

City Of Las Vegas Codes Water Conservation and Drought

Title 14 PUBLIC SERVICES

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14.08.030 Wasting water prohibited.

Waste of water in the City is hereby prohibited and declared unlawful.
(Ord. 247 § 1, 1943: Ord. 218 § 1, 1936: Ord. 211 § 1, 1934: prior code § 3-2-4)

14.08.040 Waste of water designated.

Any one of the following acts shall constitute waste of water, as the term is used in this Chapter:

(A) Permitting a hydrant, tap, cock or valve connected with any water system belonging to any public utility, to leak into the ground or into any sink, bowl, toilet or tub connected with a sewer or cesspool, or permitting water to drain from a person's premises into any street, alley or road, after the person permitting the same has been notified to remedy such leak or to prevent such draining by any public officer, or an agent of any public utility, as hereinafter defined;

(B) Using water from any water system belonging to any public utility for the purpose of cooling any refrigerator, refrigerating machine, ice plant, ice machine, cooler, cooling plant, cooling system, air-conditioning machine or apparatus, engine or motor, where said water, after being so used, is permitted to flow into a sewer or cesspool or onto the ground; provided, however, that the use of water for such cooling purposes is not prohibited where, after being so used, it is collected, recooled and reused, and is not permitted to flow into a sewer, cesspool, or onto the ground;

(C) Permitting water from any water system belonging to any public utility to flow from any hose, tap, valve, hydrant, pipe or cock directly into any sewer or cesspool for thirty minutes or longer without first putting such water to a beneficial use, and each thirty minutes such water is permitted to so flow shall constitute a separate offense;

(D) Permitting water to leak from any water main in a water system belonging to any public utility for an unreasonable length of time.

(Ord. 247 § 2, 1943: Ord. 218 § 2, 1936: Ord. 211 § 2, 1934: prior code § 3-2-5)

14.08.050 Public utility defined.

The term "public utility" as herein used shall mean and embrace all corporations, companies, individuals, associations, their lessees, trustees or receivers, that now or may hereafter own, operate or control any plant or equipment or any part of a plant or equipment within the City for the production, delivery or furnishing for or to other persons, firms, associations or corporations, partly or wholly from an artesian well or wells, water for business, manufacturing, agricultural, domestic or household use.

(Ord. 247 § 3, 1943: Ord. 218 § 3, 1936: Ord. 211 § 3, 1934: prior code § 3-2-6)

14.08.060 Responsibility for waste.

In any prosecution charging a waste of water as set forth in this chapter, the waste of water, together with proof that such waste originated at any residence or place of business, shall constitute in evidence a prima facie presumption that the owner, or occupant for the time being of such residence or place of business, was responsible for such waste.

(Ord. 608 § 2, 1954: prior code § 3-2-7)

14.08.120 Covenants preventing water-efficient landscaping prohibited.

Any person(s) or association(s) are prohibited from imposing private covenants, conditions, restrictions, deed clauses or other agreements between the parties, which prevents person(s) from utilizing water-efficient landscaping in the conservation of water provided such landscaping receives appropriate architectural review approval. In any event, landscaping designs may not be prohibited solely on the basis that such design makes use of water-efficient landscaping.
(Ord. 3519 § 1, 1990)

14.08.130 Irrigation--Definitions.

For the purposes of LVMC 14.08.130 through 14.08.150, the following terms, phrases, words and their derivations shall have the following meanings:

(A) "Customer" means any person who is an owner, occupant or user of real property to which water is supplied by a public water system. "Customer" shall also mean any person who uses water supplied by a public water system, or to any person who is billed for the supply of water from a public water system, or to any person who is responsible for or otherwise has the right or permission to utilize the supply of water provided by a public water system.

(B) "Hand watering" means the use or application of water by a customer or any person through a hose connected to a piping system while such hose is hand held by an individual and such water is sporadically used for any exterior purpose or is otherwise expended outside any dwelling, building or structure.

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

(D) "Person" means any natural person, any group of persons, any firm, partnership, association, corporation, company or any other organization or entity.

(E) "Public water system" means any network of pipes, conduits, wells, machinery, reservoirs, holding tanks and any other components, including any combination thereof, which supplies water to customers who are charged a fee of any kind or nature for such service or which is designed to supply or is capable of supplying water to customers for a fee at two or more dwellings, buildings, structures or lots.

(F) "Wastewater" means treated effluent from any sewer treatment plant operated by a governmental or private entity.

(G) "Water" refers to all water, including wastewater, supplied to any customer who uses water.

(Ord. 3582 § 1 (part), 1991)

14.08.140 Irrigation--Prohibited when.

From May 1st until October 1st of each calendar year from the hours of twelve noon until seven p.m., it is unlawful for any customer of a public water system to use water within the City for the purpose of irrigating, regardless of method, exterior lawns, gardens, trees, grass, shrubbery or other vegetation, except as provided in LVMC 14.08.150.

(Ord. 3582 § 1 (part), 1991)

14.08.150 Irrigation--Exceptions to LVMC 14.08.140.

The provisions of LVMC 14.08.140 do not apply to:

(A) Hand watering;

(B) Irrigation of new lawns, for a period of thirty days from planting or the date of installation;

(C) Irrigation by commercial gardens or plant nurseries licensed in accordance with LVMC Title 6, provided the licensee or his representative are personally on the premises at the time watering is taking place;

(D) Irrigation system testing after mowing to identify broken heads, and after repairs to flush lines, properly align sprinkler heads or to locate a reported leak. A test run should not exceed two minutes and the individual conducting the test must be present and observe sprinkler performance;

(E) Syringing, which is a method used to cool down "hot spots" under visible signs of stress, where one station is run manually or on large irrigation projects by hand-held remote irrigation controllers or computerized central control for no more than three minutes. The individual operating the sprinklers must be present and observe the sprinklers running;

(F) Landscape irrigation audits where the application rate and efficiency of an irrigation system is being tested by aligning heads and placing cups across the turf area and the amount of water caught in the cups is measured. Testing run times of pop-up spray heads are five minutes; run times of impact and rotor heads are fifteen minutes. The auditor performing the test must be present and observe sprinkler performance.

(Ord. 3664 § 1, 1992; Ord. 3582 § 1 (part), 1991)

14.11.010 Purpose.

This Chapter is intended to establish aggressive water conservation measures and enhance efficient utilization of water resources. Water purveyors normally rely on conservation as an essential resource to help meet water needs; however, the existence of drought conditions affecting the Colorado River Basin mandates additional conservation measures. These measures are intended to implement the Southern Nevada Water Authority's (SNWA) Drought Plan, which was adopted as part of SNWA's Water Resource Plan.

(Ord. 5616 § 2, 2003)

14.11.020 Definitions.

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

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

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

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

"District" means the Las Vegas Valley Water District.

"Drought" means a condition in which the combination of many complex factors acting and interacting with the environment results in water supplies not being replenished normally.

For purposes of this Chapter, a "drought" occurs when existing water supplies cannot meet established demands for a period of time.

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. 5765 § 1, 2005; Ord. 5647 § 2, 2003; Ord. 5616 § 3, 2003)

14.11.030 Drought plan—Adopted by Reference.

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

- (1) No drought;
- (2) Drought watch;
- (3) Drought alert;

(4) Drought critical.

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

(C) In the case of a drought critical condition, the provisions of this Chapter pertaining to a drought alert shall continue to apply. However, based upon the recommendations of SNWA and a citizens advisory committee, the City shall have the authority to adopt additional restrictions that are deemed necessary in order to protect the public health, safety and welfare. Upon the adoption and publication of those additional restrictions, they shall become binding on water users within the City.

(Ord. 5765 § 2, 2005: Ord. 5707 § 1, 2004: Ord. 5647 § 3, 2003: Ord. 5616 § 4, 2003)

14.11.040 Applicability.

Except as otherwise provided, the provisions of this Chapter shall apply to the use of water that is delivered by a purveyor or provider of water from or through a public water supply system, including recycled, reclaimed, raw, non-potable and potable water.(Ord. 5707 § 2, 2004: Ord. 5616 § 5, 2003)

14.11.050 City Manager--Responsibilities.

Except as otherwise provided in this Chapter, the City Manager shall be responsible for the administration and implementation of the provisions of this Chapter. The District shall be responsible for enforcing its service rules.

(Ord. 5616 § 6, 2003)

14.11.060 Standards and requirements--Waiver by City prohibited.

The standards and requirements set forth in this Chapter may not be waived or varied by the City. A request for waiver or variance shall be considered a request to amend the requirements of this Chapter, and shall only be considered in accordance with the procedures applicable to amendments. However, the City Manager may allow an exemption from the requirements or provisions of this Chapter when, in the City Manager's opinion, the exemption will protect the public health, safety and welfare, and will be beneficial to the District's water system. Examples of activities that may be exempted include hydrant flushing, valve testing, and system maintenance.

(Ord. 5616 § 7, 2003)

14.11.070 Wasting water after notice given.

(A) It is unlawful for any owner, occupant, or manager of real property served by a water provider to waste water after a notice of water waste has been issued. The waste of water includes without limitation the following:

(1) Allowing water to flow or spray into a public street, alley, right-of-way, gutter or drain; and

(2) Failure to repair a water leak.

(B) It is unlawful for anyone to permit the excess use, loss or escape of water through a break, leak or malfunction in the water user's plumbing or distribution facilities for any period of time after the excess use, loss or escape should have been reasonably discovered and corrected.

(C) Where public sewer is available, swimming pool water, when drained, must be discharged into an approved-type receptor and subsequently into a public sewer in accordance with applicable laws and regulations.

(Ord. 5616 § 8, 2003)

14.11.080 Violation--Prima facie evidence.

Any waste of water or other violation of this Chapter, together with proof that the waste or violation originated or took place at any particular residence or place of business, shall constitute, in evidence, a prima facie presumption that the owner, current occupant, or manager of real property of such residence or place of business was responsible for the waste or other violation.

(Ord. 5616 § 9, 2003)

14.11.090 Water uses--Prohibited--Hours designated.

Between May 1st and September 30th, it is unlawful to use water for the spray irrigation of turf, gardens, trees, shrubbery, or other vegetation between the hours of eleven a.m. and seven p.m.

(Ord. 5616 § 10, 2003)

14.11.100 Spray irrigation--Frequency allowed--Violation.

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.

(Ord. 5616 § 11, 2003)

14.11.110 Water restrictions--Exemptions.

The following are exempt from the watering restrictions described in Section 14.11.100 above:

(A) Hand watering for the purpose of preserving lawn or shrubbery so that vegetation does not die;

(B) Irrigation of new lawns or re-seeding of an existing lawn, for a period of thirty days from the date of planting or installation;

- (C) Drip and/or bubbler irrigation systems, provided that they are not run more frequently than would be permitted for spray irrigation;
 - (D) Irrigation of commercial stock by commercial gardens or plant nurseries that are licensed by the City, provided that the licensee or a representative is personally on the premises at the time the irrigation is taking place;
 - (E) Testing of landscape irrigation systems, provided that the person performing the test is present to observe system performance;
 - (F) Municipal operations or procedures that are necessary to protect the health, safety and well-being of the public; and
 - (G) Such other activities as may be exempted under the service rules.
- (Ord. 5616 § 12, 2003)

14.11.120 Watering of community use recreational turf.

The watering of community use recreational turf and turf at other government facilities shall be in accordance with the service rules and any watering schedules adopted or approved thereunder.

(Ord. 5616 § 13, 2003)

14.11.130 Landscape materials--Generally.

Landscape materials shall be limited as described in Sections 14.11.140 and 14.11.150 of this Chapter. Landscape materials that were approved in connection with the approval of a land use application or permit for construction that was granted before August 1, 2003, are not subject to the limitations contained in those Sections.

(Ord. 5616 § 14, 2003)

14.11.140 Drought watch provisions.

During drought watch conditions:

(A) Single-family and multifamily developments are prohibited from installing new turf in common areas of residential neighborhoods. This restriction shall not apply to turf area to be installed in public parks or privately owned and maintained parks, including required usable open space in residential developments, provided that such turf area has no dimension of less than ten feet.

(B) The installation of new turf in non-residential developments is prohibited, unless specifically permitted by the approval of a land use application or permit for construction. Any new turf permitted shall be limited to no more than fifty percent of the turf that would be permitted under non-drought conditions. This restriction shall not apply to schools or to public or private parks.

(Ord. 5616 § 15, 2003)

14.11.150 Drought alert provisions.

During drought alert conditions:

(A) No new turf may be installed in residential front yards. In single-family residential development, the installation of new turf shall not exceed fifty percent of the gross area of the side and rear yard or one hundred square feet, whichever is greater (up to a maximum of five thousand square feet). No turf area may be installed in the side or rear yard if any dimension thereof is less than ten feet.

(B) During the months of May through August, the planting of cool-season grasses (i.e. tall fescue or rye grass) is prohibited. The planting of warm-season grasses (i.e. bermuda and zoysia) is permitted.

(C) The restrictions applicable to nonresidential development during drought watch conditions shall apply during drought alert conditions as well.
(Ord. 5616 § 16, 2003)

14.11.160 Cooling system provisions.

During drought watch and drought alert conditions, outdoor mist cooling systems are not restricted within residential development. In commercial operations, outdoor mist cooling systems relating to animal safety are permitted, but those relating to human comfort are permitted only during the months of June, July and August, and only between the hours of twelve noon and ten p.m.
(Ord. 5707 § 3, 2004; Ord. 5616 § 17, 2003)

14.11.170 Washing paved surfaces, buildings or equipment.

The washing of paved surfaces, buildings, or equipment (other than vehicles) is prohibited unless the water is discharged to a sanitary sewer in accordance with applicable laws and regulations or is contained on site.
(Ord. 5616 § 18, 2003)

14.11.180 Washing personal and commercial vehicles.

Under drought watch and drought alert conditions, the washing of personal vehicles upon residential properties is limited to once per week per vehicle and requires a positive shut-off nozzle. Commercial vehicles may be washed without limitation as to frequency, but only:

- (1) At a commercial facility in accordance with applicable laws and regulations, or;
- (2) By means of a high-pressure, low volume sprayer using less than ten gallons per vehicle.

(Ord. 5707 § 4, 2004; Ord. 5616 § 19, 2003)

14.11.190 Potable or non-potable water utilization--Prohibitions-- Exceptions.

(A) Fountains and water features are prohibited upon property that is serviced by the District. The following features, however, are exempt from this prohibition:

- (1) Swimming pools;
- (2) Fountains and water features that are supplied by privately-owned water rights, by water rights obtained by means of a State-issued permit, or by nuisance water discharged during normal facility dewatering;
- (3) Not more than one fountain or other water feature at any single-family residence, provided that the surface area of the fountain or other water feature does not exceed two hundred square feet during a drought watch condition, or twenty-five square feet during a drought alert condition;
- (4) Not more than one fountain or other water feature within the common areas of a single-family or multi-family development, provided that the fountain or other water feature is not an entryway or streetscape feature and its surface area does not exceed two hundred

square feet during a drought watch condition, or twenty-five square feet during a drought alert condition;

(5) Fountains or water features that are necessary and functional components serving other allowable uses, such as storage ponds on a golf course or aeration devices;

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

(7) Indoor water features, or features with the majority of the total water volume contained indoors or underground. If practical alternatives exist for separating indoor and outdoor components, they shall be separated and managed accordingly. (Example: timers on shut-off valves);

(8) Fountains or water features necessary to sustain aquatic animals, provided that the animals have been actively managed within the water feature prior to the declaration of drought.

(B) The following fountains or water features may be exempted from the prohibition contained in Subsection (A) in accordance with the remaining provisions of this Section:

(1) Fountains or water features that are integral to the operation of a resort hotel or a coalition of resort hotels; or

(2) Other fountains or water features that are proposed to be allowed in exchange for water use reduction activities in accordance with Subsection (D) of this Section.

(C) In order to be eligible for an exemption pursuant to Subsection (B), an applicant must submit a request for exemption and a water use reduction plan. The request for exemption must be submitted in writing to the City Manager, to be forwarded to the City Council for consideration. The water use reduction plan must be submitted to the District, with a copy to the City, and must contain such information, and be in a format, that is satisfactory to the District. Any exemption shall be conditioned upon the posting of one or more signs in proximity to the exempted fountain or water feature stating that the fountain or water feature is operating in compliance with this Chapter and that a water use reduction plan is on file with the District and the City.

(D) The granting of any exemption pursuant to Subsection (B)(2) of this Section shall be subject to the following conditions:

(1) The fountains or water features for which an exemption is sought must not be operational at the time the exemption is applied for, except as permitted in Subsection (F) of this Section;

(2) The submitted water use reduction plan must provide for a minimum total water savings of greater than fifty times the consumptive use of the operation of the fountain or water feature;

(3) The water use reduction plan must have been submitted to the District and implemented by the applicant;

(4) In the event that the required consumptive use savings cannot be achieved on the property that has the fountain or water feature, the applicant must pay to the City a fee of ten dollars for every square foot of surface area of the fountain beyond that which is accounted for in the removal of turf on the property to achieve the required consumptive use savings. If there is no turf on the subject property, the ten dollar per square foot fee must be paid for the entire square footage of the water feature; and

(5) In order to maintain an exemption beyond the calendar year in which the exemption was granted, during any portion of a calendar year in which either a drought watch or drought alert condition is declared, an annual fee of two hundred fifty dollars must be paid to the City. The first annual fee is payable:

(a) For exemptions granted during the first six months of a calendar year, at the beginning of the next succeeding calendar year.

(b) For exemptions granted during the last six months of a calendar year, at the beginning of the second succeeding calendar year.

(E) In order to continue to operate any fountain or water feature that is integral to the operation of a resort hotel or a coalition of resort hotels, that is prohibited by Subsection (A) of this Section, and that is in operation on the effective date of the Ordinance codified

in this Section, a request for exemption and water use reduction plan must be submitted within ninety days after the effective date of the Ordinance codified in this Section. If the exemption is not approved, the fountain or water feature may not be operated except as permitted in Subsection (F) of this Section.

(F) Nothing in this Section that prohibits or limits the operation of fountains or water features shall be deemed to:

(1) Prohibit the construction of fountains or water features; or

(2) Require a fountain or water feature to be drained if maintaining a recirculating water pool is necessary in order to maintain pumps, pond liners, and ancillary equipment, but in such a case the recirculating water pool may only be operated between the hours of one a.m. and four a.m.

(Ord. 5707 § 5, 2004; Ord. 5647 § 4, 2003)

14.11.200 Private covenant, condition, restriction, deed clause-- Enforcement.

No person or association may impose or enforce any private covenant, condition, restriction, deed clause or other agreement to prevent a person from utilizing water efficient landscaping, including without limitation xeriscape, provided such landscaping receives appropriate architectural review approval. In any event, landscaping materials and designs may not be prohibited solely on the basis that they make use of water-efficient landscaping.

(Ord. 5616 § 21, 2003)

14.11.210 Violations.

Violations of the provisions of this Chapter may be prosecuted as misdemeanors or may be addressed by applicable civil administrative procedures established by the District in its service rules.

(Ord. 5616 § 22, 2003)

19.12.010 Applicability.

This Chapter applies to all multi-family, office, retail, commercial, institutional, and industrial developments. In addition, it applies to all single family developments with five or more lots adjacent to streets classified as collectors or larger. However, it does not apply to any special purpose zoning district which contains special landscape standards or to properties in the Downtown Overlay District.

(Ord. 5509 §§ 1, 2 (part), 2002; Ord. 5345 §§ 1--4, 2001)

19.12.020 Intent of development standards.

The intent of establishing minimum standards for landscaping, walls and buffering is:

(A) To ensure that new development will contribute to the overall attractiveness of the City;

(B) To increase design compatibility between residential and abutting commercial and industrial land uses;

(C) To reinforce a sense of community and preserve the integrity of neighborhoods;

(D) To conserve water and reduce erosion;

(E) To reduce unsightly views;

(F) To reduce heat and glare generated by development; and

(G) To aid in filtering dust and particulate matter from the air.

(Ord. 5509 §§ 1, 2 (part), 2002)

19.12.030 General.

(A) Landscape Required.

(1) All required Site Development Plans shall meet or exceed the minimum standards, and shall comply with any restrictions, established in this Chapter. Figures referred to in this Chapter are set forth in LVMC 19.12.080.

(2) Except as otherwise permitted by the Director, all landscape and irrigation plans shall be prepared and stamped by a registered architect, landscape architect, residential designer or civil engineer.

(3) The owner, developer and occupant of the property are jointly and severally responsible for maintaining or assuring the ongoing maintenance of installed landscaping so that the landscaping continues to thrive. Prior to the issuance of a building permit, the owner, developer or contractor shall post a performance bond or equivalent security to assure the performance of the maintenance obligation for a minimum of two years.

(4) All revisions to an approved landscape plan must first be reviewed and approved by the Department prior to installation of the landscaping.

(B) Additional Landscaping May Be Required. Additional landscaping may be required by the Director or reviewing authority in order to respond to special site features, maintain an established landscape pattern created by existing landscaping in the surrounding area, or mitigate the impact of a particular development.

(C) Alternative Landscape Design. The Director or other reviewing authority may approve variations to the standards and designs set out in this Chapter if they respond more appropriately to a particular site and provide equivalent means of achieving the intent of this Chapter.

(D) Maintenance. Property owners shall maintain all walls in good structural and finish condition. All landscaping shall be maintained in a healthy and vigorous living condition. Dead vegetation shall be promptly replaced, in accordance with standard seasonal planting practices, with healthy, living plants.

(E) Installation of Required Landscaping.

(1) All required landscaping shall be installed in compliance with an approved landscape plan prior to occupancy.

(2) Prior to the installation of any required landscaping, the developer shall demonstrate compliance with the approved landscape plan by providing the Department a complete bill of materials.

(3) When applicable to a phased development plan, a phased landscape installation plan may be approved concurrently with a Site Development Plan Review.

(F) Irrigation of Landscaping.

(1) All required landscaping shall be installed with an irrigation system designed to eliminate any run-off of water into the public right-of-way.

(2) In order to minimize damage to buildings and solid walls from soil settling or expansion/contraction (cracked foundation), all overhead spray irrigation systems shall be a minimum of twenty-four inches back from any building and solid walls with no overspray contacting any building or solid walls.

(3) An automatic irrigation system is required for all planting areas, and shall include:

- (a) An electric automatic controller with multiple program capabilities;
- (b) Multiple repeat cycle capabilities; and
- (c) A flexible calendar program.

(4) All irrigation water shall be retained on-site. When required, swales shall channel water to larger holding areas, catch basins, other planting areas, gravel sumps, dry-wells, or any combination thereof. Areas that accumulate system water shall be provided with underground drainage systems to carry water to holding or discharge areas. Nuisance flows shall not spill over the sidewalk and into any street (see Figure 1).

(G) Turf Limitations.

(1) The use of turf is subject to and limited by LVMC Chapter 14.11 and the provisions of this Subsection (G), with the provisions that are most restrictive to govern in a particular case. The turf limitations imposed by this Section are as follows:

Zoning District/Use	Use of Turf
Commercial/Industrial Districts	Limited to a maximum of 25% of total landscapable area
Public Facilities Districts	Prohibited, except for schools, parks and cemeteries
Golf Course Use	Limited to 5 acres average per hole, with a maximum 10 additional acres for driving range
Residential Districts (Single-Family)	Limited to a maximum of 50% of total front yard area
Residential Districts (Multi-Family)	Limited to a maximum of 30% of total landscapable area

(2) The turf limitations contained in this Subsection are intended to increase the use of water efficient vegetation. Landscaping shall be designed, and the landscaping materials shall be chosen and installed, so as to ensure that, within three years of normal growth, at least fifty percent of the area covered by non-turf landscaping will consist of water efficient vegetation.

