ORDINANCE NO. 3147

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA AMENDING CHAPTER 13.08 AND SECTIONS 13.16.010 AND 13.24.020 OF THE NORTH LAS VEGAS MUNICIPAL CODE TO INCORPORATE NEW REGIONAL WATER CONSERVATION RESTRICTIONS AND FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA, DOES ORDAIN:

SECTION 1: Chapter 13.08 of the North Las Vegas Municipal Code (NLVMC) shall be deleted in its entirety and replaced by the following:

13.08.010 Definitions.

"Acre-foot of water" means the equivalent to three hundred twenty-five thousand eight hundred fifty-one (325,851) gallons of water.

“Active/programmed recreation turf” means grass used for recreation that is 1,500 contiguous square feet or greater; co-located with facilities; and located at least 10 feet from a street or interior-facing parking lot unless the turf area is at least 30 feet in all dimensions or immediately adjacent to an athletic field.

"AFY" means acre-feet per year.

“Athletic field turf” means grass used for sports or physical education that is 1,500 contiguous square feet or greater; not less than 30 feet in any dimension; and located at a school, daycare, religious institution, recreation center, senior center, park, or water park. Athletic field turf may be located less than 10 feet from a street or interior-facing parking lot if the contiguous turf area is at least 30 feet in all dimensions.

"Bubbler" means a type of sprinkler head that delivers water to a level area where standing water gradually infiltrates into the soil.

"City" means the City of North Las Vegas, a municipal corporation and political subdivision of the State of Nevada.

"Common area" has the meaning ascribed to it in the Chapter 17.12.020 of the North Las Vegas Municipal Code.

"Community use recreational turf" means any private or public park facility which is a turf-dominated, multi-purpose recreational area of at least two acres, but not less than one hundred (100) feet wide in any dimension.

"Customer" means any person who is an owner, occupant or manager of real property to which water is supplied by a public water system; any person who uses water supplied by a public water system; any person who is billed for the supply of water from a public water system; or any person who otherwise has the right or permission to utilize water provided by a public water system, but does not include any firefighting department or agency.

“Designated use area” means grass designated for special use at cemeteries and mortuaries.

"Director" means the Director of Utilities for the City of North Las Vegas.

"Drip irrigation" means an irrigation method in which water is slowly applied through low-pressure porous piping that has small openings and/or drip emitters.

“Functional turf” means an irrigated grass area that provides a recreational benefit to the community and is: (i) located at least 10 feet from a street, (ii) installed on slopes less than 25 percent, and (iii) not installed within street medians, along streetscapes, or at the front of entryways to parks, commercial sites, neighborhoods, or subdivisions. Functional turf includes: active/programmed recreation turf; athletic fields; designated use area turf; golf course play area; pet relief area; playground turf; or resident area turf.

“Golf course play area” means grass in driving ranges, chipping and putting greens, tee boxes, greens, fairways, and rough.

"Hand watering" means the sporadic use or application of water outside any dwelling, building or structure for any purpose by a customer or any person through a hose connected to a piping system while such hose is hand held by an individual.

"Irrigate" means to apply or to expend water onto land, whether by channels, by flooding, by sprinkling, or by any other means whatsoever.

"Landscaping" means the combination of irrigated area, nonirrigated planted area, water features, hardscape, and natural undeveloped area.

"Man-made decorative water features" is as defined in Chapter 13.16 of the North Las Vegas Municipal Code.

"Man-made lake" is as defined in Chapter 13.12 of the North Las Vegas Municipal Code.

"Master planned community" is as defined in Chapter 17.12 of the North Las Vegas Municipal Code.

“Nonfunctional turf” means an irrigated grass area that does not provide functional use. Examples of nonfunctional turf include, but are not limited to, the following:

i. Grass located along public or private streets, streetscape sidewalks, driveways, and parking lots, including turf within a community, park, and business streetscape frontage areas, medians, and roundabouts.

ii. Grass in front of, between, behind, or otherwise adjacent to a building or buildings located on a property not zoned exclusively for single-family dwelling, including maintenance and common areas.

iii. Turf managed by a homeowner association that does not provide a recreational benefit to the community or that otherwise does not qualify as functional turf, regardless of property zoning.

"Non-potable water" means water not suitable for drinking.

"Park" means a tract of land that is dedicated to, and set aside and maintained for, recreational purposes and includes without limitation areas of turf and trees,

playgrounds and playground equipment, picnic facilities, playing fields, and other recreational appurtenances such as lighted tennis courts, lighted baseball and softball fields, trails, vehicular parking lots and public restrooms.

"Person" has the meaning ascribed to it in Chapter 1.04.010 of the North Las Vegas Municipal Code.

