

1 **BILL NO. 2005-18**

2 **ORDINANCE NO. \_\_\_\_\_**

3 AN ORDINANCE TO UPDATE THE CITY'S DROUGHT PLAN ORDINANCE TO REFLECT A  
4 CHANGE IN TERMINOLOGY FROM "DROUGHT EMERGENCY" TO "DROUGHT  
CRITICAL," AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: Margo Wheeler, Director of  
6 Planning and Development

Summary: Updates the City's drought plan  
ordinance to reflect a change in terminology  
from "drought emergency" to "drought critical."

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

9 SECTION 1: Title 14, Chapter 11, Section 20, of the Municipal Code of the City of  
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **14.11.020:** For purposes of this Chapter, the following terms shall have the meanings ascribed to  
12 them, unless the context requires otherwise:

13 "Community Use Recreational Turf" refers to any private or public park facility consisting of a  
14 turf-dominated, multi-purpose recreational area that:

15 (1) Has at least two acres and no dimension less than one hundred feet; or

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

17 "District" means the Las Vegas Valley Water District.

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

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

25 ["Drought Emergency"] "Drought Critical" refers to a third-level drought declaration of the Board of  
26 Directors of the Southern Nevada Water Authority based upon current or projected reductions in the  
27 community's renewable water supply.

28 "Drought Watch" refers to a first-level drought declaration of the Board of Directors of the Southern

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

3 "No Drought" refers to a condition where no drought declaration of the Board of Directors of the  
4 Southern Nevada Water Authority is in effect.

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

6 "Potable" water means water suitable for drinking.

7 "Raw Water" means non-potable water diverted from a natural source, subjected to minimal or no  
8 treatment, and delivered to a user for subsequent treatment or use.

9 "Reclaimed Water" means municipal wastewater that has been treated to meet all applicable federal,  
10 state and local standards for use in approved applications, including without limitation landscape  
11 irrigation, construction and industrial cooling. For purposes of this Chapter, "reclaimed water" and  
12 "recycled water" are equivalent terms.

13 "Resort Hotel" means any building or group of buildings that is maintained as and held out to the  
14 public to be a hotel where sleeping accommodations are furnished to the transient public and that has:

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

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

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

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

21 "Service Rules" means the service rules that have been adopted by the District.

22 "Southern Nevada Water Authority" or "SNWA" means the organization by that name that has been  
23 formed by cooperative agreement among local agencies to address Southern Nevada's water needs on  
24 a regional basis.

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

27 "Water Use Reduction Plan" means a document or documents to be submitted by or on behalf of an  
28 applicant in connection with a request to exempt fountains or water features from the prohibitions

1 contained in this Chapter. The term includes a plan that is modeled after the Water Efficiency and  
2 Drought Response Plan outline or similar document that may have been approved for use by the  
3 District or the City Manager.

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

7 SECTION 2: Title 14, Chapter 11, Section 30, of the Municipal Code of the City of  
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **14.11.030:** (A) The Drought plan adopted by the SNWA in February 2003 and approved by the  
10 City Council in March 2003, and any amendments adopted by SNWA, shall serve as the basis for  
11 adopting this Chapter, and as a guideline in its interpretation. The drought plan was adopted in order  
12 to preserve, protect and encourage the conservation of water resources. The plan describes different  
13 stages of water supply conditions as follows:

- 14 (1) No drought;
- 15 (2) Drought watch;
- 16 (3) Drought alert;
- 17 (4) Drought [emergency.] critical.

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

27 (C) In the case of a drought [emergency,] critical condition, the provisions of this  
28 Chapter pertaining to a drought alert shall continue to apply. However, based upon the

1 recommendations of SNWA and a citizens advisory committee, the City shall have the authority to  
2 adopt additional restrictions that are deemed necessary in order to protect the public health, safety and  
3 welfare. Upon the adoption and publication of those additional restrictions, they shall become binding  
4 on water users within the City.

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

13 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,  
14 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
15 1983 Edition, in conflict herewith are hereby repealed.

16 PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

17 APPROVED:  
18  
19 By \_\_\_\_\_  
20 OSCAR B. GOODMAN, Mayor

21 ATTEST:  
22 \_\_\_\_\_  
23 BARBARA JO RONEMUS, City Clerk

24 APPROVED AS TO FORM:  
25 Val Steep 3-23-05  
26 Date

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28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_ day of \_\_\_\_\_, 2005, and referred to the following committee composed of  
3 \_\_\_\_\_ and \_\_\_\_\_ for recommendation;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_ day of  
5 \_\_\_\_\_, 2005, which was a \_\_\_\_\_ meeting of said Council; that at said  
6 \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City Council  
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

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APPROVED:

By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk