

City of Las Vegas

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RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S EIGHTH FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
MAY 18, 2010
9:00 A.M.

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.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

- 1 CALL TO ORDER
- 2 ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW
- 3 Bill No. 2010-18 – Levies Assessment for Special Improvement District No. 1516 – Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) Sponsored by Step Requirement
- 4 Bill No. 2010-19 – Corrects an error in the mandatory spay-neuter ordinance to set the required age for spay/neuter procedures at four months rather than six. Proposed by Bradford R. Jerbic, City Attorney
- 5 Bill No. 2010-20 – Revises and updates zoning-related application and hearing procedures generally, provides that Planning Commission action on most special use permits is final, unless appealed or requested for review by a member of the City Council; and provides a procedure for Required Reviews of approved zoning applications (TXT-37402). Proposed by M. Margo Wheeler, Director of Planning and Development
- 6 Bill No. 2010-21 – Updates the hearing procedures of the Municipal Code relating to parking infractions. Proposed by Bradford R. Jerbic, City Attorney
- 7 CITIZENS PARTICIPATION. Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.
- 8 ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND. 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.

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 18, 2010

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
CALL TO ORDER

Minutes:
COUNCILMAN BARLOW called the meeting to order at 9.00 a.m.

PRESENT: COUNCILMEN BARLOW and ANTHONY

Also Present: DEPUTY CITY MANAGER JIM NICHOLS, CHIEF DEPUTY CITY ATTORNEY VAL STEED and DEPUTY CITY CLERK ANGELA CROLLI



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 18, 2010

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

Minutes:

ANNOUNCEMENT MADE - Meeting noticed and posted at the following locations: City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge; Clark County Government Center, 500 South Grand Central Parkway; Las Vegas Library, 833 Las Vegas Boulevard North; Grant Sawyer Building, 555 East Washington Avenue; Bulletin Board, City Hall Plaza (next to Metro Records)



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 18, 2010

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2010-18 – Levies Assessment for Special Improvement District No. 1516 – Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) Sponsored by: Step Requirement

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount: \$252,402

Funding Source: Capital Projects Fund - Special Assessments

Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:

The District provides annual funding for the maintenance of the Fremont Street Commercial Area Vitalization Project. The estimated budget includes landscape maintenance, security, utilities, advertising, marketing and promotional activities within the district. The property owners will be billed in four (4) quarterly installments without interest. The fiscal amount reflects the estimated costs of SID 1516 from July 1, 2010 through June 30, 2011. The maintenance of the Commercial Area Vitalization Project is funded 100% by the property owners through this SID.

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. 2010-18

Motion made by STAVROS S. ANTHONY to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated this is a routine annual special improvement district maintenance for Fremont Street Commercial Area Revitalization Project. He recommended approval of the bill.

COUNCILMAN BARLOW declared the Public Hearing closed.

BILL NO 2010-18

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1516 – FREMONT STREET MAINTENANCE DISTRICT (LAS VEGAS BOULEVARD TO 8TH STREET) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF A COMMERCIAL AREA VITALIZATION PROJECT; ASSESSING THE COST OF THE PROJECT AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; 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 (the "City Council" and "City," respectively) in the County of Clark and State of Nevada (the "State"), has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) (the "District"), for the purpose of acquiring, improving and maintaining a Commercial Area Vitalization Project (the "Project"), as defined in Nevada Revised Statutes ("NRS") 271.063, and has provided that the cost and expense of the 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 NRS Chapter 271, and

WHEREAS, the City Council has heretofore determined that the cost and expense of the 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 Project, and

WHEREAS, in accordance with NRS 271.360 and 271.377, the City Council has heretofore determined, and does hereby declare, that the net cost of the Project (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$252,402.00, of which \$0 is available from other sources and \$252,402 00 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 Project; and

WHEREAS, the City Council, by resolution heretofore adopted, directed the City's Director of Public Works, together with the City Engineer Division of the City and certain consulting engineers (collectively, the "City Engineer") to make out a final assessment roll for the District, and

WHEREAS, after a determination of the portion of the costs of such work to be paid by the property specially benefited, the City Council, together with the City Engineer made out a final assessment roll for the District 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. The City Engineer has reported the final assessment roll to the City Council and the City Engineer has filed the final assessment roll with the City Clerk of the City (the "City Clerk"), and

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, April 21, 2010, at 9.00 a.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 Project, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council, and

WHEREAS, the City 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 Project 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, April 21, 2010, at 9 00 a 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 for the District to be filed in the records of the office of the City Clerk on March 17, 2010. The City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing, 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. 1516 Assessment Protest Resolution, and

WHEREAS, by the District No. 1516 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 that portion of the total cost of the 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

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 1516 Levy Ordinance" (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 and the Project is without sufficient merit and the same be, and hereby is, overruled, and finally passed on by the City Council, except as provided in the District No. 1516 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 the District, including, but not limited to, the creation of the District, the acquisition of the Project, the amount of the construction 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 a portion of the costs and expenses of the 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 Project) and described in the final assessment roll for the District, as filed in the office of the City Clerk on March 17, 2010, and as modified and confirmed by the District No 1516 Assessment Protest Resolution duly adopted by the City Council on May 5, 2010.

Section 5 The assessments shall be due and payable at the office of the City Treasurer in four (4) substantially equal quarterly installments of principal until paid in full, without interest, principal on such assessments being payable quarterly on July 1, 2010, October 1, 2010, January 1, 2011 and April 1, 2011. 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 quarterly installment of the unpaid principal of such owner's assessment.

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, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. 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 term of the bonds expire, (c) the property owner's application for renewal of the Hardship Determination is disapproved, (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner; or (e) the property owner pays all previous and current assessments. 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. May 23, 2010) 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 and the interest thereon, and any 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 Treasurer may 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 or interest, 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 271.630. Nothing herein shall be construed as preventing the City, at the direction of the City Council, from collecting any assessment by suit in the name of the City Council. 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 for the District 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 Clark 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. The notice shall further state that payment must be made in full prior to the end of the 30 day period to avoid paying interest on the assessment. 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 and filed with the City Clerk. 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 and special assessment bonds issued (if such special assessment bonds are hereafter issued) shall have been paid in full, both principal and interest, 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 IMPROVEMENTS IN CITY OF LAS VEGAS, NEVADA SPECIAL
IMPROVEMENT DISTRICT NO 1516 - FREMONT STREET
MAINTENANCE DISTRICT (LAS VEGAS BOULEVARD TO 8TH
STREET)

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1516 Levy Ordinance (the "Levy Ordinance") was duly passed, adopted, signed and approved by the City Council of the City of Las Vegas on May 19, 2010. The Levy Ordinance levied and assessed a portion of the cost and expense of certain local improvements against the lots, tracts and parcels of land specially benefited by the local improvements in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street)," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the Levy Ordinance)

Assessments are due and payable at the office of the City Treasurer, in Las Vegas, Nevada, in four (4) substantially equal quarterly installments of principal until paid in full, without interest, principal on such assessments being payable quarterly on July 1, 2010, October 1, 2010, January 1, 2011 and April 1, 2011. 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 quarterly installment of the unpaid principal of such owner's assessment.

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, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. 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 term of the bonds expires; (c) the property owner's application for renewal of a Hardship Determination is

disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner; or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 of the Levy Ordinance.

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 May 23, 2010 (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 May 19, 2010

Beverly K. Bridges, MMC, 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 and the issuance of the bonds therefor.

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. 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 May 19, 2010, such publication to be in substantially the following form:

(Form of Publication of Notice of Deposit of an Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO 1516 – FREMONT STREET MAINTENANCE DISTRICT (LAS VEGAS BOULEVARD TO 8TH STREET) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF A COMMERCIAL AREA VITALIZATION PROJECT; ASSESSING THE COST OF THE PROJECT AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; 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 5th day of May, 2010, 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 May, 2010

/s/ BEVERLY K BRIDGES, MMC
City Clerk

(End of Form)

Section 15. This Ordinance shall be in effect on the day after its publication, as provided in this Ordinance. 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 THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO 1516 – FREMONT STREET MAINTENANCE DISTRICT (LAS VEGAS BOULEVARD TO 8TH STREET) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF A COMMERCIAL AREA VITALIZATION PROJECT, ASSESSING THE COST OF THE PROJECT AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; 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 May 5, 2010, and was passed at a regular meeting held on May 19, 2010, by the following vote of the City Council of the City of Las Vegas, Nevada

Those Voting Aye:

Oscar B Goodman
Gary Reese
Steve Wolfson
Lois Tarkanian
Steven D. Ross
Ricki Y Barlow
Stavros S Anthony

Those Voting Nay:

Those Absent

This Ordinance shall be in full force and effect from and after May 23, 2010, 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 May, 2010

/s/ OSCAR B. GOODMAN

Mayor

City of Las Vegas, Nevada

(SEAL)

Attest:

/s/ BEVERLY K. BRIDGES, MMC

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 MAY 5, 2010, PASSED, ADOPTED AND APPROVED MAY 19, 2010

OSCAR B. GOODMAN, Mayor

Attest

BEVERLY K. BRIDGES, MMC, City Clerk

Approved as to Form:

4/20/10
Date

[Signature]
Assistant City Attorney

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

I, Beverly K Bridges, MMC, the duly chosen, qualified City Clerk of the City of Las Vegas (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 of the City (the "City Council") on May 5, 2010 and finally adopted and approved on May 19, 2010.

2 The following members of the City Council were present at the May 5, 2010 meeting.

Mayor:	Oscar B. Goodman
Councilmembers:	Gary Reese
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Ricki Y. Barlow
	Stavros S. Anthony

3 The foregoing Ordinance was first proposed and read by title to the City Council on May 5, 2010, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on May 19, 2010, 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 May 19, 2010, meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Ricki Y. Barlow
	Stavros S. Anthony

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 May 5, 2010 and May 19, 2010. 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 Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas, Nevada
- (ii) Bulletin Board
City Hall Plaza (next door to Metro Records)
Las Vegas, Nevada
- (iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada
- (vi) The City of Las Vegas website

and

(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 May 5, 2010, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on May 19, 2010, is attached to this certificate as Exhibit B.

