

FIRST AMENDMENT

BILL NO. 2003-90

ORDINANCE NO. 5647

AN ORDINANCE TO AMEND ORDINANCE NO. 5616, PERTAINING TO DROUGHT CONSERVATION MEASURES, TO ADJUST THE EXEMPTION PROVISIONS RELATING TO THE PROHIBITION OF FOUNTAINS AND WATER FEATURES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Douglas Selby, City Manager

Summary: Amends Ordinance No. 5616, pertaining to drought conservation measures, to adjust the exemption provisions relating to the prohibition of fountains and water features.

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

SECTION 1: Ordinance No. 5616 of the City of Las Vegas is hereby amended as set forth in Sections 2 to 4, inclusive, of this Ordinance.

SECTION 2: Section 3 of Ordinance No. 5616 is hereby amended to read as follows:

Section 3: For purposes of this Chapter, the following terms shall have the meanings ascribed to them, unless the context requires otherwise:

“Community use recreational turf” refers to any private or public park facility [that is] consisting of a turf-dominated, multi-purpose recreational area [of] that:

(1) Has at least two acres and [has] no dimension less than one hundred feet[.] ; or

(2) Is a field that is programmable for athletic or other recreational events.

“District” means the Las Vegas Valley Water District.

“Drought” means a condition in which the combination of many complex factors acting and interacting with the environment results in water supplies not being replenished normally. For purposes of this Chapter, a “drought” occurs when existing water supplies cannot meet established demands for a period of time.

“Drought Alert” refers to a second-level drought declaration of the Board of Directors of the Southern Nevada Water Authority based upon current or projected reductions in the community's renewable water supply.

040557



1 “Drought Emergency” refers to a third-level drought declaration of the Board of Directors of
2 the Southern Nevada Water Authority based upon current or projected reductions in the community's
3 renewable water supply.

4 “Drought Watch” refers to a first-level drought declaration of the Board of Directors of the
5 Southern Nevada Water Authority based upon current or projected reductions in the community's
6 renewable water supply.

7 “No Drought” refers to a condition where no drought declaration of the Board of Directors of
8 the Southern Nevada Water Authority is in effect.

9 “Non-potable water” means water not suitable for drinking.

10 “Potable” water means water suitable for drinking.

11 “Raw water” means non-potable water diverted from a natural source, subjected to minimal
12 or no treatment, and delivered to a user for subsequent treatment or use.

13 “Reclaimed water” means municipal wastewater that has been treated to meet all applicable
14 federal, state and local standards for use in approved applications, including without limitation
15 landscape irrigation, construction and industrial cooling. For purposes of this Chapter, “reclaimed
16 water” and “recycled water” are equivalent terms.

17 “Resort hotel” means any building or group of buildings that is maintained as and held out to
18 the public to be a hotel where sleeping accommodations are furnished to the transient public and that
19 has:

20 (1) More than two hundred rooms available for sleeping accommodations;

21 (2) At least one bar with permanent seating capacity for more than thirty patrons
22 that serves alcoholic beverages sold by the drink for consumption on the premises;

23 (3) At least one restaurant with permanent seating capacity for more than sixty
24 patrons that is open to the public twenty-four hours each day and seven days each week; and

25 (4) A gaming area within the building or group of buildings.

26 “Service Rules” means the service rules that have been adopted by the District.

27 “Southern Nevada Water Authority” or “SNWA” means the organization by that name that
28 has been formed by cooperative agreement among local agencies to address Southern Nevada's water

1 needs on a regional basis.

2 "Spray irrigation" means the application of water by means of sprinklers or other devices that
3 disperse droplets of water through the air.

4 "Water use reduction plan" means a document or documents to be submitted by or on behalf
5 of an applicant in connection with a request to exempt fountains or water features from the
6 prohibitions contained in this Chapter. The term includes a plan that is modeled after the Water
7 Efficiency and Drought Response Plan outline or similar document that may have been approved for
8 use by the District or the City Manager.

