

City of Las Vegas

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RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>
MONDAY, FEBRUARY 3, 2003
4:00 P.M.

RECOMMENDING COMMITTEE. COUNCILMEN WEEKLY AND MACK

CALL TO ORDER

ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

THE FOLLOWING BILLS MAY BE ELIGIBLE FOR ADOPTION AT THE 2/19/2003 CITY COUNCIL MEETING.

1. ABEYANCE ITEM - Bill No. 2002-145 – Repeals and replaces LVMC Chapter 6.50, relating to liquor control, and revises related zoning provisions Proposed by. Mark Vincent, Director, Finance and Business Services
2. Bill No. 2003-9 – Updates the City's temporary traffic control regulations. Proposed by. Charles Kajkowski, Deputy Director, Department of Public Works
3. Bill No. 2003-10 – Updates the provisions of Title 13 that pertain to public improvements, and authorizes the adoption of a fee schedule for public improvement-related work. Proposed by: Charles Kajkowski, Deputy Director, Department of Public Works
4. Bill No. 2003-11 - Levies Assessment for Special Improvement District No. 1485 - Alta Drive (Landscape Maintenance) Sponsored by. Step Requirement

CITIZENS PARTICIPATION. ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: A tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition is made. Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

- Las Vegas Library, 833 Las Vegas Boulevard North
- Senior Citizens Center, 450 E. Bonanza
- Clark County Government Center, 500 S. Grand Central Parkway
- Court Clerk's Office Bulletin Board, City Hall Plaza
- City Hall Plaza, Special Outside Posting Bulletin Board

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City of Las Vegas

RECOMMENDING COMMITTEE AGENDA RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 3, 2003

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: COUNCILMEN WEEKLY and MACK

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED, and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations:

Las Vegas Library, 833 Las Vegas Boulevard North
Senior Citizens Center, 450 E. Bonanza Road
Clark County Government Center, 500 S. Grand Central Pkwy
Court Clerk's Bulletin Board, City Hall
City Hall Plaza, Posting Board

(4:05)

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 3, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

ABEYANCE ITEM - Bill No. 2002-145 – Repeals and replaces LVMC Chapter 6.50, relating to liquor control, and revises related zoning provisions. Proposed by: Mark Vincent, Director, Finance and Business Services

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

In addition to adding new alcoholic beverage licensing categories for banquet facilities, convention facilities, nonprofit club restaurant service bars, billiard parlors, convenience stores, art galleries, art studios, buses and limousines this bill reorganizes the presentation of the existing alcoholic beverage regulations, including moving related zoning matters from Chapter 6.50 to Title 19 of the City Code. Special use permit regulations for unlicensed locations hosting social events with alcoholic beverage sales are also established.

RECOMMENDATION:

ABEYANCE to the 2/3/2003 Recommending Committee meeting pursuant to the 1/6/2003 Recommending Committee.

First Reading – 12/18/2002; First Publication – N/A

BACKUP DOCUMENTATION:

Bill No. 2002-145

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-145 be abeyed to the 3/17/2003 Recommending Committee. COUNCILMAN WEEKLY concurred.

NOTE: COUNCILMAN MACK disclosed that although his brother-in-law ANDREW DONNER is in the tavern business, this bill would not have any positive or negative impact on his business.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 3, 2003

City Attorney

Item 1 – Bill No. 2002-145

MINUTES – Continued:

JIM DiFIORE, Manager of Business Services Division, requested that this item be continued until the 3/17/2003 Recommending Committee meeting in order to comply with liquor code provisions regarding a proposed supper club bill. After any final amendments necessary following the required public hearing, staff will bring the bill forward at that time

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:02)

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1 **BILL NO. 2002-145**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO REPEAL AND REPLACE LVMC CHAPTER 6.50, RELATING TO
4 LIQUOR CONTROL; TO REVISE RELATED ZONING PROVISIONS; AND TO PROVIDE FOR
OTHER RELATED MATTERS.

5 Proposed by: Mark Vincent, Director
6 Department of Finance and Business Services

Summary: Repeals and replaces LVMC Chapter
6.50, relating to liquor control, and revises
related zoning provisions.

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

9 SECTION 1: Title 6, of the Municipal Code of the City of Las Vegas, Nevada, 1983
10 Edition, is hereby amended by adding thereto a new Chapter, to be designated as Chapter 50, to
11 consist of the provisions set forth as Sections 2 to 67, inclusive, of this Ordinance.

12 SECTION 2: The City Council declares that this Liquor Control Chapter is an
13 exercise of the regulatory powers delegated to the City Council pursuant to the City Charter and NRS
14 268.090, inter alia. The regulations contained in this Chapter involve, to the highest degree, the
15 economic, social, physical and moral well-being of the residents and taxpayers of the City. The sale
16 or other disposition of alcoholic beverages is not a matter of right but of privilege, which would
17 otherwise be unlawful if it were not exercised pursuant to a license. This privilege may be denied,
18 revoked, conditioned, suspended or subjected to any other disciplinary action by the City in the
19 exercise of its police powers for the protection of the safety, welfare, health, peace and morals of the
20 residents and taxpayers thereof. Businesses engaged in the sale or other disposition of alcoholic
21 beverages must therefore comply with LVMC Chapter 6.06. Nothing in this Chapter shall be
22 construed to confer any legitimate claim of entitlement to any benefit which might otherwise devolve
23 upon any licensee or any person approved for suitability.

24 SECTION 3: Unless the context otherwise requires, the scope of all words in this
25 Chapter shall be liberally construed in order to effectuate the purpose of this Chapter, and, in
26 particular, the following words shall have the meaning ascribed to them as follows:

27 "Alcoholic beverage" includes alcohol, spirits, liquor, wine and beer, and every liquid or solid
28 which contains alcohol, spirits, liquor, wine or beer; and which contains one-half of one percent or

1 more of alcohol by volume; and which is fit for beverage purposes, either alone or when diluted,
2 mixed or combined with other substances. Any liquid or solid containing beer or wine in combination
3 with any other alcoholic beverage shall not be construed to be beer or wine.

4 "Art gallery or art studio" means a business establishment where the general public is invited
5 to view artistic exhibitions, presentations and performances.

6 "Banquet facility" means any business establishment which is rented by individuals or groups
7 to accommodate private functions such as banquets, weddings, anniversaries, and other similar
8 celebrations. Such establishment may or may not include:

9 (A) Kitchen facilities for the preparation or catering of food.

10 (B) Outdoor gardens or reception facilities.

11 "Beer" means any alcoholic beverage obtained by the fermentation of any infusion or
12 decoction of barley, malt, hops or similar product, or any combination thereof, in water.

13 "Billiard parlor" means a business establishment with twelve or more billiard tables, each
14 measuring a minimum of four and one-half feet by nine feet in size.

15 "Bus" means a motor vehicle licensed as a motor carrier pursuant to NRS Chapter 706, capable
16 of transporting sixteen passengers, including the driver, their baggage and light express.

17 "Commercial center" means a concentration of retail stores that:

18 (A) Contains at least eighty thousand square feet of retail space enclosed within a
19 building or buildings;

20 (B) Contains at least one anchor retail store of at least twenty thousand square feet;

21 (C) Includes a parking lot common to the retail stores; and

22 (D) Is situated on at least fifteen gross acres of land.

23 "Convenience store" means a retail establishment other than a drugstore, which:

24 (A) Offers for sale prepackaged food products, household items and other goods
25 commonly associated with those products and items, provided that not more than thirty percent of its
26 retail inventory is devoted to alcoholic beverages; and

27 (B) Contains not less than one thousand-two hundred square feet, nor more than
28 five thousand square feet of floor space devoted to retail sales display, exclusive of warehouse and

1 office areas.

2 “Convention facility” means a structure which has at least 250,000 square feet of floor space
3 utilized for scheduling, hosting or conducting a convention, trade show or temporary event, whether
4 the activity is open or closed to the general public.

5 “Cooler” means any prebottled alcoholic beverage, other than beer or wine, that is a distillate
6 obtained from the fermentation of the natural contents of fruits or other agricultural products
7 containing natural or added sugar, which contains not more than ten percent of alcohol by volume.

8 “Drugstore” means a business establishment which occupies the entire business premises of
9 a building, or a portion of the business premises of a building which is segregated physically or
10 spatially from the rest of the business premises, where a State licensed pharmacist is present at all
11 times the pharmacy operation is open for the purpose of compounding or dispensing, or both
12 compounding and dispensing of drugs and medicines, and where a grill and fountain service is
13 permitted as well as the retail sales of sundries, including stationery, magazines, cosmetics and health
14 items.

15 “Dues” means fees paid on a monthly, quarterly, semiannual or annual basis for the right to
16 participate in the planning of activities and the utilization of services offered by a nonprofit
17 corporation, association or organization. The term “dues” does not include fees paid for the purchase
18 of drinks, meals or other services offered by a nonprofit corporation, association or organization.

19 “Gift basket” means a receptacle or container that may be filled with food items or novelty
20 items, and alcoholic beverages in sealed or corked containers in quantities not greater than 25.4 ounces
21 (approximately 1.79 pints), measured in the English system of weights and measures, or in quantities
22 not greater than seven hundred fifty milliliters measured in the metric system of weights and
23 measures.

24 “Groceries” means staple food stuffs, dairy products, meats and produce meant for human
25 consumption; articles used in the preparation of food; and household supplies.

26 “Grocery store” means a business establishment which occupies all of the business premises
27 of a building or a portion of the business premises of a building which is segregated physically or
28 spatially from the rest of the business premises, and which contains more than five thousand square

1 feet of floor space for the display and sale of groceries, exclusive of warehouse and office space.

2 "Hotel lounge bar" means a bar located in a lounge area of a hotel where alcoholic beverages
3 are sold for consumption in the lounge area.

4 "Limousine" means a licensed motor carrier under NRS Chapter 706 engaged in transporting
5 persons for compensation without regard to regular routes or schedules.

6 "Liquor caterer" means a person who dispenses, serves or sells alcoholic beverages only for
7 consumption on the premises where the same are dispensed, served or sold during the times, dates and
8 places specified by permit.

9 "Liquor store" means a specialty retail store which does not allow entry to minors and which
10 deals exclusively in alcoholic liquors and related items including magazines, newspapers and
11 packaged snack foods.

12 "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any
13 name or description, brewed or produced from malt, wholly or in part.

14 "Meal" means an assortment of food listed on a menu or otherwise offered as entrees,
15 appetizers, side items and desserts available at various hours of the day. The term "meal" does not
16 include food listed on a menu or otherwise offered that consists solely of sandwiches or salads, or both
17 sandwiches and salads.