7. A copy of the affidavit of publication of notice of deposit of the Ordinance is attached to this certificate as Exhibit C. A copy of the affidavit of publication of adoption of the Ordinance is attached to this certificate as Exhibit D.

8. Upon request, the City Council 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 City Council 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 May 19, 2010

Beverly K. Bridges, MMC, City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of May 5, 2010 Meeting)



EXHIBIT B

(Attach Copy of Notice of May 19, 2010 Meeting)



EXHIBIT C

(Attach Affidavit of Publication of Filing of Ordinance)



EXHIBIT D

(Attach Affidavit of Publication of Adoption of Ordinance)

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 18, 2010

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2010-19 – Corrects an error in the mandatory spay-neuter ordinance to set the required age for spay/neuter procedures at four months rather than six. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Last November the City Council adopted Ordinance No. 6067, which, among other things, addressed the spaying or neutering of dogs and cats. The intent of the ordinance as discussed was to have the spay/neuter requirement apply to dogs and cats over four months old. The title and summary of the ordinance so indicated, but the operative provision in the body of the ordinance mistakenly indicated an age of six months rather than four. This bill corrects the error in order to effectuate the City Council's intent.

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. 2010-19

Motion made by STAVROS S. ANTHONY to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED explained that last year's adoption of an ordinance included an age requirement of four months rather than six months. Although the change was incorporated into the subject and title of the ordinance, it was inadvertently incorrect in the ordinance text. This bill simply corrects that error consistent with the City Council's vote. The remainder of the ordinance was correct, has been in force and is currently available to be enforced for animals over six months.

COUNCILMAN BARLOW declared the Public Hearing closed.

1 **BILL NO. 2010-19**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO CORRECT AN ERROR IN THE MANDATORY SPAY-NEUTER
4 ORDINANCE TO SET THE REQUIRED AGE FOR SPAY/NEUTER PROCEDURES AT FOUR
MONTHS RATHER THAN SIX, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: Bradford R. Jerbic, City Attorney

Summary: Corrects an error in the mandatory
6 spay-neuter ordinance to set the required age for
7 spay/neuter procedures at four months rather
than six.

8 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

9 AS FOLLOWS:

10 SECTION 1: Title 7, Chapter 14, Section 10, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **7.14.010:** Except as otherwise provided in Section 7.14.020, it is unlawful for any person to
13 harbor within the City any dog or cat over the age of [six] four months that has not been spayed or
14 neutered. For purposes of this Section, the term "harbor" means to have legal ownership of, or to
15 provide, on a regular basis, care, shelter, protection, refuge, nourishment, or medical treatment.

16 SECTION 2: 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 or
18 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 3: 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 4: 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 _____, 2010.

7 APPROVED:

8 By _____
9 OSCAR B. GOODMAN, Mayor

10 ATTEST:
11 _____
12 BEVERLY K. BRIDGES, MMC
13 City Clerk

14 APPROVED AS TO FORM:
15 Val Head 4-21-10
16 Date

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 18, 2010

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2010-20 – Revises and updates zoning-related application and hearing procedures generally; provides that Planning Commission action on most special use permits is final, unless appealed or requested for review by a member of the City Council; and provides a procedure for Required Reviews of approved zoning applications. (TXT-37402) Proposed by: M. Margo Wheeler, Director of Planning and Development

Fiscal Impact

No Impact

Budget Funds Available

Augmentation Required

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will revise zoning-related application and hearing procedures generally, implementing various recommendations made as part of the Development Review Process Efficiency Analysis presented to and approved by the City Council in January. Of particular note are 1) a provision that Planning Commission action on most special use permits is final, unless appealed or requested for review by a member of the City Council; and 2) a new procedure for Required Reviews of approved zoning applications.

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. 2010-20

Motion made by STAVROS S. ANTHONY to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

FLINN FAGG, Planning and Development, outlined this bill which incorporated Recommendations 3 and 18 of the 95 recommendations within the Developmental Review Process Efficiency Analysis (DERP) accepted by the City Council in January of 2010. The purpose is to improve the development review process, including final action by the Planning Commission similar to the processes of the County and other Valley municipalities.

CITY COUNCIL MEETING OF: MAY 18, 2010

As to special use permits, staff will continue to forward recommendations to a Councilmember six weeks prior to the Planning Commission meeting and the City Council would still have 10 days to call those items forward if they felt an application required additional review. Special use permits required by prior Council action or related to a general plan amendment, rezoning or site development plan review will still require Council review.

The other amendment delineates the appeal process for all applications. Denial of an administrative deviation or a decision made by the Director of Planning and Development Department are clearly defined as having to come forward as a variance.

MR. FLINN stated that there is no threshold currently existing for site development plan reviews; therefore, any new construction is required to go before the Planning Commission and City Council. This amendment would exempt construction of 5,000 square feet or less, residential construction of four dwelling units or less or additions to existing buildings where there are no variances or waivers associated with those projects. Just as with other applications, the City Council will be notified of those actions and will have 10 days to request those items be pulled forward if they felt they required additional review.

Modifications to approved site plans are clarified to allow the Director to approve reductions in square footage, height or density where there are no variances or waivers associated with the application. However, the Director cannot approve any increases over 10% or any material changes to the appearance of an approved site plan.

As to variance applications, current language in the code states that any parking reduction or additions to existing structures have to go to City Council. That language will be removed; however, those items can still be pulled forward by the City Council and any variance associated with a general plan amendment, rezoning or site plan must automatically go before City Council.

MR. FLINN indicated that while the City Council has been hearing required reviews, that process has not been formally delineated in the code. Therefore, a section will be added to Title 19.18 outlining the required review process.

COUNCILMAN BARLOW expressed concern about the Council's need to monitor special use permits that impact neighborhoods, specifically for liquor use. Cell towers applications are provided to a Councilmember 10 days in order to determine whether they want to review the application. He confirmed with MR. FAGG that the same process will be followed under this amendment as relates to special use permits. MR. FLINN repeated a Councilmember's ability to see an application prior to the Planning Commission hearing, review the Planning Commission's finding and 10 days thereafter to require a Council review of such application. This simply streamlines the application process for the development community, as well as mirrors other entities.

COUNCILMAN BARLOW declared the Public Hearing closed.

1
2
3 **BILL NO. 2010-20**

4 **ORDINANCE NO. _____**

5 AN ORDINANCE REVISING AND UPDATING ZONING-RELATED APPLICATION AND
6 HEARING PROCEDURES GENERALLY; PROVIDING THAT PLANNING COMMISSION
7 ACTION ON MOST SPECIAL USE PERMITS IS FINAL, UNLESS APPEALED OR REQUESTED
8 FOR REVIEW BY A MEMBER OF THE CITY COUNCIL; PROVIDING A PROCEDURE FOR
9 REQUIRED REVIEWS OF APPROVED ZONING APPLICATIONS; AND PROVIDING FOR
10 OTHER RELATED MATTERS.

11 Proposed by: M. Margo Wheeler, Director of
12 Planning and Development

13 Summary: Revises and updates zoning-related
14 application and hearing procedures generally;
15 provides that Planning Commission action on
16 most special use permits is final, unless appealed
17 or requested for review by a member of the City
18 Council; and provides a procedure for Required
19 Reviews of approved zoning applications.

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

22 SECTION 1: Title 19, Chapter 00, Section 70, Subsection (F), of the Municipal Code
23 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 (F) Appeals of Interpretation.

25 (1) General. Except as otherwise provided in Paragraph (2) below, [Any] any person
26 aggrieved in connection with the inability to obtain a building permit or by the decision of any
27 administrative officer or agency based upon or made in the course of the administration or
28 enforcement of any provision of this Title may appeal the decision to the City Council. An appeal
must be in written form and must be filed in the office of the City Clerk, with a copy to be filed in the
office of the [Department of Planning and Development.] Department. The appeal must be filed
within ten days after the administrative decision is made and shall specifically describe the decision
at issue and the basis for the appeal. The appeal shall be considered on the next available agenda of
the City Council.

(2) Appeal Unavailable. An appeal pursuant to Paragraph (1) is not available:

(a) For the purpose of avoiding or circumventing the application procedures set
forth in LVMC Chapter 19 18; or

(b) Regarding a decision where the result of, or the remedy or relief from, that

1 decision is specifically provided for by means of an application or process described in Chapter 19.18.

2 Such decisions include without limitation:

3 (i) An administrative decision to deny a particular application where
4 Chapter 19.18 specifically provides for a subsequent application or process to follow such a denial;
5 or

6 (ii) An administrative decision that a particular development or activity does
7 not qualify or is ineligible for a particular type of application, where Chapter 19.18 specifically
8 provides for a subsequent application or process to follow such a decision.

9 SECTION 2: Title 19, Chapter 6, Section 50, Subsection (C), of the Municipal Code
10 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 C. Rezoning And Minimum Site Area

12 Property may be rezoned to the Planned Development District by the City Council in accordance with
13 the requirements of this Chapter and Chapter 19.18.040. Each rezoning parcel shall be described as
14 a separate district, with distinct boundaries and specific design and development standards. Each
15 district shall be assigned a district development project number or label, along with the designation
16 "PD". The rezoning shall include the adoption of a specific master development plan and
17 development standards.

18 The minimum site area for a Planned Development District is five acres, [except that the City
19 Council may waive this requirement when proper planning justification is shown.]

20 SECTION 3: Title 19, Chapter 18, Section 10, Subsection (B), Paragraph (3), of the
21 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
22 follows:

23 (3) Pre-application Conference. A pre-application conference with a designated representative
24 from the Department [of Planning and Development] is required prior to submitting an application for
25 a General Plan Amendment, a Rezoning, a Major Site Development Plan Review, a Special Use
26 Permit, a Variance or a Development Agreement.

27 SECTION 4: Ordinance No. 6086 and Title 19, Chapter 18, Section 10, Subsection
28 (C), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so

1 that Subsection(C) reads as follows:

2 (C) Fees.

3 (1) Adopted. The Director is authorized to charge fees related to the processing of
4 applications, appeals and other requests in accordance with the Fee Schedule. The Fee Schedule set
5 forth in Title 19 is hereby adopted as part of this Title and may be amended from time to time by
6 resolution of the City Council.

7 (2) When Payable. Fees for filing applications, appeals and other requests under this Title
8 are set forth in the Fee Schedule and are due at the time the application, appeal or request is filed.

