

BILL NO. 2023-17

ORDINANCE NO. _____

AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF LVMC CHAPTERS 14.10 AND 14.11 TO UPDATE WATER CONSERVATION MEASURES TO BE CONSISTENT WITH REGULATIONS OF THE LAS VEGAS VALLEY WATER DISTRICT; MAKE RELATED CHANGES TO LVMC TITLE 19; AMEND LVMC CHAPTER 16.28 TO PROHIBIT THE USE OF EVAPORATIVE COOLING IN NEW STRUCTURES; AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Olivia Díaz

Summary: Amends various provisions of LVMC Chapters 14.10 and 14.11 to update water conservation measures to be consistent with regulations of the Las Vegas Valley Water District; makes related changes to LVMC Title 19; and amends LVMC Chapter 16.28 to prohibit the use of evaporative cooling in new structures.

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

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

14.10.020: As used in this Chapter, the following words and phrases have the meanings ascribed to them:

(A) "City Council" means the City Council of the City of Las Vegas.

(B) "Manmade decorative water feature" means any manmade stream, fountain, waterfall, reflective pool, or other manmade water feature which contains water that flows, is recirculated, or that is sprayed into the air, and is constructed for decorative, scenic or landscape purposes, except the following bodies of water:

(1) A water feature which was in existence before the effective date of the ordinance codified in this chapter, or for which final development approvals and permits have been obtained by that date;

(2) A water feature constituting a wetlands project or located in a recreational facility which is owned or operated by a governmental entity; or

(3) A manmade lake, as defined in Subsection (C) of this Section.

1 (C) "Manmade lake" means any manmade body of water, whether potable or otherwise,
2 including a lake or reservoir (excluding a fully enclosed, fully contained tank-type reservoir), which is used
3 or intended to be used for recreational, scenic or landscape purposes, except the following bodies of water:

4 (1) A body of water which was in existence before the effective date of the ordinance
5 codified in this chapter, or for which final development approvals and permits have been obtained by that
6 date;

7 (2) A body of water constituting a wetlands project or located in a recreational facility
8 which is owned or operated by a political subdivision of this state and utilizes nonpotable water;

9 (3) A body of water which is located in a recreational facility that is open to the public
10 and owned or operated by the United States, the State of Nevada, or any other governmental entity;

11 (4) A body of water which stores water for use in flood control, in meeting peak water
12 demands or for purposes relating to the treatment of sewage by a political subdivision of this State;

13 (5) A body of water which stores water for use by the Las Vegas Valley Water District
14 or by a water district created pursuant to NRS Chapter 318;

15 (6) [Bodies of water located on a golf course which are used for the purpose of storing
16 golf course irrigation water, which have an aggregate surface area of less than 5.5 percent of the total golf
17 course area (excluding clubhouse and parking areas) and which are lined with impermeable material;

18 (7)] A swimming pool or spa that is subject to the requirements of LVMC Chapter 16.30;

19 [(8)] (7) A body of water which stores and distributes water or sewage effluent for use by an
20 irrigation district created pursuant to NRS Chapter 539;

21 [(9)] (8) A body of water which stores water used in a mining reclamation project; or

22 [(10)] (9) A manmade decorative water feature, as defined in Subsection (B) of this Section.

23 (D) "Shallow groundwater aquifer" means a region of elevated groundwater caused by
24 secondary recharge, for which the State Engineer has issued a permit in accordance with NRS 534.050, to
25 pump water to alleviate potential nuisances or hazards to persons or property resulting from the rise of
26 groundwater.

1 [(E) “Single development” means any business, commercial, resort, multiple-family (attached)
2 residential, industrial or agricultural development, or any commonly held area in a single-family (detached)
3 residential or mixed use development, which is located on a single parcel of land or on contiguous parcels
4 under common ownership (including parent holding company), lease or management.]

5 SECTION 2: Title 14, Chapter 10, Section 30, of the Municipal Code of the City of Las
6 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **14.10.030:** It is unlawful to use any potable water or shallow aquifer groundwater for the purpose of
8 filling or refilling [:

9 (A) A manmade lake; or

10 (B) A manmade decorative water feature, unless the water is recirculated and the water feature
11 is authorized by and complies with the provisions of Section 14.11.190.] a manmade lake or manmade
12 decorative water feature.