18 "Nonprofit club" means any nonprofit corporation, association or organization which has been
19 in continual existence for at least two years prior to applying for a license under this Chapter, and:

- 20 (A) Is organized or qualified to do business and operate under the laws of the State;
- 21 (B) Has tax-exempt status granted by the United States Internal Revenue Service;
- 22 (C) Has a membership of at least one hundred members who are twenty-one years
23 of age or older and who pay dues to the nonprofit corporation, association, or organization; and
- 24 (D) Operates a clubhouse, clubroom or meeting room in a permanent location which
25 it owns or leases.

26 "Off-sale" means the sale of alcoholic beverages in original sealed or corked containers for
27 consumption off the premises where the same are sold.

28 "On-sale" means the sale of alcoholic beverages for consumption on the premises where the

1 same are sold.

2 "Restaurant" means a place which is regularly and in a bona fide manner used and kept open
3 for the service of meals to guests for compensation; and which has suitable kitchen facilities connected
4 therewith, containing conveniences for cooking an assortment of foods which may be required for
5 ordinary meals.

6 "Restaurant service bar" means a bar wherein alcoholic beverage drinks are prepared for
7 service only at tables in a restaurant for consumption only in connection with a meal on the premises
8 where the same is sold.

9 "Sale" or "sell" means, for compensation or any other business purpose, to sell, serve, give
10 away, or distribute; or to cause or permit to be sold, served, given away or distributed or to possess
11 with the intent to sell, serve, permit consumption, give away or distribute; or to solicit or receive
12 orders to sell, serve, give away or distribute.

13 "Specialty merchandise store" means a retail store located within a commercial center that:

14 (A) Has at least eighteen thousand square feet of gross floor area;

15 (B) Has at least eleven thousand five hundred square feet of floor space dedicated
16 to the sale and display of furniture, glassware, kitchenware and other household goods;

17 (C) Has at least three thousand six hundred square feet of floor space dedicated to
18 the sale and display of gourmet foods and nonalcoholic beverages; and

19 (D) Maintains an inventory of beer, wine and coolers with a wholesale value of at
20 least twenty-five thousand dollars.

21 "Supper club" means a restaurant and bar operation with alcoholic beverage sales wherein the
22 bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar area
23 by minors and the restaurant operation is the principal portion of the business.

24 "Wedding chapel" means a business establishment that is licensed to perform marriages in
25 accordance with State law.

26 "Wholesale dealer" or "wholesaler" means a person who sells alcoholic beverages for the
27 purposes of resale.

28 "Wine" means any alcoholic beverage, other than beer, obtained by the fermentation of the

1 natural contents of fruits or other agricultural products containing natural or added sugar, which
2 contains not more than twenty-two percent of alcohol by volume.

3 SECTION 4: A banquet facility alcoholic beverage license authorizes the sale of
4 alcoholic beverages for consumption at events on the premises of a banquet facility.

5 SECTION 5: A beer/wine/cooler art event license authorizes the sale only of beer,
6 wine and coolers for consumption only at an art gallery or art studio during the hours of an artistic
7 exhibition, presentation or performance.

8 SECTION 6: A beer/wine/cooler on-sale license authorizes the sale only of beer, wine
9 and coolers for consumption only in connection with a meal on the premises where the same is sold
10 and may only be issued in connection with a restaurant in which forty-five or more people may be
11 served with meals at any one time at tables or stools.

12 SECTION 7: A beer/wine/cooler off-sale license authorizes the sale, to consumers
13 only and not for resale, only of beer, wine and coolers, in original sealed or corked containers, for
14 consumption off the premises where the same are sold, and may only be issued in connection with a
15 grocery store, drug store, convenience store or specialty merchandise store.

16 SECTION 8: A beer/wine/cooler on-off-sale license authorizes the sale only of beer,
17 wine and coolers for consumption only in connection with a meal on the premises where the same is
18 sold and authorizes the sale, to consumers only and not for resale, only of beer, wine and coolers, in
19 original sealed or corked containers, for consumption off the premises where the same are sold, and
20 may only be issued in connection with a restaurant, grocery store or convenience store in which forty-
21 five or more people may be served with meals at any one time at tables or stools.

22 SECTION 9: A beer/wine/cooler billiard parlor license authorizes the sale of beer,
23 wine and coolers for consumption on the premises of the billiard parlor in conjunction with play at
24 a billiard table, if admission to the billiard parlor is restricted to persons twenty-one years of age or
25 older.

26 SECTION 10: (A) A brew pub/tavern license authorizes a licensee to:

27 (1) Manufacture and store malt beverages on the premises of the brew
28 pub/tavern and sell and transport the malt beverages manufactured on the premises to a person holding

1 a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant
2 to NRS Chapter 369;

3 (2) Sell at retail malt beverages manufactured on or off the premises of the
4 brew pub/tavern for consumption on the premises; and

5 (3) Sell at retail in packages sealed on the premises of the brew pub/tavern,
6 malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for
7 consumption off the premises.

8 (B) The premises of any brew pub/tavern operated pursuant to this Section must
9 be conspicuously identified as a "brew pub."

10 (C) A brew pub/tavern licensee licensed pursuant to this Section who operates one
11 or more brew pubs may not manufacture more than fifteen thousand barrels of malt beverages for all
12 the brew pubs he operates in the County in any calendar year.

13 (D) Unless contrary or inconsistent with the provisions of this Section, the
14 provisions of this Chapter and of LVMC Title 19 that pertain to tavern licenses shall apply to brew
15 pub/tavern licenses.

16 (E) A brew pub/tavern license authorizes the sale of alcoholic beverages other than
17 malt beverages subject to the limitations and restrictions of a tavern license.

18 (F) A tavern license issued prior to July 6, 1992, subject to the provisions of this
19 Section, may be reclassified as a brew pub/tavern license without having to pay the original license
20 fee for a brew pub/tavern license set forth in Section 39 of this Ordinance.

21 (G) Before a brew pub/tavern license may issue pursuant to this Section, the
22 applicant must present proof that he has first secured a brew pub license from the State.

23 SECTION 11: A convention facility alcoholic beverage license authorizes the sale of
24 alcoholic beverages for consumption on the premises of a convention facility if, at any event at which
25 alcoholic beverages are sold, the following conditions are met:

26 (A) If persons less than eighteen years of age are in attendance, they must be
27 accompanied by a parent or guardian at all times during the event.

28 (B) If persons less than twenty-one years of age are in attendance:

1 (1) They shall be required to wear an identification bracelet approved by
2 the Department at all times during the event; and

3 (2) Alcoholic beverages may only be sold and consumed in a segregated
4 and secured area wherein only persons twenty-one years of age or older are permitted to enter.

5 SECTION 12: (A) A gift basket limited license authorizes the sale of alcoholic
6 beverages in original sealed or corked containers in quantities not greater than 25.4 ounces
7 (approximately 1.79 pints), measured in the English system of weights and measures, or in quantities
8 not greater than seven hundred fifty milliliters, measured in the metric system of weights and
9 measures, to be packaged in a gift basket along with other assorted food items or novelty items, or
10 both, which items have a minimum retail value of thirty-five dollars apart from the retail value of the
11 alcoholic beverages; provided, however:

12 (1) The contents of the gift baskets are not sold separately but, instead, are
13 included as part of the unit retail sale price of the gift basket; and

14 (2) The alcoholic beverages are consumed off the premises where the gift
15 basket is sold.

16 (B) Alcoholic beverages shall comprise not more than twenty percent of the total
17 inventory of merchandise located at a premises for which a gift basket limited license has been issued
18 and shall be stored in such a manner that prevents public access.

19 (C) A gift basket limited licensee shall not display any advertising on the exterior
20 of his or her licensed premises of the fact that alcoholic beverages are maintained on the licensed
21 premises from which a customer can choose for the purposes of having the item selected included in
22 a gift basket.

23 (D) A gift basket limited licensee shall not deliver any alcoholic beverage to a
24 personal residence in response to a telephone call requesting such delivery.

25 SECTION 13: A gift shop limited license authorizes the sale, to consumers only and
26 not for resale, of alcoholic beverages, in original sealed or corked containers in quantities less than
27 one pint, measured in the English system of weights and measures, or in quantities less than three
28 hundred seventy-five milliliters, measured in the metric system of weights and measures, for

1 consumption off the premises where the same are sold, and may only be issued in connection with a
2 gift shop located within the physical structure of an establishment which also houses a nonrestricted
3 gaming licensee.

4 SECTION 14: A hotel lounge bar license authorizes the sale of alcoholic beverages for
5 consumption on the premises of a hotel lounge bar subject to the following conditions:

6 (A) The hotel has a minimum of one hundred-fifty rooms, unless the City Council
7 determines the public safety, health and welfare will not be compromised by a lesser number of
8 rooms;

9 (B) Alcoholic beverages are served only at tables and booths located within the
10 hotel lounge bar area;

11 (C) Persons are not permitted to purchase or obtain alcoholic beverages directly
12 from the hotel lounge bar;

13 (D) No other business, trade, profession or entertainment that requires a license
14 under this Title is conducted or performed in the hotel lounge bar area; and

15 (E) The maximum available customer seating in the hotel lounge bar area does not
16 exceed seventy-five seats.

17 SECTION 15: A keg beer license authorizes only the sale of beer in keg containers
18 having a capacity of at least one-quarter barrel size, and only by delivery to the premises of the
19 purchaser.

20 SECTION 16: A limousine/bus alcoholic beverage license authorizes the dispensing,
21 serving or sale of alcoholic beverages only for consumption within a limousine or bus that has been
22 issued a limousine/bus alcoholic beverage license.

23 SECTION 17: A liquor caterer license authorizes the sale of alcoholic beverages only
24 for consumption on the premises where the same are dispensed, served or sold during the times, dates
25 and places specified in a liquor caterer permit issued pursuant to this Title.

26 SECTION 18: A nonprofit club general license authorizes the sale of alcoholic
27 beverages only for consumption on the premises and only to bona fide members of the club who pay
28 dues to the club, and to their bona fide guests.

1 SECTION 19: (A) A nonprofit club restaurant service bar license authorizes the sale
2 of alcoholic beverages within a nonprofit club to members of the general public for consumption only
3 in connection with meals served at tables in a restaurant area of the nonprofit club where members of
4 the general public are invited to dine. A nonprofit club restaurant service bar license is available only
5 if:

6 (1) It is issued in conjunction with a nonprofit club general license; and

7 (2) The restaurant area of the nonprofit club is separated from the other
8 areas of the nonprofit club by a barrier that is sufficient to prevent members of the general public from
9 accessing those other areas.