9 (3) Additional Fees. With respect to any application, appeal or other request under this
10 Title that requires notification of a public hearing, the applicant shall also pay the notification and
11 advertising costs identified in the Fee Schedule. Payment of those costs shall be made upon filing of
12 the application.

13 (4) Waiver of Fees. The City Manager may waive any fee referred to in the Fee Schedule
14 on behalf of:

15 (a) Any member of the Southern Nevada Regional Planning Coalition; or

16 (b) Any entity with whom the Coalition is required to integrate long-term planning
17 programs pursuant to NRS 278.02584.

18 SECTION 5: Title 19, Chapter 18, Section 30, Subsection (C), Paragraph (1), of the
19 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
20 follows:

21 (1) Initiation of Application. A General Plan Amendment may be initiated by the Department, the
22 Planning Commission or the City Council, or by means of an application filed by the owner(s) of
23 record of each parcel of property proposed for a General Plan Amendment.

24 SECTION 6: Title 19, Chapter 18, Section 30, Subsection (C), Paragraph (4), of the
25 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
26 follows:

27 (4) Other Governmental Ownership.

28 (a) Application Requirements. With respect to property which is owned by the State of

1 Nevada or the United States of America, a General Plan Amendment application is sufficient if it is
2 signed and acknowledged by a prospective purchaser of that property who has: [entered]

3 (i) Entered into a contract with the governmental entity to obtain ownership of the
4 property[.]:

5 (ii) Provided to the Department a letter from the governmental entity indicating that
6 it consents to the filing of the application and agrees to be bound by the application; or

7 (iii) Provided to the Department a letter from the governmental entity indicating that
8 it has no objection to the filing of the application.

9 (b) Effect of Letter of No Objection. In the case of an application that is supported by a
10 letter of no objection under Subparagraph (a)(iii) of this Paragraph (4), the applicant shall
11 acknowledge in writing, by means of a form provided by the Department or in a form acceptable to
12 the City Attorney, that:

13 (i) The processing of the application is done as an accommodation only;

14 (ii) The application, the results thereof, and any entitlements related thereto are
15 dependent upon the applicant's obtaining an enforceable contractual interest in the property; and

16 (iii) The applicant assumes the risk of proceeding without any assurance that
17 approval of the application will lead to an ability to implement the approval.

18 SECTION 7: Title 19, Chapter 18, Section 30, Subsection (F), Paragraph (2), of the
19 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
20 follows:

21 (2) Notice.

22 (a) Notice Provided. Notice of the time, place and purpose of the hearing must be given
23 at least ten days before the hearing by:

24 (i) Publishing the notice in a newspaper of general circulation within the City;

25 (ii) Mailing a copy of the notice to:

26 A. The applicant;

27 B. Each owner of real property located within a minimum of one thousand
28 feet of the property described in the application;

1 C. Each tenant of any mobile home park that is located within one thousand
2 feet of the property described in the application;

3 D. The owner of each of the thirty separately-owned parcels nearest to the
4 property described in the application to the extent this notice does not duplicate the notice otherwise
5 required by this Paragraph (2);

6 E. Any advisory board which has been established for the affected area by
7 the City Council; and

8 F. The president or head of any registered local neighborhood organization
9 whose organization boundaries are located within a minimum of one mile of the property described
10 in the application.

11 (b) Names Provided. The Department [of Planning and Development] shall provide, at
12 the request of the applicant, the [name, address and phone number] name and address of any person
13 notified pursuant to Subparagraph (F) above.

14 (c) Additional Notice. The Department may give additional notice of the hearing by
15 expanding the area of notification or using other means of notification or both. The Department shall
16 endeavor to provide any additional notice at least ten days before the date of the hearing.

17 (d) Signs. Notification signs shall be posted in conformance with Section 19.18.010 (D).

18 SECTION 8: Title 19, Chapter 18, Section 40, Subsection (C), of the Municipal Code
19 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 (C) Minimum Site Requirements. Property which is proposed to be rezoned to the following
21 zoning districts must meet the minimum criteria denoted below in order to be considered for rezoning:
22 [, except that a minimum site area requirement may be waived in a particular case by the City
23 Council.]

24 (1) R-CL District. Rezoning parcel must be an infill parcel which has a maximum site area
25 of three acres, is surrounded by existing R-CL development and does not lend itself to R-PD
26 development.

27 (2) R-MHP District. Minimum site area of five acres.

28 (3) P-C District. Minimum site area of three thousand acres.

1 (4) C-PB District. Minimum site area of twenty acres.

2 (5) PD District. Minimum site area of five acres.

3 SECTION 9: Title 19, Chapter 18, Section 40, Subsection (D), Paragraph (2), of the
4 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
5 follows:

6 (2) Initiation of Application. An application for a rezoning may be initiated by the Department,
7 the Planning Commission or the City Council, or by means of an application filed by the owner(s) of
8 record of each parcel of property proposed for rezoning.

9 SECTION 10: Title 19, Chapter 18, Section 40, Subsection (D), Paragraph (3), of the
10 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
11 follows:

12 (3) Other Governmental Ownership.

13 (a) Application Requirements. With respect to property which is owned by the State of
14 Nevada or the United States of America, a rezoning application is sufficient if it is signed and
15 acknowledged by a prospective purchaser of that property who has: [entered]

16 (i) Entered into a contract with the governmental entity to obtain ownership of the
17 property[.];

18 (ii) Provided to the Department a letter from the governmental entity indicating that
19 it consents to the filing of the application and agrees to be bound by the application; or

20 (iii) Provided to the Department a letter from the governmental entity indicating that
21 it has no objection to the filing of the application.

22 (b) Effect of Letter of No Objection. In the case of an application that is supported by a
23 letter of no objection under Subparagraph (a)(iii) of this Paragraph (4), the applicant shall
24 acknowledge in writing, by means of a form provided by the Department or in a form acceptable to
25 the City Attorney, that:

26 (i) The processing of the application is done as an accommodation only;

27 (ii) The application, the results thereof, and any entitlements related thereto are
28 dependent upon the applicant's obtaining an enforceable contractual interest in the property; and

1 (iii) The applicant assumes the risk of proceeding without any assurance that
2 approval of the application will lead to an ability to implement the approval.

3 SECTION 11: Title 19, Chapter 18, Section 40, Subsection (D), Paragraph (6), of the
4 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
5 follows:

6 (6) Contiguous Land. Except with respect to rezoning applications initiated by the Department,
7 the Planning Commission or the City Council, all of the land in the application shall be contiguous
8 with at least one common point.

9 SECTION 12: Title 19, Chapter 18, Section 40, Subsection (H), Paragraph (2), of the
10 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
11 follows:

12 (2) Notice.

13 (a) Notice Provided. Notice of the time, place and purpose of the hearing must be given
14 at least ten days before the hearing by:

15 (i) Publishing the notice in a newspaper of general circulation within the City;

16 (ii) Mailing a copy of the notice to:

17 A. The applicant;

18 B. Each owner of real property located within a minimum of one thousand
19 feet of the property described in the application;

20 C. Each tenant of any mobile home park that is located within one thousand
21 feet of the property described in the application;

22 D. The owner of each of the thirty separately-owned parcels nearest to the
23 property described in the application to the extent this notice does not duplicate the notice otherwise
24 required by this Paragraph (2);

25 E. Any advisory board which has been established for the affected area by
26 the City Council; and

27 F. The president or head of any registered local neighborhood organization
28 whose organization boundaries are located within a minimum of one mile of the property described

1 in the application.

2 (b) Names Provided. The Department [of Planning and Development] shall provide, at
3 the request of the applicant, the [name, address and phone number] name and address of any person
4 notified pursuant to Subparagraph (F) above.

5 (c) Additional Notice. The Department may give additional notice of the hearing by
6 expanding the area of notification or using other means of notification or both. The Department shall
7 endeavor to provide any additional notice at least ten days before the date of the hearing.

8 (d) Signs. Notification signs shall be posted in conformance with Section 19.18.010 (D).

9 SECTION 13: Title 19, Chapter 18, Section 50, Subsection (B), Paragraph (4), of the
10 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
11 follows:

12 (4) Certain Conversions. The [conversions] conversion of any development from multi-family
13 or apartment development to condominium status[, or the conversion of any condominium
14 development to a rental-only multi-family or apartment development,] shall require a Site
15 Development Plan Review.

16 SECTION 14: Title 19, Chapter 18, Section 50, Subsection (C), of the Municipal Code
17 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 [(C) Authority. The Director shall have the authority to determine whether a Site Development
19 Plan will be subject to a major review or a minor review and to approve or deny any Site Development
20 Plan which requires a minor review. However, final approval authority shall rest with:

21 (1) The Planning Commission, if the Commission specifically has reserved the
22 right, through prior action, to review and maintain approval authority of any Site Development Plan;
23 or

24 (2) The City Council, if the Council specifically has reserved the right, through
25 prior action, to review and maintain approval authority of any Site Development Plan, or if a member
26 of the City Council requests a review pursuant to this Section.

27 In approving a Site Development Plan, the Director, or if applicable, the Planning Commission or City
28 Council, may impose conditions deemed necessary to ensure the orderly development of the site.]

1 (C) Authority.

2 (1) The Director shall have the authority to:

3 (a) Determine whether an activity or improvement is exempt under Paragraph (2)
4 of Subsection (B) of this Section;

5 (b) Determine whether a Site Development Plan will be subject to a major review
6 or a minor review under this Section; and

7 (c) Approve or deny any Site Development Plan which requires a minor review;
8 provided, however, that final approval authority shall rest with:

9 (i) The Planning Commission, if the Commission specifically has reserved
10 the right, through prior action, to review and maintain approval authority of any Site Development
11 Plan; or

12 (ii) The City Council, if the Council specifically has reserved the right,
13 through prior action, to review and maintain approval authority of any Site Development Plan, or if
14 a member of the City Council requests a review pursuant to this Section.

15 (2) In approving a Site Development Plan, the Director, or if applicable, the Planning
16 Commission or City Council, may impose conditions deemed necessary to ensure the orderly
17 development of the site.