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

(H) Landscape Materials. Landscaping shall include drought-resistant and water efficient plant materials consistent with the Southern Nevada Water Authority xeriscape guidelines and the turf limitations of Subsection (G).

(Ord. 5807 § 11 (part), 2005)

19.12.040 Perimeter landscape buffering.

(A) Buffer Zones.

(1) A perimeter buffer zone consisting of landscape planting and screening shall be provided adjacent to all street rights-of-way and property lines as set forth in Table 1 below.

**Table 1
Perimeter Landscape Buffer Widths**

Standard	Residential (Multi- family)	Commercial	Industrial	Residential (Single- family)
Minimum zone depth-adjacent to right-of-way	10 feet ¹	15 feet	15 feet	6 feet ²
Minimum zone depth-interior lot lines	6 feet ³	8 feet ³	8 feet ³	0 feet

Notes:

1. When adjacent to or across the street from an existing single-family residential use or zoning district, the buffer shall be increased to 15 feet.
2. Only when adjacent to streets classified as collector or larger.
3. When building setbacks are less restrictive, the setbacks shall prevail.

(2) **Applicability of Standards.** Except as otherwise provided in this Paragraph (2), the standards set forth in Paragraph (1) of this Subsection (A), including Table 1 therein, are minimum requirements. The Planning Commission or City Council may grant a waiver to any of these standards as part of a Site Development Plan Review if the applicant can show through convincing and substantial evidence that the waiver will not compromise the objective of the City in safeguarding the interests of the citizens of the City, the proposed project will substantially meet the intent of the standard, and the granting of the waiver will not detrimentally affect the public health, safety or general welfare.

(B) Plant Material. The following are spacing requirements for plant material:

(1) The standard planting requirement is as set forth in Figure 2. Trees shall be spaced within the required buffer zones in accordance with Table 2 below, with trees to be spaced on center. Alternatives to the standard planting requirement are set forth in Paragraphs (2) and (3) that follow Table 2.

**Table 2
Perimeter Landscape Buffer—Spacing of Trees**

Standard	Residential (Multi- family)	Commercial	Industrial	Residential (Single- family)
Minimum trees (24" box minimum)	1 per 20 linear feet	1 per 20 linear feet ¹ 1 per 30 linear feet ²	1 per 20 linear feet ¹ 1 per 30 linear feet ²	1 per 30 linear feet

Notes:

1. Where adjacent to any residential use.
2. Where adjacent to any commercial or industrial use.

(2) Planting Requirement Alternative #1 (see Figure 3). Clustering of trees is allowed if:
 (a) The total number of trees exceeds the minimum requirement by at least one tree; and
 (b) The spacing between any two trees does not exceed thirty-five feet for commercial and industrial developments, or forty-five feet for single-family and multi-family residential developments.

(3) Planting Requirement Alternative #2 (see Figure 4). The minimum number of trees required is one twenty-four inch box deciduous tree, evergreen tree, or fifteen foot palm tree for every thirty-five linear feet of planter, plus one extra tree of similar size to provide coverage at each end of planters. The spacing of such trees shall not exceed thirty-five feet on center. In addition, two fifteen gallon deciduous trees, evergreen trees, or palm trees are required for every thirty-five linear feet of planter, to be located between the trees planted pursuant to the preceding sentence. The fifteen gallon trees may be either spaced regularly or grouped in between the larger trees.

(4) Shrub Requirements. Shrubs are required in all buffer areas, with a minimum of four five gallon shrubs required for every required tree.

(5) Ground Cover Requirements. Ground covers shall be installed in all landscaped areas. Non-vegetative ground covers shall include, without limitation, rocks and small stones, crushed rock and bark, installed to a minimum depth of two inches in all areas.

(6) Applicability of Standards. Except as otherwise provided in this Subsection (B), the standards set forth in this Subsection are minimum requirements. An exception or modification to any of these standards may be approved upon the request of an applicant if the applicant can show through convincing and substantial evidence that the exception or modification will not compromise the objective of the City in safeguarding the interests of the citizens of the City, the proposed project will substantially meet the intent of the standard, and the granting of the exception or modification will not detrimentally affect the public health, safety or general welfare. Such an exception or modification may be granted by the Director in connection with the approval of a Site Development Plan Review. In cases where the Director does not approve a requested exception or modification, the request may be acted upon by the Planning Commission or City Council as part of a Site Development Plan Review. In the case of action by the Planning Commission or City

Council, the request for exception or modification need not be identified as a separate action item, and disposition of the request may be incorporated into the action on the Site Development Plan Review. Notice of action on the request for exception or modification may be incorporated into the notice of decision regarding the Site Development Plan Review.

(C) Irrigation. Landscape areas shall be irrigated in accordance with LVMC 19.12.030(F).

(D) Buffer Zone Encroachments. The following encroachments are permitted within required buffer zones:

(1) Driveways (curb cuts) that are located perpendicular or approximately perpendicular to the street right-of-way.

(2) Sidewalks that are located perpendicular or approximately perpendicular to the street right-of-way.

(3) Pedestrian plazas that are located adjacent to a public right-of-way and in accordance with LVMC 19.08.050(E)(3).

(E) Utility Boxes and Installations.

(1) Along streets that border a residential subdivision, all utility boxes and above-ground utility installations, other than utility poles, that are in excess of twenty-seven cubic feet in size and that are to be placed back of the sidewalk shall be installed with landscaping on two sides, with one side being available for access by utility companies. The landscaping must include tall grasses and shrubbery which, at maturity, will provide adequate screening of the utility structures.

(2) Along streets that border nonresidential development, all utility boxes and above-ground utility installations, other than utility poles, that are in excess of twenty-seven cubic feet in size (excluding pad and concrete collars) shall be set back a sufficient distance so that a minimum of three feet of landscaping separates the utility structure from the public street right-of-way or sidewalk, whichever is nearer the structures. The landscaping must include tall grasses and shrubbery which at maturity will provide adequate screening of the utility structures. In addition, all utility boxes shall be placed so that the access doors open parallel to the street corridor and are accessible without the need to cut down or reduce the effectiveness of the landscaped screening.

(3) Within proposed trail corridors that are identified in the Master Plan Transportation Trails Element and the Master Plan Recreation Trails Element, no utility box or above-ground utility installation, other than a utility pole, that is in excess of twenty-seven cubic feet in size (excluding pad and concrete collars) shall be allowed. In addition, all utility boxes to be placed immediately adjacent to a trail corridor shall be placed so that the access doors open parallel to the trail corridor and are accessible without the need to cut down or reduce the effectiveness of the landscaping within the trail area.

(F) Sidewalks.

(1) Sidewalks a minimum of five feet in width are required. Sidewalks and sidewalk ramps shall be constructed in accordance with the Uniform Standard Drawings, Clark County Area, as adopted by the City. Sidewalks along arterial streets one hundred feet and wider shall be separated from the back of the street curb by a minimum of five feet of landscaped buffer area (see Figure 5). The buffer area shall be planted with low maintenance, drought tolerant materials. Trees may be planted within the buffer area but are not required. Street trees shall be planted in accordance with Subsection (G) of this Section. The developer shall provide preliminary peripheral landscaping plans at the time of application. Maintenance of the peripheral landscaping and sidewalk shall be the responsibility of the property owner, developer, business association, other similar organization, or other method as approved by the City. The City may require:

(a) Additional right-of-way to accommodate the buffer area, in accordance with alternative standards that have been adopted by the City;

(b) A pedestrian walkway easement for any sidewalk area that will fall on private property;

(c) An encroachment agreement for landscaping and private improvements in the right-of-way; or

(d) Any combination thereof.

(2) In areas where the street flow depth of stormwater exceeds the top of the curb elevation, required erosion control measures such as stem or rockery walls, riprap, turf, etc. shall be integrated into the landscape design. The installation of such measures shall be in addition to, and not in place of, required landscaping. Where stem or rockery walls are used, the wall shall be backfilled level with the top of the wall and landscaping installed. The color and texture of such walls shall be consistent with the sidewalk, hardscaped areas or perimeter walls. All walls shall be capped with a wall cap.

(G) Street Trees. Street trees of an approved type shall be planted along public streets in accordance with any corridor or specific area plan as adopted by the City. In the absence of any such adopted plan, the minimum planting requirement is one twenty-four inch box deciduous or evergreen tree, or one palm tree with minimum height of fifteen feet from the ground to the top of the fronds, for every twenty linear feet of planter, plus one additional similar size tree to provide coverage at the end of planters. Twenty-four inch box trees must have a minimum one and one-half inch caliper measured six inches above the soil line.

(Ord. 5807 § 11 (part), 2005)

19.12.050 Landscape plan approval procedure.

Unless approved in connection with a Rezoning, Special Use Permit or Variance application, landscape plans shall be processed and approved, if appropriate, as part of the Site Development Plan approval procedure.

(Ord. 5807 § 11 (part), 2005)

19.12.060 Enforcement and penalties.

In addition to any other remedy which might be available, the City may withhold, deny, revoke or suspend a business license, certificate of occupancy or other permit or approval for failure to comply with this Chapter.

(Ord. 5807 § 11 (part), 2005)

19.12.070 Multi-family development—Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

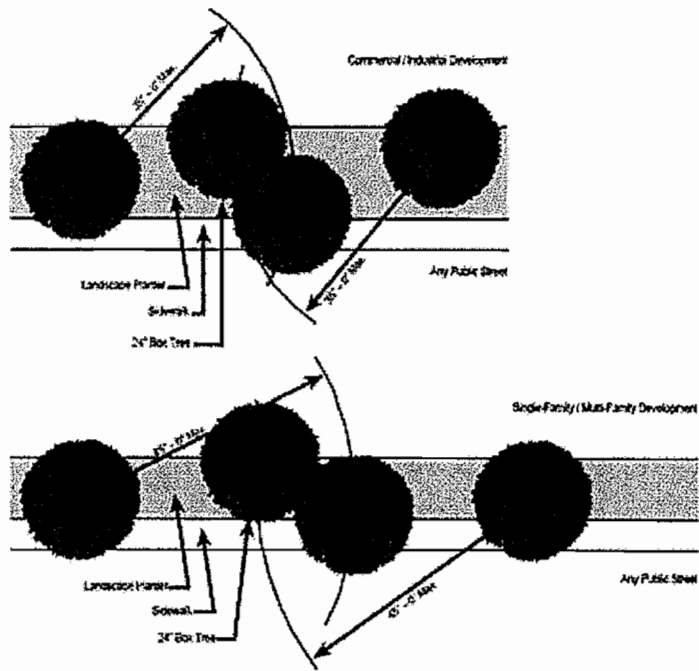
(Ord. 5807 § 11 (part), 2005)

19.12.080 Figures.

Figures 1—5, as referred to in this Chapter, are as follows:

19.12.080 ILLUSTRATIONS

Figure 3 Standard Planting Requirement Alternative #1



19.12.080 ILLUSTRATIONS

Figure 4 Standard Planting Requirement Alternative #2

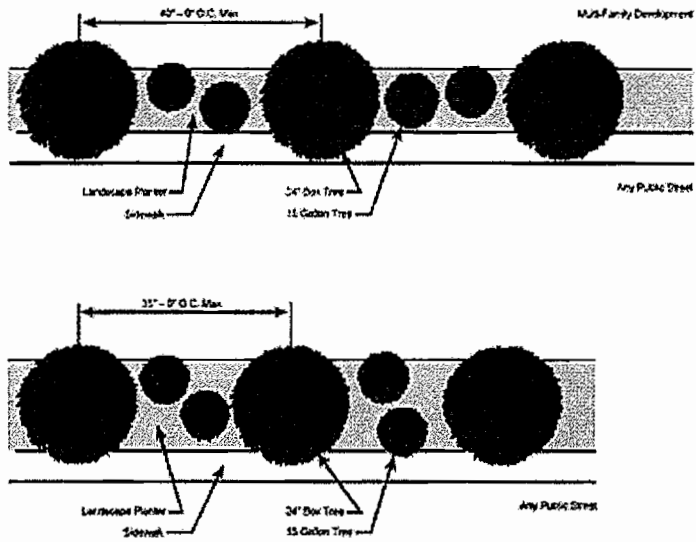
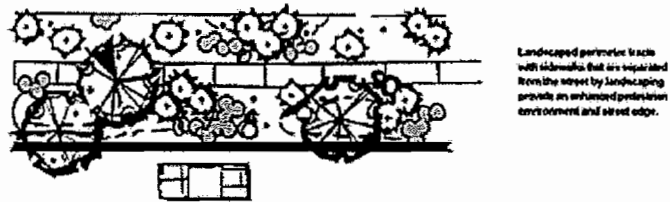


Figure 5 Landscape Perimeter



(Ord. 5807 § 11 (part), 2005)

City of North Las Vegas Municipal Codes Water Conservation and Drought

Title 13 PUBLIC SERVICES

Chapter 13.04 WATER SERVICE SYSTEM

13.04.070 Wasting water--Penalty.

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Chapter 13.12 MAN-MADE LAKES

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13.12.030 Definitions.

Chapter 15.28 BUILDING WATER CONSERVATION CODE*

15.28.010 Title.

15.28.020 Adoption.

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15.28.040 Public buildings.

15.28.050 Manufactured buildings.

15.28.060 Manufactured home or mobilehome.

Chapter 17.24 GENERAL BUILDING AND DEVELOPMENT STANDARDS

17.24.100 Landscaping requirements.

Chapter 13.04 WATER SERVICE SYSTEM

13.04.070 Wasting water--Penalty.

The waste of water in the city is prohibited and declared unlawful. Any violation of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the city jail not to exceed six months, or by both such fine and imprisonment. In addition to such fine and/or imprisonment, any person convicted of a misdemeanor violation shall pay court costs and in no case shall such costs be suspended. (Ord. 1306 § 2 (part), 1999)

13.04.080 Waste of water prohibited.

A. It is unlawful for any customer of a public water system to waste water within the city limits or those areas outside the corporate boundaries of North Las Vegas served by the North Las Vegas water system, after having been served a notice of violation for wasting water from the same location or premises.

B. It is unlawful for any owner, occupant or manager of real property in the areas served by the North Las Vegas water system to allow the waste of water from such property after there has been a service of a notice of violation for wasting water from the same premises.

C. Definitions.

1. "Customer" means any person who is an owner, occupant, manager or user 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.

2. "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 and includes any such system whether or not it is operated under the regulatory authority of the Nevada Public Service Commission, but does not include any irrigation company or district whose primary purpose is to supply water for farming.

3. "To waste water" means the expenditure or application of water from a public water system that results in water:

- a. Flowing into any gutter, street, sidewalk, swale or storm drain in a steady stream or flow during the course of a period of twenty (20) or more continuous minutes; or
- b. Collecting in pools or any depressed area in a public street, sidewalk or right-of-way, to a depth of two inches or more.

4. "Service of a notice of violation" means:

- a. Personal service upon a customer;
- b. Service upon a person of suitable age and discretion residing at the customer's residence or working for the customer at the place where the waste of water initiates;
- c. Posting such notice upon the premises where the waste of water initiates; or
- d. Mailing a copy of such notice to the customer at the address as shown on the records of the public water system.

5. "Notice of violation" means a written warning which describes how water is being wasted and warns the customer that it is unlawful to waste water after service of the notice. (Ord. 1306 § 2 (part), 1999)

13.04.090 Presumption of responsibility.

In any prosecution charging a waste of water as set forth in this chapter, or any ordinance amendatory thereof, the waste of water, together with proof that such waste originated at any residence or place of business, shall constitute in evidence a prima facie presumption that the owner or occupant for the time being of such residence or place of business was responsible for such waste. (Ord. 1306 § 2 (part), 1999)

Chapter 13.08 WATER CONSERVATION AND DROUGHT

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.

"AFY" means acre-feet per year.

"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.

"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.

"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.

"Drought" means a combination of many complex factors acting and interacting with the environment resulting in water supplies not being replenished normally. Drought occurs when existing water supplies cannot meet established demands for a period of time.

"Drought alert" means a second-level drought declaration of the board of directors of the SNWA based upon current or projected reductions in the community's renewable water.

"Drought critical" means a third-level drought declaration of the board of directors of the SNWA based upon current or projected reductions in the community's renewable water.

"Drought emergency" means a level of drought declaration that has not yet been defined in the SNWA drought plan and will be reserved for later stages of drought.

"Drought watch" means a first-level drought declaration of the board of directors of the SNWA based upon current or projected reductions in the community's renewable water supply.

"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.

"No drought" means a condition where no drought declaration of the board of directors of the SNWA is in effect.

"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.

"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.

"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.

"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.

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

"Xeriscape" 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. (Ord. 2136 § 1, 2005; Ord. 1930 § 1, 2004; Ord. 1805 § 1 (part), 2003; Ord. 1126 § 1 (part), 1994; prior code § 4.09.010)

13.08.020 General provisions.

A. Purpose and Policy. This chapter is intended to establish water conservation and drought 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. Drought conditions affecting the Colorado River Basin mandate aggressive conservation measures. These measures are intended to implement the SNWA's drought plan when necessary.

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. (Ord. 1805 § 1 (part), 2003; Ord. 1126 § 1 (part), 1994; prior code § 4.09.020)

13.08.030 Adoption of drought plan.

A. The city adopted the SNWA drought plan, including subsequent amendments thereto, as a guideline in establishing this chapter, and to preserve, protect and encourage the conservation of water resources. The drought plan describes different stages of water supply conditions, which include:

1. No drought;
2. Drought watch;
3. Drought alert; and
4. Drought critical.

Upon declaration of a drought condition by the SNWA board of directors in accordance with the SNWA drought plan, the city will implement the appropriate drought measures as proscribed in this chapter with respect to the declared drought condition. In the event the SNWA declares a drought critical condition then the city council may by ordinance adopt additional appropriate drought measures as necessary to protect the health, safety and well-being of the inhabitants of the city and of the city's water supply.

B. In the event of a conflict between the drought plan and this ordinance, this ordinance will prevail.

(Ord. 2136 § 2, 2005; Ord. 1805 § 1 (part), 2003)

13.08.040 Waste of water unlawful.

A. It is unlawful for any owner, occupant, or manager of real property served by the city to waste water. Water waste shall include, but not be limited to, the following:

1. Allowing water to flow or spray into a public street, alley, right-of-way, gutter or drain in a steady stream of flow during the course of a period of five minutes or more;
2. Failure to repair a water leak;
3. 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;
4. Under a SNWA declaration of a drought condition, 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.

C. Where a sanitary sewer is available, it shall be required that all swimming pool water drainage be discharged into a sanitary sewer as per applicable codes. (Ord. 1805 § 1 (part), 2003)

13.08.050 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. (Ord. 1805 § 1 (part), 2003)

13.08.060 Landscaping watering restrictions.

A. As a water conservation measure, from May 1st until September 30th of each calendar year from the hours of eleven (11) a.m. until seven 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 13.08.060(C) of this chapter.

B. Except as otherwise provided in Section 13.08.060(C), Section 13.08.060(D)(2), Section 13.08.060(E)(3) and Section 13.08.060(F)(2) of this chapter, during drought watch and drought alert, 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 13.08.060A and with the watering schedule the city may assign to each watering group pursuant to Section 13.08.060(B)(1) of this chapter.

Table 13.08.060A Drought Watering Schedule for Spray Irrigation

Schedule		Drought Watch	Drought Alert
Winter	(November—February)	Once per Week*	Once per Week*
Spring	(March—April)	Four Days per Week*	Three Days per Week*
Summer	(May—August)	Any Day	Any Day
Fall	(September—October)	Four Days per Week*	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 twelve (12) a.m. midnight and no irrigation overlap will be allowed.

C. Exemptions from landscaping watering restrictions of Section 13.08.060(A) and Section 13.08.060(B) of this chapter:

1. Hand watering 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.
3. Drip and/or bubbler irrigation systems, provided that they are not run more frequently than permitted for spray irrigation pursuant to Table 13.08.060A.
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.

D. Provisions related to community use recreational turf areas and parks.

1. During drought watch and drought alert, community use recreational turf areas and parks are required to comply with the landscaping watering restrictions of Section 13.08.060(A) of this chapter.
2. During drought watch and drought alert, parks and community use recreational turf areas may request an alternative watering schedule in lieu of the mandatory landscaping watering restrictions of Section 13.08.060(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 nine p.m. on the day prior to each watering day designated on the alternative watering schedule.

E. Schools and Government Facilities.

1. During drought watch and drought alert, schools and government facilities are required to comply with the landscaping watering restrictions of Section 13.08.060(A) and Section 13.08.060(B) of this chapter, except as otherwise provided in Section 13.08.060(E)(3) of this chapter.
2. During drought watch, 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. During drought alert, 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 13.08.060(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 13.08.060(B) of this chapter, by submitting a drought response plan (DRP), which includes the following:

Water usage reduction statement;

Sites covered by the DRP;

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 DRP uses less water than the landscaping watering restrictions of Section 13.08.060(B) of this chapter.

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

c. It is prohibited to commence irrigation prior to nine p.m. on the day prior to each watering day designated in the DRP.

F. Golf Courses.

1. Golf courses shall be required to comply with the restrictions of Section 13.08.060(A) of this chapter.
2. Golf courses shall have water budgeting policies in lieu of the landscaping watering restrictions of Section 13.08.060(B) of this chapter. During drought watch and drought alert, 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 13.08.060(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. During drought watch, the water budget for each golf course will be 6.5 AFY (including potable, raw and reclaimed water) per irrigated acre as determined by the city pursuant to Section 13.08.060(F)(2) of this chapter.
4. During drought alert, 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 13.08.060(F)(2) of this chapter.
5. The initial water budget will be determined with reference to the drought condition declared by SNWA 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 drought condition and 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 and drought condition declared by the SNWA at such time.
6. Water used in excess of the water budget will be assessed an annual surcharge during drought watch in accordance with Table 13.08.060A. Water used in excess of the water budget will be assessed an annual surcharge during drought alert in accordance with Table 13.08.060B.

Table 13.08.060A Drought Watch 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	4.0 times the highest rate paid for water within budget	8.0 times the highest rate paid for water within budget

Table 13.08.060B Drought Alert 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

7. 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:

- 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.

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. (Ord. 2136 § 5, 2005: Ord. 1805 § 1 (part), 2003)

13.08.070 Mist systems.

- 1. During drought watch and drought alert, residential mist cooling systems used for human comfort will not be restricted; however, commercial use mist cooling systems are only allowed from June 1st to August 31st and only between noon and midnight.
- 2. B. During drought watch and drought alert mist cooling systems for animal safety are permitted.