10 (B) In connection with the ongoing operation of a nonprofit club restaurant service
11 bar:

12 (1) The barrier described in Paragraph (2) of Subsection (A) of this Section
13 must be maintained; and

14 (2) Members of the general public shall not be permitted to directly
15 purchase alcoholic beverages from a nonprofit club restaurant service bar.

16 SECTION 20: A package license authorizes the sale, to consumers only and not for
17 resale, of alcoholic beverages, in original sealed or corked containers, for consumption off the
18 premises where the same are sold; however, on-premises wine, cordial and liqueur tasting is permitted
19 at a liquor store if the licensee also holds a wine, cordial and liqueur tasting license for that location.

20 SECTION 21: (A) A restaurant service bar license authorizes alcoholic beverages
21 to be sold from a restaurant service bar for consumption only in connection with meals served at tables
22 on the premises of the restaurant where the same are sold.

23 (B) Customers are not permitted to purchase alcoholic beverages directly from a
24 restaurant service bar.

25 SECTION 22: A special event beer/wine license authorizes the sale only of beer, wine
26 and coolers only for consumption on the premises where the same are sold during the period and times
27 specified in the license, which shall be issued only once during any two-month period and for a time
28 not to exceed seven days.

1 SECTION 23: A special event general license authorizes the sale of alcoholic
2 beverages only for consumption on the premises where the same are sold during the period and times
3 specified in the license, which shall be issued only once during any two-month period and for a time
4 not to exceed seven days.

5 SECTION 24: (A) A supper club license authorizes the on-premises sale of
6 alcoholic beverages within the designated bar area of the supper club for consumption only in the bar
7 area or in connection with meals served at tables in the restaurant area of the supper club.

8 (B) During all hours the bar is open to the public a cook and food server, other than
9 a bartender, must be available to prepare and serve full-course meals.

10 SECTION 25: (A) The seating area in the bar area of a supper club shall not exceed:

11 (1) One bar seat or stool for each eight restaurant seats; and

12 (2) One lounge seat for each three restaurant seats.

13 (B) The actual seating available at all times within the restaurant area of a supper
14 club must be able to accommodate at least one hundred twenty-five persons.

15 SECTION 26: (A) Food sales at a supper club shall not be less than fifty-five
16 percent of gross sales. For the purpose of this Section, "gross sales" means the total of all food sales,
17 nonalcoholic beverage sales, and alcoholic beverage sales. Alcoholic beverage sales shall include the
18 retail value of any complimentary beverages provided to customers of the licensee.

19 (B) The licensee is required to maintain accurate records consistent with proper
20 accounting procedures indicating sales of food and alcoholic beverages. Such records shall be kept
21 for a minimum of three years from the date of the sale, and shall be made available to the Department
22 upon request.

23 SECTION 27: A tavern license authorizes the sale of alcoholic beverages for
24 consumption on the premises where the same are sold and authorizes the sale, to consumers only and
25 not for resale, of alcoholic beverages, in original sealed or corked containers, for consumption off the
26 premises where the same are sold.

27 SECTION 28: A wholesale general license authorizes only the sale of alcoholic
28 beverages, which must be packaged in original sealed or corked containers, to any licensee for the

1 purposes of resale. In order to maintain this license, the licensee must keep on hand a stock of
2 alcoholic beverages whose cost of acquisition is fifty thousand dollars or more.

3 SECTION 29: (A) A wine/beer/cordial/liqueur tasting license authorizes the
4 offering of free samples of packaged wines, beers, cordials and liqueurs for tasting purposes.

5 (B) Samples of packaged wines, beers, cordials and liqueurs for tasting purposes
6 shall not exceed one-half ounce per drink and may only be offered:

7 (1) On the premises of a licensed packaged liquor establishment; and

8 (2) For educational purposes.

9 (C) Persons offering samples of packaged wines, beers, cordials and liqueurs must
10 be employees of the licensed packaged liquor establishment who hold a valid work card and have
11 successfully completed an approved liquor server awareness training program.

12 (D) Bottles of wine, beer, cordial and liqueur opened for tasting shall not be sold
13 or otherwise distributed or given away.

14 SECTION 30: No person shall engage in the business of selling alcoholic beverages,
15 advertise the same or permit the consumption of alcoholic beverages on the premises of any business
16 establishment without first obtaining and thereafter maintaining a valid unexpired alcoholic beverage
17 license pursuant to this Code.

18 SECTION 31: A license issued pursuant to this Chapter authorizes the person to whom
19 it is issued to exercise only those privileges expressly permitted pursuant to this Chapter for the
20 specific classification of license issued and only on the premises identified in the license.

21 SECTION 32: The licensee must commence operation of the business within thirty
22 days after the license has been issued. Thereafter, all semiannual license fees must be paid
23 notwithstanding the fact that the licensee may temporarily discontinue its operation of the business.

24 SECTION 33: A person licensed for the off-sale or on-off-sale of alcoholic beverages
25 shall post a sign at the sale counter and at the entrance to the premises advising to the effect that,
26 pursuant to LVMC 10.76.010, it is unlawful for a person to drink an alcoholic beverage or to possess
27 an open container of alcoholic beverage which was purchased in an original sealed or corked
28 container:

1 (A) Upon any premises, including the parking lot, of an establishment which is
2 licensed only for the off-sale or the on-off-sale of alcoholic beverages; or

3 (B) Upon property, other than residential property, located within one thousand feet
4 of an establishment which is licensed for off-sale or on-off-sale.

5 SECTION 34: The privileges permitted and duties required under any license issued
6 pursuant to this Chapter are not divisible and any transfer of a license or an interest therein must
7 include the transfer of all of the privileges permitted and duties required under such license or interest
8 therein, as the case may be.

9 SECTION 35: Any establishment which, on November 1, 1980, held a valid license
10 which was reclassified as a beer/wine/cooler on-sale license, a beer/wine/cooler off-sale license or a
11 beer/wine/cooler on-off-sale license, but the premises of which do not conform to the definitions for
12 those license classifications, shall be permitted to retain the license under the following provisions:

13 (A) In the case of a beer/wine/cooler on-sale license, where the licensed premises
14 have insufficient floor space under the Uniform Building and Fire Codes for the seating capacity
15 required by this Chapter, such license shall be limited to seating only the number of patrons allowed
16 under such codes.

17 (B) In the case of a beer/wine/cooler off-sale license which is issued to a grocery
18 store that is not in conformance with the square footage requirements set forth in the definition of the
19 term "grocery store" in Section 3 of this Ordinance, the license may be retained but the licensee will
20 be required to comply with all other provisions of that definition.

21 (C) In the case of a beer/wine/cooler on-off-sale license, any existing license that
22 is not in conformance with the seating or square footage requirements is subject to the provisions of
23 Subsections (A) and (B) of this Section.

24 SECTION 36: No alcoholic beverage license shall be issued by the Department to a
25 location which requires a special use permit pursuant to the provisions of LVMC Title 19 unless such
26 location is first approved for a special use permit pursuant to the procedures provided for in LVMC
27 Title 19.

28 SECTION 37: Applicants for a permit to provide liquor catering services shall comply

1 with the following provisions:

2 (A) An application for a permit may be made only by a person who holds a valid
3 unexpired liquor caterer license issued pursuant to this Title; provided, however, this restriction does
4 not apply to a person whose liquor caterer business premises are located in the City of North Las
5 Vegas, City of Henderson, City of Boulder City or in the unincorporated area of the County and who
6 has a valid unexpired liquor caterer license issued by such local government.

7 (B) The application shall be made to the Department on forms provided or approved
8 by the Department, not less than three days prior to the proposed event unless otherwise authorized
9 by the Director or his or her designee upon the applicant showing the impracticability of his or her
10 compliance with the advance filing requirement.

11 (C) The application shall set forth the following information:

12 (1) Name and address of the applicant;

13 (2) Date, hours, address and description of the event;

14 (3) Approximate number and ages of persons to be in attendance;

15 (4) Type of alcoholic beverages to be served; and

16 (5) The names of the sponsors and promoters of the event.

17 (D) Each event requires a separate permit.

18 (E) A nonrefundable fee of fifteen dollars for each permit requested must be paid
19 when the application for permit is filed.

20 SECTION 38: Applicants for a limousine/bus alcoholic beverage permit shall comply
21 with the following provisions:

22 (A) An application for a permit may only be made by a person who holds a valid
23 unexpired limousine/bus alcoholic beverage license issued pursuant to this Title or by a properly
24 licensed resort hotel that provides limousine/bus service as an incidental service to their guests;
25 provided however, this restriction does not apply to a person whose limousine/bus alcoholic beverage
26 business premises are located outside the City limits, but within Clark County and maintains a valid
27 unexpired limousine/bus alcoholic beverage license or the equivalent issued by the appropriate
28 licensing authority.

1 (B) The application shall be made to the Department on forms provided or approved
2 by the Department.

3 (C) The application shall set forth the following information:

4 (1) Name and address of the applicant;

5 (2) Year, make, color, license plate number and vehicle identification
6 number of the limousine or bus; and

7 (3) Such other information as the Department may require.

8 (D) Upon verification of the application information on each vehicle, and receipt
9 of applicant's fifty dollar annual permit fee, the Director may approve the permit for each vehicle for
10 which an application has been submitted.

11 SECTION 39: Each licensee shall pay to the Department the license fees set forth in
12 the following schedule:

		Semiannual	Original New
13			
14	(A) Banquet facility	\$500	\$20,000
15	(B) Beer/wine/cooler art event on-sale	300	1,000
16	(C) Beer/wine/cooler billiard parlor	300	1,000
17	(D) Beer/wine/cooler on-sale	300	1,000
18	(E) Beer/wine cooler off-sale	300	1,000
19	(F) Beer/wine/cooler on-off-sale	600	2,000
20	(G) Brew/pub/tavern	1,200	60,000
21	(H) Convention facility	1,200	60,000
22	(I) Gift basket limited	300	1,000
23	(J) Gift shop limited	500	2,500
24	(K) Hotel lounge bar	1,200	60,000
25	(L) Keg beer	500	2,500
26	(M) Limousine/bus	500	2,500
27	(N) Liquor caterer	500	2,500
28	(O) Nonprofit club general	200	1,000

1	(P)	Nonprofit club restaurant service bar	100	500
2	(Q)	Package	750	20,000
3	(R)	Restaurant service bar	600	30,000
4	(S)	Supper club	800	40,000
5	(T)	Tavern	1,200	60,000
6		Plus: fee for each additional bar	900	
7	(U)	Wholesale general	1,000	5,000
8	(V)	Wine, beer, cordial, liqueur tasting	600	2,000

9 Each special event general licensee shall pay a license fee of seventy-five dollars per day.

10 Each special event beer/wine/cooler licensee shall pay a license fee of fifty dollars per day.

11 SECTION 40: (A) Each semiannual fee is due in advance on April 1st and October
12 1st in each year except that the applicant for a new alcoholic beverage license who starts business
13 between April 1st and October 1st or between October 1st and April 1st shall have its semiannual fees
14 prorated on a monthly basis.