“Pet relief area” means grass at a property providing commercial and retail services for pets, such as veterinarian and boarding facilities. The area must not exceed 200 square feet.

“Playground turf” means grass in designated play areas with playground amenities including, but not limited to, slides, swings, and climbing structures on homeowner association owned/managed property, or at a public park, water park, school, daycare, recreation center, senior center, or religious institution. Playground turf, if fenced, may be located less than 10 feet from a street.

"Potable water" means water suitable for drinking.

"Public water system" means any publicly or privately owned network of pipes, conduits, wells, reservoirs, holding tanks and other components, including any combination thereof, which supplies water to customers who are charged a fee of any kind or nature for such purpose or which is designed to supply water or is capable of supplying water to customers for a fee.

"Raw water" means water diverted from a natural source, subjected to minimal or no treatment, and delivered to a user for subsequent treatment or use. Raw water is not suitable for human consumption without treatment.

"Reclaimed water" means municipal wastewater treated to meet all applicable federal, state and local standards for use in approved applications, including, but not limited to: landscaping irrigation, construction and industrial cooling.

“Resident area turf” means grass up to 150 square feet per dwelling unit at multi-family residential properties, multi-family mixed use properties, or assisted living and rehabilitation centers used by tenants for recreation or leisure. Resident area turf may not be located in parking lots, streetscapes, or other non-accessible areas.

"Sanitary sewer" means any publicly or privately owned network of pipes, conduits, holding tanks and other components, which carries wastewater to a treatment facility that discharges to the Las Vegas Wash.

"Single-family dwelling" has the meaning ascribed to it in Chapter 17.32.030.

"SNWA" means the Southern Nevada Water Authority, which is an organization formed by local agencies to address Southern Nevada's water resource needs on a regional basis.

"Spray irrigation" or "spray irrigate" means the use of a sprinkler irrigation nozzle that delivers water in a fixed pattern, extending droplets farther than one foot from sprinkler head.

"Turf" means hybridized grasses that, when regularly mowed, form a dense growth of leaf blades and roots.

"Water-efficient landscaping" means a type of landscaping which incorporates drought-tolerant and low water-use plants with an organic or inorganic surface mulch layer, as a water efficient alternative to traditional turf and/or grass landscaping.

"Watering group" means an area of the city designated for specific watering day assignments.

13.08.020 General Provisions.

A. Purpose and Policy. This chapter is intended to establish water conservation measures and enhance the efficient utilization of the City's water resources. The City relies on conservation as an essential resource to help meet water needs.

B. Scope. The provisions of this chapter shall apply to all raw, potable, non-potable, and reclaimed water services.

C. Administration. The Director or designee shall be vested with the authority to make exemptions to the provisions of this chapter, when in the opinion of the Director or designee; these exemptions protect the public health, safety and well-being of the City's water system. Except as otherwise provided in this chapter, the Director or designee, shall administer, implement and enforce the provisions of this chapter to maintain equity among customers.

D. Compliance. All provisions of this chapter are subject to compliance procedures as proscribed within this chapter and any enforcement response plan or other procedures established and periodically modified by the Utilities Department.

13.08.030 Waste of Water Unlawful.

A. It is unlawful for any person in the City to waste water. Water waste shall include, but not be limited to, the following:

    1. Allowing water to flow or spray off private property onto a sidewalk, pavement gutter, public street, alley, right-of-way, gutter or drain;

    2. Failure to repair a malfunction of an irrigation system or supply line within forty-eight (48) hours of notification by the City. Such malfunctions may include, but are not limited to: pooling due to broken sprinkler head, geyser or jet of water caused by broken drip irrigation line, etc.;

    3. Failure to repair a water leak;

    4. Washing vehicles, equipment, driveways, parking lots, sidewalks, streets or other surfaces or objects, where water is allowed to flow off of the parcel for a continuous period of five minutes or more;

    5. Failure to comply with the requirements of this chapter related to man-made decorative water features, outdoor water use restrictions, landscaping watering restrictions, and restrictions concerning mist systems shall be considered water waste.

B. It is unlawful for a water customer to permit the excess use, loss or escape of water through breaks, leaks or malfunction in the water customer's plumbing or distribution facilities for any period of time after such escape of water should have

been reasonably discovered and corrected as determined by the Director or designee.

13.08.040 Responsibility for Water Waste.

Any waste of water as set forth in this chapter, together with proof that such waste originated at any residence or place of business, shall constitute a rebuttable presumption that the owner, current occupant, or manager of real property of such residence or place of business was responsible for such waste.