(Ord. 1930 §§ 2, 3, 2004: Ord. 1805 § 1 (part), 2003)

13.08.080 Other outdoor water use restrictions.

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

B. Vehicle Washing.

1. Under drought watch and drought alert:

a. Washing of personal vehicles upon residential properties is limited to once per week per vehicle and requires a positive shut-off nozzle.

b. Commercial vehicles may 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. (Ord. 1930 §§ 4, 5, 2004:

Ord. 1805 § 1 (part), 2003)

13.08.090 Drought rates.

A. During no drought, drought watch, and drought alert, 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. Under drought critical, 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 drought surcharges.
 2. The first two tiers of master metered multi-family units will not be subject to drought surcharges.
 3. Golf courses will be exempt from the drought 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 drought surcharges.
 5. Man-made lakes shall pay the drought surcharges on all fill water.
- (Ord. 2136 § 3, 2005; Ord. 1805 § 1 (part), 2003)

13.08.100 Operation of man-made decorative water features.

A. Except as otherwise provided in this section, during drought watch and drought alert, 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. During drought watch and drought alert, the following uses will be permitted:

1. Swimming pools and spas.
2. Fountains or water features that are necessary and functional components serving other allowable uses such as storage ponds on golf courses or aeration devices.
3. Indoor water features that drain to the sanitary sewer, or features with the majority of the total water volume contained indoors or underground. If practical alternatives exist for separating indoor and outdoor components, they shall be separated and managed accordingly.
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.

C. During drought watch the following additional use will be permitted:

- a. Fountains or water features of less than two hundred (200) square feet in surface area at a single-family residence or multi-family residence (but excluding ornamental fountains or water features in the entryway of a residential development other than a master planned community).

D. During drought alert the following additional use will be permitted:

- a. Fountains or water features of less than twenty-five (25) square feet in surface area at a single-family residence or multi-family residence (but excluding ornamental fountains or water features in the entryway of a residential development other than a master planned community).

E. During drought watch and drought alert, the city manager can issue an exemption permitting the operation of a man-made decorative water feature upon the completion of either of the following requirements:

1. Removal of turf by the applicant from the property where the man-made decorative water feature is located, at a fifty to one (50:1) ratio of turf to man-made decorative water feature surface area. For every square foot of man-made decorative water feature surface area, fifty (50) square feet of turf must be removed. Surface area shall be determined by the city manager or designee.

2. Implementation by the applicant of some other measure acceptable to the city manager or designee that results in water savings equivalent to the water savings that would be achieved by the fifty to one (50:1) ratio of turf removal as defined under subsection (E)(1). (Ord. 1930 § 6, 2004: Ord. 1805 § 1 (part), 2003)

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 and the drought condition level. Administrative fines assessed during no drought and drought watch will be in accordance with Table 13.08.110A. Administrative fines assessed during drought alert will be in accordance with Table 13.08.110B.

Table 13.08.110A Administrative Fines for No Drought and Drought Watch

Meter Size	Observance	1st Violation	2nd Violation	3rd Violation	4th Violation	5th Violation & More
1" and Less	Warning Letter	\$ 20.00	\$ 40.00	\$ 80.00	\$ 160.00	\$ 320.00
>1" and <3"	Warning Letter	40.00	80.00	160.00	320.00	640.00
3" and Greater	Warning Letter	80.00	160.00	320.00	640.00	1,280.00

Table 13.08.110B Administrative Fines for Drought Alert

Meter Size	Observance	1st Violation	2nd Violation	3rd Violation	4th Violation	5th Violation & More
1" and Less	Warning Letter	\$ 40.00	\$ 80.00	\$ 160.00	\$ 320.00	\$ 640.00
>1"and <3"	Warning Letter	80.00	160.00	320.00	640.00	1,280.00
3" and Greater	Warning Letter	160.00	320.00	640.00	1,280.00	2,560.00

C. Continued non-compliance with this chapter could escalate to include the issuance of a misdemeanor citation and, upon conviction thereof, punishment by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. (Ord. 2136 § 4, 2005; Ord. 1805 § 1 (part), 2003)

13.08.120 Appeals for reconsideration.

A. Any owner, occupant, or responsible party affected by any decision, action or determination, including any enforcement action taken by the city, interpreting or implementing the provisions of this chapter, may file an appeal. All appeals for reconsideration shall be written requests filed with the director or designee within ten days of such action, setting forth in detail the facts supporting the request for appeal.
 B. The decision of the director or designee shall be rendered within ten (10) days after the date of the hearing of the appeal. Such decision shall be deemed to be the final administrative action on such appeal. (Ord. 1805 § 1 (part), 2003)

Chapter 13.12 MAN-MADE LAKES*

13.12.010 Uses.

It is unlawful to use any water or reclaimed wastewater in the incorporated areas of the city of North Las Vegas for the purpose of filling or refilling all or a portion of a man-made lake. (Ord. 1016 § 2 1991)

13.12.020 Permits.

No city department, agency or district shall issue any permit for construction of a man-made lake in the incorporated area of North Las Vegas. (Ord. 1016 § 3 1991)

13.12.030 Definitions.

As used in this chapter:

"Man-made lake" means every man-made body of water including lakes, ponds, lagoons and reservoirs (excluding tank type reservoirs which are fully enclosed and contained) that are filled or refilled with water or reclaimed wastewater from any source, for recreational, scenic or landscape purposes, except swimming pools as constructed pursuant to Title 15 of this code, and the following bodies of water:

1. A body of water which was in existence before December 1, 1991, or for which a use permit, variance, zone change resolution of intent, or architectural supervision has been approved or for which a building or other required permit has been obtained prior to December 1, 1991;
2. A body of water for which a substantial capital investment has been made prior to December 1, 1991;
3. A body of water constituting a wetlands project or located in a recreational facility which is owned or operated by a political subdivision of this state and utilizes nonpotable water;
4. A body of water which is located in a recreational facility that is open to the public and owned or operated by the United States or the state of Nevada;
5. A body of water which stores water for use in flood control, in meeting peak water demands, or for purposes relating to the treatment of sewage;
6. A body of water which stores water for use by the North Las Vegas water utility or by a water district created pursuant to NRS Chapter 381;
7. Bodies of water located on a golf course which are used for the purpose of storing golf course irrigation water and contains less than twice the daily irrigation water demand of the golf course and has a surface area less than one acre;
8. A body of water, excluding fountains and waterfalls, containing less than 598,400 gallons with a surface area less than ten thousand (10,000) square feet, or occupying less than five percent of the parcel or community development in which the body of water is located, whichever is less;
9. A body of water which stores and distributes water or reclaimed wastewater for use by an irrigation district created pursuant to NRS Chapter 539;
10. A body of water which stores water used in a mining reclamation project;
11. A body of water which is located or is proposed to be created within a nonprofit youth camp for the benefit of youth in learning and experiencing water craft activities and water safety. (Ord. 1016 § 4, 1991)

Chapter 13.16 DECORATIVE AND RECREATIONAL WATER FEATURES*

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 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 outdoor man-made decorative water features 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. For a resort hotel, as defined in this code, an additional increment of 2.5 square feet of outdoor decorative water feature area will be allowed for each room used for sleeping accommodations.

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. For a resort hotel, as defined in this code, an additional increment of five square feet of outdoor swimming pool area will be allowed for each room used for sleeping accommodations.

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 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 water features 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). (Ord. 1017 § 2 1991)

13.16.020 Definitions.

As used in this chapter:

"Man-made decorative water feature" means any man-made stream, fountain, waterfall or other man-made water feature that contains water that flows or that is sprayed into the air, constructed for decorative, scenic or landscape purposes, except:

1. Man-made lakes as defined in Chapter 13.12 of this code;
2. A water feature which was in existence before the effective date of the ordinance codified in this chapter or for which a use permit, variance, zone change resolution of intent, or architectural supervision has been approved or for which a building permit or other required permit and approvals has been obtained prior to the effective date of the ordinance codified in this chapter;
3. Swimming pools constructed pursuant to Title 15 of this code;
4. Water features used primarily for contact recreational purposes;
5. A water feature for which a substantial capital investment has been made prior to the effective date of the ordinance codified in this chapter.

"Man-made recreational water theme park" means any man-made bodies of water in combination, including streams, fountains, waterfalls, swimming pools, water slides, or other man-made water features, used primarily for contact recreational purposes and existing as the principal use of the property and open to the general public, except for:

1. A water feature which was in existence before the effective date of the ordinance codified in this chapter or for which a use permit, variance, zone change resolution of intent, or architectural supervision has been approved or for which a building permit or other required permit and approvals has been obtained prior to the effective date of the ordinance codified in this chapter;

2. A water feature for which a substantial capital investment has been made prior to the effective date of the ordinance codified in this chapter;
3. A water feature which is located in a recreational facility that is open to the public and owned or operated by the United States or the state of Nevada or a political subdivision of the state;
4. Man-made lakes as defined in Chapter 13.12 of this code;
5. Man-made decorative water features as defined herein unless accessory to the principal recreational use.

"Reclaimed wastewater" means used water that has been treated by physical, chemical and/or biological processes and meets the criteria for reuse as approved by the city of Las Vegas sanitation department or the Clark County sanitation district.

"Single development" means any business, commercial, resort, multiple-family (attached) residential, industrial or agricultural development, or any commonly held areas in any single-family (detached) residential or mixed use development, excluding only single-family detached residential lots, which is:

1. Located on a single parcel of land or contiguous parcels under common ownership, lease or management; or
2. Operated as a single business enterprise doing business under the same trade name or business theme using common or shared management staffs; or
3. Operated in such a manner that the majority (fifty-one (51) percent or more) of the profits or losses of business on separate parcels accrue to a common entity.

"Substantial capital investment" means the payment of a sum, prior to the effective date of the ordinance codified in this chapter, which is not less than two-thirds of the total cost of the complete and final construction of the man-made water feature(s) in question, for the design, planning or construction thereof, exclusive of payments or expenses incurred for land acquisition, marketing, advertising, promotional, sales or fund raising, or construction expenses incurred for work for which any permit was required by local, state or federal law or regulation, but which was not obtained. Such permits include but are not limited to: building permits, grading permits, any required land use approvals, federal and state threatened or endangered species permits, and air pollution permits from the health district.

"Swimming pool" means any swimming pool, spa or combination thereof constructed pursuant to Title 15 of this code, and including any accessory recreational water features such as water slides, except for:

1. A swimming pool or spa which was in existence before the effective date of the ordinance codified in this chapter or for which permits, variances or zone changes, architectural supervision and building and other required permits and approvals have been obtained prior to the effective date of the ordinance codified in this chapter;
2. A swimming pool or spa for which a substantial capital investment has been made prior to the effective date of the ordinance codified in this chapter;
3. A swimming pool or spa which is located in a recreational facility that is open to the public and owned or operated by the United States or the state of Nevada. (Ord. 1017 § 3 1991)

Chapter 15.28 BUILDING WATER CONSERVATION CODE*

15.28.010 Title.

This chapter shall be known as the "Building Water Conservation Code of North Las Vegas." It may be cited as such or referenced by the short title of "Water Code" or herein as "this code." (Ord. 1015 § 2, 1991)

15.28.020 Adoption.

This chapter governs all new residential, all commercial, and all replacement fixtures in both residential and commercial uses including industrial structures, manufactured buildings, manufactured homes and mobilehomes for which permits are required to be issued by the building department. (Ord. 1015 § 3, 1991)

15.28.030 Standards.

After the effective date of the ordinance codified in this chapter, it is unlawful to sell and install any plumbing fixture which does not meet the standards established pursuant to this section.

A. Except as otherwise provided in subsections B and C of this section, each residential, commercial or industrial structure on which construction begins on or after March 1, 1992, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1992, must incorporate the following minimal standards for plumbing fixtures:

1. A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush;
2. A shower apparatus which uses more than three gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to three gallons of water or less per minute;
3. Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than three gallons per minute;
4. A urinal which continually flows or flushes water must not be installed.

B. Except as otherwise provided in subsection C of this section, each residential, commercial or industrial structure on which construction begins on or after March 1, 1993, and each existing residential, commercial, or industrial structure which is expanded or renovated on or after March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

1. A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush;
2. A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute;
3. A urinal which uses water must not be installed unless its consumption of water does not exceed one gallon of water per flush;
4. A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed;
5. A urinal which continually flows or flushes water must not be installed;
6. Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute;
7. Each faucet installed in a public rostrum must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

C. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of an existing residential, commercial or industrial structure which is not being expanded or renovated. (Ord. 1015 § 4, 1991)

15.28.040 Public buildings.

- A. Each public building sponsored or financed by a public body must meet the standards made applicable for the building pursuant to this section.
- B. Except as otherwise provided in subsections C and D of this section, each public building, other than a prison or jail, on which construction begins on or after March 1, 1992, and each existing public building which is expanded or renovated on or after March 1, 1992, must incorporate the following minimal standards for plumbing fixtures:
1. A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush;
 2. A shower apparatus which uses more than three gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to three gallons of water or less per minute;
 3. Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than three gallons per minute;
 4. A toilet or urinal which employs a timing device or other mechanism to flush periodically irrespective of demand must not be installed.
- C. Except as otherwise provided in subsection D of this section, each public building, other than a prison or jail, on which construction begins on or after March 1, 1993, and each existing public building which is expanded or renovated on or after March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:
1. A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush;
 2. A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute;
 3. A urinal which uses water must not be installed unless its consumption of water does not exceed one gallon of water per flush;
 4. A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed;
 5. A urinal which continually flows or flushes water must not be installed;
 6. Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute;
 7. Each faucet installed in a public rostrum must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.
- D. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of an existing public building which is not being expanded or renovated. (Ord. 1015 § 5, 1991)

15.28.050 Manufactured buildings.

- A. Except as otherwise provided in subsection B of this section, each manufactured building on which construction begins on or after March 1, 1992, must incorporate the following minimal standards for plumbing fixtures:
1. A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush;
 2. A shower apparatus which uses more than three gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to three gallons of water or less per minute;
 3. Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than three gallons per minute.

B. Each manufactured building on which construction begins on or after March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

1. A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush;
2. A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute;
3. Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute. (Ord. 1015 § 6, 1991)

15.28.060 Manufactured home or mobilehome.

A. Except as otherwise provided in subsection B of this section, each manufactured home or mobilehome on which construction begins on or after March 1, 1992, must incorporate the following minimal standards for plumbing fixtures:

1. A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush;
2. A shower apparatus which uses more than three gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to three gallons of water or less per minute.

B. Each manufactured home or mobilehome on which construction begins on or after March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

1. A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush;
2. A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute;
3. Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute. (Ord. 1015 § 7, 1991)

17.24.100 Landscaping requirements.

A. Generally. Landscaping requirements as set forth in this title have been established to encourage quality development within the city, to provide a smooth transition between adjoining properties; to screen service yards, parking lots and other areas which tend to be unsightly; to facilitate the buffering of one land use from other land uses; to encourage harmonious relationships between buildings which are part of one development and buildings located on abutting properties; to provide visual open space and passive recreational areas to serve the needs of the residents of the city; to soften the effect of development; to improve erosion and stormwater runoff control; to reduce the particulate matter in the air; to encourage a sense of commitment to the city and its residents on the part of developers; and to provide for the health, safety and general welfare of the residents of the city.

B. Definitions.

1. "Groundcover" means turf, vines, or any other species of plant generally considered groundcover by the nursery trade or decorative rock or other decorative landscaping material.
2. "Landscaping" means the provision of planting and related improvements for the purpose of beautifying and enhancing a property and for the control of erosion and the

reduction of glare, dust and noise. Rocks and/or gravel, by itself, or artificial trees, plants and turf shall not constitute landscaping.

C. Landscaping Plan.

1. A landscaping plan shall be submitted in conjunction with any required site plan prior to the issuance of a building permit and shall be reviewed and approved, denied or modified in conjunction with said site plan.

2. Landscaping plans shall be properly dimensioned and clearly drawn to a scale of one inch equals sixty (60) feet or less, and shall include the following information:

a. Location of existing and proposed structures, driveways, paved areas, etc. on the subject property;

b. Location of washes or other natural prominent features;

c. Location, types and sizes of all landscaping and automatic irrigation systems;

d. Street and utility easements;

e. Any other pertinent information which may be required.

3. Suggested Plant Material -- Water Conservation Measures. All developments in nonresidential and in multifamily residential zoning districts are required to use only the suggested plant materials and comply with the design guidelines. However, single-family residential developments are only encouraged to comply.

a. Required landscaping shall be irrigated, contain live plant materials, and be maintained in a living, growing condition.

b. The use of turf is not permitted in landscape areas along a public street frontage in nonresidential zoning districts, nor in multifamily zoning districts. An exception is permitted for the landscaping of public facilities, and for multifamily zoning districts where the turf area has a minimum width of at least ten (10) feet.

c. Turf areas in nonresidential zoning districts, except public facilities, shall not exceed fifteen (15) percent of the net lot area, exclusive of public rights-of-way.

d. To provide for the efficient use of water and to minimize the run-off of water onto adjacent nonpermeable surfaces, the minimum width of any turf area, except in single-family zoning districts, shall be ten (10) feet.

e. Landscaping for all nonresidential and multifamily residential development, and planned unit development uses, shall be designed and installed according to the following: subsection D, General Landscaping Requirements; subsection E, District Landscaping Requirements; subsection F, Preferred Plant Materials; subsection G, Installation Prior to Occupancy Permit; and subsection H, Maintenance, in this section. Single-family residential development need not comply with this requirement; however, in the interest of water conservation, compliance is strongly encouraged.

f. A certificate of compliance stating that landscape materials have been installed according to subsection (C)(3)(e) of this section shall be signed by the property owner and/or landscape contractor and submitted to the city building department prior to issuance of any certificate of occupancy.

g. A public utility facility, to which a water main has not yet been extended, may be approved without meeting the requirements for landscaping of this title as determined by the development services director. However, when a water main has been extended to such facility as to allow for connection to an irrigation system necessary to support plant life, the requirements for landscaping of this title shall be met. Allowance for connection to an irrigation system shall be assumed at such time as the property of the public utility facility is within six hundred sixty (660) feet of a water main.

D. General Landscaping Requirements.

1. Landscaped Areas. All exposed ground areas surrounding or within a principal or accessory use, including adjacent, unpaved street rights-of-way, which are not devoted to drives, parking lots, sidewalks, patios or other such uses shall be landscaped, except that single-family and two-family residential lots shall be exempt from this section.

2. Percentage Landscaped. At minimum, at least thirty (30) percent of the landscaped area shall be covered by plant materials or a plant canopy at the end of the first year and fifty (50) percent of the area shall be being covered at plant maturity.

3. Visibility of Landscaping. When possible, areas of any particular site allocated to landscaping shall be located on that site in such a way so as to provide substantial benefit to the general public as well as to the site itself.
4. Parking Lot Landscaping. Where practical, landscaping shall also be provided within parking lots in a manner which will serve to visually reduce the expanse of paved areas.
5. Irrigation. Landscaping shall be irrigated with an automatic sprinkler system.
6. Traffic Sight Visibility. Landscaping shall be maintained so that it will not interfere with traffic sight distance, street signs or traffic signs/lights.
7. Failure to Maintain Landscaping. Failure to maintain landscaping shall be cause for revocation of a business license and/or revocation of special use approval.
8. Plant Materials for Screening. Materials required for the specific purpose of screening the property or portions of property from other areas may not be considered as part of the required landscape materials.
9. Landscaping in Public Rights-of-Way. Landscaping in public rights-of-way cannot be used to satisfy the minimum landscaping requirements set forth in this section. An encroachment permit and maintenance agreement issued by the director of public works shall be required.
10. If conifers are used to satisfy the requirement for trees of one and one-half inch caliper, they shall be a minimum of four feet tall.
11. No tree whose mature height exceeds fifteen (15) feet shall be planted under an electric utility line.
12. The use of turf shall be limited as follows:

Zoning District/Use Use of Turf

Commercial/Industrial zones Limited to 25% of total landscapable area

Public/private facilities Limited to 20% of total landscapable area, except for schools, parks, and cemeteries

Golf courses Limited to 5 acres average per hole, with a maximum 10 additional acres for driving range

Residential zones (single- Limited to a maximum of 50% of total front yard area family)

Residential zones (multi- Limited to a maximum of 40% of total landscapable area family)

13. The turf limitations contained in this section are intended to increase the use of water efficient vegetation. Landscaping shall be designed, and landscaping materials shall be chosen and installed, so as to insure that within three years of normal growth, at least fifty (50) percent of the area covered by nonturf landscaping will consist of water-efficient vegetation.

14. A waiver of the turf limitation requirement may be granted by the city council for major street corridor and image enhancement purposes.

E. District Landscaping Requirements.

Note: Any fractional number of plants derived as a result of the below landscaping requirements shall be rounded to the nearest whole number. An additional whole plant shall be provided for a fractional result of .5 or over.

1. O-L, R-E and R-EL Residential Districts (for Uses Requiring Landscaping).
 - a. One live fifteen (15) gallon plant or sapling per three thousand five hundred (3,500) square feet of lot area;
 - b. One live one- to five-gallon plant per two thousand (2,000) square feet of lot area;
 - c. Groundcover is required in all unpaved open areas not devoted to other landscaping;

d. Landscaping design standards may be substituted to permit a creative approach to landscape design, provided the substitution meets the intent of items (b) and (c) of the above design standards. The ratio for substitution shall be one-third of the required number of fifteen (15) gallon size plants with twice that number of five-gallon plants.

2. R-1 and R-CL Residential Districts (for Uses Requiring Landscaping).

- a. One live fifteen (15) gallon plant per one thousand (1,000) square feet of lot area;
- b. One live one- to five-gallon plant per five hundred (500) square feet of lot area;
- c. Groundcover is required in all unpaved open areas not devoted to other landscaping;
- d. Landscaping design standards may be substituted to permit a creative approach to landscape design, provided the substitution meets the intent of items (a) and (b) of the above design standards. The ratio for substitution shall be one-third of the required number of fifteen (15) gallon size plants with twice that number of five-gallon trees.

3. R-2, R-3 and R-4 Residential Districts.

- a. One and one-half trees per dwelling unit of which twenty-five (25) percent must be one and one-half inch caliper;
- b. One live fifteen (15) gallon plant or sapling per one thousand (1,000) square feet of lot area;
- c. One live one- to five-gallon plant per five hundred (500) square feet of lot area;
- d. Groundcover is required in all unpaved open areas not devoted to other landscaping;
- e. Landscaping design standards may be substituted to permit a creative approach to landscape design, provided the substitution meets the intent of items (b) and (c) of the above design standards. The ratio for substitution shall be one-third of the required number of fifteen (15) gallon size plants with twice that number of five-gallon plants.

4. C-P, C-1, C-2, C-3 and M-1 Districts.

- a. One tree of one and one-half inch caliper per five thousand (5,000) square feet of lot area;
- b. One live fifteen (15) gallon plant or sapling per two thousand five hundred (2,500) square feet of lot area and frontages required;
- c. One live one- to five-gallon plant per two thousand (2,000) square feet of lot area;
- d. A five-foot wide landscaped strip shall be provided around the street frontage of all commercial areas except in areas of ingress and egress;
- e. Groundcover is required in all unpaved open areas not devoted to other landscaping;
- f. Landscaping design standards may be substituted to permit a creative approach to landscape design, provided the substitution meets the intent of items (b) through (d) of the above design standards. The ratio for substitution shall be one-third of the required number of fifteen (15) gallon size plants with twice that number of five-gallon plants;
- g. Additional landscaping in M-1 district developments may be required as deemed appropriate by the planning commission;
- h. Large parcels with multiple commercial sites are encouraged to distribute landscaping throughout the site in addition to landscaping along street frontage.