13 SECTION 3: Title 14, Chapter 11, Section 20, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **14.11.020:** For purposes of this Chapter, the following terms shall have the meanings ascribed to them,
16 unless the context requires otherwise:

17 [“Community Use Recreational Turf” refers to any private or public park facility consisting of a turf-
18 dominated, multi-purpose recreational area that:

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

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

21 “District” means the Las Vegas Valley Water District.

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

26 “Functional turf” refers to that term as defined by the Service Rules, and means an irrigated turf or

grass area that:

- (1) Provides a recreational benefit to the City;
- (2) Is completely contiguous;
- (3) Is not less than 30 feet in any dimension;
- (4) Is 1,500 square feet in area or greater;
- (5) Is installed on a slope of less than 25 percent; and
- (6) Is located at least 10 feet away from the back of curb of a public or private street.

The term includes, but is not limited to:

- i. Active or programmed recreational turf, including for parks and park athletic fields, playgrounds, schools, cemeteries, daycares, community centers, plazas;
- ii. Areas for animal and pet relief, including for veterinarian or boarding facilities with an exception of up to a maximum of 200 square feet;
- iii. Golf course play areas and practice facilities; and
- iv. Multi-family, mixed-use, and transit-oriented residential property used by tenants for recreation or leisure, but only to the extent conforming with applicable turf limitations set forth in this Title.

“Nonfunctional turf” refers to turf other than functional turf, and means an irrigated turf or grass area not providing functional use to the City, including, but not limited to:

- (1) Turf installed at an entryway or driveway to a park, commercial property entrance, neighborhood, or subdivision;
- (2) Turf within a street median, amenity zone, or along a streetscape; and
- (3) Turf within landscape maintenance or common areas not otherwise qualifying as functional.

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

“Potable” water means water suitable for drinking.

“Raw Water” means non-potable water diverted from a natural source, subjected to minimal or no

1 treatment, and delivered to a user for subsequent treatment or use.

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

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

- 8 (1) More than two hundred rooms available for sleeping accommodations;
- 9 (2) At least one bar with permanent seating capacity for more than thirty patrons that
10 serves alcoholic beverages sold by the drink for consumption on the premises;
- 11 (3) At least one restaurant with permanent seating capacity for more than sixty patrons
12 that is open to the public twenty-four hours each day and seven days each week; and
- 13 (4) A gaming area within the building or group of buildings.

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

15 “Southern Nevada Water Authority” or “SNWA” means the organization by that name that has been
16 formed by cooperative agreement among local agencies to address Southern Nevada’s water needs on a
17 regional basis.

18 “Spray irrigation” means the application of water by means of sprinklers or other devices that
19 disperse droplets of water through the air.

20 “Water Use Reduction Plan” means a document or documents to be submitted by or on behalf of an
21 applicant in connection with a request to exempt fountains or water features from the prohibitions contained
22 in this Chapter. The term includes a plan that is modeled after the Water Efficiency and Drought Response
23 Plan outline or similar document that may have been approved for use by the District or the City Manager.

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

SECTION 4: Title 14, Chapter 11, Section 100, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.11.100: (A) It is unlawful to use water for the spray irrigation of turf, gardens, trees, grass, shrubbery, or other vegetation [in residential areas, or for the spray irrigation of turf other than community use recreational turf,] at a greater frequency than that described in the service rules, or on a day other than one designated by the District for that user in accordance with the service rules. The days permitted for watering for a particular user will depend on the user's location within certain regions that are or may be designated by the District. The District is authorized to divide its service area within the City into various regions for purposes of establishing watering schedules and for water conservation purposes generally, and to revise the designation and makeup of those regions as deemed necessary, with due notice to the public.

(B) It is unlawful to install a spray irrigation system in connection with any new development, regardless of landscaping or groundcover type, except in areas where functional turf is permitted in accordance with LVMC 14.11.140 and its installation is accordance with applicable development standards set forth in LVMC Title 19.

SECTION 5: Title 14, Chapter 11, Sections 120, 140 and 150, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

SECTION 6: Title 14, Chapter 11, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 140, reading as follows:

14.11.140: (A) Single-family and multifamily developments are prohibited from installing nonfunctional turf in common areas of residential neighborhoods.

(B) Except as otherwise provided in Subsection (C), the installation of new functional or nonfunctional turf in non-residential developments is prohibited.

(C) New functional turf may be installed only at schools, cemeteries, and parks, whether privately or publicly owned or maintained.

(D) No nonfunctional turf may be installed on any property developed or constructed on

1 or after September 1, 2023. This prohibition applies without limitation to the front, side and rear yard areas
2 of single family development.