13.08.050 Landscaping Watering Restrictions.

A. As a water conservation measure, from May 1 until August 31 of each calendar year from the hours of 11:00 a.m. until 7:00 p.m., it is unlawful for any customer of a public water system to use water within the water service area of the City for the purpose of irrigation, regardless of method, of turf, gardens, trees, grass, shrubbery, or other vegetation, except as otherwise provided in Section 13.08.050(C) of this chapter.

B. Except as otherwise provided in Section 13.08.050(C), Section 13.08.050(D)(2), Section 13.08.050(E)(3) and Section 13.08.050(F)(2) of this chapter it is unlawful to use water within the City's water service area to spray irrigate turf, gardens, trees, grass, shrubbery, or other vegetation except in accordance with Table 13.08.050A and with the watering schedule the City may assign to each watering group pursuant to Section 13.08.050(B)(1) of this chapter.

Table 13.08.050A
Water Conservation Watering Schedule for Spray Irrigation

Months		Watering Days
Winter	(November—February)	Once per week*
Spring	(March—April)	Three days per week*
Summer	(May—August)	Any day except Sunday
Fall	(September—October)	Three days per week*

*Days will be specified for each watering group by the City.

1. For the purpose of managing the water distribution system, the City may designate watering groups for the areas serviced by the City's water system and may assign to each watering group specific watering days and/or schedules. The City shall provide all affected known water customers in each watering group with reasonable prior notification of assigned watering days and/or schedules. The City reserves the right to change or amend watering groups and/or watering days or schedules as deemed necessary with reasonable prior notice. A determination of the watering group in which each

water customer is located will be based upon such water customer's address or location. For the purpose of water conservation the City may be divided into as many as seven watering groups.

2. When assigned watering schedules are in effect, it shall be unlawful to spray irrigate turf, gardens, trees, grass, shrubbery, or other vegetation, except in compliance with the days, dates and times assigned to each watering group. Watering days will be defined as starting at 12:01 a.m. and ending at 12:00 a.m. midnight and no irrigation overlap will be allowed.

C. Exemptions from landscaping watering restrictions of Section 13.08.050 (A) and Section 13.08.050 (B) of this chapter:

1. Hand watering using a container or positive shut-off nozzle for the purpose of preserving lawn or shrubbery so vegetation does not die.

2. Irrigation of new lawns or as necessitated by the re-seeding of an existing lawn, for a period of thirty (30) days from the date of planting or installation with prior notification of the Utilities Department Customer Service section. Time of day restrictions still apply.

3. Drip and/or bubbler irrigation systems, provided that they are not run more frequently than permitted for spray irrigation pursuant to Table 13.08.050A.

4. Irrigation by licensed commercial gardens or plant nurseries.

5. Supervised operation of irrigation systems for the purpose of testing and repair during daylight hours.

6. Municipal operations or procedures that are necessary to protect the health, safety and well-being of the public.

7. Commercial and residential properties that utilize smart controllers per Southern Nevada Water Authority (SNWA) guidelines.

8. The City reserves the right to change or amend groups as deemed necessary with due notice.

D. Provisions Related to Community Use Recreational Turf Areas and Parks.

1. Community use recreational turf areas and parks are required to comply with the landscaping watering restrictions of Section 13.08.050(A) of this chapter.

2. Parks and community use recreational turf areas may request an alternative watering schedule in lieu of the mandatory landscaping watering restrictions of Section 13.08.050(B) of this chapter, by submitting to the Director or designee an alternative watering schedule that meets the following requirements:

a. During the months of March, April, September and October, a watering schedule for each area may not exceed seven days out of fourteen (14) days.

b. During the months of November, December, January and February, a watering schedule for each area may not exceed two days out of seven days.

3. The alternative watering schedule shall be submitted to the Director or designee for review and approval. The City may approve the alternative watering schedule if it protects the health, safety and well-being of the City's water supply.

4. Each approved alternative watering schedule must be posted at the community use recreational turf area or park to which it pertains.

5. It is prohibited to commence irrigation prior to 9:00 p.m. on the day prior to each watering day designated on the alternative watering schedule.

E. Schools and Government Facilities.

1. Schools and government facilities are required to comply with the landscaping watering restrictions of Section 13.08.050(A) and Section 13.08.050(B) of this chapter, except as otherwise provided in Section 13.08.050(E)(3) of this chapter.

2. Schools and governmental facilities with greater than five acres of turf and/or grass must conduct an annual self-assessment of water conservation potential and submit a plan that minimizes outdoor water use to the Director or designee for review and approval by the City. Schools and governmental facilities must also submit an annual report of water use reductions to the Director or designee for review and approval by the City.