9 "Xeriscape" means a type of landscaping that incorporates drought-tolerant and low water-use
10 plants with an organic or inorganic surface mulch layer as a water-efficient alternative to traditional
11 turfgrass landscaping.

12 SECTION 3: Section 4 of Ordinance No. 5616 is hereby amended to read as follows:

13 **Section 4:** (A) The Drought Plan adopted by the SNWA in February 2003 and approved by
14 the City Council in March 2003 shall serve as the basis for adopting this Chapter, and as a guideline
15 in its interpretation. The Drought Plan was adopted in order to preserve, protect and encourage the
16 conservation of water resources. The Plan describes different stages of water supply conditions as
17 follows:

- 18 (1) No Drought
- 19 (2) Drought Watch
- 20 (3) Drought Alert
- 21 (4) Drought Emergency

22 (B) The provisions of this Chapter shall apply whenever a Drought Watch, Drought
23 Alert or Drought Emergency condition has been declared by the Board of Directors of SNWA and
24 remains in effect. Unless the context otherwise requires, whenever a provision of this Chapter does
25 not specify whether it applies to a Drought Watch, Drought Alert or Drought Emergency condition,
26 the provision shall apply when any of those conditions are in effect. In the event of conflict between
27 the provisions of this Chapter and other applicable ordinances, regulations or the Service Rules, the
28 most stringent provisions will prevail. However, with respect to any provision of the Service Rules

1 that is less stringent than the provisions of this Chapter, the District may enforce that provision[.]
2 instead.

3 (C) In the case of a Drought Emergency, the provisions of this Chapter pertaining
4 to a Drought Alert shall continue to apply. However, based upon the recommendations of SNWA and
5 a citizens advisory committee, the City shall have the authority to adopt additional restrictions that
6 are deemed necessary in order to protect the public health, safety and welfare. Upon the adoption and
7 publication of those additional restrictions, they shall [becoming] become binding on water users
8 within the City.

9 SECTION 4: Section 20 of Ordinance No. 5616 is hereby repealed and a new Section
10 20 is adopted in lieu there, reading as follows:

11 **Section 20:** (A) Fountains and water features that utilize potable or non-potable water provided
12 by the District, or water that has been reprocessed by the customer, are prohibited. The following
13 features, however, are exempt from this prohibition:

14 (1) Swimming pools;

15 (2) Not more than one fountain or other water feature at any single-family
16 residence, provided that the surface area of the fountain or other water feature does not exceed two
17 hundred square feet during a Drought Watch condition, or twenty-five square feet during a Drought
18 Alert condition;

19 (3) Not more than one fountain or other water feature within the common
20 areas of a single-family or multi-family development, provided that the fountain or other water feature
21 is not an entryway or streetscape feature and its surface area does not exceed two hundred square feet
22 during a Drought Watch condition, or twenty-five square feet during a Drought Alert condition;

23 (4) Fountains or water features that are necessary and functional
24 components serving other allowable uses, such as storage ponds on a golf course or aeration devices;

25 (5) Fountains or water features within public parks and public or private
26 recreational water parks, provided that the fountains or water features have a recreational function and
27 are not merely decorative;

28 (6) Indoor water features, or features with the majority of the total water

1 volume contained indoors or underground. If practical alternatives exist for separating indoor and
2 outdoor components, they shall be separated and managed accordingly. (Example: timers on shut-off
3 valves);

4 (7) Fountains or water features necessary to sustain aquatic animals,
5 provided that the animals have been actively managed within the water feature prior to the declaration
6 of drought.

7 (B) The following fountains or water features may be exempted from the
8 prohibition contained in Subsection (A) in accordance with the remaining provisions of this Section:

9 (1) Fountains or water features that are integral to the operation of a resort
10 hotel or a coalition of resort hotels; or

11 (2) Other fountains or water features that are proposed to be allowed in
12 exchange for water use reduction activities in accordance with Subsection (D) of this Section.