15 (B) Any semiannual fee which is not received by the Department on or before the
16 due date shall be assessed a late-payment penalty in an amount equal to ten percent of the amount of
17 such semiannual fee. If the semiannual fee and penalty is not received by the Department within
18 fifteen days after the due date, an additional penalty in an amount equal to twenty-five percent of such
19 semiannual fee shall be assessed. If the semiannual fee and all penalties are not received by the
20 Department within sixty days after the due date, the license shall be automatically revoked.

21 SECTION 41: (A) The original new license fee is a one time fee which is due and
22 payable at the time of filing an application for an alcoholic beverage license.

23 (B) The transfer of an alcoholic beverage license from one licensee to another is
24 exempt from the original new license fee requirement of Subsection (A) of this Section.

25 (C) In connection with the issuance of an original new City alcoholic beverage
26 license to an existing County alcoholic beverage licensee whose business premises have been annexed
27 into the City, the Department shall waive the original new license fee requirement of Subsection (A)
28 of this Section at the request of the applicant. However, a license concerning which such a waiver has

1 been granted may not be sold or transferred to a third party, notwithstanding any provision of this Title
2 to the contrary.

3 SECTION 42: Any licensee who desires permanently to discontinue its operation of
4 the business and to sell its license may notify the Department of its desire to sell such license, and the
5 Department shall maintain a list of such licensees and make it available to any person who is
6 interested in obtaining a license.

7 SECTION 43: (A) No person, other than the person who holds the license, may
8 operate any business, trade or profession in the licensed premises; provided, however, that this
9 prohibition does not apply to properly licensed slot operators or retail tobacco vendors or to
10 entertainers or to any business, trade or profession which leases a separate and defined area within the
11 licensed premises and which obtains prior approval from the Department to do so.

12 (B) A tavern licensee authorized pursuant to Subsection (A) of this Section to lease
13 the restaurant portion of its licensed premises to another person may continue, through its tavern
14 license, to sell alcoholic beverages in such leased premises without the necessity of the lessee
15 obtaining an alcoholic beverage license for such leased premises. The restaurant lessee, or its staff,
16 however, may not sell alcoholic beverages in such leased premises unless the restaurant lessee also
17 obtains, pursuant to this Chapter, a liquor license for such leased premises.

18 SECTION 44: It is the duty of the licensee to ensure that a person who is at least
19 twenty-one years of age, who is either an owner or employee of the licensee and who has a valid work
20 card and alcohol awareness card in his possession is present on the premises during all times that the
21 premises are open for business.

22 SECTION 45: The Department shall have jurisdiction to investigate and enforce the
23 provisions of this Chapter. The Department shall have all powers which may be necessary or
24 appropriate for a complete and effective exercise of its jurisdiction, including, but not limited to, the
25 power to enter and inspect the licensed premises at any time during the business hours of the licensee,
26 and the Department shall have the power to examine all books and records of the licensee or applicant.
27 The Department is authorized to request information from a licensee or applicant at any time in
28 furtherance of the exercise of its jurisdiction.

1 SECTION 46: (A) Whenever an “off-sale” of alcoholic beverages is made, the
2 alcoholic beverages, except beer, wine and coolers, must only be displayed for sale in an area of the
3 licensed premises in which such alcoholic beverages are not accessible by persons under the age of
4 twenty-one years. This area must be kept under the exclusive control of a person who is at least
5 twenty-one years of age. When self-service of alcoholic beverages, except beer, wine and coolers, is
6 provided, the area in which the alcoholic beverages are displayed must be posted at each entrance
7 thereto with a sign measuring no less than 8 ½ inches by 11 inches stating NO ONE UNDER 21
8 YEARS OF AGE ALLOWED BEYOND THIS POINT; provided, however, that alcoholic beverages
9 in quantities of not less than seven hundred fifty milliliters may be displayed for certain special
10 holidays or holiday season promotions, as specifically enumerated herein below, in grocery stores
11 having at least twenty five thousand square feet of area open to the public in unrestricted areas limited
12 to the end sections of shopping aisles facing the front of the grocery store where such displays are
13 visible to employees of the licensee who are at least twenty-one years of age. The employees and
14 management personnel of such grocery stores shall have completed an alcoholic awareness training
15 program approved by the Director. Such alcoholic beverages may be selected by the customer and
16 purchased at a common check-out stand at which nonalcoholic beverages may be purchased. No self-
17 service shall be permitted in original sealed or corked containers in quantities less than one pint,
18 measured in the English system of weights and measures, or in quantities less than three hundred
19 seventy-five milliliters, measured in the metric system of weights and measures.

20 (B) Special Holiday Promotions. The display of alcoholic beverages for special
21 holidays listed in this Subsection shall not begin before twelve midnight three days before the specific
22 holiday, and shall be removed before twelve noon the day following the specific holiday. For
23 purposes of this Section “special holiday promotions” is limited to the following events or holidays:
24 Super Bowl
25 St. Patrick’s Day
26 Independence Day
27 On Memorial Day and Labor Day only, where the holiday in question is a national holiday celebrated
28 on a Monday, the display of alcoholic beverages for such holiday promotions shall not begin before

1 12 midnight three days before the specific Monday holiday, and shall be removed before twelve noon
2 the day following the holiday.

3 (C) Holiday Season Promotions. The display of holiday season promotions shall
4 not begin before twelve noon on November 1st of each year, and shall be removed by twelve noon
5 on January 5th of the next year.

6 (D) Not more than twenty-five percent of a grocery store's total number of shopping
7 aisles may be devoted to aisle front special and holiday season promotions pursuant to this Section;
8 provided, however, that in no event shall the total number of such displays exceed five.

9 SECTION 47: It is unlawful for any of the following to be employed in the retail sales
10 of alcoholic beverages for on or off premises consumption without having in his or her possession a
11 valid work card for alcoholic beverages pursuant to LVMC Chapter 6.86:

12 (A) A manager;

13 (B) Any employee who pours or serves alcoholic beverages for on premises
14 consumption; or

15 (C) Any employee who accepts payment for the sale or delivery of alcoholic
16 beverages for off premises consumption.

17 SECTION 48: It is unlawful for any person to sell any alcoholic beverage:

18 (A) Without a valid unexpired license issued pursuant to this Chapter; provided,
19 however, this prohibition does not apply to employees of persons licensed pursuant to this Chapter
20 during the course of such employment.

21 (B) To a person who is intoxicated.

22 (C) For delivery to a personal residence pursuant to a telephone call requesting such
23 delivery; provided, however, that this prohibition does not apply to deliveries of beer in kegs having
24 a capacity of not less than one quarter barrel.

25 (D) Through or by means of a drive-in or walk-up window, door or other opening.

26 (E) In any manner not authorized by the license under which authority the person
27 making such sale is authorized to do business.

28 (F) At any place where persons under twenty-one years of age are present, unless

1 they are continuously accompanied by a parent or legal guardian.

2 SECTION 49: (A) It is unlawful for any person licensed under this Code, or any
3 agent or employee of a licensee to sell alcoholic beverages to a minor.

4 (B) It is a defense to any criminal prosecution or proceeding for the suspension or
5 revocation of any license that is based upon a violation of this Section that the licensee, agent or
6 employee, immediately prior to furnishing any alcoholic beverage to person under the age of twenty-
7 one years, demanded and was shown bona fide documentary evidence of age and identity of that
8 person issued by a governmental agency, including without limitation a motor vehicle operator's
9 license.

10 SECTION 50: It is unlawful for any person to sell any alcoholic beverage in any glass
11 or metal container at any special event which is described in LVMC 6.78.045, as follows:

12 (A) Between the hours of 6:00 P.M. on December 31st and 6:00 A.M. on January
13 1st of each year.

14 (B) Between the hours of 6:00 P.M. on July 4th and 6:00 A.M. on July 5th of each
15 year.

16 (C) During the period of time beginning two hours before the start of the special
17 event and ending two hours after the special event is over.

18 SECTION 51: It is unlawful for any person who is intoxicated to sell any alcoholic
19 beverage.

20 SECTION 52: It is unlawful for any person to employ a person under the age of
21 twenty-one years to sell or handle alcoholic beverages, or to allow a person under the age of twenty-
22 one years to sell or handle alcoholic beverages at such person's place of business; provided, however,
23 that a person who is at least sixteen years of age may handle beer, wine and coolers only, in original
24 sealed or corked containers, while they are employed in a grocery store, convenience store or specialty
25 merchandise store which exercises the privileges of a beer/wine/cooler off-sale or package license and
26 only when they are actually being supervised by another person who is at least twenty-one years of
27 age and who himself is an owner or employee of the licensee.

28 SECTION 53: It is unlawful for any person to encumber any license by means of a

1 lease, pledge, mortgage, deed of trust, security interest or other manner of alienation; provided,
2 however, that this prohibition shall not apply to a transfer or encumbrance of a person's interest in the
3 licensee pursuant to the prior approval of the City Council, if such approval is otherwise required by
4 this Chapter.

5 SECTION 54: (A) It is unlawful for any person, while acting as an employee,
6 waiter, waitress, performer or entertainer in any live act, play, demonstration or exhibition or while
7 serving food or drink to any customer, to do any of the following acts on the premises where alcoholic
8 beverages are licensed to be sold:

9 (1) Expose his or her genitals, pubic hair, perineum, anal region or pubic
10 hair region; or

11 (2) Expose or use any device, costume or covering which gives the
12 appearance of or simulates the genitals, pubic hair, perineum, anal region or pubic hair region.

13 (B) A person shall be deemed to be a waiter, waitress, performer or entertainer if
14 such person acts in that capacity without regard to whether or not such person is paid any
15 compensation.

16 (C) It is unlawful for any licensee, or any owner, officer, director, representative,
17 manager, agent, servant or employee of a licensee to allow, cause, permit, procure, counsel or assist
18 any person to perform any of the acts set forth in Subsection (A) of this Section on the premises where
19 alcoholic beverages are licensed to be sold.

20 SECTION 55: (A) Beginning April 1, 1992, except as is otherwise provided in
21 Subsection (B) of this Section, no person may be employed by a licensee to serve, sell, distribute
22 alcoholic beverages, or perform security guard functions unless such person has successfully
23 completed a comprehensive alcohol awareness training course of not less than four hours in duration
24 and has completed an alcohol awareness training refresher course not less than two hours in duration
25 every five years from the date of their most recent course certification.