3. Exemption from the requirements of Section 13.08.050(B) of this chapter for schools.

a. Schools may apply to the Director or designee for approval of an alternative watering schedule in lieu of the mandatory landscaping watering restrictions of Section 13.08.050 (B) of this chapter, by submitting a water conservation plan (WCP), which includes the following:

Water usage reduction statement;

Sites covered by the WCP;

Central control system standards;

Metered usage;

Documentation of conservation efforts establishing baseline;

Irrigation system efficiency and turf and/or grass reduction efforts;

Employee training on conservation methods;

Annual water usage reports;

Identification of additions to or reductions in landscaping;

Efforts to provide public education on conservation;

Demonstration of need, based on public usability of the facility; and

Demonstration that the alternative schedule of the WCP uses less water than the landscaping watering restrictions of Section 13.08.050(B) of this chapter.

b. The City may approve the WCP if it protects the health, safety and well-being of the City's water supply.

c. It is prohibited to commence irrigation prior to 9:00 p.m. on the day prior to each watering day designated in the WCP.

F. Golf Courses.

1. Golf courses shall be required to comply with the restrictions of Section 13.08.050(A) of this chapter.

2. Golf courses shall have water budgeting policies in lieu of the landscaping watering restrictions of Section 13.08.050(B) of this chapter. Golf courses using City supplied water shall be on a water budget. The City will determine the amount of the initial water budget by determining the irrigated acreage of each golf course within the City's water service area, using the 2002 data submitted by the golf courses pursuant to Section 13.08.050(F)(7) of this chapter. For this purpose, irrigated acreage will include, without limitation, lakes and ponds serving in whole or in part as a golf course irrigation reservoir.

   a. In the event a golf course customer contests the calculated irrigated acreage as determined by the City, the golf course may provide calculations supported by other methods acceptable to the City. Alternative measurements would need to be determined by an independent consultant not affiliated with the golf course. In any case, however, the City shall make the final determination of irrigated acreage.

3. The AFY per irrigated acre water budget for golf courses will be 6.3 AFY (including potable, raw, and reclaimed water) per irrigated acre as determined by the City pursuant to Section 13.08.050F(2) of this chapter.

4. The initial water budget will be determined upon the date of adoption of this chapter and the irrigated acreage. The initial water budget will be in effect at the beginning of the first calendar month following the adoption of this chapter. At the end of twelve (12) months, the water budget will be established for the remainder of the calendar year based on the irrigated acreage at that time, with the water budget being prorated accordingly for the remainder of the calendar year. Subsequent water budgets will be established by the City at the beginning of each calendar year with respect to the irrigated acreage.

5. Water used in excess of the water budget will be assessed an annual surcharge in accordance with Table 13.08.050.

Table 13.08.050
Water Conservation Annual Surcharge

Percentage of budget	101 to 120 percent	121 to 140 percent	Over 140 percent
Surcharge to apply to water use in excess of budget	2.0 times the highest rate paid for water within budget	5.0 times the highest rate paid for water within budget	9.0 times the highest rate paid for water within budget

6. Within ninety (90) days following the adoption of this chapter, each golf course shall be required to submit its own water use reduction plan containing at least the following elements:

   By February of each year, each golf course shall submit follow-up reports including the same data to the Director or designee, so performance can be evaluated and surcharges assessed.

   a. A physical description of the course, including detailed descriptions of all irrigated areas;

   b. An itemized accounting of the prior calendar year water use;

   c. A review of spray irrigation efficiency; and

   d. A description of key water use reduction strategies and timelines for implementing those strategies.

7. In addition to or in lieu of any provisions of this chapter, the department reserves the right to assign specific water budgets to customers for any specified period of time and prorate the amount of water at its discretion.

8. The City will not serve, and a person shall not use potable, non-potable, reclaimed, or raw water provided by the City for a golf course that was not in existence and receiving service from the City as of October 10, 2022.

13.08.060 Turf Restrictions.

A. No person shall install turf in: the front yard, side yard, or backyard of a single-family dwelling; common areas; medians; and non-residential developments. The installation of turf is limited to functional turf only.

B. As of October 10, 2022, regardless of zoning, and except for schools, parks, cemeteries, or other functional turf applications, turf shall not be installed on and is prohibited in any new development in the City's corporate boundaries or any new development that is provided water by the City.

C. The installation of new turf shall be limited to schools, parks, cemeteries, or other functional turf applications.

D. No person shall remove water-efficient landscaping for the purpose of installing turf.

E. Irrigating nonfunctional turf is prohibited.

F. Installation of spray irrigation is prohibited except where new turf is permitted as outlined in this section.

G. Exemptions. The provisions of this section shall not apply to the following:

1. Turf installed in front yards of single-family dwellings prior to January 1, 2004;
2. Turf installed in side yards or backyards of single-family dwellings prior to October 10, 2022;
3. Community use recreational turf;
4. Turf installed at schools, parks, cemeteries, or turf that meets the definition of functional turf; or
5. Any waiver granted pursuant to Section 13.08.060.H; or

H. Waiver.

1. Any person may apply to the Director in writing in a form prescribed by the Director for a waiver of the provisions of this section if the person demonstrates that unique circumstances exist so that the provisions of this section would serve no useful purpose and further that the purposes of this section would not be frustrated by the granting of such an exemption.
2. The Director may grant the waiver in his or her sole discretion.

I. No person shall impose private covenants, conditions, restrictions, deed clauses or other agreements which require the installation of turf or prevent the utilization of water-efficient landscaping provided such landscaping receives appropriate architectural review approval. No person shall prohibit landscaping materials and designs solely on the basis that they make use of water-efficient landscaping.

13.08.070 Mist Systems.

A. Residential mist cooling systems used for human comfort will not be restricted; however, commercial use mist cooling systems are only allowed from June 1 to August 31 and only between noon and midnight.

B. Mist cooling systems for animal safety are permitted.

13.08.080 Other Outdoor Water Use Restrictions.

A. Surface, Building and Equipment Washing (excluding vehicles). Surface, building, and equipment washing will be prohibited unless the water is discharged to a sanitary sewer through City approved methods.

B. As of October 10, 2022, the installation of spray irrigation is prohibited in new development in the City’s corporate boundaries or new development that receives

water from the City, except in schools, parks, cemeteries, or other functional turf applications where turf is permitted and meets the requirements set forth in Section 13.08.060.

C. Vehicle Washing.

1. Washing of personal vehicles upon residential properties is limited to once per week per vehicle and requires a positive shut-off nozzle.
2. Commercial vehicles may only be washed at a commercial facility where water is discharged to the sanitary sewer through City approved methods, or by a high-pressure, low volume sprayer using less than ten (10) gallons of water per vehicle.

13.08.090 Water Conservation Rates.

A. All water recorded as having passed through the meter will be billed at the appropriate rate blocks shown in Chapter 13.04 of the North Las Vegas Municipal Code.

B. The City Council may assess an additional fifteen (15) percent surcharge on all water use except as follows:

1. The first fifteen thousand (15,000) gallons (first two tiers) of residential water use per month will not be subject to water conservation surcharges.
2. The first two tiers of master metered multifamily units will not be subject to water conservation surcharges.
3. Golf courses will be exempt from the water conservation surcharges of this Section 13.08.090.
4. A water customer may make application with the City for a separate irrigation meter, such that inside and outside water use can be billed separately. In the event the City approves the application, then additional service fees will be charged, and only the outside use of water will be subject to water conservation surcharges.
5. Man-made lakes shall pay the water conservation surcharges on all fill water.

13.08.100 Operation of Man-Made Decorative Water Features.

A. Except as otherwise provided in this section, the operation of man-made decorative water features, whether utilizing potable or non-potable water provided by the City or water reprocessed by the customer, shall be prohibited.

B. The following uses will be permitted:

1. Swimming pools, spas and hot tubs, provided, as to any single-family dwelling:
    a. The swimming pool, spa, and/or hot tub is not located in the front yard;
    b. For a new pool, spa or hot tub: As of October 10, 2022, the combined water surface area of the swimming pool, spa, and hot tub does not

exceed 600 square feet of surface area of water. To determine the date of a new pool, spa, or hot tub, the Utilities Department will use the application date for the permit for construction of the swimming pool, spa, or hot tub; however, if the application is not approved and issued within six (6) months of that application date, the department will use the date that the permit is issued; and

c. There is at most one swimming pool with one spa or hot tub on the property.

2. Water features that are necessary and/or a functional component serving other allowable uses such as storage ponds on golf courses or aeration devices.

3. Indoor water features that drain to the sanitary sewer.

4. Commercial fountains or water features vital to a core economic function of the region, as determined by the City, including but not limited to:

   a. Recreational water parks, both public and private.

   b. Water features integral or vital to an entertainment venue, such that substantial economic harm could be associated with discontinuation of use.

   c. Fountains or water features necessary to sustain aquatic animals, provided that such animals are of significant value as determined by the City and have been actively managed within the water feature prior to declaration of drought condition.

   d. Fountains or water features of less than ten (10) square feet in surface area at a single-family dwelling.

13.08.110 Enforcement.

A. The Director or designee shall adopt and maintain administrative procedures for the enforcement of the provisions of this chapter and to assess fines and/or penalties for violations. The administrative procedures shall be consistent with any authorities delegated to the city by legislative statute or the North Las Vegas Municipal Code.