5. M-2 and M-3 Districts.

- a. One tree of one and one-half inch caliper per seven thousand five hundred (7,500) square feet of lot area;
- b. One live fifteen (15) gallon plant or sapling per twenty (20) feet of street frontage;
- c. One live one- to five-gallon plant per six feet of street frontage;
- d. A five-foot landscaped strip shall be provided along all street frontages except in required areas of ingress and egress;
- e. At least twenty-five (25) percent of the required number of plants shall be located around the building(s) and/or throughout parking areas;
- f. Landscaping design standards may be substituted to permit a creative approach to landscape design, provided the substitution meets the intent of items (b) through (e) of the above design standards. The ratio of substitution shall be one-third of the required number of fifteen (15) gallon size plants with twice that number of five-gallon plants;
- g. Groundcover is required in all unpaved open areas not devoted to other landscaping.

F. Preferred Plant Materials. The following plant materials listed by hedges and screens, deciduous, evergreen and ornamental trees, groundcovers, perennials, vines, rock garden plants, and bulbs are preferred for landscaping purposes by the city. In an effort to conserve limited water resources, the provision of draught-tolerant landscaping is encouraged. Although other materials may be permitted, these plants tend to be low water using plants as they are indigenous to Nevada or other arid regions of the world.

Evergreen Hedges and Screens

Botanical Name	Common Name
<i>Abelia</i> sp	
<i>Artemisia caucasicus</i>	Sage -- silver spreader
<i>Artemisia schmidtiana</i>	Sage -- angel's hair
<i>Atriplex canescens</i>	Four-wing saltbush
<i>Atriplex conferifolia</i>	Salt cedar
<i>Atriplex hymenelytra</i>	Desert holly
<i>Berberis buxifolia</i>	Magellan barberry
<i>Calocedrus decurens</i>	Incense cedar
<i>Cercocarpus betuloides</i>	Mountain mahogany
<i>Cercocarpus ledifolius</i>	Curl-leaf mountain mahogany
<i>Cupressua glabra</i>	Smooth Arizona cypress
<i>Ephedra nevadadensis</i>	Mormon tea
<i>Eucalyptus spathulata</i>	Narrow-leafed gimlet
<i>Euonymus europaea compacta</i>	European spindle tree
<i>Euonymus fortunei</i>	Winter creeper
<i>Euonymus japonica</i>	Evergreen euonymus
<i>Euonymus kiautschovica</i>	
<i>Franseria dumosa</i>	
<i>Kochia scoparia</i>	Summer cypress
<i>Larrea tridentata</i>	Creosote bush
<i>Lepidium fremontii</i>	
<i>Leucophyllum frutescens</i>	Texas ranger
<i>Lycium andersonii</i>	Anderson lycium
<i>Lycium pallidum</i>	
<i>Mahonia aquifolium</i>	Oregon grape
<i>Mahonia repens</i>	Creeping mahonia
<i>Menodora spinescens</i>	
<i>Nandina domestica</i>	Heavenly bamboo
<i>Penstemon eatoni</i>	Beard tongue
<i>Pittosporum tobira</i>	Tobira
<i>Platyclusus orientalis</i>	Oriental arborvitae
<i>Raphiolepis indica</i>	India hawthorn
<i>Rhamnus alaternus</i>	Italian buckthorn
<i>Rhamnus crocea illicifolia</i>	Redberry
<i>Ribes</i> sp	Currant, gooseberry
<i>Rosmarinus officinalis</i>	Rosemary
<i>Suaeda torrcyana ramosissima</i>	
<i>Vauquelinia californica</i>	Arizona rosewood
<i>Viburnum tinus</i>	Laurustinus

Deciduous Hedges and Screens

Botanical Name	Common Name
<i>Atriplex lentiformins</i>	Quail bush
<i>Berberis</i> sp	Barberry
<i>Caragana arborescens</i>	Siberian peashrub

Chaenomeles sp Flowering quince
 Cotoneaster acutifolus Peking cotoneaster
 Crataegus monogyna Hawthorn
 Elaeagnus angustifolia Russian olive
 Fouquieria splendens Ocotillo
 Rhamnus frangula Aibler buckthorn
 Rosa eglanteria Sweet briar
 Rosa florabunda
 Rosa hugonis Father's Hugo rose
 Rosa pavlii
 Rosa rugosa Ramanus rose
 Rosa simplicity
 Rosa souliana
 Salix purpurea Purple osier
 Weigela sp

Evergreen Drought-Tolerant Trees

Botanical Name	Common Name
Acacia sp	Acacia
Acacia angustissima	
Acacia contractus	
Acacia greggii	
Acer macrophyllum	
Arbutus unedo	Strawberry tree
Eriobotrya deflexa	Bronze loquat
Eriobotrya japonica	Loquat
Eucalyptus leucoxylon	White ironbark
Eucalyptus macrocarpa	"Rosea"
Eucalyptus macrandra	Long flowered marlock
Eucalyptus nicholii	Nichol's willow-leaved peppermint
Eucalyptus pauciflora	Ghost gum
Eucalyptus polyanthermos	Silver dollar gum
Eucalyptus pulchella	White peppermint
Eucalyptus rudis	Desert gum
Forsteria neomexicana	
Heteromeles arbutifolia	California holly
Nerium oleander	Oleander
Photinia fraseri	Photinia
Pinus eldarica	
Pinus halepensis	Aleppo pine
Pinus nigra	Austrian black pine
Prunus caroliniana	Carolina laurel cherry
Quercus ilex	Holly oak
Quercus suber	Cork oak
Xylosma congestum	

Deciduous Drought-Tolerant Trees

Botanical Name	Common Name
Albizia julibrissin	Silk tree
Cassia artemisioides	Feathery cassia
Celtis pallida	Desert hackberry
Cercidium floridum	Blue palo verde
Cercidium microphyllum	Little leaf palo verde
Cercis occidentalis	Western redbud

Chilopsis linearis Desert willow
Crataegus sp Hawthorn
Fraxinus holotricha Ash
Gleditsia sp Locust
Gleditia triacanthos Honey locust
Malus sp Crabapple
Morus alba White mulberry
Parkinsonia aculeata Mexican palo verde
Pistacia chinensis Chinese pistache
Prosopis chilensis Mesquite
Prosopis glandulosa Mesquite
Prunus besseyi
Punica granatum Pomegranate
Quercus coccinea Scarlet oak
Quercus douglasii Blue oak
Quercus palustris Pin oak
Quercus phellos Willow oak
Sophora japonica Japanese pagoda tree
Tilia cordata Little-leaf linden
Tilia euchlora Crimean linden
Vitex agnus-casta Chaste tree

Ornamental

Botanical Name	Common Name
<i>Arctomecom californica</i>	
<i>Asparagus</i> sp	Asparagus
<i>Caesalpinia gillesii</i>	Paradise bush
<i>Dasyllirion wheeleri</i>	
<i>Ipomopsis aggregata</i>	
<i>Pennisetum setaceum</i>	Fountain grass
<i>Psilotroche cooperi</i>	
<i>Stanleya pinnata</i>	
<i>Tecoma stans</i>	Yellow trumpet flower
<i>Vitex agnus-castus</i>	Chaste tree

Groundcover Plants

Botanical Name	Common Name
<i>Abelia grandiflora</i>	"Edward Goucher" Abelia
<i>Genesta hispanica</i>	Spanish broom
<i>Hypericum calycinum</i>	Creeping St. Johnswart
<i>Hypericum coris</i>	St. Johnswart
Juniper (prostrate)	Juniper
<i>Nandina</i> (dwarf)	Dwarf bamboo
<i>Pyracantha</i>	Santa Cruz Santa Cruz firethorn
<i>Rosmarinus Lockwoodii</i>	Rosemary
<i>Rosmarinus officinalis</i>	Rosemary
<i>Ruscus hypoglossum</i>	Butcher's broom
<i>Teucrium chamaedrys</i>	Germander
<i>Arctotheca calendula</i>	Cape weed
<i>Arctostaphylos uva-ursi</i>	Bearberry
<i>Chamaemelum nobile</i>	Chamomile
<i>Eriogonum umbellatum</i>	Sulfer flower
<i>Gazania uniflora</i>	
<i>Hippocrepis comosa</i>	

Phyla nodiflora Lippia
Sagina subalata Irish moss
Zoysia tenuifolia "Emerald" Emerald zoysia

Perennial Forbs, Etc.

Botanical Name Common Name
Achillea tomentosa Woolly yarrow
Aegopodium podagraria Bishop's weed
Ajuga reptans Carpet bugle
Anemone pulsatilla European pasque flower
Arabis sp Rockcress
Artemisia frigida Fringed wormwood
Brunnera macrophylla Brumera
Campanula sp Bellflower
Cerastium tomentosum Snow-in-summer
Coronilla varia
Cymbalaria muralis Kenilworth ivy
Enceliopsis nudicaris
Epimedium sp
Festuca ovina glauca Blue fescue
Gazania sp
Helianthemum nummularium Sunrose
Iberis sempervirens Evergreen candytuft
Liriodendron sp Creeping lily turf
Myosotis sylvatica Forget-me-not
Nepeta faassenii Catmint
Ophiopogon japonicus Mondo grass
Potentilla cinerea Cinquefoil
Potentilla tabernaemontani Spring cinquefoil
Santolina chamaecyparissus Lavendar cotton
Saponaria ocymoides
Thymus vulgaris Common thyme
Viola odorata Sweet violet

Vines

Botanical Name Common Name
Berberis repens Creeping barberry
Campsis grandiflora Chinese trumpet creeper
Euonymus fortunei Winter creeper
Fatshedera lizei
Hedera canariensis Algerian ivy
Lonicera japonica Japanese honeysuckle
Parthenocissus quinquefolia Virginia creeper
Rosa bracteata

Rock Garden Plants

Botanical Name	Common Name
Agave Americana	Century plant
Agave deserti	
Andromeda polifolia	Bog rosemary
Berberis stenophylla	Rosemary barberry

Halimocistus sahucci	
Helianthemum nummularium	Sunrose
Hypericum coris	St. Johnswort
Juniper sp	Juniper
Penstemon rupicola	Beard tongue
Potentilla cinerea	Cinquefoil
Spiraea bullata	Spiraea
Teucrium chamaedrys	Germander
Yucca sp	Yucca
Bulbs	

Botanical Name	Common Name
Allium sp	Oriental allium
Crocus sp	Crocus
Cyclamen sp	
Dahlia sp	
Fritillaria sp	Fritillary
Galanthus elwesii	Giant snowdrop
Iris reticulata	Violet-scented iris
Muscari sp	Grape hyacinth
Zephyranthes sp	Zephyr flower

G. Installation Prior to Occupancy Permit. All landscaping materials and equipment as provided for on the approved landscape plan for any residential, business or industrial development, or in the case of phased development, for the particular phase, shall be installed prior to the issuance of any occupancy permit, unless a financial guarantee in the amount of one hundred fifty (150) percent of the cost of the materials and labor is submitted to the city. Financial guarantees shall be of the types and forms provided in the city subdivision ordinance, codified in Title 16 of this code. In the event that a cash deposit is made for the purpose of a financial guarantee, no interest shall be paid by the city unless specific arrangements are made for such interest to be paid, prior to city acceptance of the deposit.

Upon completion of the landscaping requirements as provided on the approved landscape plan, the financial guarantee shall be released except for a portion in the amount of twenty (20) percent of the cost of materials and installation which shall be retained for a warranty period of one year as a guarantee of proper installation and maintenance. Following the warranty period the remaining twenty (20) percent guarantee shall be released upon a finding that installation and maintenance has occurred as per approved landscape plan.

H. Maintenance. All landscaped areas and material shall be kept neat, clean, uncluttered and in a weed-free condition. Dead plant material shall be replaced with plant material of equal size and maturity. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.

I. Appeal Procedure.

1. Property owners may appeal decisions of the development director regarding these landscaping requirements.
2. Appeals shall be made to the planning commission in the following manner:
 - a. The developer shall state in a letter to the commission the specific requirement that is to be appealed and the circumstances why the requirement is imposing an undue hardship

upon the proposed development. Said letter along with two copies of the landscape and irrigation plans shall be filed with the development department. Upon receipt of said letter, the development department shall set a date at which such appeal will be heard by the planning commission.

b. Hearing. All requests for an appeal shall be submitted to the planning commission for a hearing not less than six calendar days nor more than twenty-eight (28) calendar days following the filing of the developer's letter of appeal. The developer must be present at the meeting at which his appeal will be heard.

J. Landscape Restrictions During Drought.

1. During drought watch and drought alert, landscaping shall be limited as described below. Any land use application or permit for construction approved by the city prior to October 1, 2003 with landscaping not in conformance with the restrictions listed in this section will not be subject to these restrictions.

a. The following landscape restrictions will apply during drought watch:

i. Residential Landscape Restrictions. Single-family and multifamily developments are prohibited from installing new turf in common areas of residential neighborhoods. This restriction shall not apply to public parks or privately owned and maintained parks, including required usable open space in multifamily developments, provided that no turf area dimension is less than ten (10) feet.

ii. Non-Residential Landscape Restrictions. The installation of new turf in non-residential developments is prohibited, unless specifically permitted by a land use application approved by the city. Under no circumstances shall a land use application be approved to allow more than fifty (50) percent of the turf permitted under no drought conditions. These provisions shall not apply to public or private schools or parks.

b. The following additional landscape development restrictions will apply during drought alert:

i. Residential Landscape Restrictions.

(A) The installation of new turf is prohibited in residential front yards.

Exemption. An owner of a residence may make application with the director for an exemption from the prohibition of this subsection. Upon the approval of such application, the owner would be permitted to install new turf in the residential front yard (in the quantity allowed for the side and rear yards), and would be prohibited from installing turf in the side and rear yards. Such application process would require the owner to give permission for city staff to gain access to the back and side yards for compliance inspection purposes.

(B) For single-family residential lots, the installation of new turf in the side and rear yard shall not exceed fifty (50) percent of the gross area of the side and rear yard, provided that no turf area dimension is less than ten (10) feet. A maximum of five thousand (5,000) square feet of turf is permitted.

(C) The planting of cool-season grasses (i.e. tall fescue or rye grass) is prohibited during the months of May through August; however, the planting of warm-season grasses (i.e. bermuda and zoysia) is permitted.

(D) The restrictions defined in drought watch shall continue to apply.

ii. Non-Residential Landscape Restrictions.

(A) The restrictions defined in drought watch shall continue to apply.

2. Any person(s) or association(s) regardless of date of establishment is prohibited from imposing private covenants, conditions, restrictions, deed clauses or other agreements between the parties, which prevent person(s) from utilizing water efficient landscaping including but not limited to xeriscape, provided such landscaping receives appropriate architectural review approval. In any event, landscaping materials and designs may not be prohibited solely on the basis that they make use of water-efficient landscaping such as referenced in Title 17 as amended.

3. Waivers. There shall be no waivers or variances granted with respect to the standards listed in this section. Such a request shall be considered a request to amend the requirements of this section and shall only be considered in accordance with the proper procedures. (Ord. 1806 § 2 (part), 2003; Ord. 1424 § 1, 2000; Ord. 1308 § 2, 1999; Ord. 1164 § 3 (part), 1996: prior code § 19.6.100)



Clark County Codes Water Conservation and Drought

Title 24 WATER, SEWAGE AND OTHER UTILITIES

Chapter 24.30 WASTE OF WATER FROM PUBLIC WATER SYSTEM

24.30.010 Definitions.

24.30.020 Unlawful to waste water when.

Chapter 24.34 WATER USE RESTRICTIONS

24.34.010 Definitions.

24.34.020 Limitation on irrigation.

24.34.030 Exceptions.

24.34.040 Violations and penalties.

Title 30 UNIFIED DEVELOPMENT CODE

30.64 Site Landscape and Screening Standards

30.64.010 Purpose.

30.64.020 Fences and Walls.

30.64.030 Landscaping.

30.64.040 Screening and Buffering Requirements.

30.64.050 Alternative Standards.

30.64.060 Water Features.

30.64.070 Drought Restrictions.

Title 25 PLUMBING AND ELECTRICAL REGULATIONS*

Chapter 25.10 BUILDING WATER CONSERVATION CODE OF CLARK COUNTY

25.10.010 Title.

25.10.020 Definitions.

25.10.050 New, remodel or replacement of fixtures in residential or commercial construction.

25.10.060 Administrative allowance.

25.10.070 Sale of nonconforming fixtures prohibited.

24.30.010 Definitions.

As used in this chapter, unless the context otherwise requires, the following words shall have the meanings ascribed to them:

- (1) "Customer" means any person who is an owner, occupant, manager or user 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.
- (2) "Notice of violation" means a written warning which describes how water is being wasted and warns the customer that it is unlawful to waste water after service of the notice.
- (3) "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 and includes any such system whether or not it is operated under the regulatory authority of the Nevada Public Service Commission, but does not include any irrigation company or district whose primary purpose is to supply water for farming.
- (4) "Service of a notice of violation" means:
 - (a) Personal service upon a customer;
 - (b) Personal service upon a person of suitable age and discretion residing at the customer's residence or working for the customer at the place where the waste of water initiates;
 - (c) Posting such notice upon the premises where the waste of water initiates; or
 - (d) Mailing a copy of such notice to the customer at his address as shown on the records of the public water system.
- (5) "To waste water" means the expenditure or application of water from a public water system that results in water:
 - (a) Flowing into any gutter, street, sidewalk, swale or storm drain in a steady stream or flow during the course of a period of five or more continuous minutes; or
 - (b) Collecting in pools or any depressed area in a public street, sidewalk or right-of-way to a depth of two inches or more. (Ord. 2934 § 3, 2003: Ord. 1213 § 1, 1990)

24.30.020 Unlawful to waste water when.

- (a) It is unlawful for any customer of a public water system to waste water in the unincorporated areas of the county after having been served a notice of violation for wasting water from the same location or premises.
- (b) It is unlawful for any owner, occupant or manager of real property in the incorporated areas of the county to allow the waste of water from such property after there has been a service of a notice of violation for wasting water from the same premises. (Ord. 1213 § 2, 1990)

24.34.010 Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the following meanings:

(a) "Customer" refers to any person who is an owner, occupant, or user of real property to which water is supplied by a public water system. "Customer" shall also refer to any person who uses water supplied by a public water system, or to any person who is billed for the supply of water from a public water system, or to any person who is responsible for or otherwise has the right or permission to utilize the supply of water provided by a public water system.

(b) "Hand watering" refers to the use or application of water by a customer or any person through a hose connected to a piping system while such hose is hand held by an individual and such water is sporadically used for any exterior purpose or is otherwise expended outside any dwelling, building or structure.

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

(d) "Person" means any natural person, any group of persons, any firm, partnership, association, corporation, company, or any other organization or entity.

(e) "Public water system" refers to any network of pipes, conduits, wells, machinery, reservoirs, holding tanks, and any other components, including any combination thereof, which supplies water to customers who are charged a fee of any kind or nature for such service or which is designed to supply water or is capable of supplying water to customers for a fee at two or more dwellings, buildings, structures or lots. Public water system does not include water supplied by an irrigation district for agricultural purposes.

(f) "Wastewater" means treated effluent from any sewer treatment plant operated by a governmental or private entity.

(g) "Water" refers to all water, including wastewater, supplied to any customer who uses water.

(h) "Irrigation system testing" refers to sprinkler testing done after lawn mowing to identify broken heads, and after repairs to flush lines, properly align sprinkler heads or to locate a reported leak.

(i) "Syringing" refers to a method used to cool down hot spots under visible signs of stress. This method utilizes hand-held remote irrigation controllers or computerized central controls.

(j) "Landscape irrigation audit" refers to a process used to test the application rate and efficiency of an irrigation system. Sprinkler heads are aligned and cups are placed across the turf area. The sprinklers are run and the amount of water caught in the cups is measured.

(k) "Subsurface watering system" means an irrigation watering delivery system that emits water underground directly to the plant at the root zone level. (Ord. 1702 § 1, 1995: Ord. 1403 § 1 (part), 1992: Ord. 1271 § 1 (part), 1991)

24.34.020 Limitation on irrigation.

From May 1st until October 1st of each calendar year from the hours of eleven a.m. until seven p.m. it is unlawful for any customer of a public water system to use water within the unincorporated areas of the county for the purpose of irrigating, regardless of method, exterior lawns, gardens, trees, grass, shrubbery, or other vegetation except as provided in Section 24.34.030. (Ord. 2934 § 4, 2003: Ord. 1271 § 1 (part), 1991)

24.34.030 Exceptions.

The provisions of Section 24.34.020 do not apply to:

- (a) Hand watering;
- (b) Irrigation of new lawns, for a period of thirty days from planting or the date of installation;
- (c) Irrigation by commercial gardens or plant nurseries licensed in accordance with Title 6 of this code, provided the licensee or his representative are personally on the premises at the time watering is taking place;
- (d) Irrigation system testing; provided, that the testing does not exceed two minutes and the individual conducting the test must be present and observe sprinkler performance;
- (e) Syringing; provided, that it does not exceed three minutes and the individual operating the sprinklers must be present and observe the sprinklers running;
- (f) Landscape irrigation audits; provided, that the audits do not exceed five minutes for pop-up spray heads and fifteen minutes for impact and rotor heads, and the auditor performing the test must be present and observe sprinkler performance;
- (g) Irrigation from a subsurface watering system. (Ord. 1702 § 2, 1995: Ord. 1403 § 1 (part), 1992: Ord. 1271 § 1 (part), 1991)

24.34.040 Violations and penalties.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1.01.040 of this code. Additionally, any person, group of persons, partnership, corporation or other business or governmental entity which is not a public utility regulated by the Public Service Commission of Nevada and which furnishes water to persons who violate the provisions of this chapter may reduce or terminate water service to such person or persons. (Ord. 1271 § 1 (part), 1991)

30.64.010 Purpose.

The purpose of requiring landscaping and screening is to:

1. Improve the quality of air and discourage plant material that is high in pollen production.
2. Promote the visual image desired by the community through the use of low water, climate adaptable plant materials.
3. Increase the compatibility and minimize potentially negative impacts of differing adjacent uses by providing alternative buffering standards which will act as a visual barrier. The buffering standards will also provide justification and mitigation for waivers to the design standards required elsewhere within this Title.
4. Reduce dust, noise, glare and heat; assist in wind control; and minimize water runoff onto streets.
5. Conserve natural resources, including water, in conformance with the Water Conservation Plan and/or Drought Plan developed by the Southern Nevada Water Authority. (Ord. 3356 § 5, 2006; Ord. 2934 § 6, 2003; Ord. 2741 § 12 (part), 2002; Ord. 2482 § 15 (part), 2000; Ord. 2481 § 3 (part), 2000)

30.64.030 Landscaping.

a. Landscaping Required. Except for mines, gravel pits, temporary uses, agricultural cultivation, public facilities without buildings, and the rear yards of single family dwellings, any disturbed area of a developed property not occupied by permitted outside activity areas, storage areas, structures, parking, driveways, drive aisles, bus turnouts, and sidewalks shall be landscaped and maintained in a clean condition. Disturbed areas designated for future development need not have live landscaping. (For the purposes of this Section and related landscaping requirements, rear yard is defined as any yard area behind established screen walls or fencing located in side or rear yards.)

b. Landscape Design Objectives.