13 (C) In order to be eligible for an exemption pursuant to Subsection (B), an applicant
14 must submit a request for exemption and a water use reduction plan. The request for exemption must
15 be submitted in writing to the City Manager, to be forwarded to the City Council for consideration.
16 The water use reduction plan must be submitted to the District, with a copy to the City, and must
17 contain such information, and be in a format, that is satisfactory to the District. Any exemption shall
18 be conditioned upon the posting of one or more signs in proximity to the exempted fountain or water
19 feature stating that the fountain or water feature is operating in compliance with this Chapter and that
20 a water use reduction plan is on file with the District and the City.

21 (D) The granting of any exemption pursuant to Subsection (B)(2) of this Section
22 shall be subject to the following conditions:

23 (1) The fountains or water features for which an exemption is sought must
24 not be operational at the time the exemption is applied for, except as permitted in Subsection (F) of
25 this Section;

26 (2) The submitted water use reduction plan must provide for a minimum
27 total water savings of greater than fifty times the consumptive use of the operation of the fountain or
28 water feature;

1 (3) The water use reduction plan must have been approved by the District
2 and implemented by the applicant; and

3 (4) In the event that the required consumptive use savings cannot be
4 achieved on the property that has the fountain or water feature, the applicant may submit for approval
5 a plan to achieve the necessary savings through consumptive water use reduction on other property
6 within the City that is available for the applicant to implement water use reduction.

7 (E) In order to continue to operate any fountain or water feature that is integral to
8 the operation of a resort hotel or a coalition of resort hotels, that is prohibited by Subsection (A) of
9 this Section, and that is in operation on the effective date of this Ordinance, a request for exemption
10 and water use reduction plan must be submitted within ninety days after the effective date of this
11 Ordinance. If the exemption is not approved, the fountain or water feature may not be operated except
12 as permitted in Subsection (F) of this Section.

13 (F) Nothing in this Section that prohibits or limits the operation of fountains or
14 water features shall be deemed to:

15 (1) Prohibit the construction of fountains or water features; or

16 (2) Require a fountain or water feature to be drained if maintaining a
17 recirculating water pool is necessary in order to maintain pumps, pond liners, and ancillary equipment,
18 but in such a case the recirculating water pool may only be operated between the hours of 1:00 am and
19 4:00 am.

20 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or
21 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
22 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
23 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
24 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
25 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
26 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
27 invalid or ineffective.

28 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared

1 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
2 required or the failure to do any act is made or declared to be unlawful or an offense or a
3 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
4 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
5 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
6 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

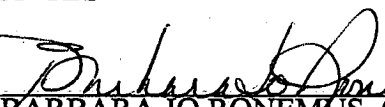
7 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
8 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
9 1983 Edition, in conflict herewith are hereby repealed.

10 PASSED, ADOPTED and APPROVED this 3 day of December, 2003.

11 APPROVED:

12
13 By 
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 
17 BARBARA JO RONEMUS, City Clerk

18 APPROVED AS TO FORM:

19 Val Steed 12-5-03
20 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 29th day of October, 2003, and referred to a committee for recommendation; thereafter the
3 committee reported favorably on said ordinance on the 3rd day of December, 2003, which was a
4 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by
5 title to the City Council as amended and adopted by the following vote:

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

7 VOTING "NAY": None

8 EXCUSED: Councilman Mack

9 ABSTAINED: None

10 APPROVED:

11 
12 _____
OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 
15 _____
BARBARA JO RONEMUS, City Clerk

BILL NO. 2003-90

ORDINANCE NO. _____

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Proposed by: Douglas Selby, City Manager

Summary: Amends Ordinance No. 5616, pertaining to drought conservation measures, to adjust the exemption provisions relating to the prohibition of fountains and water features.

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SECTION 2: Section 3 of Ordinance No. 5616 is hereby amended to read as follows:

Section 3: For purposes of this Chapter, the following terms shall have the meanings ascribed to them, unless the context requires otherwise:

"Community use recreational turf" refers to any private or public park facility [that is] consisting of a turf-dominated, multi-purpose recreational area [of] that:

(1) Has at least two acres and [has] no dimension less than one hundred feet[.] ; or

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1 the Southern Nevada Water Authority based upon current or projected reductions in the community's
2 renewable water supply.