B. Violations. Observations of violations of this chapter will result in the customer being issued a warning letter. Failure to correct or resolve the violation of this chapter will result in a violation letter and fine assessment to be applied on the customer's, or legal property owner's, water bill, according to the tables below. Violation levels shall be based upon violation history for the preceding twelve (12) months. Administrative fines assessed will be in accordance with Table 13.08.110.

Table 13.08.110 Administrative Fines

Meter Size	Observance	1st Violation	2nd Violation	3rd Violation	4th Violation	5th Violation and More
1" and less	Warning letter	$80.00	$160.00	$320.00	$640.00	$1,280.00
>1"and <3"	Warning letter	$160.00	$320.00	$640.00	$1,280.00	$2,560.00
3" and greater	Warning letter	$320.00	$640.00	$1,280.00	$2,560.00	$5,120.00

C. Continued non-compliance with this chapter may result in service being disconnected.

13.08.111 Pool and Hot Tub Draining.

A. It is unlawful for any person to drain or empty any water from a swimming pool, hot tub, spa, and/or whirlpool bath into the street or storm drain where the publicly owned sanitary sewer is available, and any such discharge will be subject to water waste enforcement restrictions and administrative fines. Water from a swimming pool, hot tub, spa, and/or whirlpool bath shall be discharged into the publicly owned sanitary sewer through a private connection such as a sewer lateral access port, sink, toilet, or bathtub.

B. Where the publicly owned sanitary sewer is not available, a person may drain water from a pool, hot tub, spa, and/or whirlpool bath into a street or storm drain provided that the person discharging such water gives prior notification to the Director. The Director shall establish procedures to receive such notice.

13.08.112 Violations.

Any person who fails or refuses to comply with any of the following provisions violates this title and shall be subject to discontinuance of service, subject to any penalties and charges assessed in accordance with this title and/or department service rules and subjected to all compliance procedures as prescribed by this title.

A. No person shall permit the excess use, loss or escape of water through breaks, leaks or malfunction in the water user's plumbing or distribution facilities for any period of time after such escape of water should have been reasonably discovered and corrected as determined by the director.

B. No person shall water landscaping at times and/or days other than as indicated on Table 13.08.050A water conservation schedule for spray irrigation.

C. No person shall exceed a water budget as allowed in this chapter and/or as imposed by the city.

D. No person shall utilize landscaping materials other than as allowed by this chapter, and/or to impose landscaping requirements that do not comply with the requirements outlined in this chapter.

E. No person shall utilize misting systems September through May, or for use(s) other than for animal safety as outlined in this chapter.

F. No person shall wash surface, building and equipment (excluding motor vehicles) unless the water is contained on site or discharged to a publicly owned sanitary sewer through approved methods as determined by the city.

G. No person shall wash vehicles by any method other than as allowed in this chapter.

H. No person shall operate fountains and/or water features other than as allowed in this chapter.

I. No person shall drain or empty any water from a swimming pool, hot tub, and/or whirlpool bath into the street or storm drain.

13.08.120 Reconsideration and appeals.

A. Initial Appeal to Utilities Department.

1. A person may initiate an appeal of an administrative fine to the Director of the Utilities Department. The appellant shall submit the appeal on a form provided by the Utilities Department. The form shall require the appellant to indicate, among other things, his/her name, current address, a reference to the violation letter and administrative fine assessed, and the grounds for the appeal.

2. An appeal made under this section shall be decided administratively by the Director or designee based on a review of the case file, violation letter, the circumstances surrounding the violation, and any grounds or evidence provided by the appellant. The Director or designee may decide in favor of the appellant by finding no liability, or finding liability but imposing a fine in an amount less than that set forth in this title.

3. Notwithstanding any other provision of this chapter, the Director or designee has the discretion, but is under no obligation, to decide in favor of a particular appellant by finding no liability, finding liability but imposing a fine less than that set forth in this title, waiving late fees and penalties otherwise accruing, or converting a violation letter and fine(s) to a warning upon a determination that considering all the circumstances, unfairness would otherwise result.

4. Notice of the decision made by the Director or designee in connection to an appeal made under this section shall be provided to the appellant by:

    a. Mailing such notice to the appellant at the address provided by the appellant;

b. Sending such notice to the appellant by electronic mail, if the appellant has requested communication by means of electronic mail.

5. Within fifteen (15) calendar days after notice of a decision has been provided pursuant to subsection A.4. of this section, the appellant must:

   a. Pay or cause to be paid in full all fines remaining to be paid;

   b. Arrange a payment plan with the Director or designee for the fines owed; or

   c. Request an escalated appeal hearing in accordance with Section 13.08.120.B.

B. Escalated Appeal to Independent Hearing Officer.

1. A person may initiate an independent appeal under this section by:

   a. Contacting the office of the Utilities Department within the fifteen-day period referred to in Section 13.08.120.A.5.

   b. Requesting a Level 2 appeal hearing; and

   c. Receiving a date for hearing the appeal.

