be defined as a structure of temporary or semipermanent material such as wire, screen, wood, or plastic, erected for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

(b) Wall: A wall shall be defined as a structure erected of stone, brick, masonry, concrete or other similar permanent material, raised to some height, and intended for purposes of enclosure, decoration or division of property.

(c) Retaining Wall: A retaining wall is any wall as defined above used to resist the lateral displacement of any material if the difference in elevation of the material from one side to the other exceeds eighteen (18) inches.

(d) Fill: Fill shall be defined as any deposit of soil, rock, or other material placed by man.

(e) Cut or Excavation: Cut or excavation shall be defined as removal of soil, rock, or other material by man.

4-1-53: APPLICATIONS AND PERMITS:

Sec. 7103. (a) Applications: Permits for the erection, installation, or construction of each and every fence, wall of retaining wall of the nature set forth in this Chapter shall be secured by application to the Department of Building and Safety on forms provided which shall contain, or have attached thereto, the following information:

The name and address of the owner of the lot or premises upon which the fence, wall, or retaining wall is to be erected. The type of material to be used in the construction, and the length, height, width, and square footage to be constructed shall be shown. The person, firm, or corporation doing the erection shall be shown. The location of the fence, wall or retaining wall shall be shown with respect to the lot lines and the buildings. The application shall also show by certificate that all light standards, gas and water meters, and fire hydrants shall not be fenced in and that proper clearance will be provided around them. For fences, drawings or specifications need not be submitted unless so requested by the Building Official. For walls and retaining walls, drawings and calculations shall be submitted with the application showing the wall is designed in accordance with the specific loads as outlined in this Chapter and the Building Code of the City of Las Vegas. Standard sheets as are available from the Department of Building and Safety may

be used when in the opinion of the Building Official their use would be proper and adequate.

A permit shall be required for each lot or separate piece of property involved.

EXCEPTION: When other governmental agencies shall require a subdivision fence or wall along the rear of each lot and along the sides of all end lots in a block, these may be placed on one permit provided the legal description is attached with a plot plan showing the exact location of the fence or wall.

(b) Permits: Permits for the erection, installation, or construction of any fence, wall or retaining wall shall be issued by the Department of Building and Safety to contractors licensed by the State of Nevada and the City of Las Vegas to perform such construction.

EXCEPTION: Permits may be issued to the owners of a single family dwelling or a duplex dwelling to erect a fence, wall or retaining wall on their own property.

All permits required by this Chapter shall be obtained by the person, firm or corporation doing the work prior to any actual work being done.

(c) Time Limit of Permit: Every permit issued under the provisions of this Chapter shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 60 days from the date of such permit, or if the work is suspended or abandoned, at any time after the work is commenced, for a period of 120 days. Before such work can be recommenced a new permit shall be obtained so to do, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further, that such suspension or abandonment has not exceeded one year. If changes have been made or suspension or abandonment has exceeded one year the applicant shall obtain a new permit and shall pay the fee for a new permit.

(d) Suspension or Revocation: The Building Official may, in writing, suspend or revoke a permit issued under provisions of this Chapter whenever the permit is issued in error on the basis of incorrect information supplied, or in violation of any other ordinance or regulation or any of the provisions of this Chapter. The Building Official is hereby authorized to stop the construction of any fence, wall, or retaining wall which is being carried on in violation of this Chapter or any other ordinance of the City of Las Vegas.

(e) Stop Work Orders: Whenever any work is being done contrary to the provisions of this Code, the Director, Deputy Director, or Senior Building Inspector may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Director, Deputy Director, or Senior Building Inspector to proceed with the work. Whenever any work has been stopped by the officials above for reasons outlined above, a fee of ten dollars (\$10.00) shall be paid to the City of Las Vegas before any work pertaining to the stop order can again commence.

4-1-54: PERMIT FEES:

Sec. 7104. A fee for each fence, wall, or retaining wall permit shall be paid to the Building Official.

The determination of the value or valuation of the construction performed under the provisions of this Chapter shall be made by the Building Official. The fees for the valuation shall be paid as shown in the schedule of fees listed in the Building Code of the City of Las Vegas.

For such fences, walls, or retaining walls that in the opinion of the Building Official present extenuating circumstances in their design, an additional fee of twenty dollars (\$20.00) for a plan check shall be charged.

Where work for which a permit is required by this Chapter is started or proceeded with prior to obtaining said permit, the fees above specified shall be doubled, but the payment of such doubled fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

4-1-55: DECLARATION OF PURPOSE:

Sec. 7105. It is the purpose of this Section to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy available at law, whereby fences, walls and retaining walls which are dilapidated, unsafe, dangerous, or are a menace to the life, limb, health, property, safety and general welfare of the people of this City, may be required to be repaired or demolished.

(A) Dangerous Structure. For the purpose of this Chapter, any fence, wall, or retaining wall which has any or all of the defects hereinafter described shall be deemed a "dangerous structure."

1. Whenever the stress in any materials, members or portion thereof, due to all dead and live loads, is more than the working stress or stress allowed in Chapter 23 of the Uniform Building Code.

2. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, in such manner that the structural strength or stability thereof is appreciably less than it was before such catastrophe and is less than the minimum requirements of this Code for a new building of similar structure, purpose or location.

3. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injury persons or damage property.

4. Whenever any portion, member, or appurtenance, on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place so as to be

capable of resisting the force of a wind pressure of 15 lbs./sq. ft. without exceeding the working stresses permitted in Uniform Building Code.

5. Whenever any portion thereof has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of new construction.

6. Whenever the structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such structure or portion thereof, or other cause, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give away.

7. Whenever, for any reason whatsoever, the structure, or any portion thereof, is manifestly unsafe for the purpose for which it is used.

8. Whenever the structure lists, leans, or buckles to such an extent that a plumb line passing through the center of gravity falls outside the middle third of the base.

9. Whenever the structure, exclusive of the foundation, shows 33 per cent or more damage or deterioration to the supporting member or members, or 50 per cent of damage or deterioration of a non-supporting member.

10. Whenever the structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger.

11. Any structure which has been constructed, or which now exists or is maintained in violation of any specific requirement or prohibition applicable to such structure as set forth in the Uniform Building Code in force at that time, or of any law or

ordinance of this state or city relating to the condition, location or construction of such structure.

(B) Other Definitions: For the purpose of this Section, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this Section. Words used in the singular include the plural, and the plural, the singular. Words used in the masculine include the feminine, and the feminine, the masculine. Terms, words, phrases and their derivatives used but not specifically defined in this Section shall have the meaning defined in this Chapter or in Chapter 4 of the Uniform Building Code.

"Department," unless otherwise specified, shall mean the Department of Building and Safety of the City of Las Vegas.

(C) Dangerous Structures - Nuisances: All dangerous structures within the terms of this Chapter are hereby declared to be public nuisances and shall be repaired or demolished as hereinafter provided.

(D) Inspection - When Requested: The head of the Department of Building and Safety shall cause any fence, wall, or retaining wall to be inspected for the purpose of determining whether or not it is a dangerous structure within the meaning of this Section, in any of the following events:

1. Whenever any person files with the Department of Building and Safety a verified complaint wherefrom there is, in the opinion of the Department, probable cause to believe that the fence, wall, or retaining wall is a dangerous structure.

2. Whenever any member of the Fire Department, Police Department, or Health Department of this City transmits to the Department of Building and Safety a written report from the facts of which there is probable cause to believe that the fence, wall, or retaining wall is a dangerous structure.

3. Whenever any member of the Building Inspection Department files with the head of the Department a written report wherefrom there is, in the opinion of the Head of the Department, probable cause to believe that the fence, wall, or retaining wall is dangerous.

(E) Duties of Department of Building and Safety: When requested within the terms of paragraph (D), the Department of Building and Safety shall cause any fence, wall, or retaining wall designated to be inspected. The employee who performs such inspection shall, in this Section, be referred to as the "Building Inspector," and may be the Head of the Department of Building and Safety.

(F) Report of Building Inspector: Upon the completion of the inspection, the Building Inspector shall file with the Department a written report setting forth the facts as the condition of the fence, wall, or retaining wall and the work needed to be done thereon; all in such form as the Department may direct.

(G) Department of Building and Safety to Act on Report: If the Head of the Department of Building and Safety shall determine, from the report of the Building Inspector, that there is probable cause to believe that the fence, wall, or retaining wall is a dangerous structure, he shall, in writing, notify the record owner or joint owners of the fence, wall, or retaining wall in question that it is a dangerous structure within the terms of this Section, and order such to be repaired, or demolished, and shall give such owner or owners thirty (30) days in which to comply. If said owner or owners refuse or fail to comply with the written request, the Board of City Commissioners may authorize the repair or demolition of said dangerous structure by such means as it may deem advisable. The cost thereof shall be paid from City funds and assessed against the property or properties upon which the particular structure is located. The assessment shall be a lien on the property or properties concerned and said lien may be foreclosed in the same manner as

other liens are enforced.

In case of a catastrophe, such as fire, earthquake, flood or explosion, the head of the department, in the case of actual and immediate danger of failure or collapse of a fence, wall, or retaining wall or portions thereof, so as to endanger life or property, may order and require immediate corrective action. He shall, when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to the fences, walls, or retaining walls and prohibit the same from being used until emergency measures have been taken to remove all possible hazards to life and property.

4-1-56: FENCES:

Sec. 7106. (a) Design: Fences shall be designed to resist the lateral force of the wind in this area in accordance with the Building Code of the City of Las Vegas. The maximum spacing of supports shall be eight (8) feet unless verified, otherwise by approved design procedure. The stresses for the materials used (wood, wire, steel, plastic, etc.) shall be as those listed in the Building Code. All posts or pillars used as support shall be placed in the ground a minimum of twelve (12) inches.

(b) Construction: The fences shall be constructed of sound material in accordance with accepted construction principles.

(c) Inspection: All fences, with the exception of small decorative fences of less than forty (40) square feet, shall have a separate permit, one for each parcel of property involved, except where jointly owned, the property owner with the largest portion of fencing shall secure the permit. The following inspections will be made on these permits, and it shall be the responsibility of the person or persons who take out the permit to notify the department when the inspection may be made:

(1) Location: The location inspection is to determine the relationship of the fence to the property in accordance with zoning requirements. This may be made at any time before or during the final inspection, at such time as the permittee may choose.

(2) Final: The final inspection is to determine that the height and location of the fence conforms to the zoning ordinance of the City of Las Vegas, and the construction conforms to the requirements of this Chapter.

4-1-57: WALLS:

Sec. 7107. (a) Design: Walls shall be designed to resist the lateral force of the wind in this area in accordance with the Building Code of the City of Las Vegas. The stresses for the materials used (concrete, masonry, brick, adobe, stone, etc.) shall be as listed in the Building Code. The minimum stresses shall be used unless special provisions are made for special inspection. All walls are to be reinforced unless designed otherwise by approved design procedure.

(b) Construction: Walls are to be constructed in accordance with the requirements for the particular material as outlined in the Building Code of the City of Las Vegas.

(c) Inspection: All walls shall have a separate permit, one for each parcel of property involved, except where wall is jointly owned the property owner having the largest portion of wall shall secure the permit.

The following inspections shall be made on such permits, and it shall be the responsibility of the permittee to notify the Department when the inspections may be made:

(1) Location. The location inspection is to determine the relationship of the wall to the property, in accordance with zoning requirements, and may be made at the time of the footing inspection.

(2) Footing. The footing inspection is to determine that the footing is of proper width and depth and properly reinforced, in accordance with the design proposed.

(3) Wall Steel. The inspection of the wall steel shall be made after the wall reaches its full height, and prior to grouting, to ascertain that it is properly placed, as proposed.

(4) Final. The final inspection is to ascertain that the height and location of the wall conforms to the zoning requirements and that the wall is properly grouted and top finished, as proposed.

4-1-58: RETAINING WALLS:

Sec. 7108. (a) Design. Retaining walls shall be designed to resist the lateral pressure of the retained material, determined in accordance with accepted engineering principles.

The soil characteristics and design criteria necessary for such a determination shall be obtained from a special foundation investigation performed by an agency acceptable to the Building Official. The Building Official shall approve such characteristics and criteria after having received a written opinion, together with substantiating evidence, from the investigation agency.

EXCEPTION: Freestanding walls which are not over 15' in height, or basement walls which have spans of 15' or less between supports may be designed in accordance with Subsection (b) of this Section.

The minimum stresses of any material shall be used unless special provisions are made for special inspection. Proper provisions shall be made for expansion and contraction.

(b) Arbitrary Design Method. Walls which retain drained earth and come within the limits of the exception to Subsection (a) of this Section may be designed for an assumed earth pressure equivalent to that exerted by a

fluid weighing not less than shown in Table A. A vertical component equal to one-third of the horizontal force so obtained may be assumed at the plane of application of the force.

TABLE A

Surface Slope of Retained Material* Horiz. to Vert.	Equivalent Fluid Weight lb/ft
LEVEL	30
5 to 1	32
4 to 1	35
3 to 1	38
2 to 1	43
1-1/2 to 1	55
1 to 1	80

* Where the surface slope of the retained earth varies, the design slope shall be obtained by connecting a line from the top of the wall to the highest point of the slope, whose limits are within the horizontal distance from the stem equal to the stem height of the wall.

The depth of the retained earth shall be the vertical distance below the ground surface measured at the wall face for stem design or measured at the heel of the footing for overturning and sliding.

(c) Surcharge. Any superimposed loading, except retained earth, shall be considered as surcharge and provided for in the design. Uniformly distributed loads may be considered as equivalent added depth of retained earth. Surcharge loading due to continuous or isolated footings shall be determined by the following formulas or by an equivalent method approved by the Building Official.

Resultant Lateral Force

$$R = \frac{0.3}{2} \frac{Ph^2}{x + h}$$

Location of Lateral Resultant

$$d = x \left[\left(\frac{x^2}{h^2} + 1 \right) \left(\tan \frac{-1}{x} h \right) - \left(\frac{x}{h} \right) \right]$$

Where:

R = Resultant lateral force measured in pounds per foot of wall width.

P = Resultant surcharge load of continuous or isolated footings measured in pounds per foot of length parallel to the wall.

x = Distance of resultant load from back face of wall measured in feet.

h = Depth below point of application of surcharge loading to top of wall footing measured in feet.

d = Depth of lateral resultant below point of application of surcharge loading measured in feet.

$\tan \frac{h}{x}$ = The angle in radians whose tangent is equal.

to $\frac{x}{h}$

h

Loads applied within a horizontal distance equal to the wall stem height, measured from the back face of the wall, shall be considered as surcharge.

For isolated footings having a width parallel to the wall less than 3 feet, "R" may be reduced to 1/6 the calculated value.

The resultant lateral force "R" shall be assumed to be uniform for the length of footing parallel to the wall, and to diminish uniformly to zero at the distance "X" beyond the ends of the footing.

Vertical pressure due to surcharge applied to the top of the wall footing may be considered to spread uniformly within the limits of the stem and planes making an angle of 45° with the vertical.

(d) Bearing Pressure and Overturning: The maximum vertical bearing pressure under any retaining wall shall not exceed that allowed in the Building Code except as provided for by a special foundation investigation. The resultant of vertical loads and lateral pressures shall pass through the middle one-third of the base.

(e) Friction and Lateral Soil Pressures: Retaining walls shall be restrained against sliding by friction of the base against the earth, by lateral resistance of the soil, or by a combination of the two. Allowable friction and lateral soil values shall not exceed those allowed in the Building Code except as provided by a special foundation investigation.

When used, keys shall be assumed to lower the plane of frictional resistance and the depth of lateral bearing to the level of the bottom of the key. Lateral bearing pressures shall be assumed to act on a vertical plane located at the toe of the footing.

(f) Construction: No retaining wall shall be constructed of wood. The walls are to be constructed in accordance with the requirements of the particular material as outlined in the Building Code.

(g) Special Conditions: Whenever, in the opinion of the Building Official, the adequacy of the foundation material to support a wall is questionable, and unusual surcharge condition exists, or whenever the retained earth is to stratified or of such a character as to invalidate normal design assumptions, he may require a special foundation investigation before approving any permit for such a wall.

(h) Inspections: All retaining walls shall have a separate permit, one for each parcel of property involved except where it is jointly owned the property with the largest portion shall have the permit. The following inspections shall be made on these permits and it shall be the responsibility of the permittee to notify the Department when the inspection may be made:

(1) Location: The location inspection is to determine the relationship of the wall to the property in accordance with the zoning requirements and may be made at the time of the footing inspection.

(2) Footing. The footing inspection is to determine

the footing to be of proper width and depth and properly reinforced in accordance with the proposed design.

(3) Wall Steel. The wall steel is to be inspected at regular intervals (as specified in the Building Code for the particular material) before pouring of grout or concrete to ascertain that it is properly placed in accordance with the proposed design.

(4) Bond Beam. When masonry material is used, the bond beam inspection shall be made to ascertain that proper steel is in place, and each bond beam shall be inspected in the interval as they appear in the height of the wall.

(5) Final. The final inspection is to be made to determine that all work is complete, that the wall is finished off, the "deadmen," if required, are properly tied to wall, weep holes are clear and properly spaced, expansion and contraction joints are installed as required, and that the material retained is at the proper elevation.

4-1-59: PUBLIC PROPERTY:

Sec. 7109. No fence, wall, or retaining wall shall be constructed on any public thoroughfare or other public property.

EXCEPTION: Where the front or side property line does not coincide with the sidewalk, a fence may be installed back of the sidewalk provided all meters, light standards and the like are left open, and further that the fence be removed when required so by the City.

4-1-60: PROHIBITED FENCES AND WALLS:

Sec. 7110. The following types of fences and walls shall not be installed in the City of Las Vegas:

(A) A fence with sharp pointed pickets, posts or stakes in which the tope of the point is less than three-quarters (3/4) of an inch in its least dimension.

(B) A fence with electrified apparatus either alternating or direct current or any static device producing a current.

(C) A wall with sharp pieces such as glass, nails, etc., placed or embedded on the top or sides.

(D) A fence either entirely of barbed wire and posts or other fencing with barbed wire on top.

EXCEPTION: Barbed wire will be allowed as top strands on a security fence around public buildings and in commercial and industrial areas provided the lower strand is over six (6) feet above the ground, unless approved otherwise by the Building Official.

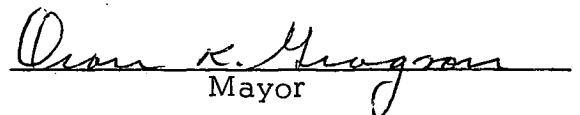
(E) A fence placed next to another fence which creates a vacant area more than three (3) inches wide and less than twenty-four (24) inches.

EXCEPTION: This fence may be installed provided the ends and top are closed to entry of persons, trash and debris unless approved otherwise by the Building Official.

SECTION 2. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the City Jail for not more than six (6) months, or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 3. All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this 20th day of November, 1963.


Mayor

ATTEST:


ASSISTANT CITY CLERK

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 16th day of October, 1963, and referred to the following committee composed of Commissioners Fountain and Whipple for recommendation; thereafter the said committee reported favorably on said ordinance on the 20th day of November, 1963, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:

VOTING "AYE": Commissioners Mirabelli, Levy, Fountain, Whipple, and Mayor Gragson

VOTING "NAY": None ABSENT: None

APPROVED:

Oran R. Gragson
MAYOR

ATTEST:

Lyned Dalton
Assistant City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,) SS
COUNTY OF CLARK)

Louie Muratore, being first duly sworn deposes and says that he is Foreman for the Las Vegas Review Journal, 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 two (2) insertions from Nov. 24, 1963 to Dec. 1, 1963 inclusive, being the issue of said newspaper for the following dates to wit:

November 24, December 1, 1963

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

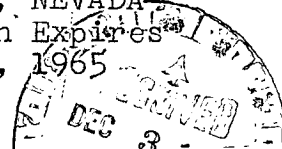
SIGNED

Louie Muratore
Louie Muratore

Subscribed and sworn to
before me

this 1st day of December, 19 63

Jerale M. Walker
NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA
My Commission Expires
September 28, 1965



ORDINANCE NO. 1088
AN ORDINANCE TO AMEND TITLE IV, CHAPTER 1, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960, BY ADDING TO SAID TITLE AND CHAPTER TEN SEPARATE SECTIONS 51 THROUGH 60, BOTH INCLUSIVE; ALSO AMENDING THE "UNIFORM BUILDING CODE, 1961 EDITION, VOLUME 1," ADOPTED BY SAID TITLE AND CHAPTER BY ADDING THERETO A NEW CHAPTER, TO BE DESIGNATED CHAPTER 71, TO PROVIDE RULES AND REGULATIONS RELATING TO FENCES, WALLS AND RETAINING WALLS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. Title IV, Chapter 1 of the Municipal Code of the City of Las Vegas, Nevada, 1960, is hereby amended by adding thereto ten (10) separate sections bearing numbers 41-51 to 41-60, both inclusive, and the "Uniform Building Code, 1961, Edition, Volume 1," adopted by said Title and Chapter is also amended by adding thereto a new chapter (Sections 7101 to 7110, both inclusive), to provide as follows:

**CHAPTER 71
 FENCES, WALLS AND RETAINING WALLS**

41-51: PURPOSE AND SCOPE:

Sec. 7101. The purpose of this Chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, workmanship, construction, location, installation, and maintenance of all fences, walls and retaining walls. To establish the administrative procedure for issuance of permits, approval of plans and inspections of the fences, walls and retaining walls.

41-52: DEFINITIONS:

Sec. 7102. (a) Fence: A fence shall be defined as a structure of temporary or semipermanent material such as wire, screen, wood, or plastic, erected for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

(b) Wall: A wall shall be defined as a structure erected of stone, brick, masonry, concrete or other similar permanent material, raised to some height, and intended for purposes of enclosure, decoration or division of property.

(c) Retaining Wall: A retaining wall is any wall as defined above used to resist the lateral displacement of any material if the difference in elevation of the material from one side to the other exceeds eighteen (18) inches.

(d) Fill: Fill shall be defined as any deposit of soil, rock or other material placed by man.

41-53: APPLICATIONS AND PERMITS:

Sec. 7103. (a) Applications: Permits for the erection, installation, or construction of each and every fence, wall or retaining wall of the nature set forth in this Chapter shall be secured by application to the Department of Building and Safety on forms provided which shall contain, or have attached thereto, the following information:

The name and address of the owner of the lot or premises upon which the fence, wall, or retaining wall is to be erected. The type of material to be used in the construction, and the length, height, width, and square footage to be constructed shall be shown. The person, firm, or corporation doing the erection shall be shown. The location of the fence, wall or retaining wall shall be shown with respect to the lot lines and the buildings. The application shall also show by certificate that all light standards, gas and water meters and fire hydrants shall not be fenced in and that proper clearance will be provided around them. For fences, drawings or specifications need not be submitted unless so requested by the Building Official. For walls and retaining walls, drawings and calculations shall be submitted with the application showing the wall is designed in accordance with the specific loads as outlined in this Chapter and the Building Code of the City of Las Vegas. Standard sheets as are available from the Department of Building and Safety may be used when in the opinion of the Building Official their use would be proper and adequate.

A permit shall be required for each lot or separate piece of property involved.

EXCEPTION: When other governmental agencies shall require a subdivision fence or wall along the rear of each lot and along the sides of all end lots in a block, these may be placed on one permit provided the legal description is attached with a plot plan showing the exact location of the fence or wall.

(b) Permits: Permits for the erection, installation, or construction of any fence, wall or retaining wall shall be issued by the Department of Building and Safety to contractors licensed by the State of Nevada and the City of Las Vegas to perform such construction.

EXCEPTION: Permits may be issued to the owners of a single family dwelling or a duplex dwelling to erect a fence, wall or retaining wall on their own property.

All permits required by this Chapter shall be obtained by the person, firm, or corporation doing the work prior to any actual work being done.

(c) Time Limit of Permit: Every permit issued under the provisions of this Chapter shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 60 days from the date of such permit, or if the work is suspended or abandoned, at any time after the work is commenced, for a period of

120 days. Before such work can be recommended a new permit shall be obtained so to do, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further, that such suspension or abandonment has not exceeded one year. If changes have been made or suspension or abandonment has exceeded one year the applicant shall obtain a new permit and shall pay the fee for a new permit.

(d) Suspension or Revocation: The Building Official may, in writing, suspend or revoke a permit issued under provisions of this Chapter whenever the permit is issued in error on the basis of incorrect information supplied, or in violation of any other ordinance or regulation or any of the provisions of this Chapter. The Building Official is hereby authorized to stop the construction of any fence, wall, or retaining wall which is being carried on in violation of this Chapter or any other ordinance of the City of Las Vegas.

(e) Stop Work Orders: Whenever any work is being done contrary to the provisions of this Code, the Director, Deputy Director, or Senior Building Inspector may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Director, Deputy Director, or Senior Building Inspector to proceed with the work. Whenever any work has been stopped by the officials above for reasons outlined above, a fee of ten dollars (\$10.00) shall be paid to the City of Las Vegas before any work pertaining to the stop order can again commence.

41-54: PERMIT FEES:

Sec. 7104. A fee for each fence or retaining wall permit shall be paid to the Building Official.

The determination of the value or valuation of the construction performed under the provisions of this Chapter shall be made by the Building Official. The fees for the valuation shall be paid as shown in the schedule of fees listed in the Building Code of the City of Las Vegas.

For such fences, walls, or retaining walls that in the opinion of the Building Official present extenuating circumstances in their design, an additional fee of twenty dollars (\$20.00) for a plan check shall be charged.

Where work for which a permit is required by this Chapter is started or proceeded with prior to obtaining said permit, the fees above specified shall be doubled, but the payment of such doubled fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

41-55: DECLARATION OF PURPOSE:

Sec. 7105. It is the purpose of this section to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy available at law, whereby fences, walls and retaining walls which are dilapidated, unsafe, dangerous, or are a menace to the life, limb, health, property, safety and general welfare of the people of this City, may be required to be repaired or demolished.

(A) Dangerous Structure. For the purpose of this Chapter, any fence, wall, or retaining wall which has any or all of the defects hereinafter described shall be deemed a "dangerous structure."

1. Whenever the stress in any materials, members or portion thereof, due to all dead and live loads, is more than the working stress or stress allowed in Chap. 23 of the Uniform Building Code.

2. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, in such manner that the structural strength or stability thereof is appreciably less than it was before such catastrophe and is less than the minimum requirements of this Code for a new building of similar structure, purpose or location.

3. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

4. Whenever any portion, member, or appurtenance, on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place so as to be capable of resisting the force of wind pressure of 15 lbs.-sq. ft. without exceeding the working stresses permitted in Uniform Building Code.

5. Whenever any portion thereof has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of new construction.

6. Whenever the structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such structure or portion thereof, or other cause, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give away.

7. Whenever, for any reason whatsoever, the structure, or any portion thereof, is manifestly unsafe for the purpose for which it is used.

8. Whenever the structure lists, leans, or buckles to such an extent that a plumb line passing through the center of gravity falls outside the middle third of the base.

9. Whenever the structure, exclusive of the foundation, shows 33 per cent or more damage or deterioration to the supporting member or members, or 50 per cent of damage or deterioration of a non-supporting member.

10. Whenever the structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger.

11. Any structure which has been constructed, or which now exists or is maintained in violation of any specific requirement or prohibition applicable to such structure as set forth in the Uniform Building Code in force at that time, or of any law or ordinance of this state or city relating to the condition, location or construction of such structure.

(B) Other Definitions: For the purpose of this Section, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this Section. Words used in the singular include the plural, and the plural the singular. Words used in the masculine include the feminine, and the feminine the masculine. Terms, words, phrases and their derivatives used but not specifically defined in this Section shall have the meaning defined in this Chapter or in Chapter 4 of the Uniform Building Code.

"Department," unless otherwise specified, shall mean the Department of Building and Safety of the City of Las Vegas.

(C) Dangerous Structures—Nuisances: All dangerous structures within the terms of this Chapter are hereby declared to be public nuisances and shall be repaired or demolished as hereinafter provided.

(D) Inspection — When Requested: The head of the Department of Building and Safety shall cause any fence, wall, or retaining wall to be inspected for the purpose of determining whether or not it is a dangerous structure within the meaning of this Section, in any of the following events:

1. Whenever any person files with the Department of Building and Safety a verified complaint wherefrom there is, in the opinion of the Department, probable cause to believe that the fence, wall, or retaining wall is a dangerous structure.

2. Whenever any member of the Fire Department, Police Department, or Health Department of this City transmits to the Department of Building and Safety a written report from the facts of which there is probable cause to believe that the fence, wall, or retaining wall is a dangerous structure.

3. Whenever any member of the Building Inspection Department files with the head of the Department a written report wherefrom there is, in the opinion of the Head of the Department, probable cause to believe that the fence, wall, or retaining wall is dangerous.

(E) Duties of Department of Building and Safety: When requested within the terms of paragraph (D), the Department of Building and Safety shall cause any fence, wall, or retaining wall designated to be inspected. The employee who performs such inspection shall, in this Section, be referred to as the "Building Inspector," and may be the Head of the Department of Building and Safety.

(F) Report of Building Inspector: Upon the completion of the inspection, the Building Inspector shall file with the Department a written report setting forth the facts as the condition of the fence, wall, or retaining wall and the work needed to be done thereon; all in such form as the Department may direct.

(G) Department of Building and Safety to Act on Report: If the Head of the Department of Building and Safety shall determine, from the report of the Building Inspector, that there is probable cause to believe that the fence, wall, or retaining wall is a dangerous structure, he shall, in writing, notify the record owner or joint owners of the fence, wall or retaining wall in question that

it is a dangerous structure within the terms of this Section, and order such to be repaired, or demolished, and shall give such owner or owners thirty (30) days in which to comply. If said owner or owners refuse or fail to comply with the written request, the Board of City Commissioners may authorize the repair or demolition of said dangerous structure by such means as it may deem advisable. The cost thereof shall be paid from City funds and assessed against the property or properties upon which the particular structure is located. The assessment shall be a lien on the property or properties concerned and said lien may be foreclosed in the same manner as other liens are enforced.

In case of a catastrophe, such as fire, earthquake, flood or explosion, the head of the department, in the case of actual and immediate danger of failure or collapse of a fence, wall, or retaining wall or portions thereof, so as to endanger life or property, may order and require immediate corrective action. He shall, when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to the fences, walls or retaining walls and prohibit the same from being used until emergency measures have been taken to remove all possible hazards to life and property.

4-1-56: FENCES:

Sec. 7106. (A) Design: Fences shall be designed to resist the lateral force of the wind in this area in accordance with the Building Code of the City of Las Vegas. The maximum spacing of supports shall be eight (8) feet unless verified, otherwise by approved design procedure. The stresses for the materials used (wood, wire, steel, plastic, etc.) shall be as those listed in the Building Code. All posts or pillars used as support shall be placed in the ground a minimum of twelve (12) inches.

(b) Construction: The fences shall be constructed of sound material in accordance with accepted construction principles.

(C) Inspection: All fences, with the exception of small decorative fences of less than forty (40) square feet, shall have a separate permit, one for each parcel of property involved, except where jointly owned, the property owner with the largest portion of fencing shall secure the permit. The following inspections will be made on these permits, and it shall be the responsibility of the person or persons who take out the permit to notify the department when the inspection may be made:

(1) Location: The location inspection is to determine the relationship of the fence to the property in accordance with zoning requirements. This may be made at any time before or during the final inspection, at such time as the permittee may choose.

(2) Final: The final inspection is to determine that the height and location of the fence conforms to the zoning ordinance of the City of Las Vegas, and the construction conforms to the requirements of this Chapter.

4-1-57: WALLS:

Sec. 7107. (A) Design: Walls shall be designed to resist the lateral force of the wind in this area in accordance with the Building Code of the City of Las Vegas. The stresses for the materials used (concrete, masonry, brick, adobe, stone, etc.) shall be as listed in the Building Code. The minimum stresses shall be used unless special provisions are made for special inspection. All walls are to be reinforced unless designed otherwise by approved design procedure.

(b) Construction: Walls are to be constructed in accordance with the requirements for the particular material as outlined in the Building Code of the City of Las Vegas.

(c) Inspection: All walls shall have a separate permit, one for each parcel of property involved, except where wall is jointly owned the property owner having the largest portion of wall shall secure the permit.

The following inspections shall be made on such permits, and it shall be the responsibility of the permittee to notify the Department when the inspections may be made:

(1) Location: The location inspection is to determine the relationship of the wall to the property, in accordance with zoning requirements, and may be made at the time of the footing inspection.

(2) Footing: The footing inspection is to determine that the footing is of proper width and depth and properly reinforced, in accordance with the design proposed.

(3) Wall Steel: The inspection of the wall steel shall be made after the wall reaches its full height, and prior to grouting, to ascertain that it is properly placed, as proposed.

(4) Final: The final inspection is to ascertain that the height and location of the wall conforms to the zoning requirements and that the wall is properly grouted and top finished, as proposed.

4-1-58: RETAINING WALLS:

Sec. 7108. (A) Design: Retaining walls shall be designed to resist the lateral pressure of the retained material, determined in accordance with accepted engineering principles.

The said characteristics and design criteria necessary for such a determination shall be obtained from a special foundation investigation performed by an agency acceptable to the Building Official. The Building Official shall approve such characteristics and criteria after having received a written opinion, together with substantiating evidence, from the investigation agency.

EXCEPTION: Freestanding walls which are not over 15' in height, or basement walls which have spans of 15' or less between supports may be designed in accordance with Subsection (b) of this Section.

The minimum stresses of any material shall be used unless special provisions are made for special inspection. Proper provisions shall be made for expansion and contraction.

(b) Arbitrary Design Method: Walls which retain drained earth and come within the limits of the exception to Subsection (a), of this Section may be designed for an assumed earth pressure equivalent to that exerted by a fluid weighing not less than shown in Table

A. A vertical component equal to one-third of the horizontal force so obtained may be assumed at the plane of application of the force.

TABLE A

Surface Slope of Retained Materials*	Equivalent lb.-ft
Horiz. to Vert.	
LEVEL	30
5 to 1	32
4 to 1	35
3 to 1	38
2 to 1	43
1½ to 1	50
1 to 1	80

* Where the surface slope of the retained earth varies, the design slope shall be obtained by connecting a line from the top of the wall to the highest point of the slope, whose limits are within the horizontal distance from the stem equal to the stem height of the wall.

The depth of the retained earth shall be the vertical distance below the ground surface measured at the wall face for stem design or measured at the heel of the footing for overturning and sliding.

(c) Surcharge: Any superimposed loading, except retained earth, shall be considered as surcharge and provided for in the design. Uniformity distributed loads may be considered as equivalent added depth of retained earth. Surcharge loading due to continuous or isolated footings shall be determined by the following formulas or by an equivalent method approved by the Building Official.

Resultant Lateral Force.

(Refer to Diagrams on file in City Clerk's office in City Hall)

Where:

R — Resultant lateral force measured in pounds per foot of wall width.

P — Resultant surcharge load of continuous or isolated footings measured in pounds per foot of length parallel to the wall.

x — Distance of resultant load from back face of wall measured in feet.

h — Depth below point of application of surcharge loading to top of wall footing measured in feet.

d — Depth of lateral resultant below point of application of surcharge loading measured in feet.

-1 h

x

tan — The angle in radians whose tangent is equal.

to x

h

Loads applied within a horizontal distance equal to the wall stem height, measured from the back face of the wall, shall be considered as surcharge.

For isolated footings having a width parallel to the wall less than 3 feet, "R" may be reduced to 1/6th the calculated value.

The resultant lateral force "R" shall be assumed to be uniform for the length of footing parallel to the wall, and to diminish uniformly to zero at the distance "X" beyond the ends of the footing.

Vertical pressure due to surcharge applied to the top of the wall footing may be considered to spread uniformly within the limits of the stem and planes making an angle of 45 degrees with the vertical.

(d) Bearing Pressure and Overturning: The maximum vertical bearing pressure under any retaining wall shall not exceed that allowed in the Building Code except as provided for by a special foundation investigation. The resultant of vertical loads and lateral pressures shall pass through the middle one-third of the base.

(e) Friction and Lateral Soil Pressures: Retaining walls shall be restrained against sliding by friction of the base against the earth, by lateral resistance of the soil, or by a combination of the two. Allowable friction and lateral soil values shall not exceed those allowed in the Building Code except as provided by a special foundation investigation.

When used, keys shall be assumed to lower the plane of frictional resistance and the depth of lateral bearing to the level of the bottom of the key. Lateral bearing pressures shall be assumed to act on a vertical plane located at the toe of the footing.

(f) Construction: No retaining wall shall be constructed of wood. The walls are to be constructed in accordance with the requirements of the particular material as outlined in the Building Code.

(g) Special Conditions: Whenever, in the opinion of the Building official, the adequacy of the foundation material to support a wall is questionable, the unusual surcharge condition exists, or whenever the retained earth is too stratified or of such a character as to invalidate normal design assumptions, he may require a special foundation investigation before approving any permit for such a wall.

(h) Inspections: All retaining walls shall have a separate permit, one for each parcel of property involved except where it is jointly owned the property with the largest portion shall have the permit. The following inspections shall be made on these permits and it shall be the responsibility of the permittee to notify the Department when the inspection may be made:

(1) Location: The location inspection is to determine the relationship of the wall to the property in accordance with the zoning requirements and may be made at the time of the footing inspection.

(2) Footing: The footing inspection is to determine the footing to be of proper width and depth and properly reinforced in accordance with the proposed design.

(3) Wall Steel: The wall steel is to be inspected at regular intervals (as specified in the Building Code for the particular material) before pouring of grout or concrete to ascertain that it is properly placed in accordance with the proposed design.

(4) Bond Beam: When masonry material is used, the bond beam inspection shall be made to ascertain that proper steel is in place, and each bond

beam shall be inspected in the interval as they appear in the height of the wall.

(5) Final: The final inspection is to be made to determine that all work is complete, that the wall is finished off, the "deadmen," if required are properly tied to wall, weep holes are clear, and properly spaced, expansion and contraction joints are installed as required, and that the material retained is at the proper elevation.

4-1-59: PUBLIC PROPERTY:

Sec 7109. No fence, wall, or retaining wall shall be constructed on any public thoroughfare or other public property.

EXCEPTION: Where the front or side property line does not coincide with the sidewalk, a fence may be installed back of the sidewalk provided all meters, light standards and the like are left open, and further that the fence be removed when required so by the City.

4-1-60: PROHIBITED FENCES AND WALLS:

Sec. 7110. The following types of fences and walls shall not be installed in the City of Las Vegas:

(A) A fence with sharp pointed pickets, posts or stakes in which the top of the point is less than three-quarters (¾) of an inch in its least dimension.

(B) A fence with electrified apparatus either alternating or direct current or any static device producing a current.

(C) A wall with sharp pieces such as glass, nails, etc., placed or embedded on the top or sides.

(D) A fence either entirely of barbed wire and posts or other fencing with barbed wire on top.

EXCEPTION: Barbed wire will be allowed as top strands on a security fence around public buildings and in commercial and industrial areas provided the lower strand is over six (6) feet above the ground, unless approved otherwise by the Building Official.

(E) A fence placed next to another fence which creates a vacant area more than three (3) inches wide and less than twenty-four (24) inches.

EXCEPTION: This fence may be installed provided the ends and top are closed to entry of persons, trash and debris unless approved otherwise by the Building Official.

SECTION 2. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the City Jail for not more than six (6) months or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 3. All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED
THIS 20TH DAY OF November, 1963.

(s) ORAN K. GRAGSON
Mayor

ATTEST:
(s) SIGRID DODGSON
ASSISTANT CITY CLERK

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 16th day of October, 1963, and referred to the following committee composed of Commissioners Fountain and Whipple for recommendation; thereafter the said committee reported favorably on said ordinance on the 20th day of November, 1963, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:

VOTING "AYE": Commissioners Mirabelli, Levy, Fountain, Whipple, and Mayor Gragson.

VOTING "NAY": None.

ABSENT: None.

(s) ORAN K. GRAGSON
MAYOR

ATTEST:
(s) SIGRID DODGSON
Assistant City Clerk
Nov. 24, Dec. 1.