18 SECTION 15: Title 19, Chapter 18, Section 50, Subsection (D), of the Municipal Code
19 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 (D) Design Standards. All required Site Development Plans shall meet or exceed the minimum
21 standards established in this Title. In addition, the [City's policy document entitled "Landscape, Wall
22 and Buffer Standards" is] City may adopt policy documents as a resource for acceptable standards and
23 design solutions. To the extent that such [document establishes] documents establish minimum
24 requirements and standards and [is] are formally adopted by the City Council, Site Development Plans
25 must comply with [that document.] those documents.

26 SECTION 16: Title 19, Chapter 18, Section 50, Subsection (F), of the Municipal Code
27 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 (F) Minor Review of Site Development Plans.

1 (1) Minor Review Decisions. Site Development Plans requiring Minor Reviews may be
2 approved administratively by the Director. Minor Reviews include without limitation:

3 (a) Alterations which affect the external dimensions of an existing building or
4 structure that complies with all applicable requirements of this Title and with any previous conditions
5 or discretionary approval.

6 (b) New commercial or industrial construction of five thousand square feet or less
7 that complies with all applicable requirements of this Title.

8 (c) New residential construction consisting of no more than four dwelling units that
9 complies with all applicable requirements of this Title and is not part of a sequential application for
10 additional units.

11 (2) Minor Review Process. A minor Development Review is initiated by the submission
12 of a Site Development Plan Review application or an application for a Building Permit. If submitted
13 as part of a Building Permit application, issuance of the Building Permit shall constitute approval of
14 the Minor Review and no further action is required.

15 (3) Review By City Council. The administrative approval of a Site Development Plan
16 pursuant to this Subsection (F) shall be final action unless, within ten days following the approval, a
17 member of the City Council files with the Director a written request for the Council to review the
18 approval. In the event such a request is filed, the [Council shall have final authority to approve, deny
19 or modify the Site Development Plan.] Site Development Plan shall be subject to the Major
20 Development Review Process set forth in Subsection (G) of this Section.

21 SECTION 17: Title 19, Chapter 18, Section 50, Subsection (G), Paragraph (2),
22 Subparagraph (a), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby
23 amended to read as follows:

24 [(a) Application. An application for a Major Development Review shall be filed in the Department
25 of Planning and Development. The application shall be signed and notarized by the owner of the
26 property where the development is to occur or by the owner's authorized agent. A Site Development
27 Plan requiring a Major Review may not be approved as part of a Building Permit Application.]

28 (a) Application. A pre-application conference pursuant to LVMC 19.18.010(B)(3) is required

1 prior to submitting an application for a Major Development Review. A Site Development Plan
2 requiring a Major Review may not be approved as part of a Building Permit Application. An
3 application for a Major Development Review shall be filed with the Department. The application
4 shall be signed and notarized:

5 (i) By the owner of the property, where the development is to be undertaken by the owner
6 or the owner's authorized agent; or

7 (ii) By a prospective purchaser of the property, where the property is owned by the State
8 of Nevada or the United States of America and the prospective purchaser has:

9 A. Entered into a contract with the governmental entity to obtain ownership of the
10 property;

11 B. Provided to the Department a letter from the governmental entity indicating that
12 it consents to the filing of the application and agrees to be bound by the application; or

13 C. Provided to the Department a letter from the governmental entity indicating that
14 it has no objection to the filing of the application.

15 ➔ In the case of an application that is supported by a letter of no objection under Subparagraph
16 (a)(ii)(C) of this Paragraph (2), the applicant shall acknowledge in writing, by means of a form
17 provided by the Department or in a form acceptable to the City Attorney, that the processing of the
18 application is done as an accommodation only; that the application, the results thereof, and any
19 entitlements related thereto are dependent upon the applicant's obtaining an enforceable contractual
20 interest in the property; and that the applicant assumes the risk of proceeding without any assurance
21 that approval of the application will lead to an ability to implement the approval.

22 SECTION 18: Title 19, Chapter 18, Section 50, Subsection (G), Paragraph (2),
23 Subparagraph (f), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby
24 amended to read as follows:

25 (f) Appeal of Planning Commission Action. If the applicant is aggrieved by the Planning
26 Commission's denial of an application, or by any condition imposed upon an approval, the applicant
27 may appeal the decision to the City Council by written request. [The appeal must be filed in the Office
28 of the City Clerk within ten days after the Planning Commission's action.] In the case of an approval,

1 an appeal may be filed by any property owner within the area of notification for the Planning
2 Commission hearing, as well as by anyone who appeared, either in person, through an authorized
3 representative or in writing, before the Planning Commission regarding the application. Any appeal
4 must be filed in the office of the City Clerk within ten days after the Planning Commission's action.
5 Pursuant to LVMC 19.18.010(C), the City Council may establish one or more fees to be paid in
6 connection with the filing of an appeal under this Subparagraph (f), and the amount of any fee so
7 established shall be as set forth in the Fee Schedule.

8 SECTION 19: Title 19, Chapter 18, Section 50, Subsection (H), Subsection (1), of the
9 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended as follows:

10 (1) Minor Amendment. Minor relocation or reorientation of buildings, lot lines and/or easements,
11 relocation of internal access and circulation; relocation or rearrangement of parking areas, reduction
12 of established square footage and/or density limitations, [by ten percent or less,] and increase of
13 landscape or building setbacks are considered minor amendments and may be approved
14 administratively. However, the Director has no authority to approve any:

15 (a) Alteration in the basic relationship of the proposed development to adjacent
16 property;

17 (b) [Material change in the uses or types of uses permitted;] Change necessitating
18 a waiver or variance of development standards set forth in this Title;

19 (c) [Material increase] Increase in the maximum density, floor area, or height[;]
20 by more than ten percent;

21 (d) Material decrease in the amount of off-street parking, unless the amount of
22 parking remains sufficient and conforms to the requirements of this Title;

23 (e) Reduction in the minimum yards or setbacks by more than ten percent; [or]

24 (f) Material change in the characteristics of the elevational drawings [or Site
25 Development Plan as approved.] so as to alter the basic design quality and character of the proposed
26 development; or

27 (g) Other material change that is not necessitated by minimum requirements
28 adopted under the authority of Title 16, LVMC Chapter 20.10, or the Uniform Standard Drawings.

1 as adopted by the City.

2 (2) Major Amendment. Any amendment which does not qualify as a Minor Amendment
3 shall be deemed to be considered a Major Amendment and shall be processed in the same manner as
4 a new Site Development Plan application.

5 SECTION 20: Title 19, Chapter 18, Section 50, Subsection (J), of the Municipal Code
6 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended as follows:

7 (J) Expiration. A Site Development Plan which is not exercised within the approval period shall
8 be void, unless an extension of time is granted upon a showing of good cause. An extension of time
9 may be granted only if application therefor is made prior to the expiration of the approval period. For
10 purposes of this Subsection (J):

11 (1) The "approval period" for a Site Development Plan is the time period specified in the
12 approval, if one is specified, and is two years, otherwise.

13 (2) A Site Development Plan is exercised upon the issuance of a building permit for the
14 principal structure on the site[.] or, in the case of a residential subdivision, upon the recordation of a
15 final subdivision map.

16 SECTION 21: Title 19, Chapter 18, Section 60, Subsection (B), of the Municipal Code
17 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 (B) Authority. Except as otherwise provided in this Subsection (B), [The City Council, upon
19 recommendation by] the Planning Commission[.] shall have the authority to approve, approve with
20 conditions, or deny an application for a Special Use Permit[.], and the decision of the Planning
21 Commission is final. If the decision of the Planning Commission is appealed or forwarded to the City
22 Council in accordance with this Section 19.18.060, the City Council may affirm, modify or reverse
23 the decision of the Planning Commission. The decision of the City Council is final for purposes of
24 judicial review.

25 SECTION 22: Title 19, Chapter 18, Section 60, Subsection (G), of the Municipal Code
26 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 (G) Planning Commission Public Hearing and Action.

28 (1) Hearing. The Planning Commission shall hold a public hearing on each application

1 for a Special Use Permit within sixty-five days after the application is properly filed.

2 (2) Notice.

3 (a) Notice Provided. Notice of the time, place and purpose of the hearing must be
4 given at least ten days before the hearing by:

5 (i) Publishing the notice in a newspaper of general circulation within the
6 City;

7 (ii) Mailing a copy of the notice to:

8 A. The applicant;

9 B. Each owner of real property located within a minimum of one
10 thousand feet of the property described in the application, or in the case of an application to authorize
11 the sale of alcoholic beverages, a minimum of one thousand five hundred feet;

12 C. Each tenant of any mobile home park that is located within one
13 thousand feet of the property described in the application, or in the case of an application to authorize
14 the sale of alcoholic beverages, a minimum of one thousand five hundred feet;

15 D. The owner of each of the thirty separately-owned parcels nearest
16 to the property described in the application to the extent this notice does not duplicate the notice
17 otherwise required by this Paragraph (2);

18 E. Any advisory board which has been established for the affected
19 area by the City Council; and

20 F. The president or head of any registered local neighborhood
21 organization whose organization boundaries are located within a minimum of one mile of the property
22 described in the application.

23 (b) Names Provided. The Department [of Planning and Development] shall
24 provide, at the request of the applicant, the [name, address and phone number] name and address of
25 any person notified pursuant to Subparagraph (F) above.

26 (c) Additional Notice. The Department may give additional notice of the hearing
27 by expanding the area of notification or using other means of notification or both. The Department
28 shall endeavor to provide any additional notice at least ten days before the date of the hearing.

1 (d) Signs. Notification signs shall be posted in conformance with 19.18.010(D)
2 and NRS Chapter 278.

3 (3) Hearing. The Planning Commission shall conduct a public hearing on the application.
4 In its discretion and for good cause, the Planning Commission may hold the application in abeyance
5 for further study. However, subject to the provisions of State law, the Commission may not grant to
6 an applicant more than two continuances on the same matter, unless the Commission determines, upon
7 good cause shown, that the granting of additional continuances is warranted. Following the hearing
8 or hearings, the Planning Commission shall [make its recommendation to] approve, approve with
9 conditions, or deny the application for a Special Use Permit. The [recommendation] decision shall
10 be based upon the recommendation of City departments and other evidence that makes the grant or
11 denial of the Special Use Permit appropriate[.] under Subsection (L) of this Section.