1. Landscape plans shall incorporate water conserving design which includes appropriate soil, soil amendments to absorb and retain water and encourage the formation of deep root systems, mulch, drainage, and microclimates, and includes groupings of plants with similar water requirements on an irrigation line.

A. Grading and hydrology should whenever possible be designed to maximize the use of storm water for on-site irrigation.

B. Landscape plans shall address all applicable sight visibility concerns, including the location of traffic control signs and devices, sight visibility zones, and adequate spatial considerations for the (future) size and spread of plant materials at maturity in conformance with 30.16.240(a)(5). (Also see 30.64.030(k))

2. The selection and orientation of plant material on the south and west sides of buildings is preferred to promote energy conservation and solar gains.

c. Live Landscaping.

1. All required landscaping shall be planted with live plants, except as provided in subsection (a) above. For property at elevations of 4,000 or more feet above sea level, natural and native landscaping should be preserved and incorporated into the landscape area.

2. Any tree within 5' of a required perimeter wall, sidewalk, street, or public utility easement adjacent to a street shall be planted with a root shield designed to redirect root growth and shall incorporate a deep root irrigation system per 30.64.030(l)(4)(B). All trees within this area shall be limited to those with non-invasive root systems per Appendix C, Plant List, Part 10. (See Figures 30.64-2 and 30.64-3)

3. Efforts to keep and maintain existing drought-tolerant trees, especially if mature, are highly encouraged.

d. Maintenance of Landscaping and Sidewalks.

1. Fences, walls and landscaped areas (including plant materials, irrigation system, and hardscape features) shall be maintained.

A. Landscaping or structures of any kind shall not obstruct vehicular or pedestrian travel along the sidewalk or street.

B. No landscaping materials shall obstruct, block, or in any way impede the view of any traffic signal, sign, directional device, or sight visibility zone.

C. Trees may overhang a sidewalk and street, provided the overhang is a minimum height of ten feet above any sidewalk or sixteen feet and four inches (16' 4") above any street, and the overhanging foliage does not impose a danger to the public.

D. When detached sidewalks are installed, the property owner(s), homeowners association, or landscape maintenance association shall maintain all landscaping in conformance with the requirements of this Chapter and shall be responsible for trimming, modifying, or removing any plant materials within required landscape areas that cause or constitute an imminent safety hazard to the traveling public, including but not limited to

obstructing the visibility of traffic control signs and devices, obstructing sight visibility zones, or not providing adequate clearance for pedestrians and vehicles. Noncompliance with the maintenance requirements herein established shall cause the County to provide notice to the property owner(s), homeowners association, or landscape maintenance association of the County's intent to perform the required maintenance and collect payment accordingly for the work performed.

2. Landscaped areas shall not be used for parking of vehicles, display of merchandise or other uses detrimental to the landscaping.

3. Any required plant material that does not survive, or sustains severe damage, shall be replaced within ninety (90) days.

4. Landscaping required outside decorative fences and walls shall be maintained by the property owner(s), homeowners association, or landscape maintenance association, whichever is applicable. Whenever a landscaping area is an easement or is located within a common lot, the easement or common lot shall be shown on any major or minor subdivision map. All areas specifically intended for landscaping purposes shall be shown on required improvement plans.

A. Damage to landscaping (including plant materials, irrigation system, and hardscape features) within the required easement as a result of the work performed by, or on behalf of, any public utility shall be repaired or replaced by the public utility.

B. Damage to landscaping (plant materials) that occurs as a result of a property owner's, homeowners association's, or maintenance association's lack of general maintenance, as required in Section 30.64.030(d)(5), or as a result of the actions of a property owner, homeowners association, or maintenance association creating a condition that caused such damage to occur, shall be repaired or replaced by the applicable property owner, homeowners association, or maintenance association, whichever caused the damage.

C. Removal or relocation of any private property owners' landscaping in County rights-of-way or easements to accommodate a public improvement, including roadways and pavements, sidewalks, curbs and gutters, landscaping, street lights, foundations, poles and traffic signal conduits, water mains, sanitary and storm sewers, tunnels, subways, people movers, viaducts, bridges, underpasses, and overpasses, or other public facilities across, along, over or under any street or streets, or other such improvements which are to be used by the general public, shall be the responsibility and at the expense of the property owner. The County (or other entity governed ex officio by the Clark County Board of Commissioners, i.e., Las Vegas Valley Water District, Kyle Canyon Water District, Big Bend Water District or Clark County Water Reclamation District, singly the "County Entity") shall issue to a property owner 30 days' written notice of a need to remove or relocate any of the property owner's landscaping that may be in conflict with installation, maintenance, or use of the public improvement. The property owner shall, within 30 days after receiving such written notice from the County Entity, remove or relocate its said landscaping. If the property owner fails to remove or relocate its landscaping as required

by this section within the required time period, the County Entity may remove or relocate said landscaping and charge the cost of removal or relocation to the property owner. The County will not be held liable for any losses or damages due to removal or relocation of such landscaping.

5. General maintenance of all sidewalks, whether constructed within a public right-of-way or a public access easement, shall be performed by the property owner, homeowners association, or landscape maintenance association, and shall include keeping the sidewalks clean and free of weeds, debris, ice, and snow, and preventing landscaping or structures of any kind from obstructing the sidewalk.

A. Long-term maintenance of all sidewalks except meandering sidewalks, including repair and replacement when required, shall be the responsibility of Clark County, pursuant to NRS 41.1315, unless the sidewalk is damaged as a result of negligence on the part of, or actions taken by, the property owner, homeowners association, or landscape maintenance association.

B. Clark County shall not be held liable for damage or injury that occurs as a result of a property owner's, homeowners association's, or maintenance association's lack of general maintenance, as required in subsection A above, or if the actions of a property owner, homeowners association, or maintenance association created a hazardous condition that caused or otherwise resulted in damage or injury.

e. Plant Materials.

1. Except for single family residential development, all required plants shall consist of materials selected from the plant list in Appendix C, Plant Materials, and/or as recommended for local use by the Southern Nevada Water Authority's *Water Smart Landscapes Program Plant List*, except that all cactus, and annual and perennial flowers, are permitted. If the genus is listed, all varieties of that genus are permitted, even if all common names are not listed, except where specifically prohibited. All stock shall conform to the standards listed in the *American Standards for Nursery Stock* as required by section 555.200 (Standards for Nursery Stock) of the NAC. The use of plants listed in Appendix C, part 7, Allergenic Potential List, are discouraged. The following plants are expressly prohibited in all developments:

A. European Olive trees, all fruiting varieties;

B. Fruitless Mulberry trees; and

C. Any plant listed on the Nevada State Department of Agriculture's noxious weed list as shown in Appendix C, Part 8.

2. An oasis is an area where non-drought tolerant landscaping designs are permitted. Plants not listed in Appendix C, Plant Materials, and/or not recommended for local use by the Southern Nevada Water Authority's *Water Smart Landscapes Program Plant List*, may be used in an oasis if they are grouped in separately programmed irrigation areas according to their water requirements providing that:

A. The area of the oasis shall not exceed one percent (1%) of the net area of the development;

B. The oasis is not located within the required street frontage landscaping.

3. Alternative plant materials may be approved by the Zoning Administrator by an administrative minor deviation per Table 30.16-8, where documentation is provided by the applicant from the State Department of Agriculture, the Las Vegas Valley Water District or a publication equal and acceptable to the Zoning Administrator indicating that the plant is drought tolerant and is not an invasive or noxious plant.

f. Irrigation. A water conserving irrigation system is required for all landscaping. Drip or similar systems with no over spray shall be used when irrigating non-turf vegetation. Irrigation systems shall be maintained in good operating condition. The use of irrigation systems which utilize reclaimed wastewater is preferred, and required for golf courses as soon as a source of reclaimed wastewater is available. Restrictions for over spray shall not apply when water used will be provided by one or more of the following methods:

1. Water is provided for the applicant's own wells or appurtenant or transferred water right which can be legally used to irrigate the property on which a golf course is developed;

2. Water is provided by the water purveyor; however, the applicant must contribute to an exterior water efficiency retrofit program approved by the water purveyor to offset the impacts on water resources and system delivery capacity in an amount equivalent to two (2) times the amount of water used to irrigate turf.

3. Groundwater provided from the shallow aquifer. Applicant may develop and provide the groundwater at his/her sole cost, or may compensate the appropriate water district to develop ground water pursuant to an agreement with the district. The agreement must have been executed by both parties at the time of the application.

g. Swales. Within landscape areas greater than four feet wide (4'), a two foot wide (2') minimum swale shall be provided adjacent to attached sidewalks unless a perimeter fence or wall is constructed within two feet (2') of the sidewalk, or unless the landscape strip is designed with a berm to screen parking and provide enhanced landscaping. When detached sidewalks are constructed in landscape areas greater than ten (10) feet wide, a swale shall be provided on each side of the sidewalk unless bermed. The required swales shall be designed to prevent irrigation water from flowing onto the street or sidewalk. (See Figure 30.64-3)

h. Storm Water Detention/Retention Basins. When provided, private on-site detention/retention basins which are not paved or ripped shall be landscaped if in non-single family residential development to enhance the natural configuration of the basin. Grading, hydrology and landscape plans should be integrated to make maximum use of site storm water runoff for supplemental on-site irrigation purposes.

i. Ground Cover. Any portion of a landscape area not planted shall be covered with decorative rock, bark, mulch or other material suitable for reducing dust and evaporation, and improving the aesthetic appearance of the area. Non-porous materials should not be placed under the mulch where plants exist.

j. Turf. Turf limitations apply as follows:

1. Development within subdivisions approved after July 1, 1992 shall not impose restrictions which require the use of turf in landscaping or which prevent the use of xeriscaping as an alternative to turf;
2. The maximum slope of a turf area shall not exceed thirty-three percent (33%);
3. Turf areas shall not be located within six (6) feet of a street, curb, paved surface other than a single-family residential driveway, or sidewalk if adjacent to a paved surface.
4. Except within single family residential development, no area of turf shall have a width or depth less than ten (10) feet. This area may be less than ten (10) feet wide if adjacent to a planter bed or other landscape area which will catch overspray;
5. The area of turf within multiple family dwelling groups and non-residential development, except for parks, cemeteries, and schools, shall not exceed 30% of the landscaped area within the development; and
6. The area of turf within the front yard of single-family residential lots shall not exceed fifty percent (50%) of the net area of the front yard; and
7. Golf courses, shall be limited to a maximum of 90 acres for 18 holes and 10 acres for a driving range;
 - A. The turf limitation of golf courses may be exceeded if the applicant demonstrates to the satisfaction of the water purveyor that irrigated turf, in excess of the amount specified, will have no significant impact on water resources or water peak demand delivery capacity, because water used for the additional turf will be provided by one or more of the following methods:
 - i. Water provided from applicant=s own wells or appurtenant or transferred water rights which can be legally used to irrigate the property on which the golf course is developed;

ii. Water provided from the water purveyor. However, the applicant must contribute to an exterior water efficiency retrofit program approved by the water purveyor to offset the impacts on water resources and system delivery capacity, in an amount equivalent to two (2) times the amount of water used by the turf grass;

iii. Groundwater provided from the shallow groundwater aquifer. Applicant may develop and provide the ground water at his sole cost or may compensate the appropriate water district to develop ground water pursuant to an agreement with the district. The agreement must have been executed by both parties at the time of the application;

B. The restrictions for turf area shall not apply to any property that is the subject of a development agreement between the county and the owner or former owner of the property; provided, the development agreement is in effect as of April 5, 2000 and at the time of commencement of construction of the golf course.

k. Required Trees. Trees shall be planted as required in Tables 30.64-1 and 30.64-2, and as shown in Figures 30.64-2 through 30.64-14, 30.64-17, and 30.64-18, if large fifteen (15) gallon trees are being planted. Trees located beneath or adjacent to overhead power lines are not required if the power company certifies that the landscape requirement poses a hazard. Unless otherwise specified by the Commission or Board, trees and alternative distances can be provided as follows:

1. One large tree (at maturity will be 40 feet or higher and have a minimum 20 foot spread) is required for each thirty linear feet of street or property line frontage.
2. One medium tree (at maturity will have a minimum 20 foot spread) is required for each twenty linear feet of street or property line frontage.
3. One small tree (at maturity will have a less than a 20 foot spread) is required for each ten linear feet of street or property line frontage.
4. These distances may be increased by ten (10) feet if twenty-four (24) inch box trees are planted instead of fifteen (15) gallon trees.
5. A variety of species and appropriate clustering of plants to provide a homogeneous buffering effect are encouraged within the landscape area.

l. Landscape Strip and Sidewalks.

1. Sidewalks, drive aisles, and driveways providing access from the street to and within the development are permitted within a landscape area or strip.
2. If constructed sidewalks are attached (not offset from curb), the required landscape area shall begin at the property line (back of sidewalk) and shall not include any part of the right-of-way. If detached sidewalks are constructed pursuant to Section 30.52.030(a)(1)(K), the required landscape area and the detached sidewalk shall be

calculated together as the total landscaping requirement, including the detached sidewalk, from back of curb to the required setback (See Figures 30.64-17 and 30.64-18).

3. Required landscaping is permitted within public utility easements if designed to protect utility facilities per Figure 30.64-2. However, plant materials located within five feet (5') of public utility structures and appurtenances (but not underground lines) shall be limited to shrubs and groundcover only.

4. When required by Tables 30.64-1 and 30.64-2, straight, detached sidewalks shall be provided unless there is an existing attached sidewalk that will not be rebuilt, or the arterial or collector street frontage is less than 300 linear feet and is adjacent on both sides to existing development constructed with attached sidewalks.

A. When not required, detached sidewalks and landscaping may be provided at the option of the property owner, homeowners association, or landscape maintenance association. Whether required or not, all detached sidewalks shall conform to Figures 30.64-17 or 30.64-18 and are additionally subject to the following:

i. The tree spacing may be increased by ten (10) feet.

ii. All areas between the sidewalk and the curb shall be landscaped except for incidental paving for bus stops or paving designed to protect underground public utilities, returns to intersections, and amenity zones pursuant to the Mixed Use Overlay District standards established in Section 30.48.770(C)(6-7).

iii. A landscape area as required shall be provided within the distance between the curb and the front setback, shall abut both sides of the sidewalk, and shall contain the quantity of plant materials required per Figures 30.64-17 or 30.64-18, or as otherwise required by this Title, except only shrubs, groundcover, and small to medium trees with non-invasive root systems shall be permitted between the curb and the sidewalk. Tree rows on both sides of a detached sidewalk shall offset each other to provide balanced spacing, and all trees shall be approximately centered within the landscape strip on each side of the sidewalk.[and shall abut the sidewalk] (See Figures 30.64-17, 30.64-18 and Appendix C, Parts 2 and 10)

B. All trees planted in landscape areas adjacent to detached sidewalks or within five feet (5') of any pavement or wall (building or perimeter) shall be required to install, operate, and maintain a deep root irrigation system in conformance with Figure 30.64-3 and the standards listed below (also see "Deep Root Irrigation" in 30.08.030):

i. For small and medium trees, a minimum of one irrigation pipe (2" -- 4" by 36" -- 48") made of PVC or suitable material, shall be inserted vertically into the ground at the trunk's base to encourage downward growth of a deep root system and capture, drain, and redirect excess surface water into the deeper tree root area. For large trees, a minimum of two (2" -- 4" by 36" -- 48") pipes shall be required.

ii. Each irrigation pipe shall be loosely filled with gravel or rock and may be perforated along the lower half to facilitate the absorption of water into the lower soil profile and below the tree's root ball. Irrigation lines, emitters, and/or bubblers may be placed within each deep root irrigation pipe.

iii. All required deep root irrigation pipes shall be installed in conjunction with required swales and designed to allow sufficient amounts of irrigation water to reach a depth of three to four feet.

5. When dedication for bus turnouts is required, the landscape strip is not required adjacent to the bus turnouts.

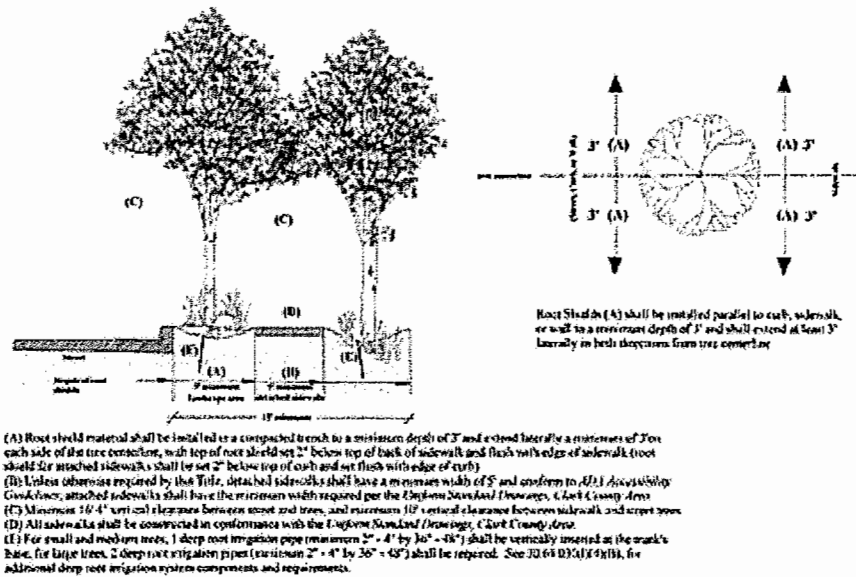
m. Certificate of Compliance. A Certificate of Compliance stating that landscape materials have been installed per this Title shall be signed by the property owner or contractor and submitted to the Building Official.

1. Single family residences may be occupied prior to the landscaping being installed if the developer or property owner signs a Certificate of Compliance prior to the issuance of building permits stating that all required landscaping shall be installed within six (6) months of the date of the Certificate of Occupancy.

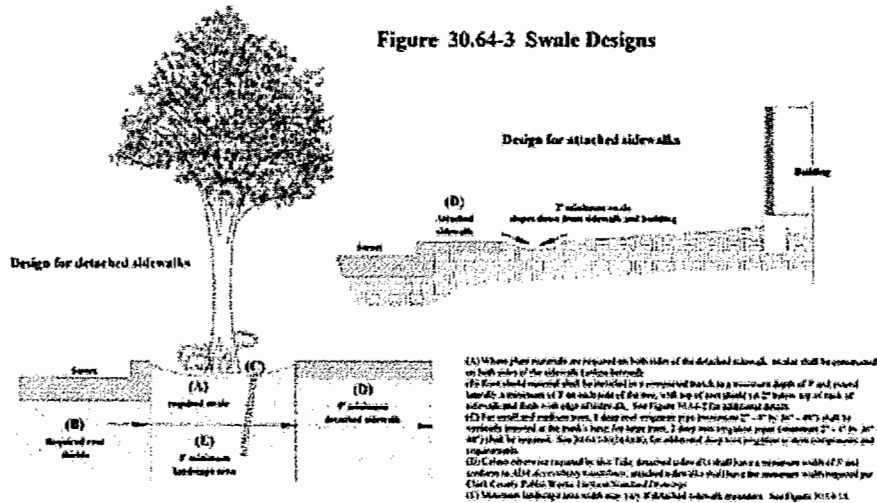
2. Buildings other than single family residences may be occupied prior to the landscaping being installed; however, the required landscaping shall be installed prior to final Certificate of Occupancy.

3. If drought restrictions established by this Title prohibit the planting of landscaping during specified months, the required landscaping need not be installed until 60 days following the date from which planting is permitted to resume. (Ord. 3356 § 5 (part), 2006; Ord. 3296 § 9 (part), 2005; Ord. 3094 § 3, 2004; Ord. 3062 § 4, 2004; Ord. 3020 § 3, 2004; Ord. 2934 § 8, 2003; Ord. 2741 § 12 (part), 2002; Ord. 2482 § 15 (part), 2000; Ord. 2481 § 3 (part), 2000)

Figure 30.64-2 Root Shield (Root Barrier)



(Ord. 3356 § 5 (part), 2006)



(Ord. 3356 § 5 (part), 2006)

30.64.040 Screening and Buffering Requirements.

Tables 30.64-1 and 30.64-2 establish the minimum screening buffering requirements for development as depicted in Figures 30.64-4 through 30.64-14.

	Rural Residential Development⁷	Suburban Residential Development and/or Residential Estates PUD	Compact Residential Development
Perimeter on Private or Local Streets -- Rear Yard Only⁵	Figure 30.64-5 ² OR Figure 30.64-6 ²	Figure 30.64-5 OR Figure 30.64-6	Figure 30.64-7 OR Figure 30.64-8
Side or Rear on Collector/ Arterial Streets⁵	Figure 30.64-5 ² OR Figure 30.64-6 ²	Figure 30.64-17 OR Figure 30.64-81	Figure 30.64-17 OR Figure 30.64-18
Adjacent to Freeway	Figure 30.64-4 No wall required in Community District 5.	Figure 30.64-4 Noise attenuating wall required per NDOT ³ standards.	Figure 30.64-4 Noise attenuating wall required per NDOT ³ standards.
Adjacent to a Less Intensive Use^{4,5}		When adjacent to rural residential use: Six (6) foot minimum/maximum decorative wall (may be eliminated in rural area by an administrative minor deviation).	When adjacent to suburban or rural residential use: Figure 30.64-11 with one tree per thirty (30) feet. Wall may be eliminated in rural area by an administrative minor deviation.
Front Yards (within 15' of front property line or private street/easement)	Figure 30.64-8 when fronting on a collector or arterial street except wall or fence is not required. A six foot maximum decorative	If a wall or fence is not required, a five foot maximum decorative fence may be permitted (fence need not be decorative in rural areas; or, with administrative minor deviation	If a wall or fence is not required, a five foot maximum decorative fence may be permitted.

	fence may be permitted (fence need not be decorative in rural areas; or, with administrative minor deviation approval, if adjacent properties have similar fences).	approval, if adjacent properties have similar fences).	
Retaining Walls⁵	When wall is on side or rear yard, see 30.64.050(a)(4) and Figure 30.64-15.	When wall is on side or rear yard, see 30.64.050(a)(4) and Figure 30.64-15.	When wall is on side or rear yard, see 30.64.050(a)(4) and Figure 30.64-15.

Additional Requirements:

1. These requirements are minimum standards. More intensive landscaping shown in other figures is also permitted. If full off-site improvements are deferred, the required landscaping and irrigation system need not be provided until the off-site improvements are installed, unless rural street standards apply.
2. The requirement does not apply to lots which are 40,000 square feet or larger; however, if provided, must follow regulations within table.
3. Nevada Department of Transportation.
4. The Zoning Administrator may allow breaches in the wall for pedestrian access and trails by an administrative minor deviation and letters of consent from adjacent property owners.
5. Specified maximum wall heights may be increased to include the height of a retaining wall in accordance with Section 30.64.050(4).
6. Detached sidewalks (offset from curb) may be constructed per Figures 30.64-17 and 30.64-18 instead of attached sidewalks as depicted in Figures 30.64-5 through 30.64-10 and 30.64-13, provided all other landscaping, dedication, and maintenance requirements are satisfied.
7. Fencing materials in the rural residential districts may include traditional farm fencing (smooth twisted wire mounted on posts) or alternative fencing used for confining domestic animals, provided that all fencing is compatible with the rural character of the immediate area.

Table 30.64-2 Non-Single-Family Residential Screening and Landscape Buffer Requirements^{1, 7}				
	Multi-Family Development	Commercial & Mixed Use Development	Industrial Development	Special Development
Adjacent to any Street⁵	Figure 30.64-9 OR Figure 30.64-10	Figure 30.64-13	Figure 30.64-13	Figure 30.64-13 (except as permitted by 30.64.020(1)(C))
Adjacent to Collector/ Arterial Streets⁵	Figure 30.64-17 OR Figure 30.64-18	Figure 30.64-17 OR Figure 30.64-18	Figure 30.64-17 OR Figure 30.64-18	Figure 30.64-17 OR Figure 30.64-18
Adjacent to Freeway	Figure 30.64-4 In the rural area, only the noise attenuating wall per NDOT ² standard is required.	Figure 30.64-4 Noise attenuated wall not required. In rural area, landscaping not required.	Figure 30.64-4 Decorative wall required, need not be noise attenuated. In rural area, landscaping not required.	Figure 30.64-4 Decorative wall required, need not be noise attenuated. In rural area, landscaping not required.
Adjacent to a Less Intensive Use^{3, 5}	When adjacent to rural residential: Figure 30.64-11 with one tree per twenty (20) feet. When adjacent to suburban or compact residential: Figure 30.64-11 with one tree per 30 feet. Wall may be eliminated in the rural area by an administrative minor deviation.	When adjacent to any residential ⁴ use: Figure 30.64-11 with one tree per twenty (20) feet. Wall may be eliminated in the rural area by an administrative minor deviation.	When adjacent to any residential ⁴ use: Figure 30.64-11 with one tree per twenty (20) feet. Wall may be increased to ten (10) feet. Wall may be eliminated in the rural area by an administrative minor deviation.	When adjacent to any residential ⁴ use: Figure 30.64-11 with one tree per twenty (20) feet. Wall may be eliminated in the rural area by an administrative minor deviation.
Retaining Walls⁵	When wall is on the side or rear yard not adjacent to a	When wall is on side or rear yard not adjacent to a	When wall is on side or rear yard not adjacent to a	When wall is on side or rear yard not adjacent to a street, see

	street, see 30.64.050 (a)(4) and Figure 30.64-15. If adjacent to a street, figures 30.64-9 or 30.64-10.	street, see 30.64.050 (a)(4) and Figure 30.64-15. If adjacent to a street, the height of any retaining wall shall not exceed thirty-six (36) inches.	street, see 30.64.050(a)(4) and Figure 30.64-15. If adjacent to a street, the height of any retaining wall shall not exceed thirty-six (36) inches except when screening outside storage (see outside storage below).	30.64.050 (a)(4) and Figure 30.64-15. If adjacent to a street, the height of any retaining wall shall not exceed thirty-six (36) inches.
Outside Storage	Not applicable.	Per Table 30.44-1.	Maximum height up to thirteen (13) feet when any height over ten (10) feet is for retaining wall. When adjacent to non-industrial uses, eight (8) foot minimum screened fence or wall required. When adjacent to street, must comply with Figure 30.64-8, except screened fence or wall may be increased to ten (10) feet without additional landscaping.	Per Table 30.44-1: Walls cannot be located within the setback.
Fencing⁶			Walls/fences permitted above may be security walls.	See Table 30.44-1 for special uses and airports within the P-F District which permit security walls.
Parking Lot Landscaping		Figure 30.64-14	Figure 30.64-14	Figure 30.64-14
Other Wall		A decorative		

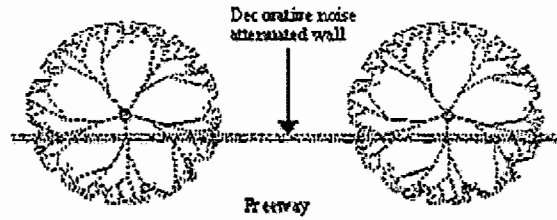
		fence enclosing outdoor space adjacent to not more than fifty percent (50%) of a commercial building is permitted if no closer than three (3) feet to the sidewalk.		
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Additional Requirements:

1. Exceptions to required landscaping are as follows:
 - A. If the property is outside of the service area of the nearest water purveyor, live landscaping need not be planted until water service is extended to the site, providing an irrigation system is installed for the future planting and rockscaping is provided in the interim, except that development within the rural area need not provide the future irrigation system.
 - B. If full off-site improvements are deferred, the required landscaping and irrigation system need not be provided until the off-site improvements are installed.
2. Nevada Department of Transportation.
3. The Zoning Administrator may allow breaches in the wall for pedestrian access and trails by an administrative minor deviation with letters of consent from adjacent property owners.
4. Including uses such as, but not limited to, schools, places of worship, libraries, museums, cemeteries, day care, child care, congregate care, assisted/independent living facilities, or hospitals.
5. Specified maximum wall heights may be increased to include the height of a retaining wall in accordance with Section 30.64.050(4). (Ord. 3209 § 10 (part), 3/2005; Ord. 2934 § 10 (part), 8/2003; Ord. 2741 § 12 (part), 5/2002)
6. Security fences are permitted in conjunction with Temporary Government Facilities in any zoning district, subject to the requirements for security fences in this Table and 30.08.030.
7. Detached sidewalks (offset from curb) may be constructed per Figures 30.64-17 and 30.64-18 instead of attached sidewalks as depicted in Figures 30.64-5 through 30.64-10 and 30.64-13, provided all other landscaping, dedication, and maintenance requirements are satisfied.

(Ord. 3356 § 5 (part), 2006; Ord. 3296 § 9 (part), 2005; Ord. 3229 § 12 (part), 2005; Ord. 3209 § 10 (part), 2005; Ord. 3106 § 11, 2004; Ord. 3008 § 8, 2003; Ord. 2934 § 10, 2003; Ord. 2778 § 3, 2002; Ord. 2764 § 5, 2002; Ord. 2741 § 13 (part), 2002; Ord. 2573 § 14 (part), 2001; Ord. 2510 § 14 (part), 2000; Ord. 2482 § 15 (part), 2000; Ord. 2481 § 3 (part), 2000)

Figure 30.64-4 Freeway Buffer



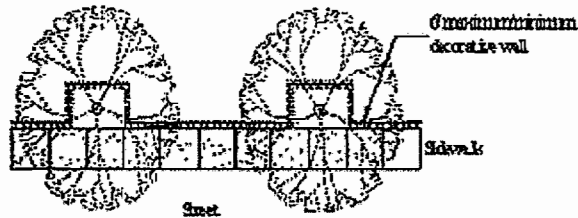
One large tree (15 gallons) required every 50 linear feet, generally spaced 50 feet apart; or

One tree for every 100 feet if 24" box trees, generally spaced 100 feet apart; or

Plants, such as shrubs, vines, or ground cover which when full grown will cover 50% of the wall surface facing the freeway

Rural areas: Wall need not be decorative

Figure 30.64-5 Street Buffer - Wall Offsets



Number of trees required: per 30.64.030(4)

One medium or large tree required in each 4' x 4' (or greater) tree well; alternatively, if rural street standards apply, trees planted inside the wall per 30.64.030(4) are permitted

The walls are encouraged to be located on common property lines

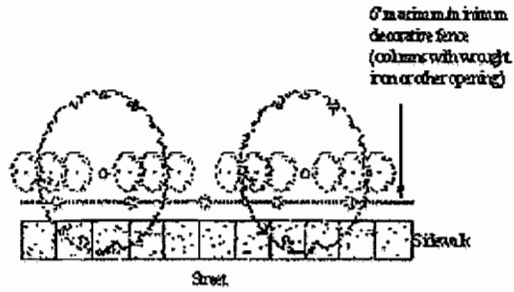
Rural Areas: Will need not be decorative

Sidewalk not required if rural standards apply

NOTE: Trees are not required when their location conflicts with electric system separation requirements

(Ord. 3209 § 11 (part), 2005; Ord. 2934 § 12 (part), 2003)

Figure 30.64-6 Fence with Landscape Screen



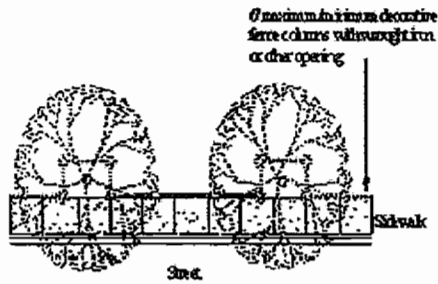
Number and size of trees required per 30.64.030(k)

Shrubs sufficient to screen curbside, generally spaced 5 feet apart

Rural Areas: Fences need not be decorative
Sidewalk not required if rural standards apply

(Ord. 2934 § 12 (part), 8/2003)

Figure 30.64-7 Fence Off-Sets



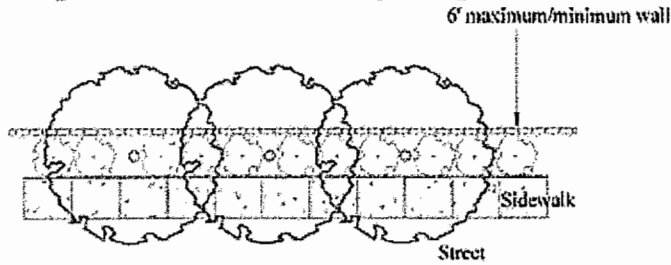
Number of trees required per 30.64.030(k)

One large tree required instead of 10 fence off-sets (alternative 4' x 4' offset permitted only when landscaping is behind fence)

Rural Areas: Fences need not be decorative
Sidewalk not required if rural standards apply

(Ord. 2934 § 12 (part), 2003)

Figure 30.64-8 6' Landscape strip with Wall



Number of trees required: per 30.64.030(k)

Landscape strip must be 3' minimum/6' average, with 6' minimum adjacent to trees

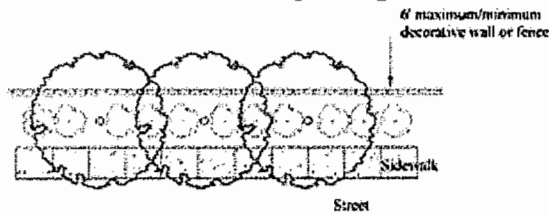
Wall can be increased to 8' if average landscaping is increased to 10'

Shrubs shall be designed to cover more than fifty (50) percent of the landscaped area when mature, and may be grouped if distributed along entire strip

Rural areas: Walls need not be decorative

(Ord. 3296 § 9 (part), 2005; Ord. 3209 § 11 (part), 2005; Ord. 3106 § 12, 2004)

Figure 30.64-9 10' Landscape strip with Wall/Fence



Number of trees required: per 30.64.030(k), excluding driveways

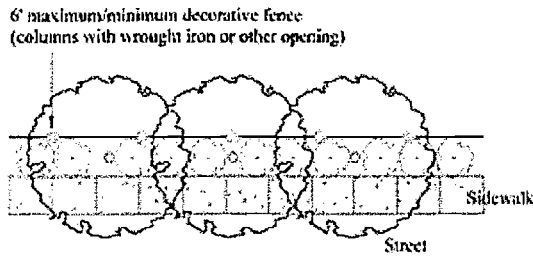
Landscape strip must be 6' minimum/10' average

Wall/fence may be increased to 8' if average landscaping is increased to 15', or wall may be increased in accordance with 30.64.050(4)

Shrubs shall be designed to cover more than fifty (50) percent of the landscaped area when mature, and may be grouped if distributed along entire strip

(Ord. 3296 § 9 (part), 2005; Ord. 3209 § 11 (part), 2005)

Figure 30.64-10 6' Landscape strip with Fence



Number of trees required: per 30.64.050(k)

Landscape strip must be 3' minimum/6' average/6' minimum adjacent to trees

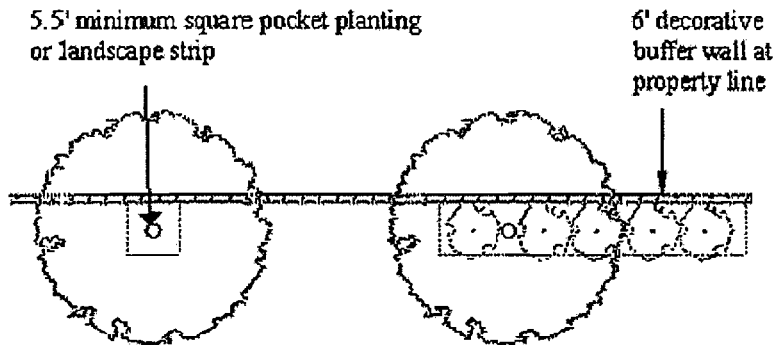
Fence can be increased to 8' if average landscaping is increased to 10'

Shrubs shall be located to cover more than fifty (50) percent of the landscaped area when mature, and may be grouped if distributed along entire strip.

Rural areas: Fence need not be decorative

(Ord. 3296 § 9 (part), 2005)

Figure 30.64-11 Buffer Adjacent to a Less Intensive Use

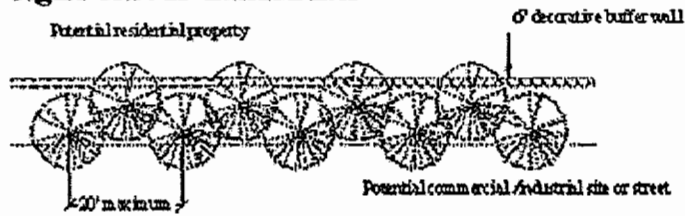


Where adjacent property is developed, trees shall be 24" box large evergreen trees to quickly mature and cover the distance between trees.

Quantity of trees per Tables 30.64-1 and 2

Rural area: Wall need not be decorative

Figure 30.64-12 Intense Buffer



Trees shall be 24" box large evergreen trees designed to expand and screen the distance between trees and planted in off-set zones.

Where intense landscape buffering is required along a street, the landscaping shall be installed on the street side of the wall.

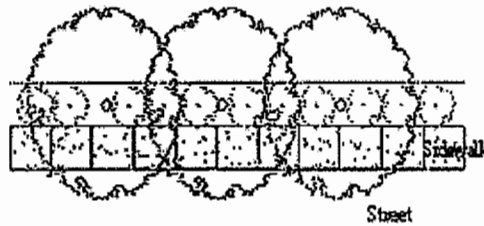
When adjacent to street, shrubs shall be located to cover more than fifty (50) percent of the landscaped area and may be grouped if distributed along entire strip.

5.5 foot minimum square pocket planting or 10' landscape strip.

Rural area: Wall need not be decorative.

(Ord. 3209 § 11 (part), 2005)

Figure 30.64-13 Street Landscaping



Number of trees required: per 30.64.030(3)

Landscape strip must be 3' minimum 6' average, with 6' minimum adjacent to trees

Shrubs shall be designed to cover more than fifty (50) percent of the landscaped area and may be grouped if distributed along entire strip

Fences and walls are not permitted within a required setback unless required by the Commission Board or to screen outside uses (See Table 30.64-2)

(Ord. 2934 § 12 (part), 2003; Ord. 2778 § 3, 2002; Ord. 2764 § 5, 2002)

Figure 30.64.14 Parking Lot Landscaping
 (Not required within parking garages)

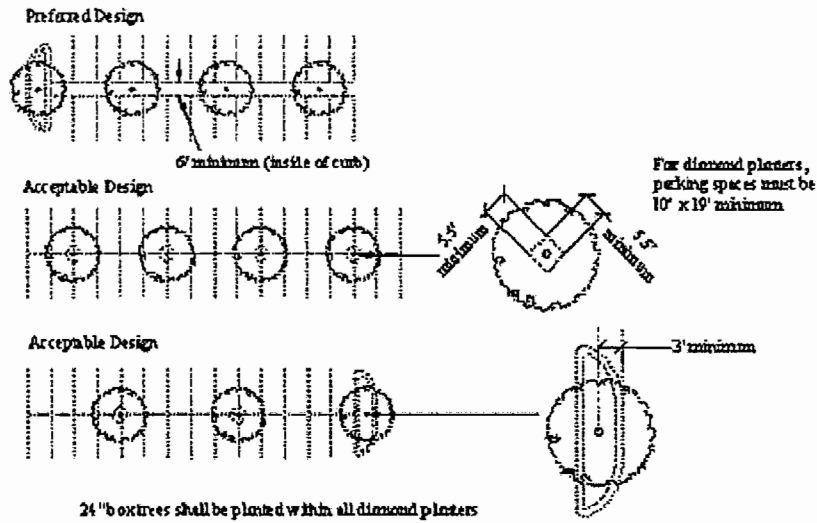
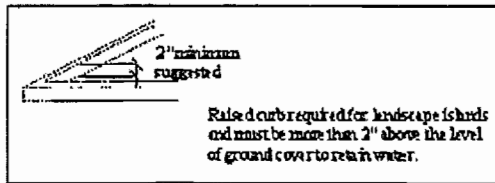
Islands can be designed at the end of rows, between rows, or both

One large tree shall be provided for every 6 parking spaces, or one medium tree may be substituted for every 6 spaces, with trees generally distributed throughout the parking lot

Parking adjacent to other trees need not be included

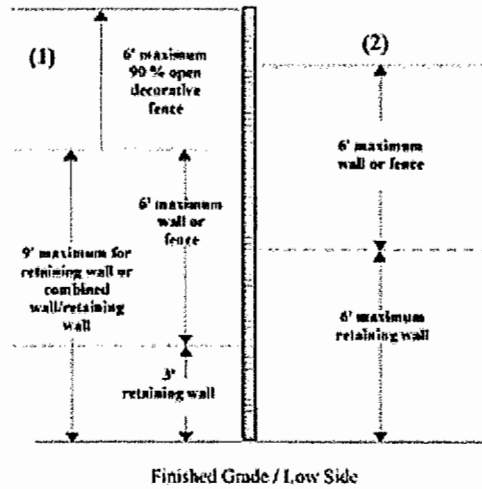
The total number of trees may be reduced by 20% if 10% or more of the parking lot is landscaped, sepiated, or finished with a permeable surface or pavers

Parking lots which exist or were approved prior to March 2000 can be retrofitted, resulting in a 10% parking reduction



(Ord. 2573 § 14 (part), 2001; Ord. 2510 § 14 (part), 2000)

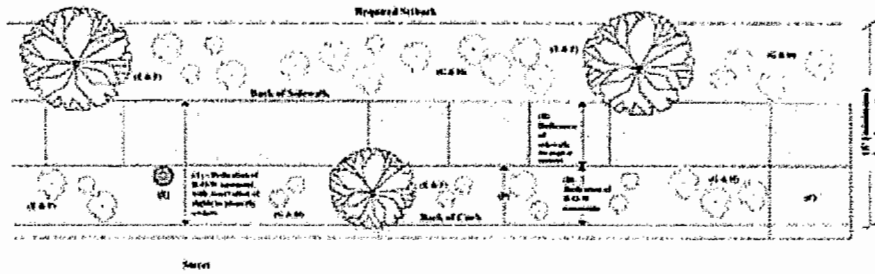
Figure 30.64-15 Retaining Walls



Notes:
 (1) 3' minimum retaining wall plus 6' maximum wall (or fence) is permitted per 30.64.050(n)(4)(A).
 (2) 6' retaining wall plus 6' fence or wall (need not be open) is permitted per 30.64.050(n)(4)(C).
 NOTE: Within required street setbacks (where a wall or fence is otherwise not permitted), a retaining wall only may be constructed to a maximum height of three feet (3').

(Ord. 3354 § 11 (part), 2006; Ord. 3229 § 12 (part), 2005; Ord. 3209 § 11 (part), 2005)

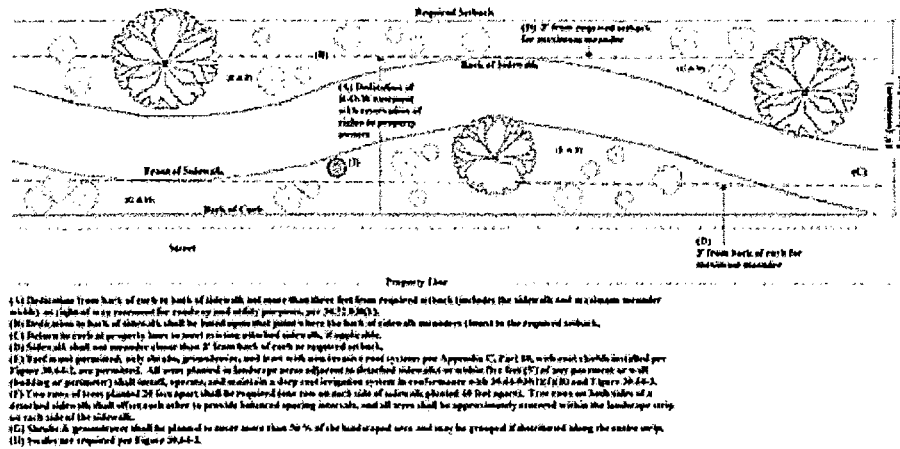
Figure 30.64-17 Detached Sidewalk Requirements (straight sidewalk)



(1) Dedication from back of curb to back of sidewalk, as right-of-way reserved for roadway and utility purposes, per 30.64.030, is or shall be the sidewalk, free of any other structures or encroachments in the right-of-way except as needed between back of curb and front of sidewalk to serve, install, repair and maintain the sidewalk and public utility underground utility facilities.
 (2) There shall be a minimum of 10 feet of clear width between the back of the curb and the front of the sidewalk, if applicable.
 (3) Straight sidewalks shall be offset a minimum of 6 feet from back of curb.
 (4) Curb is not permitted; only sloping, grass-covered, and trees with non-irrigation root systems per Appendix C, Part 10, with root shields installed per Figure 30.64-2, are permitted. All trees planted in landscape strips adjacent to detached sidewalks shall be within five feet (5') of any gas meter or well (boiling or pressure) shall install, operate, and maintain a deep root irrigation system to conformance with 30.64.050(d)(8) and Figure 30.64-4.
 (5) Tree rows of trees planted 20 feet apart shall be required (one row on each side of sidewalk planted 40 feet apart). Tree rows on both sides of a detached sidewalk shall offset curb either to provide balance of spacing trees, and all trees shall be approximately centered within the landscape strip on each side of the sidewalk - END OF SECTION. Where existing underground utilities are located between back of curb and front of sidewalk, street trees shall not be required.
 (6) Shrubs or groundcover shall be planted to cover more than 50% of the landscape strip and may be grouped if distributed along the entire strip.
 (7) Fences are required per Figure 30.64-2.
 (8) 10' lateral separation is required between streetlights and any tree.

(Ord. 3356 § 5 (part), 2006)

Figure 30.64-18 Detached Sidewalk Requirements (meandering sidewalk)



(Ord. 3356 § 5 (part), 2006)

30.64.050 Alternative Standards.

a. Fences and Walls. Except for fences and walls within the front yards of single family residences, fences, walls and hedges over six (6) feet in height are permitted within required setbacks when:

1. The Commission or Board determines that a fence or wall over six (6) feet is required to mitigate the effect of a use on an adjacent use with the approval of a related land use application.
2. The Zoning Administrator determines that additional height, up to eight (8) feet in overall height, is appropriate with an administrative minor deviation application and notarized letters of consent from adjacent developed property owners.
3. The Zoning Administrator determines that additional height, up to the height permitted for accessory structures, is appropriate for an open decorative or chain link fence and/or lighting enclosing a game area, with an administrative minor deviation application and with notarized letters of consent from adjacent property owners.
4. Retaining walls shall not exceed a maximum height of three feet (3') except as permitted by subsections (A), (B), or (C) below. However, in no case shall walls (including retaining walls) for commercial development exceed three feet in height above the finished grade of the street (or sidewalk if constructed) within required street setbacks (see 30.64.020(1)(C)). (Also see Table 30.64-2 for Outside Storage)

A. Adjacent to developed property whose elevation is lower than the developing property, a retaining wall or combined wall/retaining wall may be permitted to a maximum height of nine (9') feet. Additionally, a 90% open decorative fence up to a maximum height of six feet (6') is permitted for any part of the wall/retaining wall over 9 feet. (See Figure 30.64-15)

B. An Alternative retaining wall system (hillside development) may be permitted per Figure 30-64-1.

C. Specified maximum wall heights may be increased to a maximum of twelve feet (6' wall plus 6' retaining wall) for the following, subject to the landscape provisions specified and compliance with subsection (5) below (See Figure 30.64-15):

i. Subdivision walls (perimeter or interior) along any local or private street shall provide a six-foot (6') landscape strip (see Figure 30.64-8).

ii. Interior subdivision walls with initial development (no additional landscaping required).

iii. Perimeter subdivision walls along any collector or arterial street shall provide a ten-foot (10') landscape strip (see Figure 30.64-9).

iv. Walls adjacent to non-developed property (no additional landscaping required).

v. Walls adjacent to developed properties when the finished grade of the developing property is lower than the finished grade of the developed property (no additional landscaping required).

vi. Walls adjacent to developed properties when the finished grade of the developing property is higher than the finished grade of the developed property shall only be permitted with approval of an Administrative Minor Deviation application and notarized letters of consent from all property owners adjacent to the increased wall height (including owners of undeveloped properties). Additional landscaping shall not be required.

5. Retaining walls shall not exceed two feet (2') within any sight visibility zone.

6. The Director of Public Works and/or the Director of Development Services determines that a wall is required to protect property or public safety. The height and design of such a wall, including those within flood control facilities, shall be as required.

b. Adjustments to Site Landscape and Screening Standards. Proposals to utilize standards different from those provided elsewhere in this chapter may be considered in light of the unique characteristics of an individual site, including those created by the shape and location of property, design of existing or proposed structures, and the operation of the uses proposed for the site. Adjustments to site landscape standards

include those related to screening and buffering, placement and amount of site landscape materials, parking lot landscaping, amount of turf, and the location of fences and walls. The determination of the acceptability of such adjustments shall be based upon consideration of the following:

1. The provision of landscape proposals to reduce environmental problems and to further the County's compliance with the Federal Clean Air Act Amendments of 1990 such as, but not limited to, increased use of allowable landscape species which increase the absorption of carbon dioxide and production of oxygen, and produce low amounts of pollen.
2. The ability of the proposed standards to result in the same or improved screening and buffering function as results from the standards of Table 30.64-1
3. The ability of the proposed standards to provide the same or enhanced visual character to the site as would result from the application of the landscape requirements for which alternative standards are being offered.
4. The ability of the proposed standards to maintain water demand equal to or less than that anticipated to be required by the installation and maintenance of the landscape plan and materials for which the alternative standards are being offered.
5. The ability of the proposed standards to result in site landscaping that maintains or increases the site development compatibility with that of adjacent sites in the manner anticipated through the application of the landscape requirements for which alternative standards are offered.

c. The Commission or Board may approve modified standards, including reduced or additional landscaping or fence height, as a condition imposed in conjunction with the approval of a land use application or by a waiver of standards application per Table 30.16-7, which, in their estimation, will better accomplish the purposes of this Chapter. In addition, the specialized requirements within Table 30.44-1 shall supersede the requirements of this Chapter. (Ord. 3354 § 11 (part), 2006; Ord. 3229 § 12 (part), 2005; Ord. 3209 § 10 (part), 2005; Ord. 2934 § 9, 2003; Ord. 2769 § 105, 2002; Ord. 2573 § 14 (part), 2001; Ord. 2482 § 15 (part), 2000; Ord. 2481 § 3 (part), 2000)

30.64.060 Water Features.

Variations or waivers to the use and size restrictions within this Section shall not be permitted, and the Zoning Administrator shall not accept such an application. Because the conservation of water resources is vital to the general prosperity, health, safety and welfare of the County, the development of water features for recreational, scenic and landscape purposes shall be severely limited; however, the surface area restrictions for swimming pools, manmade decorative water features, or manmade recreational water theme parks shall not apply to water features within an enclosed climate controlled building. Any water feature permitted under this Section shall only be permitted if designed to re-circulate water within the feature.

1. Swimming Pools. Swimming pools are considered to be accessory uses in all districts when not a principal use of the property. All pools (above ground and below grade) shall comply with the following. Swimming pools which exceed the permitted area shall only be permitted in accordance with subsection (2) below (Manmade Lakes).

A. Pool water line must be a minimum five (5) feet away from the required front yard and shall not be constructed across a property line.

B. All pools must be enclosed by a minimum five (5) foot high fence or wall (which may be a building wall) with self-closing and self-latching gates or doors, the latching device being located on the inside and not less than four (4) feet above the ground designed to prevent access to the pool without going through the gate. If visible from the street then the pool must be surrounded by a decorative wall.

C. As a further precaution, it is suggested all doors and windows shall be self-closing and self-latching, and a non-climbable five-foot fence be constructed to separate the pool/spa from the residence (see Figure 30.64-16).

D. Waterfalls or other decorative features associated with a pool may encroach into a yard setback, must conform to maximum wall height, and may not cross a property line.

E. Within developments other than single-family residences, the water surface area of outdoor swimming pools for a development shall not exceed the following.

i. Four percent (4%) for the first ten (10) acres or less and four-tenths percent (0.4%) for the additional total development area that exceeds ten (10) acres.

iii. For a resort hotel, an additional five (5) square feet will be allowed for each guest room.

iv. Area in addition to that permitted in subsections (i) and (ii) above may be permitted if in conformance with the provisions Subsection (2) below.

2. Manmade Lakes. Manmade lakes are prohibited, except for the following.

A. A body of water constituting a wetlands project or located in a recreational facility which is owned or operated by a political subdivision of this State and that utilizes nonpotable water.

B. A body of water which is located in a recreational facility that is open to the public and owned or operated by the United States of America or the State of Nevada.

C. A body of water which stores water for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage by a political subdivision of this State.

D. A body of water which stores water for use by the Las Vegas Valley Water District or by a water district created pursuant to NRS Chapter 318.

E. Bodies of water located on a golf course or a cemetery which are used for the purpose of storing irrigation water for the same and which have a combined aggregate surface area less than five and one-half percent (5.5%) of the total golf course or cemetery area, respectively.

F. A body of water which stores and distributes water or reclaimed wastewater for use by an irrigation district created pursuant to NRS Chapter 539.

G. A body of water which stores water used in a mining reclamation project.

H. A body of water which is located or is proposed to be created within a nonprofit youth camp for the benefit of youth in learning and experiencing watercraft activities and water safety.

I. A body of water, with no limitations on its area, which may include decorative, recreational and/or entertainment features, located at a resort hotel, provided it is subject to the following.

i. The resort hotel demonstrates that the resort hotel benefits the community and is in the public interest as evidenced by the approval of the resort hotel under this Title, provided, that the bodies of water or features are shown on the plans and advertised in the notice of public hearing.

ii. The applicant demonstrates to the satisfaction of the water purveyor that the proposed body of water will have no significant impact on water resources or water peak demand delivery capacity, because of the use of one (1) or more of the following methods. The method or methods used shall be the highest priority method or methods feasible, as reasonably determined by the appropriate water district, as listed in the following priority order. The applicant shall submit a Water Efficiency Plan to the water purveyor, which must be approved by the water purveyor prior to the issuance of permits.

(a) Use of well water if the property upon which the body of water is located is part of a single development that has appurtenant non-revocable water rights existing on or before July 1, 1995.

(b) Use of groundwater from the shallow groundwater aquifer.

(c) Use of reclaimed wastewater from a municipal system or the subject property. If the applicant contributes to an exterior water efficiency retrofit program approved by the water purveyor to offset the water resources used, in an amount equivalent to the amount of water used by the body of water.

(d) Use of water from the water purveyor. However, the applicant must contribute to an exterior water efficiency retrofit program approved by the water purveyor to offset the impacts on water resources and system delivery capacity, in an amount equivalent to two (2) times the amount of water used by the body of water.

iii. The applicant must submit an efficient water use plan for the entire resort hotel to the water purveyor. The applicant must receive plan approval from the appropriate water district before issuance of any building permits for the body of water.

iv. If reclaimed wastewater or water from a shallow aquifer will be used, the property may be subject to the approval of an effluent management plan and/or an appropriate sewer surcharge fee for discharging excess conventional pollutants from either process into the municipal sewer system. If excess Total Dissolved Solids (TDS) is discharged, the property must fund salinity reduction programs through the Clark County Sanitation District for reducing the total TDS use equivalent by the amount of the excess TDS contributed.

3. Manmade Decorative Water Features. Approval of a design review application per Table 30.16-9 shall be required to establish any manmade decorative water feature. Decorative water features which exceed the permitted area shall only be permitted in accordance with subsection (2) above (Manmade Lakes). The water surface area of outdoor manmade decorative water features for a single development shall be limited as follows:

A. Two percent (2%) for the first ten (10) acres or less and two-tenths percent (0.2%) for the additional total development area that exceeds ten (10) acres.

B. For a resort hotel, an additional two and one-half (2 1/2) square feet for each room used for sleeping accommodations.

C. For a resort hotel, additional area shall be allowed where:

i. The water is from a shallow groundwater aquifer system, which may be operated in conjunction with a system using reclaimed wastewater resulting from the use of potable water and the subsequent on-site treatment of the used water, on the single development. However, any such reclaimed wastewater may be used only to the extent that shallow groundwater is unavailable.

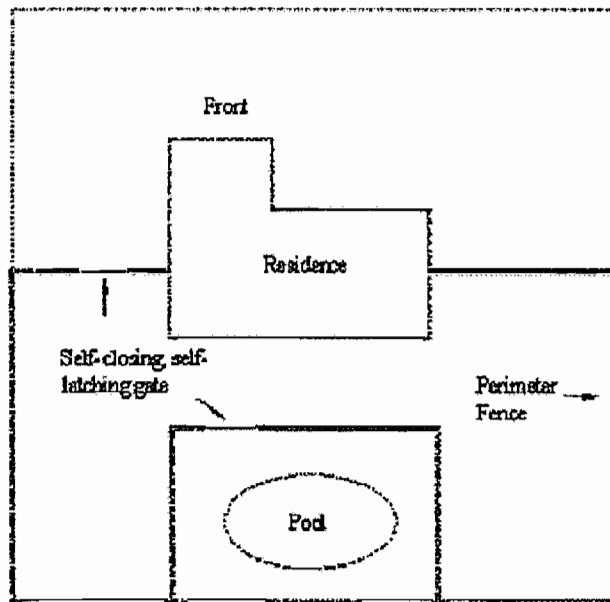
ii. Any additional water features using shallow groundwater or reclaimed wastewater generated on the site, as provided above, do not, in aggregate, exceed an additional square footage increment equal to the amount of outdoor manmade decorative water features calculated under subsections (A) and (B) above.

iii. The necessary groundwater permit and water treatment process approvals have been obtained from the appropriate agencies having or asserting jurisdiction.

iv. A deed restriction has been recorded stating that the continuing operation of outdoor manmade decorative water features may require the continuing operation of systems to provide water from a shallow groundwater aquifer or from reclaimed wastewater generated on the single development as provided above.

4. Manmade Recreational Water Theme Park. The water surface area of manmade recreational water theme park for a single development is limited to twenty percent (20%) for the first twenty (20) acres or less and two percent (2%) for the additional total development area that exceeds twenty (20) acres. (Ord. 3354 § 11 (part), 2006; Ord. 3297 § 5, 2005; Ord. 2950 § 2, 2003; Ord. 2481 § 3 (part), 2000)

Figure 30-64-16 Suggested Swimming Pool Precautions



30.64.070 Drought Restrictions.

During a drought, as defined in 30.08.030, the following additional restrictions shall apply to development. These restrictions cannot be waived or varied. Except for the prohibited operation of manmade decorative water features per Section 30.64.070(C) and the planting of cool season grasses per Section 30.64.070(A)(1), any development or facility that has obtained approval of a land use application or permit for construction prior to August 1, 2003, which approved landscaping not in conformance with the restrictions listed in this ordinance, will not be subject to these restrictions (water features thus approved may be constructed but not operated).

A. During Drought Watch, the following landscape material restrictions shall apply:

1. The planting of cool season grasses (for example, tall fescue or rye grass) is prohibited during the months of May through August; however, the planting of warm season grasses (for example, bermuda and zoysia) is permitted.

2. Residential Landscape Restrictions: Single-family and multifamily developments are prohibited from installing new turf in common areas of residential neighborhoods. This restriction shall not apply to privately owned and maintained parks, including required open space, provided that no turf area dimension is less than 10 feet.

3. Non-Residential Landscape Restrictions: The installation of new turf in non-residential developments is prohibited. This restriction shall not apply to major schools, parks, amphitheatres or cemeteries, provided that no turf area dimension is less than 10 feet; to turf required by other governmental jurisdictions and/or regulatory agencies; or to golf courses and driving ranges, provided that turf is limited to not more than 50% of what is permitted under subsection 30.64.030(j)(7).

B. During Drought Alert, the following additional landscape development restrictions for residential development shall apply:

1. The installation of new turf is prohibited in residential front yards.

2. For single-family residential lots, the installation of new turf shall not exceed 50 percent of the gross area of the side and rear yard or 100 square feet, whichever is greater, provided no turf area dimension is less than ten feet. In any case, a maximum of 5,000 square feet of turf is permitted.

C. Operation of Manmade Decorative Water Features. During a Drought Watch and Drought Alert, the use of manmade decorative water features shall be prohibited, including the use of existing features. The following uses shall be exempt:

1. Swimming pools, spas and recreational water parks. The use of covers for pools and spas is encouraged.

2. One (1) water feature of less than 200 square feet surface area in conjunction with a single-family residence or a residential development, except that any water feature located at the entry of a residential development shall not be operated. During Drought Alert, the maximum area of a fountain permitted to be operated shall not exceed 25 square feet.

3. Water features that are necessary and functional components serving other allowable uses, such as storage ponds on a golf course or cemetery, or aeration devices.

4. Indoor water features, or features with the majority of the total water volume contained indoors or underground. If practical alternatives exist for separating indoor and outdoor components (such as timers or shut-off valves), they shall be separated and managed accordingly.

5. Commercial water features operated in conjunction with a resort hotel as defined by Section 463.01865 of the Nevada Revised Statutes, if 1) a water efficiency and drought response plan which addresses guidelines suggested by the Southern Nevada Water Authority is submitted to the Zoning Administrator prior to January 30, 2004, for facilities existing as of the effective date of this ordinance, or prior to certificate of occupancy for future facilities, and 2) a sign is posted at the feature stating that the feature is operating in compliance with the drought ordinance and that a water efficiency and drought response plan is on file with the local water purveyor.

6. Water features necessary to sustain aquatic animals, provided that such animals have been actively managed within the water feature prior to declaration of drought.

7. Water features will not be required to be drained. A recirculating water pool to maintain pumps, pond liners, and ancillary equipment, but only between the hours of 1:00 a.m. and 4:00 a.m. or whenever freezing conditions require system preservation, may be maintained.

8. Existing and/or approved water features in developments which conform to the following may be permitted to operate, subject to the approval of an Administrative Design Review to verify compliance:

i. The property owner, homeowner's association, or landscape maintenance association reduces consumptive water use for the development by reducing the amount of turf (functional or non-functional) within the development by fifty square feet for each square foot of surface area of the water feature if a rebate for turf conversion is not requested from the Water Smart Landscape program of the Southern Nevada Water Authority. Turf removed after the declaration of drought watch or drought alert will qualify under this subsection; however, turf removed before the declaration of drought watch on January 1, 2002, shall not qualify;

ii. If the development cannot reduce non-functional turf area, the property owner, homeowner's association, or landscape maintenance association shall pay the following fee to the Water Smart Landscape program of the Southern Nevada Water Authority for the period ending the next calendar year: ten dollars (\$10) per square foot of surface area. A receipt verifying fee payment shall be provided with the administrative design review application;

iii. If the development does not have enough non-functional turf required to qualify under subsection (i) above, the property owner, homeowner's association, or landscape maintenance association shall first reduce non-functional turf to the extent possible, and then pay the following fee to the Water Smart Landscape program of the Southern Nevada Water Authority for the period ending the next calendar year: ten dollars (\$10) per square foot of surface area for the proportion of turf area not available for conversion. A receipt verifying fee payment shall be provided with the administrative design review application.

iv. For each subsequent year during drought watch or drought alert that the water feature is operated, the property owner, homeowner's association, or landscape maintenance association shall pay the following fee to the Water Smart Landscape program of the Southern Nevada Water Authority by January 1 of the year during which the water feature will be operated: two hundred dollars (\$200).

v. Temporary signs indicating the water feature is permitted to operate in conformance with drought restrictions shall be posted as follows: 1) sign area shall not be less than four (4) or greater than sixteen (16) square feet, and 2) sign(s) shall be visible from any street from which the water feature is visible.

D. Any person or association, regardless of date of establishment, is prohibited from imposing or enforcing private covenants, conditions, restrictions, deed clauses or other agreements between the parties, which prevent the utilization of water efficient landscaping, including but not limited to xeriscape, provided such landscaping receives appropriate architectural review approval. In any event, landscaping materials and designs may not be prohibited solely on the basis that they make use of water-efficient landscaping, per Title 24 (as amended) (Ord. 3354 § 11 (part), 2006; Ord. 3094 § 4, 2004; Ord. 2975 § 1, 2003; Ord. 2950 § 3, 2003; Ord. 2934 § 11, 2003)

Chapter 25.10 BUILDING WATER CONSERVATION CODE OF CLARK COUNTY

25.10.010 Title.

Chapter 25.10 shall be known as the "Building Water Conservation Code of Clark County." It may be cited as such or referenced by the short title of "water code" or in this chapter as "this Code." (Ord. 1216 § 1 (part), 1990)

25.10.020 Definitions.

All definitions of the plumbing code of Clark County are applicable; however, for the purposes of this chapter, the following definitions apply and supersede similar definitions wherever found:

"Commercial construction" means site-built and manufactured buildings which are commercial, industrial and public establishments, including, but not limited to: restaurants, bars, nightclubs, public buildings, comfort stations, schools, gymnasiums, factories, offices and athletic clubs.

"Residential construction" means all single-family dwellings, apartments, condominiums, hotels, motels and townhouses. (Ord. 1319 § 22 (part), 1991; Ord. 1216 § 1 (part), 1990)

25.10.050 New, remodel or replacement of fixtures in residential or commercial construction.

Each new, remodel or replacement of plumbing fixtures in residential or commercial buildings or structures shall incorporate the following minimal standards for plumbing fixtures:

(A) A toilet fixture shall not be installed unless its consumption of water does not exceed 1.6 gallons per flush.

(B) A shower apparatus which uses more than 2.5 gallons of water per minute shall not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(C) Each faucet installed in a lavatory or kitchen shall not allow water to flow at a rate greater than 2.5 gallons per minute.

(D) Each faucet installed in a lavatory in a public restroom shall contain a mechanism which closes the faucet automatically after a maximum of .25 gallons of water have flowed through the faucet. Multiple faucets that are activated from a single point shall not be installed. Faucets installed in a nonpublic accessory use may meet a 2.5 gallons per minute standard. Exception: Faucets on lavatories designed for the physically handicapped are exempt.

(E) A urinal which uses water shall not be installed unless its consumption of water does not exceed one gallon per flush.

(F) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, shall not be installed.

(G) Evaporative cooling systems and all fountains, waterfalls and other decorative water-using facilities shall be equipped with approved water recycling or reuse systems.

Exception: Misting systems for cooling of people in outdoor areas or in spaces exposed to the outdoors need not recycle their water. (Ord. 1785 § 3, 1996: Ord. 1319 § 23 (part), 1991)

25.10.060 Administrative allowance.

The director of the department of building may allow the use of a standard fixture or a special design when there is evidence that a health hazard, physical conflict, unavailability of water-saving fixtures, or would require a greater quantity of water to be used to properly operate the fixture. (Ord. 1216 § 1 (part), 1990)

25.10.070 Sale of nonconforming fixtures prohibited.

Plumbing fixtures which do not conform to the adopted standards of this chapter at the time of the effective date(s) of those standards shall not be sold within this jurisdiction. (Ord. 1319 § 24, 1991)

City Of Henderson Codes Water Conservation and Drought

Title 13 UTILITIES

Chapter 13.14 CONSERVATION AND DROUGHT

13.14.010 General provisions.

13.14.020 Definitions.

13.14.030 Adoption.

13.14.040 Drought plan.

13.14.050 Waste of water unlawful.

13.14.060 Responsibility for waste.

13.14.070 Landscape watering restrictions.

13.14.080 Golf course water budgets.

13.14.090 Landscape material restrictions.

13.14.100 Mist systems.

13.14.110 Other outdoor water use restrictions.

13.14.120 Conservation rates.

13.14.130 Operation of ornamental fountains and water features.

13.14.140 Compliance.

13.14.150 Appeals for reconsideration.

Title 19 DEVELOPMENT CODE (ZONING)

Chapter 19.10 GENERAL DEVELOPMENT STANDARDS

19.10.2 Landscaping and screening.

13.14.010 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; however, drought conditions affecting the Colorado River Basin mandate aggressive conservation measures. These measures are intended to implement the Southern Nevada Water Authority's (SNWA) drought plan when necessary.

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

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

D. Compliance. All provisions of this chapter are subject to compliance procedures as proscribed within this chapter. (Ord. 2199 § 5 (part), 2003)

13.14.020 Definitions.

For the purpose of administering this chapter, the words and terms set forth in this chapter shall be defined as follows:

"Acre-foot of water" means equivalent to three hundred twenty-five thousand eight hundred fifty one gallons of water.

"AFY" means acre feet per year.

"City" means the city of Henderson (COH), a municipal corporation and political subdivision of the state of Nevada.

"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, and not less than one hundred feet wide in any dimension.

"Director" means director of the city of Henderson's department of utility services.

"Drought" means a combination of many complex factors acting and interacting with the environment resulting in water supplies not being replenished normally. In simple terms, a drought occurs when existing water supplies cannot meet established demands for a period of time.

"Drought alert" means a second-level drought declaration of the board of directors of the Southern Nevada Water Authority based upon current or projected reductions in the community's renewable water supply.

"Drought critical" means a third-level drought declaration of the board of directors of the Southern Nevada Water Authority based upon current or projected reductions in the community's renewable water supply.

"Drought watch" means a first-level drought declaration of the board of directors of the Southern Nevada Water Authority based upon current or projected reductions in the community's renewable water supply.

"No drought" means a condition where no drought declaration of the board of directors of the Southern Nevada Water Authority is in effect.

"Non-functional turf" means turf in medians, streetscapes, parking lots and perimeters.

