

ORDINANCE NO. 1328

AN ORDINANCE PROVIDING FOR A NEW CHAPTER TO BE ADDED TO THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, TO BE DESIGNATED AS TITLE XI, CHAPTER 3, SECTION 1 THROUGH 7; PROVIDING THE PURPOSE THEREFOR, DEFINITIONS, EXCEPTIONS, PLANS AND APPROVAL THEREOF, REQUIREMENTS FOR CONDUIT STUB-DOWN AND PULL BOXES; PROVIDING RULES AND REGULATIONS GOVERNING THE UNDERGROUND INSTALLATION OF WIRES AND FACILITIES FOR SUPPLYING ELECTRIC, COMMUNICATION OR SIMILAR UTILITY SERVICE IN NEW SUBDIVISIONS AND COMMERCIAL DEVELOPMENTS; REPEALING ALL ORDINANCES OR SECTIONS OF ORDINANCES OR MUNICIPAL CODE PROVISIONS IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR THE VIOLATION HEREOF, AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE.

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

SECTION 1. There is hereby added a new chapter to Title XI of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, designated as Chapter 3, to read as follows:

- 11-3-1: PURPOSE. In order to promote the health, safety, convenience and general welfare of the inhabitants of all new residential, commercial and industrial developments, and to improve the aesthetic appearance of certain areas within the city, the purpose of this ordinance is to require that electrical and communication distribution lines, including television service facilities, wires or cables installed within and for the purpose of serving new residential, industrial and commercial developments shall be placed underground, except as hereinafter provided.
- 11-3-2: DEFINITIONS. Whenever in this ordinance the following words or phrases are used, they shall have the respective meanings assigned to them in the following definitions:
- (a) "City" shall mean the City of Las Vegas, a municipal corporation of the State of Nevada.
 - (b) "Commission" shall mean the Public Service Commission of the State of Nevada.
 - (c) "Board" shall mean the Board of Commissioners of the City of Las Vegas, Nevada.
 - (d) "Person" shall mean and include individuals, firms, corporations or partnerships, and their agents and employees.

(e) "Poles and overhead wires and associated overhead structures" shall include, but not be limited to, poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances, located aboveground upon, along, across or over the public streets, alleys and ways of the city and used or useful in supplying electric, communication or similar or associated services.

(f) "Utility" shall include all persons or entities supplying electric, communication or similar or associated services by means of electrical materials or devices. It shall also include suppliers of gas, water or any other services.

(g) "Commercial Development" shall be of the shopping center type, with a multiple store complex of five or more, on land technically not subdivided.

(h) "Subdivision" shall include any subdivision of land into five or more parcels for any purpose and any building or buildings constructed for occupancy by five or more tenants for commercial or industrial purposes on the same parcel of land.

(i) "Approved Poles" shall be of one type of shaved wood poles with a light gray finish. Poles of other types and finish may be used by agreement between the Utility and the Director of Public Works of the City.

11-3-3: EXCEPTIONS.

(a) Municipal equipment installed under the supervision of, and to the satisfaction of, the Director of Public Works, including, but not limited to, street light poles. All conductors to such structures shall be underground in accordance with this ordinance.

(b) New and existing high voltage lines transmitting electricity over 15,000 volts. Said lines shall be installed on routes as approved by the City Planning Commission, and the pole locations shall be approved

by the Director of Public Works. Metal poles shall be used at angle points for purposes of eliminating the guy wire supports. The poles for all tangent structures shall be approved poles. Single pole lines shall be equipped with post type insulators and shall conform to good construction practice with poles properly plumbed. Should the city require that metal poles located on public rights-of-way be moved within seven and one-half (7-1/2) years after approval of their location, the owner shall move these poles upon notification by the Director of Public Works, and the cost thereof will be shared equally by the owner and the city. After seven and one-half (7-1/2) years, the cost of moving the steel poles shall be borne entirely by the owner.

(c) Wires of a continuous lead crossing any portion of the area from which overhead lines have been prohibited when such continuous lead originates in an area from which poles and overhead wires and overhead structures are not prohibited.

(d) Radio antennas and associated equipment and supporting structures used for furnishing communications services, but not including communications distribution systems on poles.

(e) House service switch boxes and exposed conduit at buildings may be aboveground. The transformers will be either above surface, pad-mounted type or submersible type installed below grade, located back of the sidewalk. All communications enclosed terminal blocks will preferably be located adjacent to the transformers, but may be spaced otherwise if required. Gas and electric meters may be aboveground.

(f) Subdivisions, industrial and commercial developments on which the Final Map has been recorded prior to the effective date of this ordinance but on which construction work has not been completed.

(g) Emergency service for overhead electrical or communication lines may be installed on a temporary basis, to be removed when the underground services are energized.

11-3-4: PLANS AND APPROVAL.

(a) The developer, owner, subdivider or resubdivider is responsible

for complying with the requirements of this ordinance, and shall make the necessary arrangements with the utility companies involved for the specifications, design plans and installation of said facilities.

(b) The developer, owner, subdivider or resubdivider shall provide a statement on the Preliminary Subdivision Map or development plan, indicating the terminal points of the distribution systems proposed. The utility company shall show its approval by authorized signature on the map prior to its submission to the city. Also, after approval thereof by the city, the developer, owner, subdivider or resubdivider shall provide the utility companies with an approved copy of the Preliminary Map or development map.

(c) An overall underground distribution system plan shall be submitted for approval by the city with the final subdivision map to show the proposed installation. The plan will show the location of all underground services with locations to be marked at the walk or the curb and the meters to be so located as to have access from the street side of the buildings.

(d) An "as-built" reproducible plan shall be furnished to the city and to the various utility companies, which will show the underground distribution systems as actually installed, prior to occupancy of structures and/or release of construction bonds.

(e) It shall be the responsibility of the developer, owner or the subdivider to provide underground utility easements along the front, rear and side lots as may be required by the city and the utility company.

11-3-5: REQUIREMENTS FOR CONDUIT STUB-DOWN AND PULL BOXES.

Any person obtaining a permit to erect, construct, place or replace a building, structure or dwelling, or to enlarge or make additions thereto in excess of six hundred fifty (650) square feet, will be required to provide, in addition to the usual overhead utility lines and structures, a conduit stub-down or pull boxes, or both, in compliance with the existing regulations of the Public Works Department

or under the terms of this ordinance in any areas designated as existing or future underground utility areas.

11-3-6: REQUIREMENT FOR UPGRADING RELOCATED POLES AND OVERHEAD WIRES AND ASSOCIATED OVERHEAD STRUCTURES.

Any utility obtaining a permit to relocate, re-erect, reconstruct, place or replace a one-half mile section, or more, of an existing system of poles and overhead wires and associated overhead structures, shall use or install approved poles; provided, however, that where the continuity of alignment is broken by the intersection with a major thoroughfare, free-way or expressway, by a street or railroad overpass or underpass, by a railroad crossing, by a change in alignment of a street or a pole line, or the end of a pole line, or by city owned property, the Department of Public Works may require the replacement of a quarter-mile section with approved poles; and provided further that the use or installation of approved poles under this section shall not be required for a period of 180 days from and after the effective date of this ordinance.

11-3-7: REQUESTS FOR WAIVER OF REQUIREMENTS. The Board may grant special permission, on such terms as it may deem appropriate, in cases of emergency, unavailability of materials or extreme hardship, or if topographical soil or other conditions make such underground installations unreasonable or impractical, to allow and authorize any person or utility to erect, construct, install, maintain, use or operate poles and overhead wires and associated overhead structures, notwithstanding any other provision of this ordinance, providing, however, that all poles will be of an approved type. Applications for such special permission shall be filed with the Director of Public Works, and shall be transmitted by him to the Planning Commission along with his recommendation regarding the granting or denial of such application. The Planning Commission will make recommendation to the Board, whose decision shall be final and binding.

SECTION 2. If any one or more sections, sentences, clauses or parts of this ordinance shall, for any reason, be questioned or be held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance, but shall be confined

in its operation to the specific sections, sentences, clauses or parts of this ordinance so held unconstitutional and invalid and the inapplicability and invalidity of any section, sentence, clause or part of this ordinance, in any one or more instances, shall not affect or prejudice in any way the applicability and validity of this ordinance in any other instance.

SECTION 3. 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.

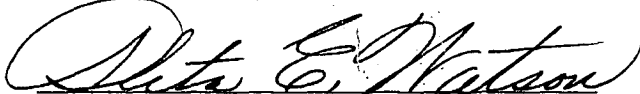
SECTION 4. All ordinances or parts of ordinances, sections, subsections, phrases, clauses, sentences or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall take effect and be in force thirty (30) days from and after its adoption.

PASSED, ADOPTED AND APPROVED this 4th day of September, 1968.


ORAN K. GRAGSON, Mayor

ATTEST:

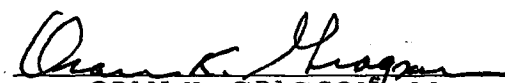

Assistant City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 3rd day of April, 1968, and referred to the following committee composed of Commissioners Howery and Mirabelli for recommendation; thereafter the said committee reported favorably on said ordinance on the 4th day of September, 1968, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners, as amended, and adopted by the following vote:

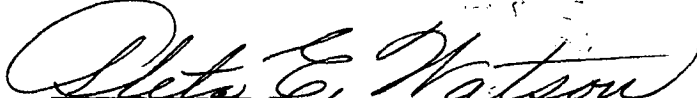
VOTING "AYE": Commissioners Howery, Corey and Mayor Gragson

VOTING "NAY": None ABSENT: Commissioners Mirabelli & Stewart (Excused)

APPROVED:


ORAN K. GRAGSON, Mayor

ATTEST:


Assistant City Clerk

ORDINANCE NO. 170
(2nd Amendment)
AN ORDINANCE PROVIDING FOR A NEW CHARTER TO BE ADDED TO THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, TO BE DESIGNATED AS TITLE XI, CHAPTER 3, SECTION 1 THROUGH 71 PROVIDING THE PURPOSE THEREOF, DEFINITIONS, EXCEPTIONS, PLANS AND APPROVAL THEREOF, REQUIREMENTS FOR CONDUIT, STUB-DOWN AND PULL BOXES, PROVIDING RULES AND REGULATIONS GOVERNING THE UNDERGROUND INSTALLATION OF WIRES AND FACILITIES FOR SUPPLYING ELECTRICAL COMMUNICATION OR SIMILAR UTILITY SERVICE IN NEW SUBDIVISIONS AND COMMERCIAL DEVELOPMENTS; REPEALING ALL ORDINANCES OR SECTIONS OF ORDINANCES OR MUNICIPAL CODE PROVISIONS IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR THE VIOLATION HEREOF, AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE.

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

SECTION 1. There is hereby added a new chapter to Title XI of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, designated as Chapter 3, to read as follows:

11-3-1:
PURPOSE. In order to promote the health, safety, convenience and general welfare of the inhabitants of all new residential, commercial and industrial developments, and to improve the aesthetic appearance of certain areas within the city, the purpose of this ordinance is to require that electrical and communication distribution lines, including television service facilities, wires or cables installed within and for the purpose of serving new residential, industrial and commercial developments shall be placed underground, except as hereinafter provided.

11-3-2:
DEFINITIONS. Whenever in this ordinance the following words or phrases are used, they shall have the respective meanings assigned to them in the following definitions:

(a) "City" shall mean the City of Las Vegas, a municipal corporation of the State of Nevada.

(b) "Commission" shall mean the Public Service Commission of the State of Nevada.

(c) "Board" shall mean the Board of Commissioners of the City of Las Vegas, Nevada.

(d) "Person" shall mean and include individuals, firms, corporations or partnerships, and their agents and employees.

(e) "Poles and overhead wires and associated overhead structures" shall include, but not be limited to, poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances, located aboveground upon, along, across, or over the public streets, alleys and ways of the city and used or useful in supplying electric communication

or similar or associated services.

(f) "Utility" shall include all persons or entities supplying electric, communication or similar or associated services by means of electrical materials or devices. It shall also include suppliers of gas, water or any other services.

(g) "Commercial Development" shall be of the shopping center type, with a multiple store complex of five or more, on land technically not subdivided.

(h) "Subdivision" shall include any subdivision of land into five or more parcels for any purpose and any building or buildings constructed for occupancy by five or more tenants for commercial or industrial purposes on the same parcel of land.

(i) "Approved Poles" shall be of one type of shaved wood poles with a light gray finish. Poles of other types and finish may be used by agreement between the Utility and the Director of Public Works of the City.

11-3-3:

EXCEPTIONS.
(a) Municipal equipment installed under the supervision of, and to the satisfaction of, the Director of Public Works, including but not limited to, street light poles. All conductors to such structures shall be underground in accordance with this ordinance.

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

Robert E. Hunter

, being first duly sworn,

deposes and says: That he is Shop Foreman of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 2 days

from Sept. 7, 1968 to Sept. 14, 1968

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

September 7, 14, 1968

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

Signed

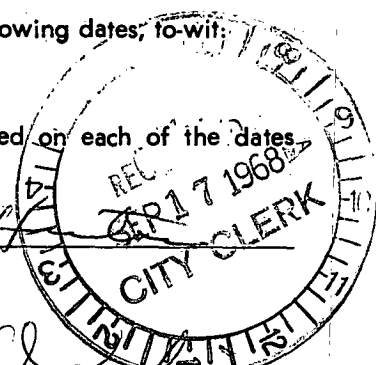
Subscribed and sworn to before me this 16th day of September, 1968.

My Commission Expires

Notary Public in and for Clark County, Nevada

Notary Public — State of Nevada

My Commission Expires April 14, 1969



(b) New and existing high-voltage lines transmitting electricity over 15,000 volts. Said lines shall be installed on routes as approved by the City Planning Commission, and the pole locations shall be approved by the Director of Public Works. Metal poles shall be used at angle points for purposes of eliminating the guy wire supports. The poles for all tangent structures shall be approved poles. Single pole lines shall be equipped with post type insulators and shall conform to good construction practice with poles properly plumbed. Should the city require that metal poles located on public right-of-way be moved within seven and one-half (7½) years after approval of their location, the owner shall move these poles upon notification by the Director of Public Works, and the cost thereof will be shared equally by the owner and the city. After seven and one-half (7½) years, the cost of moving the steel poles shall be borne entirely by the owner.

(c) Wires of a continuous lead crossing any portion of the area from which overhead lines have been prohibited when such continuous lead originates in an area from which poles and overhead wires and overhead structures are not prohibited.

(d) Radio antennas and associated equipment and supporting structures used for furnishing communications services, but not including communications distribution systems on poles.

(e) House service switch boxes and exposed conduit at buildings may be aboveground. The transformers will be either above surface, padmounted type or submersible type installed below grade, located back of the sidewalk. All communications enclosed terminal blocks will preferably be located adjacent to the transformers, but may be spaced otherwise if required. Gas and electric meters may be aboveground.

(f) Subdivisions, industrial and commercial developments on which the Final Map has been recorded prior to the effective date of this ordinance but on which construction work has not been completed.

(g) Emergency service for overhead electrical or communication lines may be installed on a temporary basis, to be removed when the underground services are energized.

11-3-4:

PLANS AND APPROVAL.

(a) The developer, owner, subdivisor or resubdivisor is responsible for complying with the requirements of this ordinance, and shall make the necessary arrangements with the utility companies involved for the specifications, design plans and installation of said facilities.

(b) The developer, owner subdivisor or resubdivisor shall provide a statement on the Preliminary Subdivision Map or development plan, indicating the terminal points of the distribution systems proposed. The utility company shall show its approval by authorized signature on the map prior to its submission to the city. Also, after approval thereof by the city, the developer, owner, subdivisor or resubdivisor shall provide the utility companies with an approved copy of the Preliminary Map or development map.