12 (4) Conditions of Approval. [Recommendation.] In [recommending] connection with the
13 approval of a Special Use Permit, the Planning Commission may impose any conditions, restrictions
14 or limitations as the Commission may determine to be necessary to meet to the general purpose and
15 intent of this Title and to ensure that the public health, safety and welfare are being maintained.

16 (5) Notice of Planning Commission Decision. [Written notice of the Planning
17 Commission's decision shall be provided to the applicant, agent, or both.] The Planning Commission
18 shall provide written notice of its decision, which shall include the reasons for the decision, and if the
19 decision is to approve the Special Use Permit, any modifications, conditions or limitations that the
20 Planning Commission may impose. The notice shall be provided to the owner, developer or agent.
21 A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed
22 to be the date notice of the decision is filed with the City Clerk.

23 SECTION 23. Title 19, Chapter 18, Section 60, Subsection (J), of the Municipal Code
24 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 (J) Appeals and City Council Review.

26 [(1) Appeal of Denial. A decision by the Planning Commission to deny a Special Use
27 Permit application becomes final and effective at the expiration of ten days after the date of the
28 decision unless, within that period, the applicant appeals the decision by written request filed with the

1 City Clerk. The City Council may establish a fee for the filing of an appeal, and the amount of any
2 fee so established shall be as set forth in the Fee Schedule.

3 (2) Final Action by City Council Concerning Approval. A decision by the Planning
4 Commission to approve a Special Use Permit application constitutes a recommendation to the City
5 Council. The City Council shall make the final decision concerning the application.]

6 (1) Appeals and Requests for Review. Except as otherwise provided in Paragraph (2)
7 below, a decision by the Planning Commission becomes final and effective at the expiration of ten
8 days after the date of the decision unless, within that period, a written appeal or written request to
9 review is filed in the office of the City Clerk. An appeal may be filed by the applicant and, with
10 respect to an approval, by any property owner within the area of notification for the Planning
11 Commission hearing, as well as by anyone who appeared, either in person, through an authorized
12 representative or in writing, before the Planning Commission regarding the application. Pursuant to
13 LVMC 19.18.010(C), the City Council may establish one or more fees to be paid in connection with
14 the filing of an appeal under this Subparagraph (f), and the amount of any fee so established shall be
15 as set forth in the Fee Schedule. A request to review may be filed by a member of the City Council.

16 (2) Applications Automatically Forwarded to City Council. Special Use Permit
17 applications of the following types, whether approved or denied by the Planning Commission, shall
18 be forwarded automatically to the City Council for final decision:

19 (a) A Special Use Permit application that is required to be heard by the City
20 Council by virtue of prior Council action;

21 (b) A Special Use Permit application that is related to and was filed in connection
22 with an application for any of the following:

23 (i) A General Plan Amendment;

24 (ii) A Rezoning; or

25 (iii) A Site Development Plan Review that, pursuant to Section
26 19.18.050(G), requires final action by the City Council.

27 SECTION 24: Title 19, Chapter 18, Section 60, Subsection (K), of the Municipal Code
28 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 (K) City Council Public Hearing.

2 (1) Notice and Hearing. The City Council shall conduct a public hearing on all Special
3 Use Permit applications which are appealed or are forwarded to the Council for final action. The City
4 Clerk is authorized to consolidate all appeals or requests for review that have been filed regarding a
5 particular application, or to schedule them in sequence or otherwise, in which case the City Council
6 may hear the items separately or consolidate them for purposes of hearing, as the Council deems
7 appropriate. The City Clerk shall mail written notice of the Council hearing, at least ten days before
8 the hearing, to the property owners who were notified by mail of the Planning Commission hearing,
9 or to the current owners of record in the case of properties whose ownership has changed in the
10 interim.

11 (2) City Council Decision. [The City Council may approve, approve with conditions, or
12 deny a Special Use Permit application. In so doing,] In considering whether to affirm, modify or
13 reverse the decision of the Planning Commission, the City Council shall consider the
14 [recommendation] decision of the Planning Commission and the evidence presented at the public
15 hearing, and shall be guided by the statement of purpose underlying the regulation of the improvement
16 of land expressed in NRS 278.020. Action by the City Council is final for purposes of judicial review.
17 In the case of an appeal, the City Council:

18 (a) May not grant to an aggrieved person more than two continuances on the same
19 matter, unless the Council determines, upon good cause shown, that the granting of additional
20 continuances is warranted; and

21 (b) Must render its decision within forty-five days, unless otherwise agreed to by
22 the person filing the appeal.

23 (3) Notice of City Council Decision. The City Council shall provide written notice of its
24 decision, which shall include the reasons for the decision, and if the decision is to approve the Special
25 Use Permit, any modifications, conditions or limitations that the City Council may impose. The notice
26 shall be provided to the owner, developer or agent. A copy of the notice shall also be filed with the
27 City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with
28 the City Clerk.

1 SECTION 25: Title 19, Chapter 18, Section 60, Subsection (M), of the Municipal Code
2 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 (M) Amendments to an Approved Special Use Permit. [A Special Use Permit is limited to the uses
4 and structures which are shown on the approved site development plan and are consistent with any
5 conditions of approval.] Any request to amend or modify an approved Special Use Permit shall be
6 submitted to the Department, [of Planning and Development.] Upon receipt of such a request, the
7 Director shall determine if the request constitutes a minor amendment or a major amendment. Minor
8 amendments may be approved administratively. A major amendment requires approval by the
9 Planning Commission or City Council, [after a recommendation by the Planning Commission.]
10 whichever body took final action to approve the Special Use Permit. Minor and major amendments
11 are categorized as follows:

12 [(1) Minor Amendments. A minor amendment includes a:

- 13 (a) Relocation or reorientation of buildings which does not alter the basic
14 relationship to adjacent property;
- 15 (b) Minor adjustment in lot lines and/or easements;
- 16 (c) Minor rearrangement of internal access and circulation;
- 17 (d) Relocation or rearrangement of parking areas;
- 18 (e) Change in the approved square footage or density that does not represent an
19 increase of more than ten percent; and
- 20 (f) Change in landscaping or building setbacks that does not represent a significant
21 decrease.]

22 (1) Minor Amendment. An amendment qualifies as a minor amendment if it meets either
23 of the following criteria and does not require the waiver of any minimum Special Use Permit
24 requirement or the increase or expansion of such a waiver that was allowed previously:

- 25 (a) A reduction or expansion of the use allowed by the Special Use Permit that
26 represents less than fifty percent of the square footage of the original approval.
- 27 (b) A relocation of the use on the same legal parcel as the original approval where
28 any reduction or expansion of the use qualifies under Subparagraph (a) above.

1 (2) Major Amendment. A major amendment includes any change which does not qualify
2 as a minor amendment.

3 SECTION 26: Title 19, Chapter 18, Section 60, Subsection (O), of the Municipal Code
4 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 (O) Revocation.

6 (1) Notice. [The City Council may hold a hearing to revoke or modify a Special Use
7 Permit. At least ten days prior to any hearing, written notice of the hearing shall be delivered to the
8 owner, developer, or both.] A Special Use Permit may be revoked or modified by the Planning
9 Commission or the City Council, whichever body took final action to approve the Special Use Permit.
10 Such action must be preceded by a hearing, written notice of which must be delivered to the owner,
11 developer, or both, at least ten days before the hearing. Notice may be delivered in person or by
12 certified mail, return receipt requested, mailed to the address shown in the records of the Clark County
13 Assessor.

14 (2) Findings. A Special Use Permit may be revoked or modified for cause, including a
15 finding of one or more of the following:

- 16 (a) That the Special Use Permit was obtained by misrepresentation or fraud;
17 (b) That conditions have changed and the use or development is no longer
18 compatible with surrounding land uses or the General Plan;
19 (c) That the use or development is not in compliance with one or more of the
20 conditions of approval; and
21 (d) That the use permitted by the Special Use Permit is in violation of any statute,
22 ordinance, law or regulation.

23 (3) Notice of Decision. Written notice of [the] a decision regarding the revocation or
24 modification of a Special Use Permit shall be provided to the owner, developer or agent.

25 (4) Appeal. In the case of a decision by the Planning Commission to revoke or modify a
26 Special Use Permit that was approved as final action by the Commission, the appeal provisions of
27 Subsections (J) and (K) of this Section shall apply.

28 SECTION 27: Title 19, Chapter 18, Section 60, Subsection (P), of the Municipal Code

1 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 (P) Termination.

3 (1) Expiration for Failure to Exercise.

4 (a) A Special Use Permit which cannot be exercised except upon construction of
5 a new building, and which is not exercised within the approval period shall be void, unless the [City
6 Council grants] applicant obtains an extension of time upon a showing of good cause. Application
7 for an extension shall be made to the Planning Commission or City Council, whichever body took
8 final action to approve the Special Use Permit. An extension of time may be granted only if
9 application therefor is made prior to the expiration of the approval period. For purposes of this
10 Subparagraph (a):

11 (i) The "approval period" for a Special Use Permit is the time period
12 specified in the approval, if one is specified, and is two years, otherwise.

13 (ii) A Special Use Permit is exercised upon the issuance of a building permit
14 for the new construction.

15 (b) A Special Use Permit which does not require the construction of a new building
16 in order to be exercised, and which is not exercised within the approval period shall be void, unless
17 the [City Council grants] applicant obtains an extension of time upon a showing of good cause.
18 Application for an extension shall be made to the Planning Commission or City Council, whichever
19 body took final action to approve the Special Use Permit. An extension of time may be granted only
20 if application therefor is made prior to the expiration of the approval period. For purposes of this
21 Subparagraph (b):

22 (i) The "approval period" for a Special Use Permit is the time period
23 specified in the approval, if one is specified, and is [one year,] two years, otherwise.

24 (ii) A Special Use Permit is exercised upon approval of a business license
25 to conduct the activity, if one is required, or otherwise, upon the issuance of a [certificate of
26 occupancy] no-work certificate of occupancy (where no structural work is required) or the approval
27 of a final inspection[.] for tenant improvements.