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11 or no treatment, and delivered to a user for subsequent treatment or use.

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13 federal, state and local standards for use in approved applications, including without limitation
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15 water" and "recycled water" are equivalent terms.

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17 the public to be a hotel where sleeping accommodations are furnished to the transient public and that
18 has:

19 (1) More than two hundred rooms available for sleeping accommodations;

20 (2) At least one bar with permanent seating capacity for more than thirty patrons
21 that serves alcoholic beverages sold by the drink for consumption on the premises;

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23 patrons that is open to the public twenty-four hours each day and seven days each week; and

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4 of a resort hotel or coalition of resort hotels in connection with an application to exempt fountains or
5 water features from the prohibitions contained in this Chapter. The term includes a plan that is
6 modeled after the Water Efficiency and Drought Response Plan outline or similar document that may
7 have been approved for use by the District or the City Manager.

8 “Xeriscape” means a type of landscaping that incorporates drought-tolerant and low water-use
9 plants with an organic or inorganic surface mulch layer as a water-efficient alternative to traditional
10 turfgrass landscaping.

11 SECTION 3: Section 4 of Ordinance No. 5616 is hereby amended to read as follows:

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13 the City Council in March 2003 shall serve as the basis for adopting this Chapter, and as a guideline
14 in its interpretation. The Drought Plan was adopted in order to preserve, protect and encourage the
15 conservation of water resources. The Plan describes different stages of water supply conditions as
16 follows:

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21 (B) The provisions of this Chapter shall apply whenever a Drought Watch, Drought
22 Alert or Drought Emergency condition has been declared by the Board of Directors of SNWA and
23 remains in effect. Unless the context otherwise requires, whenever a provision of this Chapter does
24 not specify whether it applies to a Drought Watch, Drought Alert or Drought Emergency condition,
25 the provision shall apply when any of those conditions are in effect. In the event of conflict between
26 the provisions of this Chapter and other applicable ordinances, regulations or the Service Rules, the
27 most stringent provisions will prevail. However, with respect to any provision of the Service Rules
28 that is less stringent than the provisions of this Chapter, the District may enforce that provision[.]

1 instead.

2 (C) In the case of a Drought Emergency, the provisions of this Chapter pertaining
3 to a Drought Alert shall continue to apply. However, based upon the recommendations of SNWA and
4 a citizens advisory committee, the City shall have the authority to adopt additional restrictions that
5 are deemed necessary in order to protect the public health, safety and welfare. Upon the adoption and
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7 City.

8 SECTION 4: Section 20 of Ordinance No. 5616 is hereby repealed and a new Section
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12 features, however, are exempt from this prohibition:

13 (1) Swimming pools;

14 (2) Not more than one fountain or other water feature at any single-family
15 residence, provided that the surface area of the fountain or other water feature does not exceed two
16 hundred square feet during a Drought Watch condition, or twenty-five square feet during a Drought
17 Alert condition;

18 (3) Not more than one fountain or other water feature within the common
19 areas of a single-family or multi-family development, provided that the fountain or other water feature
20 is not an entryway or streetscape feature and its surface area does not exceed two hundred square feet
21 during a Drought Watch condition, or twenty-five square feet during a Drought Alert condition;

22 (4) Fountains or water features that are necessary and functional
23 components serving other allowable uses, such as storage ponds on a golf course or aeration devices;

24 (5) Fountains or water features within public or private recreational water
25 parks, provided that the fountains or water features have a recreational function and are not merely
26 decorative;

27 (6) Indoor water features, or features with the majority of the total water
28 volume contained indoors or underground. If practical alternatives exist for separating indoor and

1 outdoor components, they shall be separated and managed accordingly. (Example: timers on shut-off
2 valves);

3 (7) Fountains or water features necessary to sustain aquatic animals,
4 provided that the animals have been actively managed within the water feature prior to the declaration
5 of drought.

6 (B) Fountains or water features that are integral to the operation of a resort hotel
7 or a coalition of resort hotels may be exempted from the prohibition contained in Subsection (A). In
8 order to be eligible for an exemption, a resort hotel or coalition of resort hotels must submit a request
9 for exemption and a water use reduction plan. The request for exemption must be submitted in writing
10 to the City Manager, to be forwarded to the City Council for consideration. The water use reduction
11 plan must be submitted to the District, with a copy to the City, and must contain such information, and
12 be in a format, that is satisfactory to the District. Any exemption shall be conditioned upon the
13 posting of one or more signs in proximity to the exempted fountain or water feature stating that the
14 fountain or water feature is operating in compliance with this Chapter and that a water use reduction
15 plan is on file with the District and the City.

16 (C) In order to continue to operate any fountain or water feature that is prohibited
17 by Subsection (A) of this Section and that is in operation on the effective date of this Ordinance, a
18 resort hotel or coalition of resort hotels must submit a request for exemption and water use reduction
19 plan within 90 days after the effective date of this Ordinance. If the exemption is not approved, the
20 fountain or water feature may not be operated except as permitted in Subsection (D) of this Section.

21 (D) Nothing in this Section that prohibits or limits the operation of fountains or
22 water features shall be deemed to:

23 (1) Prohibit the construction of fountains or water features; or

24 (2) Require a fountain or water feature to be drained if maintaining a
25 recirculating water pool is necessary in order to maintain pumps, pond liners, and ancillary equipment,
26 but in such a case the recirculating water pool may only be operated between the hours of 1:00 am and
27 4:00 am.

28 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or

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

8 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared
9 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
10 required or the failure to do any act is made or declared to be unlawful or an offense or a
11 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
12 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
13 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
14 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

15 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
16 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
17 1983 Edition, in conflict herewith are hereby repealed.

18 PASSED, ADOPTED and APPROVED this _____ day of _____, 2003.

19 APPROVED:

20
21 By _____
22 OSCAR B. GOODMAN, Mayor

23 ATTEST:

24 BARBARA JO RONEMUS, City Clerk

25 APPROVED AS TO FORM:

26
27 Val Stead 10-7-03
28 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2003, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2003, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16
17 BARBARA JO RONEMUS, City Clerk

RECEIVED
CITY CLERK

2003 NOV 14 P 3:44

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
3056626

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/07/2003 to 11/07/2003, on the following days: NOV. 7, 2003

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

12

day of *November* 2003

Mary B. Sheffield

Notary Public

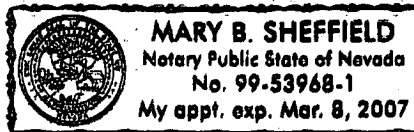
BILL NO. 2003-90

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Proposed by: Douglas Selby, City Manager
Summary: Amends Ordinance No. 5616, pertaining to drought conservation measures, to adjust the exemption provisions relating to the prohibition of fountains and water features.

At the Special City Council meeting of OCTOBER 29, 2003 BILL NO. 2003-90 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: November 7, 2003
LV Review-Journal



RECEIVED
CITY CLERK

2003 DEC 15 A 10:55

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
3098888

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/06/2003 to 12/06/2003, on the following days: DEC. 6, 2003

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The above and foregoing
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thereafter the committee
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ordinance on the 3rd day
of December, 2003, which
was a regular meeting of
said City Council; and that
at said regular meeting
the proposed ordinance
was read by title to the
City Council as amended
and adopted by the fol-
lowing vote:

VOTING "AYE": Mayor
Goodman and Council-
members Reese, L. Brown,
L.B. McDonald, Weekly,
and Moncrief
VOTING "NAY": NONE
EXCUSED: Councilman
Mack

COPIES OF THE COMPLETE
ORDINANCE ARE AVAILA-
BLE FOR PUBLIC INFORMA-
TION IN THE OFFICE OF
THE CITY CLERK, 1ST
FLOOR, 400 STEWART AVE-
NUE, LAS VEGAS, NEVADA.
PUB: December 6, 2003
LV Review-Journal

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 10

day of December 2003

Mary B. Sheffield
Notary Public