2. An appeal under this subsection may be filed by or on behalf of the owner of the property that is subject to the administrative fines and penalties owed.

3. The appellant shall provide all information that the Utilities Department may require. A hearing shall be conducted by an independent hearing officer provided by the Southern Nevada Water Authority pursuant to the Interlocal Agreement Between the City of North Las Vegas and the Southern Nevada Water Authority for Water Waste Compliance Enforcement. The appellant shall be bound by the decision of the hearing officer concerning liability for the violation and responsibility for the fines and penalties thereon. It is expected that the appellant will appear in person or by representative at the hearing. However, at the hearing officer's discretion, a hearing may be held, and the appeal decided, without an appearance by the appellant. If any appellant scheduling a hearing before the hearing officer fails to appear at such hearing without having first sought and obtained a continuance of such hearing, the hearing officer may enter a decision against the appellant for the full amount of fines and penalties scheduled to be reviewed. In connection with the request for a hearing, the appellant must acknowledge the binding nature of the hearing and the hearing officer's authority in the event the appellant fails to appear at the hearing. The acknowledgement shall be in substantially the following form:

I _____, hereby request a binding hearing before a Hearing Officer. My address is _____. I request that this hearing involve the (1st , 2nd , 3rd , etc.) administrative violation for account number_____, including the associated penalties. I understand that the Hearing Officer is not an elected or appointed judge.

I understand that I am bound by the decision of the Hearing Officer. I understand that I am expected to appear in person or by representative at the requested hearing, but that

the hearing may be held, and the appeal decided, without such appearance at the discretion of the Hearing Officer. I understand that if I fail to appear for the scheduled hearing before the Hearing Officer without first obtaining a continuance of such hearing, the Hearing Officer may enter a decision against me for the full amount of the fees and penalties scheduled to be reviewed. I understand and agree that if necessary due to my lack of timely payment, the City of North Las Vegas can and will use this binding decision to implement collection procedures authorized under this Title.

Knowing the above, I still wish to request a binding hearing before the Hearing Officer on the above-described administrative violation(s). I hereby acknowledge the above and further acknowledge that at my request a hearing has been set for the _____day of _____, in the year _____ at the hour of _____ a.m./p.m.

_____
Signed by the Appellant

4. Any appeal hearing conducted pursuant to this subsection shall be presided over by a hearing officer provided by the Southern Nevada Water Authority.

5. The hearing officer may decide in favor of the appellant by finding no liability, finding liability, but imposing a fine in an amount less than that set forth in this title, or may waive late fees and penalties after hearing the matter.

6. The appellant shall pay the total administrative fines and penalties forthwith or at such times and on such conditions as the hearing officer shall prescribe if it is found that the person has either failed to appear or otherwise defend against the issuance of the administrative fine, or that the violation has been committed and no applicable defense exists. If the appellant fails to pay in accordance with the times and conditions of the hearing officer's decision and any amount due remains unpaid fifteen (15) calendar days after the date due, all amounts outstanding shall be deemed delinquent, including unpaid portions of the original fine amount and any associated penalties. The City shall have the right to collect such amounts by any means set forth in this title or otherwise available under law.

C. If a person fails to respond to any violation letters and administrative fines, the Utilities Department is entitled to collect the amount of any fines and penalties by means of any remedy available under applicable law.

13.08.130 Processing of Appeals.

In connection with the filing and processing of an appeal made either under Section 13.08.120.A. or Section 13.08.120.B.:

A. A person who is an individual may be represented by a member of the person's immediate family, with the written consent of the individual to be represented, or by an attorney who is licensed to practice law in Nevada. A business or other entity may be represented by an officer of the entity or by an attorney who is licensed to practice law in Nevada.

B. Properly assessed administrative fines and penalties shall constitute a claim of liability and a claim for relief and no other such claim shall be required.

Prima facie proof of the violation alleged shall be established by means of the violation letter and/or by reference to the data stored in a computer or other devices used by the Utilities Department. No formal appearance by the City Attorney's Office is required. The hearing and disposition of all appeals shall be informal, with the purpose of dispensing timely and appropriate justice.

C. The burden of proving any defense shall be upon the person raising such defense.

SECTION 2: Section 13.16.010 of the NLVMC shall be deleted in its entirety and replaced with the following:

13.16.010 Uses.

A. It is unlawful to use any water or reclaimed wastewater in the areas served by the North Las Vegas water system for the purpose of filling or refilling a man-made decorative water feature (defined herein) that contains water that continually or intermittently flows or that is sprayed into the air, unless such water or reclaimed wastewater is recirculated.