28 (2) Cessation of Use. A Special Use Permit shall be void without further action if:

1 (a) The Special Use Permit was issued for alcoholic beverage use and such use
2 ceases for one hundred and eighty days or more, or twenty-four months or more if the building in
3 which the use was being conducted has been damaged or partially destroyed by fire, flood, wind,
4 another calamity or an act of God; or

5 (b) The Special Use Permit was issued for a use other than alcoholic beverage use
6 and such use ceases for twelve months or more, or twenty-four months or more if the building in
7 which the use was being conducted has been damaged or partially destroyed by fire, flood, wind,
8 another calamity or an act of God.

9 SECTION 28: Title 19, Chapter 18, Section 70, Subsection (J), of the Municipal Code
10 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 (J) Appeals.

12 (1) Denials Generally. Except as otherwise provided in Paragraph (3), a decision by the
13 Planning Commission to deny a Variance application becomes final and effective at the expiration of
14 ten days after the date of the decision unless, within that period, the applicant appeals the decision by
15 written request filed with the City Clerk. [The] Pursuant to LVMC 19.18.010(C), the City Council
16 may establish a fee [for] to be paid in connection with the filing of an appeal, and the amount of any
17 fee so established shall be as set forth in the Fee Schedule.

18 (2) Approvals Generally. Except as otherwise provided in Paragraph (3), a decision by the
19 Planning Commission to approve a Variance application becomes final and effective at the expiration
20 of ten days after the date of the decision unless, within that period, a member of the City Council
21 requests that the item be [forwarded to] reviewed by the Council, or an aggrieved person appeals the
22 decision by written request filed with the City Clerk. [The] For purposes of this Paragraph (2), an
23 “aggrieved person” means any property owner within the area of notification for the Planning
24 Commission hearing, as well as anyone who appeared, either in person, through an authorized
25 representative or in writing, before the Planning Commission regarding the application. Pursuant to
26 LVMC 19.18.010(C), the City Council may establish a fee [for] to be paid in connection with the
27 filing of an appeal, and the amount of any fee so established shall be as set forth in the Fee Schedule.

28 [(3) Automatic Review by City Council. In each of the following cases, the decision by the

1 Planning Commission on a Variance application constitutes a recommendation to the City Council,
2 and the City Council shall make the final decision concerning the application:

3 (a) A Variance application that has been approved by the Planning Commission
4 regarding a reduction in required parking or regarding an existing structure; or

5 (b) A Variance application, whether approved or denied by the Planning
6 Commission, that is related to and was filed in connection with an application for a General Plan
7 Amendment, an application for rezoning, or an application for Site Development Plan Review that
8 requires final action by the City Council.]

9 (3) Automatic Review by City Council. With respect to any Variance application related
10 to and filed in connection with an application for a General Plan Amendment; an application for
11 rezoning; or an application for a Special Use Permit or Site Development Plan Review that requires
12 final action by the City Council, the decision by the Planning Commission, whether an approval or
13 denial, constitutes a recommendation to the City Council, which shall make the final decision
14 concerning that Variance application.

15 SECTION 29: Title 19, Chapter 18, Section 70, Subsection (O), of the Municipal Code
16 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 (O) Termination.

18 (1) Expiration for Failure to Exercise.

19 (a) A Variance which will require the construction of a new building and which
20 is not exercised within [two years after approval] the approval period shall be void, unless the
21 applicant obtains an extension of time upon a showing of good cause. Application for an extension
22 shall be made to the Planning Commission or City Council, whichever body took final action to
23 approve the Variance. An extension of time may be granted only if application therefor is made prior
24 to the expiration of the [two-year] approval period. For purposes of this Subparagraph (a):

25 (i) The "approval period" for a Variance is the time period specified in the
26 approval, if one is specified, and is two years, otherwise.

27 (ii) [, a] A Variance is exercised upon the issuance of a building permit for
28 the new construction.

1 (b) A Variance which will not require the construction of a new building and which
2 is not exercised within [one year after approval] the approval period shall be void, unless the applicant
3 obtains an extension of time upon a showing of good cause. Application for an extension shall be
4 made to the Planning Commission or City Council, whichever body took final action to approve the
5 Variance. An extension of time may be granted only if application therefor is made prior to the
6 expiration of the [one-year] approval period. For purposes of this Subparagraph (b), a Variance is
7 exercised upon the approval of a business license to conduct the activity, if one is required, or
8 otherwise, upon the issuance of a [certificate of occupancy] no-work certificate of occupancy (where
9 no structural work is required) or the approval of a final inspection[.] for tenant improvements.

10 (2) Cessation of Use. A Variance to allow a use that is not permitted in a particular zone
11 shall be void without further action if the use approved by the Variance ceases for a period of twelve
12 months or more.

13 SECTION 30: Title 19, Chapter 18, Section 80, Subsection (A), of the Municipal Code
14 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 (A) Purpose. The purpose of this Section is to establish a procedure (entitled an Administrative
16 Deviation) to allow for minor adjustments of specific requirements of [the Title 19] this Title where,
17 because of special and unique conditions applicable to a specific lot or structure, the literal
18 enforcement of the requirements as applied to the lot or structure would result in an unnecessary
19 hardship. The Administrative Deviation procedure is available as an alternative to the Variance
20 procedure, to be pursued at the option of the applicant. If an application for Administrative Deviation
21 is denied, the Variance procedure must be followed in order for the applicant to obtain the relief
22 sought.

23 SECTION 31: Title 19, Chapter 18, Section 80, Subsection (B), of the Municipal Code
24 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 (B) Authority. The Director [of the Department of Planning and Development]
26 shall have the authority to grant an Administrative Deviation, in accordance with the provisions of this
27 Section, to allow a [minor deviation on residential lots] deviation of up to ten percent regarding the
28 following:

- 1 (1) Front, rear and side yard building setbacks; [(for developed single-family lots only);]
- 2 (2) [Block wall heights; and] Wall heights;
- 3 (3) Accessory structure setbacks and heights[.];
- 4 (4) Planting areas and materials; and
- 5 (5) Loading and stacking spaces.

6 SECTION 32: Title 19, Chapter 18, Section 80, Subsection (C), of the Municipal Code
7 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 (C) Eligibility to Apply.

9 (1) No application for an Administrative Deviation regarding a building setback may be
10 submitted unless:

11 (a) In the case of a required side or rear setback of ten feet or less, the requested
12 deviation will not exceed ten percent of the required setback, and construction within the reduced
13 setback will not extend more than fifteen feet parallel to the property line from which the setback is
14 measured;

15 (b) In the case of required side or rear yard setback of greater than ten feet or a
16 required front yard setback of greater than ten feet (exclusive of front-loading garages), the requested
17 deviation will not exceed ten percent of the required setback, and construction within the reduced
18 setback will not extend more than fifteen feet parallel to the property line from which the setback is
19 measured; and

20 (c) The requested deviation is for a structure that will not exceed the greater of one
21 story or fifteen feet in height; and

22 (d) The applicant submits signatures representing ownership of all abutting
23 properties indicating no objection to the requested deviation.]

24 (2) No application for an Administrative Deviation may be submitted regarding the height
25 of an accessory structure unless[:

26 (a) The] the requested height does not exceed one and two-tenths times the height
27 of the main dwelling and does not exceed the allowable building height for the zoning district in which
28 the property is located.]; and

1 (b) The applicant submits signatures representing the ownership of all abutting
2 properties indicating no objection to the requested deviation, or the ownership of all properties within
3 one hundred feet of the subject property, whichever would require the most signatures.

4 (3) For purposes of this Subsection (C), the term "abutting" means sharing any property
5 line with the parcel for which the deviation is sought, or which would share a property line but for an
6 intervening right-of-way. In the case of deviations for setbacks or block walls, the Director shall have
7 the authority to waive the signature requirement regarding properties which are deemed not to be
8 adversely affected.]

9 SECTION 33: Title 19, Chapter 18, of the Municipal Code of the City of Las Vegas,
10 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 150,
11 reading as follows:

12 **19.18.150: Required Reviews**

13 (A) Purpose. The Planning Commission and City Council are authorized by the provisions of this
14 Title to impose conditions in connection with their approval of applications under this Title. From
15 time to time, such conditions of approval include a condition requiring that the application so
16 approved (the "approved item") be brought back for review, either an administrative review or a
17 review by the approving body. The purpose of the Required Review process described in this Section
18 is to provide the mechanism by which approved items may be reviewed for compliance with the
19 provisions of this Title and with conditions that were imposed in connection with the approval.

20 (B) Application. An application for a Required Review shall be filed with the Department on a
21 form to be provided by the Department. The application shall be signed and acknowledged by the
22 owner of record of the property for which the Required Review is sought, and shall be notarized as
23 to the owner's signature. In the absence of a voluntary application, the Department may process the
24 Required Review on its own initiative.

25 (C) Types of Required Review. Where the type of review required by a condition of approval was
26 an administrative review, the Required Review shall be performed by the Director. Where the type
27 of review required by a condition of approval was not an administrative review, the provisions of
28 Subsections (D) through (F) of this Section shall apply.

1 (D) Hearing. An application or agenda item for a Required Review shall be heard by the Planning
2 Commission or City Council, depending on which body took final action to approve the items subject
3 to a Required Review. Notice of the time, place and purpose of the hearing must be given at least ten
4 days before the hearing by.

- 5 (1) Publishing the notice in a newspaper of general circulation within the City; and
6 (2) Mailing a copy of the notice to;
7 (a) The applicant, if any, or otherwise to the property owner, operator of the use,
8 or other representative;
9 (b) Each owner of real property located within a minimum of one thousand feet of
10 the property described in the application;
11 (c) The president or head of any registered local neighborhood organization whose
12 organization boundaries are located within the minimum of one mile of the property described in the
13 application; and
14 (d) The owner of each of the thirty separately-owned parcels nearest to the property
15 described in the application to the extent that this notice does not duplicate the notice otherwise
16 required by this Paragraph (2).

17 (E) Decision. The Planning Commission or City Council, as the case may be, may take such
18 action as it deems appropriate regarding the application, including without limitation:

- 19 (1) Allowing the previous approval to continue subject to further review;
20 (2) Allowing the previous approval to continue without further review;
21 (3) Allowing the previous approval to continue subject to a different scope, or subject to
22 conditions other than any previously imposed; or
23 (4) Revoking or otherwise terminating the previous approval, but only if notice of the
24 potential to take such action is provided at least fourteen days in advance of the hearing to:
25 (a) The applicant (if any) or to the applicant's agent; or
26 (b) Otherwise, to the property owner or operator of the use (or an agent).

27 (F) Notice of Decision. Written notice of the decision by the Planning Commission or City
28 Council, as the case may be, including the reasons therefor, shall be provided to the applicant, if any,

1 or the applicant's agent, or otherwise to the property owner, the operator of the use, or an agent thereof.
2 A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed
3 to be the date notice of the decision is filed with the City Clerk.

4 SECTION 34: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term
6 "Department" to read as follows:

7 "Department" means the [Department of Planning and Development of the City of Las Vegas.] City's
8 Planning and Development Department.

9 SECTION 35: For purposes of Section 2.100(3) of the City Charter, LVMC 19.00.070,
10 19.06.050, 19.18.010, 19.18.030, 19.18.040, 19.18.050, 19.18.060, 19.18.070, 19.18.080 and
11 19.20.020 are deemed to be subchapters rather than sections.

12 SECTION 36: 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 or
14 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.

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1 SECTION 37: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this ____ day of _____, 2010.

5 APPROVED:

6
7 By OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 BEVERLY K. BRIDGES, MMC
11 City Clerk

12 APPROVED AS TO FORM:

13 Val Steed 4-21-10
14 Date

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 18, 2010

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2010-21 – Updates the hearing procedures of the Municipal Code relating to parking infractions. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Under applicable City ordinances, parking citations may be contested by means of a hearing officer process. For those who don't choose that process, another potential means of contesting a citation has been to appear in response to a civil complaint filed by the City in Municipal Court. The Municipal Court process has not proved workable, so this bill establishes the hearing officer process as the exclusive means of contesting a citation.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Bill No. 2010-21
2. Business Impact Statement

Motion made by STAVROS S. ANTHONY to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED explained that this bill addresses a situation under the parking infractions code allowing immediate or installment payment. If they desire to contest the citation, they previously had a choice to be heard by a hearing officer or to do nothing and wait for the City Attorney and court to proceed in a civil case against them. This process has not been productive or palatable for the courts. With local entities treating parking

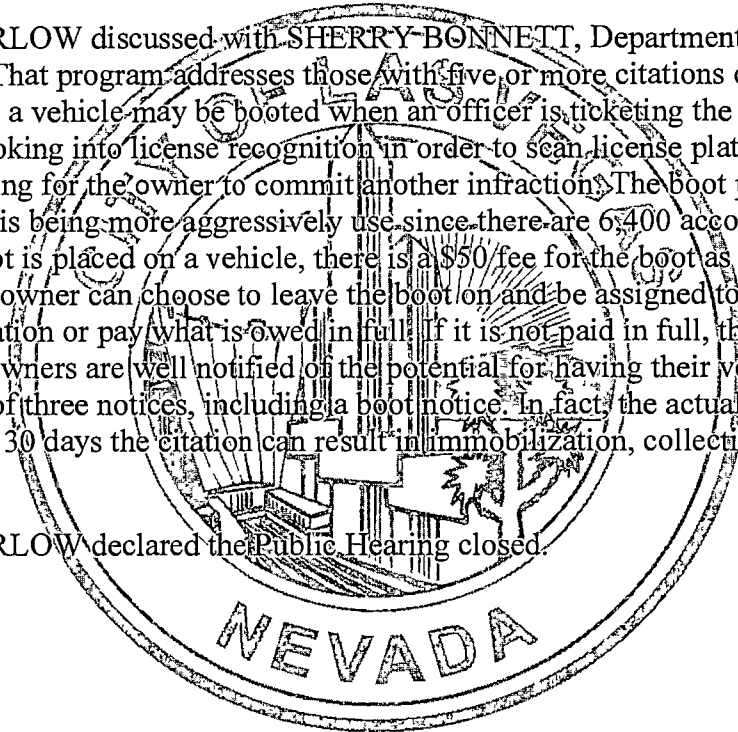
CITY COUNCIL MEETING OF: MAY 18, 2010

citations as criminal cases rather than civil, the City Attorney looked at Reno's similar practice and its process allowing only for the hearing officer option.

COUNCILMAN ANTHONY discussed with DEPUTY CITY ATTORNEY STEED a previously proposal to require a \$500 appeal bond if someone wanted to go to court. The Recommending Committee hearing that proposal expressed concerns about the amount of bond in relation to a typical parking violation fine and there was concern as to what surety company would issue such a bond. DEPUTY CITY ATTORNEY STEED added that the hearing officer's decision is final and there is no appeal process. If the fine is not paid, the debt can be referred to a collection agency. There are also remedies for flagging someone's registration or driver's license at the Department of Motor Vehicles. In the event this does not work, the process can be reexamined.

COUNCILMAN BARLOW discussed with SHERRY BONNETT, Department of Finance, the City's boot program. That program addresses those with five or more citations or a balance exceeding \$500. Such a vehicle may be booted when an officer is ticketing the vehicle. The Department is also looking into license recognition in order to scan license plates to identify vehicles without waiting for the owner to commit another infraction. The boot program has a 73% success rate and is being more aggressively use since there are 6,400 accounts qualifying for a boot. Once a boot is placed on a vehicle, there is a \$50 fee for the boot as well as the outstanding fine. The owner can choose to leave the boot on and be assigned to a hearing officer for a ruling on the citation or pay what is owed in full. If it is not paid in full, the vehicle will be towed the next day. Owners are well notified of the potential for having their vehicle immobilized by way of three notices, including a boot notice. In fact, the actual ticket states that if it is not paid within 30 days the citation can result in immobilization, collection fees or a registration hold.

COUNCILMAN BARLOW declared the Public Hearing closed.



1 **BILL NO. 2010-21**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE HEARING PROCEDURES OF THE MUNICIPAL CODE
4 RELATING TO PARKING INFRACTIONS, AND TO PROVIDE FOR OTHER RELATED
5 MATTERS.

6 Proposed by: Bradford R. Jerbic, City Attorney Summary: Updates the hearing procedures of
7 the Municipal Code relating to parking
8 infractions.

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

11 SECTION 1: Title 11, Chapter 10, Section 80, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **11.10.080:** (A) [A person who responds to a Notice of Infraction] The owner or operator of a
14 vehicle concerning which a Notice of Infraction has been issued and served in accordance with this

15 Chapter must:

16 (1) "Admit" responsibility for the commission of the infraction and liability
17 for the penalty imposed and pay the appropriate civil fine and penalty;

18 (2) Contact the Director of Finance and Business Services, or his authorized
19 designee, "admit" responsibility and liability for the commission of the infraction and any penalties
20 thereon and arrange a schedule for the payment of such fines and penalties; or

21 (3) [Accept responsibility as the owner and/or operator of the vehicle while
22 reserving the right] Request a binding hearing, as provided for in Subsections (B) to (J), inclusive, of
23 this Section in order to disclaim responsibility as the owner or operator, or to dispute the propriety of
24 the issuance of the Notice of Infraction and any penalties [thereon and agree to a binding hearing in
25 the nature of an arbitration or alternative dispute resolution as provided in Subsections (B) through
26 (J), inclusive of this Section; or] related thereto.

27 [(4) Await the filing and receipt of a civil Complaint and Summons (or
28 Affidavit of Complaint and Order) in accordance with Section 11.10.100 through Section 11.10.120,
inclusive and appear as summonsed to defend against such civil Complaint (or Affidavit of
Complaint) or be subject to the entry of a default judgment at the time of such failure to appear as

1 summonsed (or ordered) and upon proof of service of the Complaint and Summons (or Affidavit of
2 Complaint and Order) as provided in Section 11.10.110.]

3 (B) [Unless the City has sought judicial enforcement of the Notice of Infraction
4 pursuant to Section 11.10.100, a] A person may initiate a hearing pursuant to Paragraph (3) of
5 Subsection (A) of this Section by personally contacting the Director of Finance and Business Services,
6 or his designee, identifying his/her name, current address and the Notice(s) of Infraction(s) and
7 penalties thereon which such person wishes to subject to such hearing and receiving a date for such
8 hearing. Any person initiating such a hearing in this manner [thereby stipulates to] (the "defendant")
9 shall be bound by the decision of the Hearing Officer concerning liability for the infraction(s) and
10 responsibility for the penalties thereon, [and shall acknowledge the same in writing. Any person] If
11 any defendant scheduling a hearing before the Hearing Officer [thereby further stipulates that in the
12 event of his or her failure] fails to appear at such hearing without having first sought and obtained a
13 continuance of such hearing, the Hearing Officer may enter a decision against the defendant for the
14 full amount of fines and penalties scheduled to be reviewed, [and shall acknowledge the same in
15 writing. The acknowledgment provided for herein] In connection with the request for a hearing, the
16 defendant must acknowledge the binding nature of the hearing and the Hearing Officer's authority in
17 the event the defendant fails to appear at a hearing. The acknowledgment shall be in substantially the
18 following form:

19 I _____, hereby request a binding hearing [in the nature of
20 arbitration or alternative dispute resolution] before the Hearing Officer. My address is
21 _____ . I request that this hearing involve Notice(s) of Infraction(s)
22 Number _____. I understand that the Hearing Officer is an attorney and not an elected
23 or appointed judge.

24 I understand that I am [agreeing to be] bound by the decision of the Hearing Officer.
25 I understand that if I fail to appear for the scheduled hearing before the Hearing Officer
26 without first obtaining a continuance of such hearing, the Hearing Officer [can and will] may
27 enter a decision against me for the full amount and penalties scheduled to be reviewed. I
28 understand and agree that if necessary due to my lack of timely payment, the City of Las Vegas

1 can and will use this binding decision to have a formal civil judgment entered against me in
2 the Las Vegas Municipal Court.

3 I understand that if a civil judgment is obtained, the City may seek and obtain a writ
4 of execution against me. I understand that if a writ of execution is obtained, my wages and/or
5 bank accounts may be garnished, liens may be put on my property and my vehicle(s) may be
6 towed or immobilized. I also understand that my vehicle(s) may be immobilized without a
7 writ of execution if:

8 1. I accumulate more than \$500.00 in unpaid civil fines, judgments and penalties
9 for parking violations, or

10 2. At least five Notices of Infraction have been issued and served with respect to
11 vehicles I own and have not been responded to within the time set forth in LVMC 11.10.090.

12 Knowing all of the above, I still wish to request a binding hearing before the Hearing
13 Officer on the above-described Notice(s) of Infraction(s). I hereby acknowledge the above and
14 further acknowledge that at my request a hearing has been set for _____, 20____
15 at the hour of _____ m.

16 _____
17 Defendant

18 (C) Any hearing conducted pursuant to Subsection (A), Paragraph (3) and
19 Subsection (B) of this Section shall be presided over by a Hearing Officer who shall be an attorney
20 licensed to practice law in the State of Nevada.

21 (D) With respect to any hearing conducted pursuant to Subsection (A), Paragraph
22 (3) and Subsection (B) of this Section, a properly filed Notice of Infraction shall constitute a claim of
23 liability and a claim for relief and no other such claim shall be required. Prima facie proof of the
24 violation alleged shall be established by the City providing the Hearing Officer with either a certified
25 copy of the Notice of Infraction or the data stored in a computer or other device as described in
26 Subsection (B) of Section 11.10.030, [Subsection (B) of this Chapter.] No formal appearance by the
27 City Attorney's office is required. The hearings and dispositions of all such actions shall be informal,
28 with the Hearing Officer receiving witness statements or testimony and other evidence for the sole

1 purpose of dispensing fair and speedy justice between the parties.

2 (E) The burden of proving any defense shall be upon the person raising such
3 defense.

4 (F) If the Hearing Officer finds that the infraction did not occur or that an infraction
5 was committed, but one or more of the defenses set forth below is applicable, the Hearing Officer shall
6 enter his decision for the defendant. Such a decision shall release the registered owner and/or operator
7 from all liability thereunder. Such defenses include, but are not limited to:

8 (1) At the time of the receipt of the notice, possession of the subject vehicle
9 had been acquired by another in violation of the laws of the State of Nevada;

10 (2) If the notice alleges a violation of any ordinance pertaining to a meter,
11 such meter was mechanically malfunctioning to the extent that its reliability was questionable;

12 (3) Compliance with the subject ordinances would have presented an
13 imminent danger to persons or property;

14 (4) The area of the alleged violation was so inadequately marked or lit as
15 to fail to give sufficient notice that access to the area was restricted or prohibited;

16 (5) A mechanical malfunction of the vehicle caused it to be parked in the
17 area alleged and it was removed as soon as could be reasonably expected thereafter;

18 (6) At the time of the issuance of the Notice of Infraction, the vehicle was
19 parked consistent with public safety, by a physically handicapped person, a disabled veteran or a
20 person transporting a physically handicapped person or disabled veteran in compliance with NRS
21 484.407.

22 (G) Except as provided in Subsection (H) of this Section, the defendant shall pay
23 the total civil fines and penalties forthwith or at such times and on such conditions as the Hearing
24 Officer shall prescribe if it is found that the person has either failed to appear or otherwise defend
25 against the issuance of the infraction as agreed or that the infraction has been committed and no
26 applicable defense exists. It is the defendant's burden to establish by a preponderance of the evidence
27 that, through no fault of himself or his agent, he failed to receive notice of the issuance of the Notice
28 of Infraction as provided in this Chapter. If the defendant meets this burden, he is not liable for any

1 civil penalties which would otherwise apply and such penalties shall not be included in any decision
2 against the defendant.

3 (H) Upon request and proper proof, the Hearing Officer may reduce his decision
4 concerning liability by up to twenty-five percent of the original amount found due in consideration of
5 the timely payment of the prior balance if satisfied by the defendant that a preponderance of the
6 evidence shows that the defendant has become indigent and will be unable to pay the balance.

7 (I) Upon reaching a decision, the Hearing Officer shall as soon as practicable
8 thereafter, file a written decision substantially conforming to the following form:

9 City of Las Vegas, Clark County, Nevada, City of Las Vegas, Plaintiff v. _____,
10 Defendant. Before, _____, Hearing Officer for the City of Las Vegas, Clark
11 County, Nevada, decision is entered in favor of _____, (plaintiff or defendant) for
12 \$ _____ (enter \$0.00 if judgment is for the defendant), on the _____ day of _____,
13 20____. I certify that the foregoing is a correct reflection of the decision entered in the action
14 properly brought for my consideration pursuant to [Title 11, Chapter 10, Section 080 of the
15 Las Vegas Municipal Code.] Section 11.10.080.

16 _____
17 Hearing Officer

18 (J) [Based upon the defendant's stipulation to be bound by the decision of the
19 Hearing Officer, the] The City Attorney may petition the Las Vegas Municipal Court for the entry of
20 a civil judgment against the defendant in an amount equal to that stated in the written decision of the
21 Hearing Officer if the City Attorney determines this action to be necessary to enforce such decision.
22 Service of such petition on the defendant must be made by certified mail, return receipt requested,
23 restricted delivery, addressed to the registered owner of the vehicle at his last known address, as
24 indicated by the vehicle registration which is maintained by the Nevada Department of Motor Vehicles
25 or in any other manner which is authorized by law. An affidavit or declaration of mailing, a signed,
26 returned receipt, or other evidence of service shall be filed upon such service of the petition. Once
27 a petition for civil judgment pursuant to this Subsection (J) has been filed with the Municipal Court,
28 the assigned judge has jurisdiction to grant or deny the relief prayed for therein.

1 SECTION 2: Title 11, Chapter 10, Section 90, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **11.10.090:** (A) A response to a Notice of Infraction, as provided in [Subsection (A) or
4 Subsection (B) of] Section 11.10.080, must be made within thirty calendar days after the date on
5 which the Notice of Infraction is served. If no response is received during such thirty-day period, an
6 additional civil penalty which is equal to the amount of the original civil fine must be assessed.

7 (B) After the expiration of the thirty-day response period, the Director of Finance
8 and Business Services, or his authorized designee must send a Notice of Delinquency by mail to the
9 registered owner of the vehicle at the registered owner's last known address, as indicated by the
10 vehicle registration which is maintained by the Nevada Department of Motor Vehicles. The Notice
11 of Delinquency must contain the date of the infraction, the amount of the civil fine and the amount
12 of any penalty which is associated therewith. The registered owner has fifteen calendar days after the
13 date of the Notice of Delinquency in which to respond thereto in the manner which is provided in
14 [Subsection (A) or Subsection (B) of] Section 11.10.080. If no response is made to the Notice of
15 Delinquency within such additional fifteen-day period, a civil penalty must be assessed equal to two
16 times the original civil fine amount, in addition to the original civil fine.

17 (C) If a person fails to respond to a Notice of Infraction or a Notice of Delinquency
18 in accordance with this Chapter, the City is entitled to collect the amount of any fines and penalties
19 by means of any remedy available under applicable law, including without limitation filing a notice
20 of nonpayment with the Nevada Department of Motor Vehicles and referring the matter to a collection
21 agency.

22 SECTION 3: Title 11, Chapter 10, Sections 100, 110 and 120, of the Municipal Code
23 of the City of Las Vegas, Nevada, are hereby repealed in their entirety.

24 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
25 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
26 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
27 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
28 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,

1 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
2 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
3 invalid or ineffective.

4 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
5 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
6 1983 Edition, in conflict herewith are hereby repealed.

7 PASSED, ADOPTED and APPROVED this ____ day of _____, 2010.

8 APPROVED:

9
10 By _____
11 OSCAR B. GOODMAN, Mayor

12 ATTEST:
13 _____
14 BEVERLY K. BRIDGES, MMC
15 City Clerk

16 APPROVED AS TO FORM:
17 Val Steel 4-21-10
18 Date

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BUSINESS IMPACT STATEMENT

BILL NO. 2010-21

(Updates the hearing procedures of the Municipal Code relating to parking infractions)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2010-21, that will update the hearing procedures of the Municipal Code relating to parking infractions.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

No businesses identified

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None identified

Beneficial effects:

None identified

Direct effects:

None identified

Indirect effects:

None identified

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost identified

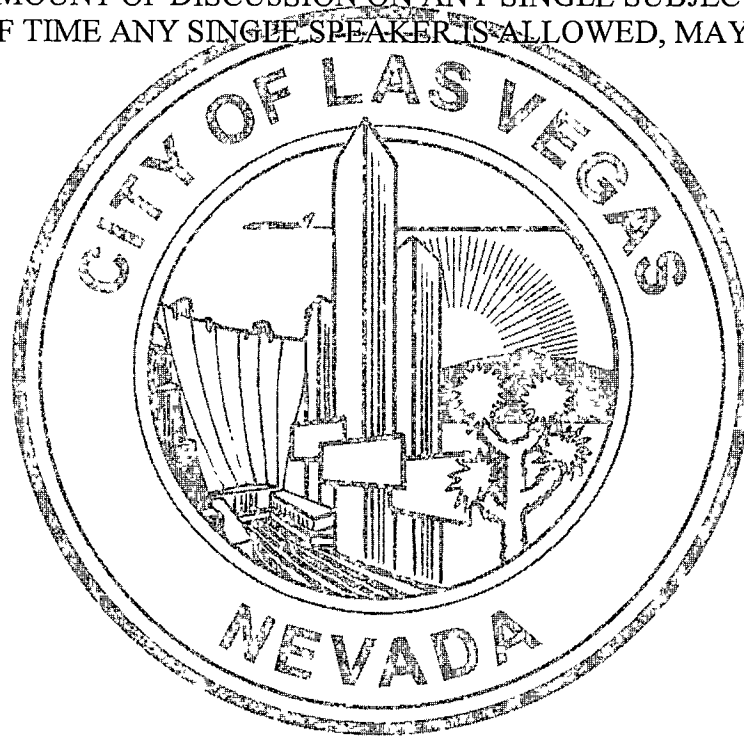
AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 18, 2010

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE. NO SUBJECT MAY BE ACTED UPON BY THE COMMITTEE UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

Minutes:
None



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 18, 2010

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

Consent Discussion

SUBJECT:
ADJOURNMENT

Minutes:

The meeting was adjourned at 9:20 a.m.

Respectfully submitted:

Angela Colli

Angela Colli, Deputy City Clerk
May 18, 2010