26 (B) With respect to a special event that is licensed pursuant to Sections 22 or 23 of
27 this Ordinance, only the responsible licensee thereof needs successfully to complete such alcohol
28 awareness training course, or such licensee may, in lieu thereof, substitute a successfully completed

1 alcohol awareness certification examination that is administered by Metro. The requirement of
2 successfully completing such examination or training course shall not apply to holders of wholesale
3 general licenses.

4 (C) Beginning February 1, 2003, principals and licensees of an alcoholic beverage
5 establishment must obtain and thereafter maintain a current alcohol awareness certificate in their
6 possession.

7 (D) Persons who successfully complete either the examination or the training
8 courses described in Subsections (A) or (B) of this Section shall be deemed to be certified for alcohol
9 awareness.

10 SECTION 56: Each applicant shall submit with the application the name of a manager
11 who is certified for alcohol awareness as provided by Section 55 of this Ordinance.

12 SECTION 57: The subject matter of the test and the courses described in Section 55
13 of this Ordinance must include at least the following:

- 14 (A) The clinical effects of alcohol on the human body;
- 15 (B) Methods of identifying intoxicated persons;
- 16 (C) The liquor laws of the State and the City;
- 17 (D) Methods of preventing fights and disruptions of the peace; and
- 18 (E) Methods of preventing minors from entering taverns, bars and package liquor
19 stores, and preventing minors from purchasing and drinking alcoholic beverages.

20 A score of seventy-five percent correct answers shall be the passing score on the test.

21 SECTION 58: All persons teaching or offering an alcohol awareness training course
22 are subject to the following requirements:

23 (A) The training course must be an alcohol awareness training program, similar to
24 the program offered by TAM (Techniques in Alcohol Management) or TIPS (Training for Intervention
25 Procedures), and certified as to competency by Metro. Such certification of course competency shall
26 be accomplished by Metro by a complete review of the course material and lesson presentation.

27 (B) The competency of all persons teaching or offering the training courses of
28 Subsection (A) must be initially certified by Metro and recertified by Metro every two years from the

1 date of their most recent certification.

2 (C) Metro is authorized to monitor such courses and to administer to course
3 participants on a random basis the test described in Section 55 of this Ordinance.

4 If representatives of Metro administer that test to a group of course participants and fewer than
5 seventy-five percent of the groups pass the test, the person having final organizational authority for
6 that course will be deemed to be certified on a probationary basis. If representatives of Metro
7 subsequently administer the test to another group of course participants organized by the same person
8 and fewer than seventy-five percent of that group pass the test, that person's certification will be
9 deemed revoked.

10 (D) The person teaching such course must supply Metro with a list of all persons
11 successfully completing the course within five days thereof. Such list shall state the name, social
12 security number, date of completion of course, and place of employment of each person completing
13 the course.

14 (E) The person teaching the course must supply all persons successfully completing
15 the course with a wallet-size certification card that states the name of the training course, the name
16 of the person passing the course and their social security number, and the date the course was taken
17 within seven days of the person completing the course.

18 (F) All persons certified to offer an alcohol awareness training course have a duty
19 to inform Metro of any substantive change in the certified course material or method of presenting
20 such material.

21 SECTION 59: All persons offering an alcohol awareness training refresher course are
22 subject to the following requirements:

23 (A) The refresher course will include, but not be limited to, teaching and refreshing
24 the applicants as to:

- 25 (1) The clinical effects of alcohol on the human body;
- 26 (2) Methods of identifying intoxicated persons;
- 27 (3) The liquor laws of the State and the City; and
- 28 (4) Methods of restraining entry of minors into taverns and package liquor

1 stores and preventing sales to and drinking of alcoholic liquor by minors.

2 (B) The refresher training course must be an alcohol awareness training program
3 certified as to competency by Metro. Such certification of refresher course competency shall be
4 accomplished by Metro by a complete review of the course materials and lesson presentation.

5 (C) All persons certified to offer an alcohol awareness training course have a duty
6 to inform Metro of any substantive change in the certified course material or method of presenting
7 such material.

8 (D) The person teaching such refresher course must supply Metro with a list of all
9 persons successfully completing the course within five days thereof excluding holidays and weekends.
10 Such list shall state the name and social security number of the person, place of employment and date
11 of certification and recertification.

12 (E) The person teaching the refresher course must supply all persons successfully
13 completing the course a wallet-size certification card that states the name of the refresher course, the
14 name of the person passing the course and their social security number, and the date the course was
15 taken within seven days of the person completing the course.

16 (F) The competency of all persons teaching or offering such refresher course must
17 be initially certified by Metro and recertified by Metro every two years from the date of their most
18 recent certification.

19 (G) All persons certified to offer an alcohol awareness training refresher course
20 have a duty to inform Metro of any substantive change in the certified course material or method of
21 presenting such material.

22 SECTION 60: The completion card or a copy thereof issued by the instructor of an
23 alcohol awareness training course or refresher course to a person successfully completing the course
24 must be available during the work shift on the premises where the person, as an employee, is serving,
25 selling or distributing alcoholic beverages for inspection by Metro, City or other governmental
26 personnel.

27 SECTION 61: Licenses of all licensees other than hotels licensed for nonrestricted
28 gaming which do not comply with the requirements of alcohol awareness certification are

1 automatically suspended until compliance is shown.

2 SECTION 62: (A) Any instructor certification issued pursuant to the provisions of
3 this Section may be suspended or revoked (not to exceed two years) by the City Council, with or
4 without the recommendation of Metro, after notice and hearing, if it is determined that the instructor
5 has:

6 (1) Failed to timely supply the list of all persons completing each course
7 within five days thereof with required information;

8 (2) Failed to provide the required wallet-size certification card with required
9 information within seven days of course completion excluding holidays and weekends;

10 (3) Failed to teach the certification course or refresher course pursuant to
11 the approved certification plan submitted by the instructor or approved training program under which
12 the instructor is teaching; or

13 (4) Committed, attempted or conspired to commit any crime of moral
14 turpitude or commits an act of fraud, drug sales, prostitution, solicitation of prostitution, pandering
15 or any act or crime against decency or morals or any act or crime which is inimical to the declared
16 policy of this Chapter while certified as an instructor;

17 or for any cause deemed reasonable.

18 (B) Any alcohol awareness training program or refresher program certification
19 issued pursuant to the provisions of this Chapter may be suspended or revoked (not to exceed two
20 years) by the City Council, with or without the recommendation of Metro, after notice and hearing,
21 if it is determined that the certified training or refresher program:

22 (1) Fails to timely supply the list of all persons completing each course;

23 (2) Fails to provide the required wallet-size certification card with required
24 information within seven days of course completion excluding holidays and weekends;

25 (3) Allows the liquor server awareness training program or refresher
26 program to be taught in a manner that is different from the program certified under this Chapter; or

27 (4) Operates the training program or refresher program in a manner that
28 fails to instruct the participants in the minimum requirements set out within this Chapter; or for any

1 cause deemed reasonable.

2 (C) The Sheriff of Metro or his designee may, upon good cause, suspend or revoke
3 the certification of the instructor or program upon ten days notice to any person or program
4 committing any act which is grounds for suspension or revocation of certification. Such suspension
5 or revocation notice shall contain information regarding the right to appeal such suspension or
6 revocation of certification as is provided in Section 63 of this Ordinance.

7 SECTION 63: Any person whose certification to offer or instruct an alcohol awareness
8 training course or refresher course has been suspended or revoked pursuant to Subsection (C) of
9 Section 62 of this Ordinance, may appeal such suspension or revocation to the City Council by filing
10 written notice of appeal with the City Clerk. The City Council shall hear the appeal at the next
11 regularly scheduled meeting following the expiration of ten days after the person files a notice of
12 appeal.

13 SECTION 64: If a disciplinary action involving a violation of this Chapter is filed, the
14 City Council, may, in addition to any other sanctions, limitations, restrictions or conditions other than
15 revocation, require that within thirty days of the final decision of the City Council, every manager and
16 employee of the licensee involved in selling or serving alcoholic beverages or providing security on
17 the licensed premises:

18 (A) Successfully complete the test administered by Metro; or

19 (B) Complete the training course described in Section 55 of this Ordinance.

20 SECTION 65: Metro shall establish fees, based on its expenses, for administering the
21 tests, and certifying the competency of the courses and course instructors.

22 SECTION 66: All licenses must indicate on the list required by LVMC 6.86.180
23 which employees have successfully completed either the course, refresher course, or the test provided
24 for in Section 55 of this Ordinance and the date of completion.

25 SECTION 67: (A) It is unlawful for any person required to be certified for alcohol
26 awareness pursuant to this Chapter to be employed by a licensee under this Chapter unless the person
27 is so certified.

28 (B) It is unlawful for any licensee under this Chapter to employ a person required

1 to be certified for alcohol awareness pursuant to this Chapter knowing that such person is not so
2 certified.

3 SECTION 68: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
4 Nevada, 1983 Edition, is hereby repealed.

5 SECTION 69: Section 68 of this Ordinance shall become effective as of 12:01 A.M.
6 the day after publication of this Ordinance by title.

7 SECTION 70: Sections 1 through 67, inclusive of this Ordinance shall become
8 effective as of 12:02 A.M. the day after publication of this Ordinance by title.

9 SECTION 71: Title 19, Chapter 00, Section 60, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending Subsection (L) to read as follows:

11 (L) Limitations on City Action. The issuance or granting of a building permit or
12 approval of plans or specifications under the authority of the Building Code shall not be construed to
13 be a permit for, or an approval of, any violation of any provisions of this Title or any amendments
14 thereto, or of any other law. No permit, approval, representation, action or inaction on the part of a
15 City officer or employee which purports, or could be interpreted, to authorize the violation or
16 cancellation of any of the provisions of this Title shall limit the City's authority to enforce the
17 provisions of this Title or any other provision of the Municipal Code. No permit or other approval
18 issued under the provisions of this Title shall constitute or imply approval of any business license or
19 permit required by any provision of the Municipal Code. Any permit, license or other approval which
20 is issued in conflict with this Title is voidable by order of the City.

21 SECTION 72: Title 19, Chapter 4, Section 10, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to add a permitted use to Table 2 of the Land
23 Use Tables as follows:

24 Table 2 of the Land Use Tables is amended to add to the "Recreational, Entertainment and
25 Amusement" element the use "Social Event with Alcoholic Beverage Sales." In order to reflect the
26 amendment, the letter "S" is to appear in the boxes that represent the intersection of the new row for
27 the use "Social Event with Alcoholic Beverage Sales" with the columns for the P-R, N-S, O, C-D, C-
28 1, C-2, C-PB, C-M and M Zoning Districts.