B. It is unlawful to use any water or reclaimed wastewater in the areas served by the North Las Vegas water system for the purpose of filling or refilling an outdoor man-made decorative water feature exceeding an aggregate ground surface area computed for a single development as follows: two percent for the first ten (10) acres or less and 0.2 percent for the additional total development area that exceeds ten (10) acres.

C. It is unlawful to use any water or reclaimed wastewater in the areas served by the North Las Vegas water system for the purpose of filling or refilling outdoor swimming pools exceeding an aggregate surface area computed for a single development as follows: four percent for the first ten (10) acres or less and 0.4 percent for the additional total development area that exceeds ten (10) acres.

D. It is unlawful to use any water or reclaimed wastewater in the areas served by the North Las Vegas water system for the purpose of filling or refilling outdoor water features used primarily for contact recreational purposes within a man-made recreational water theme park exceeding an aggregate ground surface area computed for a single development as follows: twenty (20) percent for the first twenty (20) acres or less and two percent for the additional total development area that exceeds twenty (20) acres.

E. Permits Not Issued. No North Las Vegas department, agency, or district shall issue any permit for the construction of any man-made decorative water features or man-made recreational water theme park in the incorporated areas of North Las Vegas which exceed the limitations specified above.

F. Pre-existing Water Features. Outdoor man-made decorative and recreational water features of a single development which exist at the effective date of the ordinance codified in this chapter or those for which a building permit or zoning approval has

been obtained which use the equivalent or exceed the water use allowed by subsections B, C and D of this section, or other sections of this chapter, shall be entitled to continue such water usage, but permits shall be granted for additional outdoor man-made decorative and/or recreational water features in excess of that permitted by any particular section, only if such features do not result in an increase in the total water usage by existing outdoor man-made decorative and recreational water features. A certificate of compliance to this effect shall be signed by the property owner and a professional engineer, and shall be submitted to the city building department prior to any use approval or issuance of any permit required for the construction of the water feature(s).

SECTION 3: Section 13.24.020 of the NLVMC shall be deleted in its entirety and replaced with the following:

13.24.020 Use of Septic Tank.

A. Unless approved by the Director, the use of a septic tank shall be prohibited.

B. Septic tanks shall be disconnected and abandoned upon connection to the City's publicly owned treatment works. Abandonment shall be performed in such a manner as to meet the requirements of applicable federal, State, and City requirements and/or standards.

C. Out of Valley Area.

1. If (i) a development is proposed outside the Las Vegas Valley, (ii) the developer has requested that the City provide water service to all or a portion of the property or premises on which that new development will be located, (iii) a regional wastewater system operated by an SNWA member agency is not in the vicinity of that development, and (iv) the developer wishes to use a septic tank for that development, then the Director may approve, but is not required to approve or otherwise allow, the proposed development to receive water service from the City and allow the property/properties within the proposed development to discharge wastewater to a septic tank if all of the following requirements are met:

    a. For each unit within the proposed development that will receive separate water service from the City, a cleanout and sanitary sewer lateral is designed and constructed that complies with adopted standards and enables the unit to disconnect from the septic system and connect to a future, regional wastewater system;

    b. The cleanout and sanitary sewer lateral described in section 13.24.020.C.1.a are shown on civil improvement plans for the development and are accepted by, and on file with, the City; and

c. The property owner of each unit signs and records in the Clark County Recorder's Office a declaration of special land use restriction wherein the property owner agrees that, when wastewater service from a regional wastewater system becomes available, the property owner (at their cost) shall connect to the regional wastewater system in compliance with the requirements of the operator of that system and shall remove or abandon their septic system in compliance with applicable federal, State, and City requirements, including Southern Nevada Health District regulations. That declaration of special land use restriction shall be in a form approved by the Director, shall be for the benefit of the City, and must be signed by the City.

2. The City shall not issue a building permit for a new structure outside the Las Vegas Valley (with the exception of a grading permit) until the developer provides documentation to the City that shows the cleanout and sanitary sewer lateral described in section 13.24.020.C.1.a are included in the applicable construction plans for the development.

3. The City shall not issue a certificate of occupancy for a new structure outside the Las Vegas Valley until the City inspects the property and confirms that the cleanout and sanitary sewer lateral are constructed in conformance with the requirements in section 13.24.020.C.1.a above and construction has commenced on the regional wastewater system to convey the wastewater generated from the property to the regional wastewater system.

SECTION 4: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 5: SEVERABILITY. If any section, paragraph, clause or 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 provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of RS, as amended from time to time.

SECTION 7: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the

Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS _____ day of _____, 2022.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

_____
JOHN J. LEE, MAYOR

ATTEST:

_____
JACKIE RODGERS, CITY CLERK