3 SECTION 7: Title 14, Chapter 11, Section 190, of the Municipal Code of the City of Las
4 Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

5 SECTION 8: Title 14, Chapter 11, of the Municipal Code of the City of Las Vegas,
6 Nevada, 1983 Edition, is hereby amended by adding thereto four new sections, designated as Sections 190,
7 193, 195 and 197, respectively reading as follows:

8 **14.11.190:** (A) Except as otherwise provided by this Section, fountains and water features are
9 prohibited upon property that is serviced by the District. The following features are automatically exempt
10 from this prohibition:

11 (1) Swimming pools;

12 (2) Fountains and water features that are supplied by privately-owned water
13 rights, by water rights obtained by means of a State-issued permit, or by nuisance water discharged during
14 normal facility dewatering;

15 (3) Not more than one fountain or other water feature at any single-family
16 residence, provided that the surface area of the fountain or other water feature does not exceed ten square
17 feet;

18 (4) Not more than one fountain or other water feature within the common areas
19 of a single-family or multi-family development, provided that the fountain or other water feature is not an
20 entryway or streetscape feature and its surface area does not exceed ten square feet;

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

24 (6) Indoor water features; or

25 (7) Fountains or water features necessary to sustain aquatic animals, provided
26 that the animals have been actively managed within the water feature prior to February 20, 2003.

1 (B) Under a previous version of this Section, certain features not automatically
2 exempted could be granted exemption pursuant to a formal exemption request process. Such exemptions
3 required the payment of annual fee for subsequent years. Such exemptions previously granted may be
4 extended in the future by the payment of an annual fee of one thousand dollars.

5 (C) Nothing in this Section that prohibits fountains or water features shall be deemed
6 to require a fountain or water feature to be drained if maintaining a recirculating water pool is necessary
7 in order to maintain pumps, pond liners and ancillary equipment. However, in any such case the
8 recirculating water pool may only be operated between the hours of one a.m. and four a.m.

9 **14.11.193:** No swimming pool, spa, or hot tub exceeding a total combined surface area of six hundred
10 square feet shall be constructed on any single-family residential property on or after September 1, 2023. For
11 any swimming pool, spa, or hot tub with a permit issued prior to September 1, 2023, or for any addition to
12 an existing swimming pool on or after September 1, 2023, the total combined surface area shall not be
13 increased above six hundred square feet.

14 **14.11.195:** No golf course is eligible to be permitted for construction on or after September 1, 2023.
15 This provision shall not be construed to prohibit the construction of a golf practice facility, a miniature golf-
16 course, or a limited-scale golfing facility for practice or casual recreation with a length of four thousand yards
17 or less.

18 **14.11.197:** (A) Except as otherwise permitted by the General Manager of SNWA, no septic system
19 shall be constructed or installed on any single-family residential property on or after September 1, 2023.

20 (B) In the case of the removal of any existing septic system, whether located on
21 residential or nonresidential property, any future use of that property requires connection to the public
22 sanitary sewer system, as well as installation and maintenance in accordance with City standards.

23 SECTION 9: Title 16, Chapter 24, of the Municipal Code of the City of Las Vegas,
24 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 20, reading
25 as follows:

26 **16.24.020:** After August 31, 2023, no new building that utilizes evaporative cooling mechanisms or

1 devices as part of the building's heating, ventilation, air conditioning, and refrigeration system is eligible for
2 permitting. This provision shall be deemed to prevail over any contrary or inconsistent provision of the
3 Municipal Code or the City's construction-related codes.

4 SECTION 10: Ordinance No. 6289 and the Unified Development Code adopted as Title 19
5 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in
6 Sections 11 to 13, inclusive, of this Ordinance. The amendments are deemed to be amendments to Ordinance
7 No. 6289 and to the Unified Development Code adopted as Title 19.

8 SECTION 11: Section 19.06.040(F)(7) is amended to read as follows:

9 **7. Turf Limitations**

10 a. Nonfunctional turf is prohibited within all residential developments. In addition, [The] the use of turf
11 is subject to and limited by LVMC Chapter 14.11 and the provisions of this Paragraph (7), with the provisions
12 that are most restrictive to govern in a particular case. No new turf shall be installed in residential front
13 yard areas [except as provided for in LVMC 14.11.150(B),] or in the common areas of residential
14 developments unless the common area is intended as usable open space[.] and includes functional turf.
15 Additionally, turf shall be limited [in the rear and side yard areas of residential lots as follows:] as set forth
16 in Table 1 below.