1 SECTION 73: Title 19, Chapter 4, Section 50, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, at the subdivision captioned "Liquor Establishment (Off-Premise
3 Consumption)" is hereby amended to read as follows, with the bolded brackets representing deleted
4 matter and the non-bolded brackets surrounding the zoning districts representing the brackets normally
5 used to enclose the applicable districts:

6 **LIQUOR ESTABLISHMENT [(OFF-PREMISE CONSUMPTION)] (ON-SALE/OFF-**
7 **SALE/ON-OFF-SALE) [C-1, C-2, C-M, M]**

8 Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares
9 that the public health, safety and general welfare of the City are best promoted and protected by
10 requiring that:

11 (*1) [No beer/wine/cooler on-sale, beer/wine/cooler off-sale, beer/wine/cooler on-off-sale,
12 package, wholesale general use shall be located within four hundred feet of any church, synagogue,
13 school, child care facility licensed for more than twelve children or City park.] Except as otherwise
14 provided in this Chapter, no alcoholic beverage on-sale/off-sale/on-off-sale use shall be located within
15 four hundred feet of any church, synagogue, school, child care facility licensed for more than twelve
16 children, or City park.

17 (*2) Except as otherwise provided in Subsection (3) below, the distances referred to in
18 Subsection 1 shall be determined with reference to the shortest distance between two property lines,
19 one being the property line of the proposed liquor establishment [(off-premise consumption)] which
20 is closest to the existing use to which the measurement pertains, and the other being the property line
21 of that existing use which is closest to the proposed liquor establishment [(off-premise consumption)].
22 The distance shall be measured in a straight line without regard to intervening obstacles. For purposes
23 of measurement, the term "property line" refers to property lines of fee interest parcels and does not
24 include the property line of:

25 (a) Any leasehold parcel; or
26 (b) Any parcel which lacks access to a public street or has no area for on-site
27 parking and which has been created so as to avoid the distance limitation described in Subsection (1).

28 (*3) In the case of a liquor establishment [(off-premise consumption)] proposed to be

1 located on a parcel of at least eighty acres in size, the minimum distances referred to in Subsection
2 1 shall be measured in a straight line:

3 (a) From the nearest property line of the existing use to the nearest portion of the
4 structure in which the liquor establishment [(off-premise consumption)] will be located, without
5 regard to intervening obstacles; or

6 (b) In the case of a proposed liquor establishment [(off-premise consumption)]
7 which will be located within a shopping center or other multiple-tenant structure, from the nearest
8 property line of the existing use to the nearest property line of a leasehold or occupancy parcel in
9 which the liquor establishment will be located, without regard to intervening obstacles.

10 (4) When considering a Special Use Permit application for a liquor establishment [for off-
11 premise consumption] which also requires a waiver of the distance limitation in Subsection (1), the
12 Planning Commission shall take into consideration the distance policy and shall, as part of its
13 recommendation to the City Council, state whether the distance requirement should be waived and
14 the reasons in support of the decision.

15 (5) The minimum distance requirements in Subsection (1) do not apply to:

16 (a) An establishment which has a nonrestricted gaming license in connection with
17 a hotel having two hundred or more guest rooms on or before July 1, 1992 or in connection with a
18 resort hotel having in excess of two hundred guest rooms after July 1, 1992; or

19 (b) A proposed retail establishment having more than fifty thousand square feet or
20 retail floor space.

21 (*6) All businesses which sell alcoholic beverages shall conform to the provisions of
22 Chapter 6.50 of the Las Vegas Municipal Code.

23 (7) The minimum distance requirements set forth in Subsection 1, which are otherwise
24 nonwaivable under the provisions of this subdivision, may be waived:

25 (a) In accordance with the provisions of Subsection 19.040.050(A)(4) for any
26 liquor establishment [for off-premise consumption] which is proposed to be located on a parcel within
27 the Downtown Casino Overlay District;

28 (b) In accordance with the applicable provisions of the "Town Center Development

1 Standards Manual” for any liquor establishment [for off-premise consumption] which is proposed to
2 be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main
3 Street Mixed Use) in the Town Center Land Use Plan;

4 (c) In connection with a proposed retail establishment having between twenty
5 thousand square feet and fifty thousand square feet of retail floor space, if no more than ten percent
6 of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages;
7 or

8 (d) In connection with a retail establishment having less than 20,000 square feet
9 of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages
10 and each use to be protected are separated by a highway or a right-of-way with a width of at least 100
11 feet.

12 SECTION 74: Title 19, Chapter 4, Section 50, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new subsection, to be
14 designated as Subsection (C), to read as follows:

15 (C) The special-use permit requirements of this Section do not apply to the locations
16 of facilities that are intended to be operated solely as a Gift Basket Limited; a Gift Shop Limited; a
17 Convention Facility; a Keg Beer; a Nonprofit Club General, with or without a Nonprofit Club
18 Restaurant Service Bar; or to a Liquor Caterer; or to locations of facilities specified in liquor catering
19 permits, provided that not more than five liquor catering permits are issued per month to such
20 locations.

21 SECTION 75: Title 19, Chapter 18, Section 60, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended so that Subsection (P) reads as follows:

23 **19.18.060:** (P) Termination.

24 (1) A Special Use Permit which cannot be exercised except upon
25 construction of a new building, and which is not exercised within two years after approval, shall be
26 void, unless the City Council grants an extension of time upon a showing of good cause.

27 (2) A Special Use Permit which does not require the construction of a new
28 building in order to be exercised, and which is not exercised within one year after approval shall be

1 void, unless the City Council grants an extension of time upon a showing of good cause.

2 (3) For any Special Use Permit approved before January 1, 2000, which
3 expires before an extension is granted, the City Council may reinstate the approval within the six-
4 month period following the expiration date and grant an extension of time if the Council is satisfied
5 that there has not been a material change of circumstances such that the Special Use Permit is no
6 longer warranted.

7 [(4) A Special Use Permit shall be void without further action if the use
8 approved by the Special Use Permit ceases for a period of twelve months or more.]

9 (4) A Special Use Permit shall be void without further action if:

10 (a) The Special Use Permit was issued for alcoholic beverage use
11 and such use ceases for one hundred and eighty days or more; or

12 (b) The Special Use Permit was issued for a use other than alcoholic
13 beverage use and such use ceases for twelve months or more.

14 (5) For purposes of this Subsection (P), a Special Use Permit is exercised
15 upon approval of a business license to conduct the activity, if one is required, or, otherwise, upon the
16 issuance of a certificate of occupancy or approval of a final inspection.

17 SECTION 76: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of a term that
19 appears in that Section. The term and its corresponding definition is amended to read as follows:

20 "Liquor Establishment [(Off-Premise Consumption)" means a facility which sells alcoholic
21 beverages in the original sealed or corked containers for consumption off the premises; sales are to
22 consumers only and not for resale.] (On-Sale/Off Sale/On-Off Sale)" means a facility that does not
23 qualify under a more specific use category in this Chapter and that:

24 (A) Sells alcoholic beverages for consumption on the premises where the same are
25 sold;

26 (B) Sells alcoholic beverages in the original sealed or corked containers for
27 consumption off the premises where the same are sold; or

28 (C) Sells alcoholic beverages under the provisions set forth in both Paragraphs (A)

1 and (B) of this definition.

2 SECTION 77: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate locations,
4 the following terms and their corresponding definitions:

5 **19.20.020:** “Convention Facility” means a structure which has at least 250,000 square feet of floor
6 space utilized for scheduling, hosting or conducting a convention, trade show or temporary event
7 whether the activity is open or closed to the general public.

8 “Gift Basket Limited” means a facility which sells alcoholic beverages in original sealed or
9 corked containers in quantities not greater than 25.4 ounces measured in the English system of weights
10 and measures, or in quantities not greater than seven hundred fifty milliliters, measured in the metric
11 system of weights and measurements, to be packaged in a receptacle or a container along with other
12 assorted food items or novelty items, or both, which items have a minimum retail value of thirty-five
13 dollars apart from the retail value of the alcoholic beverages; provided, however:

14 (A) The contents of the gift baskets are not sold separately but, instead, are included
15 as part of the unit price of the gift basket; and

16 (B) The alcoholic beverages are consumed off the premises where the gift basket
17 is sold.

18 “Gift Shop Limited” means a facility located within the physical structure of a nonrestricted
19 gaming establishment which sells, to customers only and not for resale, alcoholic beverages in original
20 sealed or corked containers in quantities less than one pint, measured in the English system of weights
21 and measures, or in quantities less than three hundred seventy-five milliliters, measured in the metric
22 system of weighs and measures, for consumption off the premises where the same are sold.

23 “Keg Beer” means a facility which sells beer in keg containers having a capacity of at least
24 one-quarter barrel size for delivery only to the premises of a purchaser.

25 “Liquor Caterer” means a person who dispenses, serves or sells alcoholic beverages only for
26 consumption on the premises where the same are dispensed, served or sold during the times, dates and
27 places specified by permit.

28 “Nonprofit Club General” means any nonprofit corporation, association or organization which

1 has been in continual existence for at least two years and:

2 (A) Is organized or qualified to do business and operate under the laws of the State;

3 (B) Has tax-exempt status granted by the United States Internal Revenue Service;

4 (C) Has a membership of at least one hundred members who are twenty-one years
5 of age or older and who pay dues to the nonprofit corporation, association or organization; and

6 (D) Operates a clubhouse, clubroom or meeting room in a permanent location which
7 it owns or leases.

8 “Nonprofit Club Restaurant Service Bar” means a bar wherein alcoholic beverage drinks are
9 prepared for service in connection with meals at tables in the restaurant area of a nonprofit club where
10 members of the general public are invited to dine.

11 “Social Event With Alcoholic Beverage Sales” means the sale of alcoholic beverages for
12 consumption only on the premises where the same are sold in connection with weddings, school
13 graduations, employer and employee events, recognition ceremonies, awards ceremonies, family
14 gatherings, fund-raising events, club and organization events or other similar events which occur six
15 times or more per month at a facility not licensed for the sale of alcoholic beverages.

16 SECTION 78: If any section, subsection, subdivision, paragraph, sentence, clause or
17 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
18 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
19 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
20 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
21 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
22 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
23 invalid or ineffective.

24 SECTION 79: Whenever in this ordinance any act is prohibited or is made or declared
25 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
26 required or the failure to do any act is made or declared to be unlawful or an offense or a
27 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
28 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than

1 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
2 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

3 SECTION 80: All ordinances or parts of ordinances or sections, subsections, phrases,
4 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
5 1983 Edition, in conflict herewith are hereby repealed.