(c) An overall underground distribution system plan shall be submitted for approval by the city with the final subdivision map to show the proposed installation. The plan will show the location of all underground services with locations to be marked at the walk or the curb and the meters to be so located as to have access from the street side of the buildings.

(d) An "as-built" reproducible plan shall be furnished to the city and to the various utility companies, which will show the underground distribution systems as actually installed, prior to occupancy of structures and/or release of construction bonds.

(e) It shall be the responsibility of the developer, owner or the subdivisor to provide underground utility easements along the front, rear and side lots as may be required by the city and the utility company.

11-3-5:

REQUIREMENTS FOR CONDUIT STUB-DOWN AND PULL BOXES.

Any person obtaining a permit to erect, construct, place or replace a building, structure or dwelling, or to enlarge or make additions thereto in excess of six hundred fifty (650) square feet, will be required to provide, in addition to the usual overhead utility lines and structures, a conduit stub-down or pull boxes, or both, in compliance with the existing regulations of the Public Works Department or under the terms of this ordinance in any areas designated as existing or future underground utility areas.

11-3-6:

REQUIREMENT FOR UPGRADING RELOCATED POLES AND OVERHEAD WIRES AND ASSOCIATED OVERHEAD STRUCTURES.

Any utility obtaining a permit to relocate, re-erect, reconstruct, place or replace a one-half mile section, or more, of an existing system of poles and overhead wires and associated overhead structures, shall use or install approved poles; provided, however, that where the continuity of alignment is broken by the intersection with a major thoroughfare, freeway or expressway, by a street or railroad overpass or underpass, by a railroad crossing, by a change in alignment of a street or a pole line, or the end of a pole line, or by city-owned property, the Department of Public Works may require the replacement of a quarter-mile section with approved poles; and provided further that the use or installation of approved poles under this section shall not be required for a period of 180 days from and after the effective date of this ordinance.

11-3-7:

REQUESTS FOR WAIVER OF REQUIREMENTS. The Board may grant special permission, on such terms as it may deem appropriate, in cases of emergency, unavailability of materials or extreme hardship, or if topographical soil or other conditions make such underground installations unreasonable or impractical, to allow and authorize any person or utility to erect, construct, install, maintain, use or operate poles and overhead wires and associated overhead structures, notwithstanding any other provision of this ordinance, providing, however, that all poles will be of an approved type. Applications for such special permission shall be filed with the Director of Public Works, and shall be transmitted by him to the Planning Commission along with his recommendation regarding the granting or denial of such application. The Planning Commission will make recommendation to the Board, whose decision shall be final and binding.

SECTION 2. If any one or more sections, sentences, clauses or parts of this ordinance shall, for any reason, be questioned or be held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this ordinance so held unconstitutional and invalid and the inapplicability and invalidity of any section, sentence, clause or part of this ordinance, in any one or more instances, shall not affect or prejudice in any way the applicability and validity of this ordinance in any other instance.

SECTION 3. 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 4. All ordinances or

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

SECTION 5. This ordinance shall take effect and be in force thirty (30) days from and after its adoption.

PASSED, ADOPTED AND APPROVED this 4th day of September, 1968.

/s/ ORAN K. GRAGSON, Mayor
ATTEST: /s/ ALETA E. WATSON
Assistant City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 3rd day of April, 1968, and referred to the following committee composed of Commissioners Howerly and Mirabelli for recommendation; thereafter the said committee reported favorably on said ordinance on the 4th day of September, 1968, which was a regular meeting of said Board; that of said regular meeting the proposed ordinance was read by title to the Board of Commissioners, as amended, and adopted by the following vote:

VOTING "AYE": Commissioners Howerly, Corey and Mayor Gragson
VOTING "NAY": None
ABSENT: Commissioners Mirabelli and Stewart (Excused)

APPROVED:
/s/ ORAN K. GRAGSON, Mayor
ATTEST: /s/ ALETA E. WATSON
Assistant City Clerk
Pub.: Sept. 7, 14, 1968.