Table 1 – Turf limitations	
USE	USE OF TURF
Single Family	[Limited to a maximum of 50% of the total side and rear yard areas or 100 square feet, whichever is greater (up to a maximum of 5,000 square feet) provided that no turf installation in a side or rear yard area has a dimension of less than 10 feet] <u>Prohibited, unless included as a park or common area and in accordance with LVMC Chapter 14.11</u>
Multi-Family	[Limited to a maximum of 30% of total landscapable area] <u>Prohibited, unless included as a park or common area and in accordance with LVMC Chapter 14.11</u>
Nonresidential	See LVMC 19.08.040(F)(7)

23 b. The turf limitations contained in this Subsection are intended to increase the use of water efficient
24 vegetation. Landscaping shall be designed, and the landscaping materials shall be chosen and installed, so as
25 to ensure that, within three years of normal growth, at least 50 percent of the area covered by nonturf
26 landscaping will consist of water efficient vegetation.

1 [c. The maximum amount of turf allowable pursuant to Subparagraph (a) may be increased
2 proportionally by the percentage of water used for irrigation that comes from a source to which the property
3 owner has secured water rights.]

4 SECTION 12: Section 19.16.040(H) is amended to read as follows:

5 **H. Sanitary Sewer Collection and Disposal Systems**

6 Sanitary sewer collection and disposal systems shall be required, installed and maintained in accordance with
7 City standards. [Unless septic systems are permitted by the Clark County Health District, connection]
8 Connection to the public sanitary sewer system shall be required. If required improvements are deferred,
9 a public improvements covenant which runs with the land shall be recorded which ensures future installation
10 of any deferred improvements.

11 SECTION 13: Section 19.18.020 is amended by adding, at the appropriate locations, the
12 following terms and their corresponding definitions:

13 **Functional turf.** Functional turf as defined by the Service Rules of the Las Vegas Valley Water District,
14 meaning an irrigated turf or grass area that:

- 15 1. Provides a recreational benefit to the City;
- 16 2. Is completely contiguous;
- 17 3. Is not less than 30 feet in any dimension;
- 18 4. Is 1,500 square feet in area or greater;
- 19 5. Is installed on a slope of less than 25 percent; and
- 20 6. Is located at least 10 feet away from the back of curb of a public or private street.

21 The term includes, but is not limited to:

- 22 i. Active or programmed recreational turf, including for parks and park athletic fields,
23 playgrounds, schools, cemeteries, daycares, community centers, plazas;
- 24 ii. Areas for animal and pet relief, including for veterinarian or boarding facilities with an
25 exception of up to a maximum of 200 square feet;
- 26 iii. Golf course play areas and practice facilities; and

iv. Multi-family, mixed-use, and transit-oriented residential property used by tenants for recreation or leisure, but only to the extent conforming with applicable turf limitations set forth in this Title.

Nonfunctional turf. Turf other than functional turf, meaning an irrigated turf or grass area not providing functional use to the City, including, but not limited to:

1. Turf installed at an entryway or driveway to a park, commercial property entrance, neighborhood, or subdivision;

2. Turf within a street median, amenity zone, or along a streetscape; and

3. Turf within landscape maintenance or common areas not otherwise qualifying as functional.

SECTION 14: For purposes of Section 2.100(3) of the City Charter, Sections 19.06.040, 19.16.040 and 19.18.020 are deemed to be subchapters rather than sections.

SECTION 15: The Department of Community Development is authorized and directed to incorporate into the Unified Development Code the amendments set forth in Sections 11 to 13, inclusive, of this Ordinance.

SECTION 16: In the event of conflict or inconsistency between the provisions of this Ordinance and any other City ordinance on the subject of water conservation, the provisions of this Ordinance shall govern, except that in any such case the Director of Community Development may choose to enforce the provision that provides for the greatest conservation or preservation of water resources.

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

SECTION 18: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required

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

6 SECTION 19: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
8 Edition, in conflict herewith are hereby repealed.

9 PASSED, ADOPTED and APPROVED this ____ day of _____, 2023.

10 APPROVED:

11 By _____
12 CAROLYN G. GOODMAN, Mayor

13 ATTEST:

14 _____
15 LUANN D. HOLMES, MMC
City Clerk

16 APPROVED AS TO FORM:

17 Val Steed
18 Val Steed,
Deputy City Attorney

7-5-23
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2023, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2023, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk

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