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

7 APPROVED:

8
9 By _____
10 OSCAR B. GOODMAN, Mayor

11 ATTEST:

12 _____
13 BARBARA JO RONEMUS, City Clerk

14 APPROVED AS TO FORM:

15 Larry G. Bellis 12-10-02
16 _____
17 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2002, 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 _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:
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18 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 3, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-9 – Updates the City’s temporary traffic control regulations. Proposed by: Charles Kajkowski, Deputy Director, Department of Public Works

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will update the City’s temporary traffic control regulations to conform to current standards and requirements in the Southern Nevada area.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-9

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-9 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RICHARD GOECKE, Director of Public Works, explained that this bill allows for adoption by reference the Uniform Traffic Control Devices Manual, which changes periodically. When the Nevada Department of Transportation updates their manual, this would cause the City’s to also be updated. There are pending recommendations for increases in different development fees anticipated to be before the Council February 19 or March 5 of this year after additional meetings have been held with homebuilders and NAOP. This bill positions the City to charge fees for barricades or other traffic control devices left in travel lanes longer than the agreed upon period. This is an ongoing problem with contractors. This does not set the fee, merely allows for it to be set in a future fee schedule. The bill is in order.

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 3, 2003

City Attorney

Item 2 – Bill No. 2003-9

MINUTES – Continued:

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:03 – 4:06)

1-56

1 **BILL NO. 2003-9**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE CITY'S TEMPORARY TRAFFIC CONTROL
4 REGULATIONS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: Charles Kajkowski, Deputy Director, Department of Public Works Summary: Updates the City's temporary traffic
6 control regulations.

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

9 SECTION 1: Title 11, Chapter 50, Section 10, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **11.50.010:** [That certain document, three copies of which are on file in the office of the City Clerk,
12 being marked and designated as "Nevada-1980-Traffic Control Manual," is adopted by reference and
13 said manual, as the same may hereafter be amended] The "Manual on Uniform Traffic Control
14 Devices," in the version adopted by the Nevada Department of Transportation pursuant to NAC
15 408.411 (hereinafter [collectively] referred to as ["the Manual"] the "MUTCD"), shall govern the
16 operations of all contractors, subcontractors [and/or persons affected by said regulations, who are] and
17 other persons who are engaged in work subject to the MUTCD within the corporate limits of the City.

18 SECTION 2: Title 11, Chapter 50, Section 20, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby repealed.

20 SECTION 3: Title 11, Chapter 50, Section 30, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **11.50.030:** Violation of any regulation contained in the [manual] MUTCD or elsewhere shall be
23 corrected within two hours by the violator, after receipt of written notice from the City Traffic
24 Engineer or his duly authorized representative that a violation exists.

25 SECTION 4: Title 11, Chapter 50, Section 40, of the Municipal Code of the City of
26 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 **11.50.040:** (A) The City is authorized to charge fees related to the placement of traffic
28 barricades in accordance with the fee schedule established pursuant to LVMC 13.40.050. The fees

1 may include, without limitation, fees relating to the approval and renewal of traffic barricade plans,
2 and the fees described in this Section.

3 (B) In the case of a violation referred to in LVMC 11.50.030, [Failure] failure on
4 the part of the violator to correct any such deficiencies within [said] the two-hour period described in
5 that section shall be sufficient authorization for the City to correct the existing deficiencies. [A
6 minimum assessment of fifty dollars per day, in addition to fifty cents for each unit per day, in
7 addition to all damages, shall be billed to the violator by the City.] The City Traffic Engineer is
8 authorized to charge the violator a noncompliance correction fee in accordance with the fee schedule
9 established pursuant to LVMC 13.40.050. The City Traffic Engineer, in his discretion, may order a
10 cessation of work on the operation with respect to which such deficiencies exist until the same shall
11 have been corrected.

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

17 SECTION 5: Title 11, Chapter 50, Section 50, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **11.50.050:** (A) No person shall place, maintain, or display upon or in view of any construction
20 site, any temporary traffic-control device which, in the opinion of the [City, or the] City Traffic
21 Engineer[,] or his designee is deemed as substandard, damaged, worn out, faded, or otherwise
22 nonconforming.

23 (B) Any temporary traffic-control device which is in violation of this Section shall
24 be red-tagged, and shall be corrected within four hours by the violator after receipt of notice of said
25 red tag.

26 (C) Failure on the part of the violator to correct any such deficiencies within said
27 four-hour period shall constitute a misdemeanor.

28 SECTION 6: 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
2 or 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 7: 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 8: 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 _____
25 BARBARA JO RONEMUS, City Clerk

26 APPROVED AS TO FORM:
27 Val Steed 1-8-03
Date

28

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: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 3, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-10 – Updates the provisions of Title 13 that pertain to public improvements, and authorizes the adoption of a fee schedule for public improvement-related work. Proposed by: Charles Kajkowski, Deputy Director, Department of Public Works

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will update the Municipal Code provisions that pertain to the installation and repair of public improvements, and will authorize the adoption of a fee schedule for public improvement-related work. The bill will bring the City’s provisions in line with current standards and requirements in the Southern Nevada area.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-10

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-10 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open

RICHARD GOECKE, Director of Public Works, indicated that this bill positions the City to impose additional fees to be proposed. It does not set the fees, just allows for them to be established in a fee schedule. The City finds that contractors work without a permit. This schedule would include a double plans check fee and a double inspect fee, similar to that of Building and Safety under similar circumstances. This also updates language, some from Department of Public Service to Public Works. All Building and Safety fees are adopted by Council via resolution. Public Works fees are inconsistently adopted by both resolution and

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 3, 2003

City Attorney

Item 3 – Bill No. 2003-10

MINUTES – Continued:

ordinance. This establishes that all Public Works fees will be adopted by resolution as well as a housekeeping measure for consistency. The bill is in order.

CHIEF DEPUTY CITY ATTORNEY VAL STEED added that Section 34 includes language that people pulling permits must warrant their work by posting a bond. If they fail to install the improvements to the City's satisfaction, it provides a procedure by which they can be required to do so or they can appeal to the City Council. This may have been done in the past, but it was not spelled out in ordinance. This brings the ordinance into compliance with past practice and intent.

No one appeared in opposition and there was no further discussion

COUNCILMAN WEEKLY declared the Public Hearing closed

(4.06 – 4 08)

1-120

1 **BILL NO. 2003-10**

2 **ORDINANCE NO. _____**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 [(G)] "Intersection" means:

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

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

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

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

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

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

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

19 "Standard Specifications" means the standards adopted pursuant to Section 13 44.010.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **SCHEDULE 13-1**

15 Street	From	To	Time Restrictions
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16 **LEGEND OF TIME RESTRICTIONS**

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

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

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

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

1 time periods; [or]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 ; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this ____ day of _____, 2003.

4 APPROVED:

5

6

By _____
OSCAR B. GOODMAN, Mayor

7

ATTEST:

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BARBARA JO RONEMUS, City Clerk

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APPROVED AS TO FORM:

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12 Val Steed 1-8-03
Date

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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: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 3, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-11 - Levies Assessment for Special Improvement District No. 1485 - Alta Drive (Landscape Maintenance) Sponsored by: Step Requirement

Fiscal Impact

No Impact

Amount: \$15,448.55

Budget Funds Available

Dept./Division: Public Works/SID

Augmentation Required

Funding Source: Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:

Levies the assessment for the annual maintenance costs of street beautification improvements along Alta Drive from Rancho Drive to approximately 275 feet west of Lacy Lane from February, 2003 through June, 2003.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-11

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-11 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RICHARD GOECKE, Director of Public Works, stated that this is the first special improvement district landscape maintenance project in the City of Las Vegas Other landscaping projects have not been done by special improvement district. In this instance, the maintenance will be done by a contractor and the bills will be sent out by way of special improvement district. The bill is in order

COUNCILMAN WEEKLY discussed with MR. GOECKE the removal of landscaping that had been on Rancho and the poor appearance of the road MR. GOECKE outlined discussions with the State regarding beautification on Rancho, outside this special improvement district. No determination has

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 3, 2003

City Attorney

Item 4 – Bill No. 2003-11

MINUTES – Continued:

been made, but the Nevada Department of Transportation (NDOT) has been more receptive to landscaping projects in the last few years. There is one at Sahara and I-15, among others. COUNCILMAN MACK pointed out that 3% of all projects are being allocated for it. MR. GOECKE stressed that the City needs to influence the new Director of NDOT coming on board. COUNCILMAN WEEKLY commented that the people along Rancho, both north and south, were very inconvenienced. Even though the income levels to the south are greater than those to the north, the beautification efforts need to be consistent and there needs to be equal accommodation for the inconvenience. MR. GOECKE concurred and responded that COUNCILMAN MACK has been taking that information back to NDOT. NDOT has been remiss in the past.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:08 – 4:11)

1-202

BILL NO. 2003-11

ORDINANCE NO _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 – ALTA DRIVE (LANDSCAPE MAINTENANCE), PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS, ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN, PRESCRIBING DETAILS IN CONNECTION THEREWITH

Summary: Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No. 1485 – Alta Drive (Landscape Maintenance) (hereinafter the "District"), to defray the annual maintenance costs of a street beautification project within the District (hereinafter the "Maintenance Project") as defined in Chapter 271, Nevada Revised Statutes and has provided that the entire cost and expense of the Maintenance Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the District has been properly created by an ordinance heretofore adopted under the provisions of the Consolidated Local Improvement Law; and

WHEREAS, the City Council has heretofore determined that the entire cost and expense of the Maintenance Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the Maintenance Project; and

WHEREAS, in accordance with NRS 271.360 and NRS 271.378, the City Council has heretofore determined, and does hereby declare, that the net cost of the Maintenance Project (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$15,448.55, of which, \$0.00 is available from other sources and of which \$15,448.55 is to be assessed upon the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the Maintenance Project, and

WHEREAS, the City Council, by resolution heretofore adopted and directed the Director of Public Works with the assistance of the Engineering Integration Division (hereinafter the "Engineer") to make out a final assessment roll; and

WHEREAS, after a determination of the costs of such work to be paid by the property specially benefited, the City Council, together with the Engineer made out a final assessment roll containing, among other things, the names and addresses of the last known owners of the property to be assessed, a description of each lot, tract, or parcel of land to be assessed, and the amount of the assessment thereon, and

WHEREAS, the Engineer has reported the final assessment roll to the City Council and has filed the final assessment roll with the City Clerk, and

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, July 17, and August 7, 2002, at 1 00 p m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the Maintenance Project in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council; and

WHEREAS, the Engineer has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for the Maintenance Project in the Distnct should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, July 17, and August 7, 2002, at 1 00 p m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, and

WHEREAS, the City Council caused the final assessment roll ("Tabulation of Parcels") to be filed in the records of the office of the City Clerk on June 19, 2002; and

WHEREAS, the City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing on July 17, 2002, of the filing of the final assessment roll in her office, of the date of

filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection; and

WHEREAS, at the time and place so designated, the City Council met to hear and determine all objections filed or made orally by any interested party; and

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No. 1485 Assessment Protest Resolution; and

WHEREAS, by the District No. 1485 Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form, and

WHEREAS, the assessments do not exceed the benefits to the property assessed nor the total cost of the Maintenance Project payable from assessments as heretofore determined, and

WHEREAS, it is incumbent upon the City Council to provide when said assessments shall become due and penalties payable after any delinquency; and

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Maintenance Project, with funds completely derived from the levy of assessments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

Section 1. This Ordinance shall be known as, and may be cited by, the short title "District No 1485 Levy Ordinance" (hereinafter the "Ordinance").

Section 2. The City Council has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District is without sufficient merit and the same be, and the same hereby is, overruled, and finally passed on by the City Council, except as provided in the District No 1485 Assessment Protest Resolution.

Section 3 All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning Special Improvement District No. 1485 – Alta Drive (Landscape Maintenance) including, but not limited to, the creation of the District, the amount of the maintenance contract, the levy of assessments for those

purposes, the determination that the tracts in the District will receive special benefits and market value increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed.

Section 4. For the purpose of paying the costs and expenses of the Maintenance Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by the Maintenance Project) and described in the final assessment roll for the District, as filed in the office of the City Clerk on June 19, 2002, and as modified and confirmed by the District No 1485 Assessment Protest Resolution duly adopted by the City Council on January 22, 2003.

Section 5 The assessments shall be due and payable at the office of the City Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand; provided, that all or any part of such assessments may, at the election of the owner, be paid in installments, as hereinafter provided. Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in three (3) substantially equal installments of principal until paid in full, without interest, payable at the office of the City Treasurer on April 1, 2003, May 1, 2003 and June 2, 2003. Failure to pay any installment when due shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City, the exercise of said option to be indicated by the commencement of foreclosure proceedings by the City; and the whole amount of the unpaid principal shall, after such delinquency, whether said option is or is not exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest until the day of sale or until paid, but at any time prior to the date of the sale the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, and all penalty interest accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in

default as to any installment or payment may, at any time (at the option of such owner), pay the whole or any installment of the unpaid principal.

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted, (b) the property owner's application for renewal of the Hardship Determination is disapproved; or (c) the property owner pays all previous and current assessments. The property owner shall file an application for renewal of the Hardship Determination each year when the Maintenance Project is levied. The owner shall also be subject to the lien as provided in Section 6 hereof

Section 6 The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. February 23, 2003) until paid. The lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal, penalties, and collection costs).

Section 7. Should any lot, tract or parcel of land within the District be divided after the effective date of this Ordinance and before the collection of all the assessment installments, or if any property in the District makes a request to do so, the City Council may require the City Treasurer to apportion, combine or reapportion the uncollected amounts upon the several parts of land so divided or combined in accordance with the provisions of NRS 271.425. The report of such an apportionment, combination or reapportionment, when approved, shall be conclusive on all the parties, and all assessments thereafter made upon the tracts shall thereafter be according to the subdivision. The report, when approved, shall be recorded in the office of the County Recorder of Clark County, Nevada, together with a statement that the current payment status of any of the assessments may be obtained from the City Treasurer. Neither the failure to record the report, nor any defect in the report as recorded, shall affect the validity of the assessments, the lien for the payment thereof or the priority of that lien

Section 8. In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal, the City Council shall forthwith cause the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last known address. If such delinquency is not paid within 10 days after such notice was given by deposit in the United States mail, then said assessment shall be enforced by the City Treasurer and other officers of the City, as provided in NRS 271.545 to NRS 271.625. Nothing herein shall be construed as preventing the City, at the direction of the governing body, from collecting any assessment by suit in the name of the governing body. The final assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor.

Section 9. The City Clerk is hereby directed to deliver to the City Treasurer a copy of the final assessment roll containing a description of the lots, tracts and parcels of land being assessed, with the amount of the assessment levied upon each and the name and address of the owner or owners against whom the assessment was made. The final assessment roll is to be recorded in the office of the County Recorder together with the statement that the current payment status of any assessment may be obtained from the City Treasurer. The City Treasurer is additionally directed to collect the several sums so assessed as a tax upon the several tracts to which they were assessed.

Section 10. In accordance with NRS 271.405(7) the City Clerk shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable and the last day for their payment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher or his designee and filed with the City Clerk of the City. In accordance with NRS 271.390(2) the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her

last known address or addresses. Proof of such mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk. Failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments have been paid in full or until any claim is barred by an appropriate statute of limitations. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

Section 11. The notice provided for in NRS 271.390(2) and NRS 271.405(7) and in Section 10 of this Ordinance shall be in substantially the following form:

(Form of Notice)

NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR LANDSCAPE MAINTENANCE IN CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO 1485 – ALTA DRIVE (LANDSCAPE MAINTENANCE)

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1485 Levy Ordinance (hereinafter the "Levy Ordinance") was duly passed, adopted, signed and approved on February 19, 2003. The Levy Ordinance levied and assessed the cost and expense of landscape maintenance against the lots, tracts and parcels of land specially benefited by the maintenance in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1485 – Alta Drive (Landscape Maintenance)," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the ordinance)

Assessments are due and payable at the office of the City Treasurer in Las Vegas, Nevada, on or before March 25, 2003, being 30 days after the effective date of the Levy Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, without interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in three (3) substantially equal installments of principal until paid in full, being payable at the office of the City Treasurer in Las Vegas, Nevada, on April 1, 2003, May 1, 2003, and June 2, 2003. Failure to pay any assessment installment when due will cause the whole of the unpaid principal of such assessment to become due and payable immediately at the City's option, and the whole amount of the unpaid principal will, after such delinquency, whether the City's option is or is not exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid, but at any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due

on or before the date of payment, and all penalty interest accrued, and will thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any installment of the unpaid principal.

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the property owner's application for renewal of the Hardship Determination is disapproved; or (c) the property owner pays all previous and current assessments. The property owner shall file an application for renewal of the Hardship Determination each year when the Maintenance Project is levied. The owner shall also be subject to the lien as provided in Section 6 hereof.

Pursuant to NRS 271.395, within 15 days after the effective date of the Levy Ordinance, any person who has filed a complaint, protest or objection in writing, pursuant to NRS 271.380, shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination. Thereafter, all actions or suits attacking the regularity, validity and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, of the amount of special benefits and market value increases, and of the amount thereof levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation shall be perpetually barred.

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from February 23, 2003, (i.e., the effective date of the Levy Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor

Dated this February 19, 2003

BARBARA JO RONEMUS, City Clerk

(End of Form of Notice)

Section 12 The officers of the City be, and they hereby are, authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, the recording of the final assessment roll, and other items necessary or desirable for the completion of the levying of the assessments of the District

Section 13. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14. That in accordance with Section 2.110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request, thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before February 19, 2003, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF NOTICE OF DEPOSIT OF AN ORDINANCE)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 ALTA DRIVE (LANDSCAPE MAINTENANCE) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 22nd day of January, 2003, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 19th day of February, 2003

/s/ Barbara Jo Ronemus
City Clerk

(End of Form)

Section 15 That this Ordinance shall be in effect on the day after its publication, as hereinafter provided. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2 110 of the Charter and all laws thereunto enabling, such publication is to be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 – ALTA DRIVE (LANDSCAPE MAINTENANCE); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on January 22, 2003, and was passed at a regular meeting held on February 19, 2003, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

Oscar B. Goodman
Gary Reese
Michael J. McDonald
Larry Brown
Lynette Boggs McDonald
Lawrence Weekly
Michael Mack

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after February 23, 2003, i.e., the day after its publication by title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

This 19th day of February, 2003.

/s/ OSCAR B GOODMAN
Mayor
City of Las Vegas, Nevada

(SEAL)

Attest:
/s/ BARBARA JO RONEMUS
City Clerk

Section 16 That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Introduced January 22, 2003, PASSED, ADOPTED AND APPROVED February 19, 2003.

OSCAR B. GOODMAN, Mayor

Attest:

BARBARA JO RONEMUS, City Clerk

Approved as to Form:

1-9-03 _____
Date Deputy City Attorney
Madelina J. Diekmann-Delico

STATE OF NEVADA)
)
 COUNTY OF CLARK) SS
)
 CITY OF LAS VEGAS)

I, Barbara Jo Ronemus, the duly chosen, qualified City Clerk of the City of Las Vegas (hereinafter the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on January 22, 2003, and finally adopted and approved on February 19, 2003.

2 The following members of the City Council were present at the January 22, 2003, Council meeting:

Mayor	Oscar B Goodman
Councilmembers.	Gary Reese
	Michael J McDonald
	Larry Brown
	Lynette Boggs McDonald
	Lawrence Weekly
	Michael Mack

3. The foregoing Ordinance was first proposed and read by title to the City Council on January 22, 2003, and referred to a committee composed of _____ and _____ for recommendation, thereafter the said committee reported favorably on said Ordinance on February 19, 2003, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The following members of the City Council were present at the February 19, 2003, meeting and voted upon the adoption of the Ordinance as follows

Those Voting Aye	Oscar B Goodman
	Gary Reese
	Michael J. McDonald
	Larry Brown
	Lynette Boggs McDonald
	Lawrence Weekly
	Michael Mack

Those Voting Nay	_____

Those Absent.	_____

4 The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the City Council were given due and proper notice of the meetings held on January 22, and February 19, 2003. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three (3) working days before the meetings at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

- (i) City Hall
City Hall Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada
- (ii) Senior Citizens Center
Las Vegas, Nevada
- (iii) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (iv) Downtown Transportation Center
Las Vegas, Nevada

(b) By mailing a copy of the notice by 9:00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council.

6. A copy of such notice so given of the meeting of the City Council on January 22, 2003, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on February 19, 2003, is attached to this certificate as Exhibit B.

7 Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand on this February 19, 2003.

BARBARA JO RONEMUS, City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of January 22, 2003 Meeting)

EXHIBIT B

(Attach Copy of Notice of February 19, 2003 Meeting)

City of Las Vegas

**RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 3, 2003**

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.


MINUTES:

None.

(4:17)
1-299

THE MEETING ADJOURNED AT 4:17 P.M.

Respectfully submitted:



GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK
March 6, 2003