"Potable water" means water suitable for drinking.

"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.

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

"Resort hotel" means any building or group of buildings that is maintained as and held out to the public to be a hotel where sleeping accommodations are furnished to the transient public and that has more than two hundred rooms available for sleeping accommodations and meets at least two of the following criteria:

1. At least one bar with permanent seating capacity for more than thirty patrons that serves alcoholic beverages sold by the drink for consumption on the premises;
2. At least one restaurant with permanent seating capacity for more than sixty patrons that is open to the public twenty-four hours each day and seven days each week; or
3. A gaming area within the building or group of buildings.

"Southern Nevada Water Authority" (SNWA) means an organization formed by local agencies to address southern Nevada's water resource needs on a regional basis.

"Syringing" means a process of applying small amounts of water to wet the turf canopy which may be used on greens. Syringing cools the turf through evaporation of water from the leaf surface, which can help turf survive during mid-day stress periods.

"User" means a recipient of city utility services.

"Xeriscape" means a type of landscaping which incorporates drought-tolerant and low water-use plants with an organic or inorganic surface mulch layer. (Ord. 2327 § 1, 2005; Ord. 2272 § 1, 2004; Ord. 2199 § 5 (part), 2003)

13.14.030 Adoption.

The city of Henderson adopted the SNWA drought plan including subsequent amendments thereto, as a guideline in establishing the drought ordinance. (Ord. 2199 § 5 (part), 2003)

13.14.040 Drought plan.

The SNWA established the drought plan to preserve, protect and to encourage conservation of water resources. The plan describes different stages of water supply conditions as:

- A. No drought;
- B. Drought watch;
- C. Drought alert; and
- D. Drought critical.

Upon declaration of a drought condition by the SNWA board of directors in accordance with the SNWA drought plan, the city will implement the appropriate drought measures as proscribed within this chapter. In the event of a conflict between ordinances, the most stringent ordinance will prevail. (Ord. 2327 § 2, 2005; Ord. 2199 § 5 (part), 2003)

13.14.050 Waste of water unlawful.

A. Water waste includes, but is not limited to the following:

1. It shall be deemed unlawful for owner, occupant, or manager of real property served by the city to 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 city.
2. It shall be deemed unlawful for owner, occupant, or manager of real property served by the city to waste water after a notice has been issued. Water waste includes, but is not limited to the following:

- a. Allowing water to flow or spray into a street, alley, right-of-way, gutter or drain in a steady stream of flow during the course of a period of five minutes or more.
- b. Failure to repair water leak.
- c. Collection in pools or any depressed area in a public street, sidewalk, or right-of-way to a depth of two inches or more. (Ord. 2272 § 2, 2004; Ord. 2199 § 5 (part), 2003)

13.14.060 Responsibility for 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 such property or residence or place of business was responsible for such waste. (Ord. 2199 § 5 (part), 2003)

13.14.070 Landscape watering restrictions.

Beginning May 1st until September 30th of each calendar year, it is deemed unlawful to use water to spray irrigate turf, gardens, trees, shrubbery, or other vegetation between the hours of eleven a.m. until seven p.m.

A. Residential and Non-Recreational Turf.

1. During a drought watch and drought alert stages, it shall be deemed unlawful to use water within the city to spray irrigate turf, gardens, trees, grass, shrubbery, or other vegetation in variance with Table 13.14.070(A).

**Table 13.14.070(A)
Water Schedule for Spray Irrigation**

Schedule	Drought Watch	Drought Alert
Winter (November-February)	Once Per Week*	Once Per Week*
Spring (March-April)	Four Days per Week*	Three Days per Week*
Summer (May-August)	Any Day	Any Day
Fall (September-October)	Four Days per Week*	Three Day per Week*

* Days specified for the group by the city.

2. Watering schedules during the year will be based upon the customer's location. For the purpose of water conservation the city may be divided into as many as seven groups.

a. Watering schedules during the spring and fall will be based upon the group and days of the week.

b. Watering schedule during the winter will be based upon the group and the day of the week.

c. Exemptions to residential landscape watering restrictions during drought watch and drought alert stages:

- 1. Hand-watering for the purpose of preserving lawn or shrubbery;

2. Irrigation of new lawns or re-seeding of an existing lawn, for a period of thirty days from the date of planting or installation;
3. Drip and/or bubbler irrigation systems, provided that they are not run more frequently than the provisions described for spray irrigation;
4. Irrigation of commercial stock by commercial gardens or plant nurseries licensed in accordance with Henderson Municipal Code provided the licensee or his representative is personally on the premises at the time the irrigation is taking place;
5. Landscape irrigation system is being tested. The tester performing the test must be present and observe sprinkler performance;
6. Municipal operations or procedures that are necessary to protect the health, safety and well being of the public;
7. The city reserves the right to change or amend groups as deemed necessary with due notice.

B. Community Use Recreational Turf.

1. Community use recreational turf areas during drought watch and drought alert must adhere to the following restrictions:
 - a. During the spring and fall a watering schedule for each area must be submitted to and approved by the city. Watering may not exceed seven days out of fourteen days.
 - b. During the winter a watering schedule for each area must be submitted to and approved by the city. Watering may not exceed twice per week.
 - c. Irrigation shall be eligible to commence no earlier than nine p.m. the day prior to the designated day.
 - d. Schedule of watering shall be submitted to the department of utility services (DUS). The city may require posting of the schedule at the facility.
2. During drought watch and drought alert, schools, parks and government facilities will be subject to drought pricing. Facilities greater than five acres of turf must conduct a self-assessment of water conservation potential and submit a plan that maximizes outdoor water use efficiency to the DUS. During drought alert, these facilities will have an additional requirement to submit a report of water use reductions to the DUS.
3. Exemptions for community use recreational turf during drought watch or drought alert stages:
 - a. Landscape irrigation audits where the application rate and efficiency of an irrigation system is being tested. The auditor performing the test must be present and observe sprinkler performance;
 - b. Hand-watering for the purpose of preserving lawn or shrubbery;
 - c. Irrigation of new lawns or re-seeding of an existing lawn, for a period of thirty days from the date of planting or installation;
 - d. Drip and/or bubbler irrigation systems, provided that they are not run more frequently than the provisions described for spray irrigation;
 - e. Municipal operations or procedures that are necessary to protect the health, safety and well being of the public.
4. Schools and community use recreational turf areas may apply to the director for approval for an alternative-watering schedule in lieu of mandatory landscape watering restrictions, by submitting a drought response plan (DRP), which includes the following:
 - a. Water usage reduction statement;
 - b. Sites covered by the DRP;
 - c. Central Control System standards;
 - d. Metering;
 - e. Documentation of baseline water consumption;
 - f. Irrigation system efficiency; and turf reduction;
 - g. Employee training;
 - h. Reporting;
 - i. New landscape development;
 - j. Public education;
 - k. Demonstrates a need based on public usability of the facility; and

I. Demonstrate that the alternative schedule uses less water than the landscape watering restrictions.

5. In addition to or in lieu of any provisions of this section, the city reserves the right to assign specific water budgets to customers for any specified period of time and may prorate the amount of water at its discretion. (Ord. 2199 § 5 (part), 2003)

13.14.080 Golf course water budgets.

A. Beginning May 1st until September 30th of each calendar year, it is deemed unlawful for golf courses to use water within the city to spray irrigate turf, trees, grass, shrubbery or other vegetation between the hours of eleven a.m. until seven p.m.

B. During drought watch and drought alert golf courses will be water budgeted based upon acre-feet of water (including potable, raw, and reclaimed) for each acre currently being irrigated. The irrigated acreage will include lakes and ponds existing within a golf course and lakes and ponds serving in total or in part, as a golf course irrigation reservoir.

C. In the event a golf course customer contests the calculated irrigated acreage determined by the city, the golf course may provide calculations supported by other methods acceptable to the city. Alternative calculations would need to be performed by an independent consultant, not affiliated with the golf course. In any case however, the city shall have final authority in determining irrigated areas for golf courses. Once determined, the irrigated acreage shall remain fixed.

D. Golf courses will be subject to water budgets, with appropriate penalties applied to any water used over the budgeted amounts. These penalties will be billed monthly after the annual budget is exceeded and will be in addition to the price paid for water as described in Table 13.14.080(D)(1). In the event that a golf course utilizes multiple sources of water provided at different rates, the water budgeting penalty rate will be calculated proportionately.

**Table 13.14.080(D)(1)
Golf Course Penalties**

Drought Watch

Percentage of budget	101 to 120 percent	121 to 140 percent	Over 140 percent
Penalty to apply to water use in excess of budget	2.0 times the highest rate	4.0 times the highest rate	8.0 times the highest rate

Drought Alert

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

The golf course water budget and billing penalty formula is included in Table 13.14.080(D)(2).

E. Each golf course shall be required to submit its own water use reduction plan containing at least the following elements: a physical description of the course, including detailed descriptions of all irrigated areas; an itemized accounting of calendar year 2002 water use; a review of spray irrigation efficiency; and a description of key water use reduction strategies and timelines for implementing those strategies.

**Table 13.14.080(D)(2)
Golf Course Drought Penalty Formula**

The penalty is calculated as follows:

RECLAIMED or RAW	POTABLE
Total 1000's gallons over budget	Total 1000's gallons over budget
x % reclaimed or % raw	x % potable
x highest current rate	x highest current rate
x Penalty (dependent on % over budget)	x Penalty (dependent on % over budget)
Total Reclaimed or Raw Penalty	Total Potable Penalty

**Table 13.14.080(D)(3)
Golf Course Water Budget Threshold**

	Threshold
Drought Watch	6.5 acre-feet of water per irrigated acre
Drought Alert	6.3 acre-feet of water per irrigated acre

1. The water budget will be in effect on October 1, 2003. The water budget for the first twelve months, following the effective date, will be at the drought threshold level as determined at the time of ordinance adoption. At the end of the twelve-month cycle, the water budget threshold will be determined by the current drought stage. This threshold will be in effect and prorated for the remainder of the calendar year. Subsequent water budgets will be placed on a full calendar year cycle. Prorations shall be done in a method as approved by the director.

2. New golf course irrigated acreage shall be determined during the planning process or by other methods acceptable to the city. Upon availability of aerial photography, irrigated acreage for new golf courses shall be recalculated using the procedure outlined above in the golf course water budgets section and the water budget adjusted if needed. If a golf course expands its course by increasing the number of playing holes, a new irrigated acreage shall be determined.

a. Water budgeting proration shall be permitted to allow for startup or addition of playing holes during the calendar year as approved by the director.

b. The city may allocate resources in addition to the water budget for new courses or the addition of playing holes, for a period of six months to allow for an initial grow-in period.

F. Exemption for Golf Courses on a Water Budget.

1. Time of day restrictions for syringing of golf course greens is permitted when one station at a time is run manually or on large irrigation projects by hand-held remote irrigation controllers or computerized central controls and the individual operating the sprinklers is present to observe the sprinklers running.
2. Golf courses on a water budget are exempt from the landscape watering schedules in Section 13.14.070(A). (Ord. 2327 § 3, 2005; Ord. 2204 § 1, 2003)

13.14.090 Landscape material restrictions.

Landscape materials shall be limited as described below. The planting of cool-season grasses (i.e. tall fescue or rye grass) for new lawns is prohibited during the months of May through August; however, the planting of warm-season grasses (i.e. bermuda and zoysia) is permitted. Any development or facility that has obtained approval of a land use application (i.e. design review, planned unit development, or tentative map plan) or permit for construction prior to August 1, 2003, which approved landscaping not in conformance with the restrictions listed in this ordinance will not be subject to these restrictions.

A. The following landscape material restrictions apply:

1. Residential Landscape Restrictions.

a. The use of drought tolerant landscaping materials is encouraged in residential front yards.

b. Single-family and multifamily developments are prohibited from installing new turf in common areas of residential neighborhoods. This restriction shall not apply to public parks or privately owned and maintained parks, including required usable open space in any new development, provided that no turf area dimension is less than ten feet.

2. Non-Residential Landscape Restrictions. The installation of new turf in non-residential developments is limited to fifteen percent of the landscapable area, provided that no turf area dimension is less than ten feet or subsurface irrigation is used. These provisions shall not apply to golf courses and public or private schools and parks.

B. During drought watch the installation of new turf in non-residential developments is prohibited, unless specifically permitted by the approval of land use application. Under no circumstances shall a permit be approved to allow more than fifty percent of the turf permitted under non-drought conditions. The provisions shall not apply to public or private schools and parks.

C. The following additional landscape development restrictions will apply during drought alert:

1. Residential Landscape Restrictions.

a. The installation of new turf is prohibited in residential front yards.

b. For single-family residential lots, the installation of new turf shall not exceed fifty percent of the gross area side and rear yard, or one hundred square feet whichever is greater, provided no turf area dimension is less than ten feet. A maximum of five thousand square feet of turf is allowed.

2. Non-Residential Landscape Restrictions. The restrictions defined in drought watch shall continue to apply.

D. Any person(s) or association(s) regardless of date of establishment is prohibited from imposing private covenants, conditions, restrictions, deed clauses or other agreements between the parties, which prevent person(s) from utilizing water efficient landscaping including but not limited to xeriscape, provided such landscaping receives appropriate architectural review approval. In any event, landscaping materials and designs may not be prohibited solely on the basis that they make use of water-efficient landscaping such as referenced in Title 19 as amended.

E. Waivers. There shall be no waivers or variances granted to the standards listed in this section. Such a request shall be considered a request to amend the requirements of this

section and shall only be considered in accordance with the proper procedures. (Ord. 2272 § 3, 2004; Ord. 2199 § 5 (part), 2003)

13.14.100 Mist systems.

- A. During a drought watch and drought alert commercial use mist systems are allowed only during the months of June, July and August and only between noon and ten p.m.
- B. During drought watch and drought alert mist cooling systems for animal safety are permitted. (Ord. 2272 § 4, 2004; Ord. 2199 § 5 (part), 2003)

13.14.110 Other outdoor water use restrictions.

- A. Surface, building and equipment washing (excluding motor vehicles) will be prohibited unless the water is contained on site or discharged to a sanitary sewer through approved methods as determined by the city.
- B. Vehicle Washing.
 - 1. Under No Drought and Drought Watch and Drought Alert.
 - a. Washing of personal vehicles upon residential properties requires a positive shut-off nozzle.
 - b. Commercial vehicles may only be washed at a commercial facility where water is discharged to the sanitary sewer through approved methods or, with the use of a high-pressure, low volume sprayer using less than ten gallons per vehicle. (Ord. 2272 § 5, 2004; Ord. 2199 § 5 (part), 2003)

13.14.120 Conservation rates.

Consumption will be billed at the appropriate rates shown in HMC Chapter 13.12. (Ord. 2199 § 5 (part), 2003)

13.14.130 Operation of ornamental fountains and water features.

All fountains and water features owned or operated by any person holding an account with the city are subject to drought restrictions. During drought watch or drought alert the operation of fountains and water features utilizing water provided by the city or water reprocessed by the customer shall be prohibited.

The following uses shall be exempt:

- A. Swimming pools, spas and recreational water parks, both public and private.
- B. Fountains or water features at single family residences of less than two hundred square feet in surface area during drought watch and less than twenty-five square feet in surface area during drought alert.
- C. Fountains or water features that are necessary and functional components serving other allowable uses such as storage ponds on golf course or aeration devices.
- D. Indoor water features that drain to the sanitary sewer, or features with the majority of the total water volume contained indoors or underground.
- E. Fountains or water features at resort hotels. Resort hotels will be required to submit a water use reduction plan to the city of Henderson within ninety days after the effective date of the ordinance codified in this section, or the exemption under the ordinance will be immediately revoked. These plans will be considered public documents.

F. 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.

G. Residential and commercial fountains or water features that have the specific turf removal activities outlined below:

1. Removal of turf or water features from the property where the fountain or water feature located at a 50:1 ratio of turf to fountain surface area. Fifty square feet of turf must be removed for every square foot of fountain or water feature surface area.

a. Should the property with the fountain have no turf, a fee of ten (\$10.00) dollars per square foot of fountain surface area, must be paid to the city. These fees will be added to the SNWA's Water Smart Landscape program budget to fund future turf removals.

b. Should the property with the fountain have some turf, but not enough to meet the 50:1 ratio, all non-functional turf must be removed and the ten (\$10.00) dollars per square foot fee must be paid for the remainder of the fountain surface area not covered by the turf conversion.

c. Should the fountain be located on a multi-family property, the city will work with the property owner(s) to determine which turf is non-functional and to be removed.

Any turf removed prior to the adoption of the drought plan and declaration of drought status cannot receive credit for the conversion in order to maintain a fountain or water feature. In addition, any turf removed after the adoption of the drought plan and declaration of drought status, which received a rebate through the SNWA Water Smart Landscapes program cannot receive a credit for the conversion in order to maintain a fountain or water feature.

2. For every subsequent year during drought watch or drought alert that the fountain owner operates the fountain, a two hundred dollar (\$200.00) fountain permit fee must be submitted to the city by January 1 of the year for which the fountain is to be operated. (Ord. 2327 § 4, 2005; Ord. 2272 § 6, 2004; Ord. 2199 § 5 (part), 2003)

13.14.140 Compliance.

The director shall adopt and maintain administrative procedures for the compliance of the provisions of this chapter and to assess fines and/or penalties for violations. The administrative procedures shall be consistent with any authority delegated to the city by legislative statute or the Henderson Municipal Code.

A. Violations. Observations of violations not resolved will result in the customer being issued a warning letter. Subsequent non-compliant issues will result in a violation letter and fine assessment, which could escalate to include the issuance of a misdemeanor citation or termination of service, or both.

B. Administrative Fines. Customers issued a violation as defined by the city shall be assessed a fine according to the tables below. Violation levels shall be based upon violation history for the preceding twelve months and the drought stage. Administrative fines assessed during no drought and drought watch will be in accordance with Table 13.14.140(1), fines assessed during drought alert will be in accordance with Table 13.14.140(2).

**Table 13.14.140(1)
Administrative Fines for No Drought and Drought Watch**

Meter Size	Observance	1st Violation	2nd Violation	3rd Violation	4th Violation	5th Violatic and More
1" or	Warning	\$ 20.00	\$ 40.00	\$ 80.00	\$ 160.00	\$ 320.0

Less	Letter					
>1" and <3"	Warning Letter	\$ 40.00	\$ 80.00	\$ 160.00	\$ 320.00	\$ 640.00
3" or Greater	Warning Letter	\$ 80.00	\$ 160.00	\$ 320.00	\$ 640.00	\$ 1280.00

**Table 13.14.140(2)
Administrative Fines for Drought Alert**

Meter Size	Observance	1st Violation	2nd Violation	3rd Violation	4th Violation	5th Violation and More
1" or Less	Warning Letter	\$ 40.00	\$ 80.00	\$ 160.00	\$ 320.00	\$ 640.00
>1" and <3"	Warning Letter	\$ 80.00	\$ 160.00	\$ 320.00	\$ 640.00	\$ 1280.00
3" or Greater	Warning Letter	\$ 160.00	\$ 320.00	\$ 640.00	\$ 1280.00	\$ 2560.00

(Ord. 2327 § 5, 2005; Ord. 2199 § 5 (part), 2003)

13.14.150 Appeals for reconsideration.

A. Any user, permit applicant, permit holder, property owner, occupant, or responsible party affected by any decision, action or determination, including any enforcement action taken by the city, interpreting or implementing the provisions of this chapter or in any permit issued herein, may file an appeal. All appeals for reconsideration shall be written requests filed with the director or his designee within ten days of such action, setting forth in detail the facts supporting the user's request for appeal.

B. The decision of the director or his designee shall be rendered within ten days of the date of the hearing of the appeal. Such decision shall be deemed to be the final administrative action on such appeal. (Ord. 2199 § 5 (part), 2003)

19.10.2 Landscaping and screening.

This section sets out the minimum landscaping, buffering, and screening requirements for development within the city of Henderson.

See HMC Title 13.14 (Conservation and Drought), the effective date of which shall be August 1, 2003, for further landscape and irrigation regulations and restrictions during conditions of drought watch, alert, and emergency, as defined in that Title.

A. Site Landscaping.

1. Landscape Planting Area. Site landscape planting areas shall be provided in accordance with the following schedule of requirements:

Minimum Open Space Landscaping Requirement by Zoning District (Percent of Lot)

CN	CO	CC	CH	CT	CA	CM	DHC	IL	IG	IF
15	15	15	15	20	15	15	15	15	15	15

2. Industrial Zones. Yard, storage, and dock areas, separated by masonry fencing a minimum of eight feet in height may be excluded when calculating site landscaping requirements.

B. Perimeter Landscape Buffers.

1. Applicability. Perimeter landscape buffers shall be provided abutting street rights-of-way and parcels abutting other sites in accordance with the standards of this subsection.

2. Relationship to Other Landscaping Standards. Landscaping provided to meet a project's perimeter landscape buffer requirements of this section may be counted towards meeting the project's site landscaping requirements. Parking lot landscaping may also be counted towards meeting the project's site landscaping requirements.

3. Buffer Width. The minimum width of required landscape buffers shall be as follows:

Developing Zoning District	Street Right-of-Way Width (Feet): 100+	Street Right-of-Way Width (Feet): 60-80	Street Right-of-Way Width (Feet): 60	Abutting Parcel (Land Use Designation): Res	Abutting Parcel (Land Use Designation): Nonres
Residential	25 [1,2]	20 [1,2]	15 [1,2]	10 [3]	N/A
Nonresidential	25 [1]	20 [1]	15 [2]	15 [3,4]	5
Downtown	21 [5]	N/A	N/A	N/A	N/A

Notes:

General: Buffer width may be reduced by the community development director when necessary to accommodate unique site conditions or physical constraints, provided that reduction is offset by greater buffer widths in nonconstrained areas such that the "average" buffer width complies with the minimum width requirement. No reduction in width shall be allowed below fifty percent of the required minimum (e.g., if twenty-five feet required, reduction cannot exceed twelve and one-half feet).

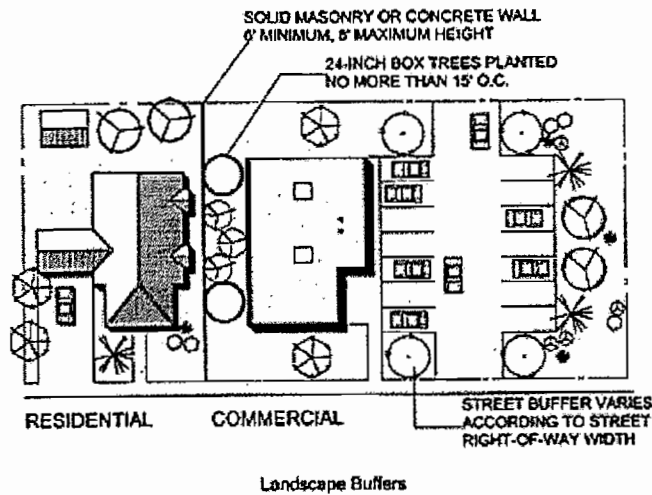
[1] Buffer width measured from back-of-curb. Landscape buffer includes five-foot-wide sidewalk.

[2] Does not apply within rural neighborhood overlay.

[3] Buffer requires twenty-four-inch box trees planted an average of fifteen feet on center when adjacent land use is lower intensity.

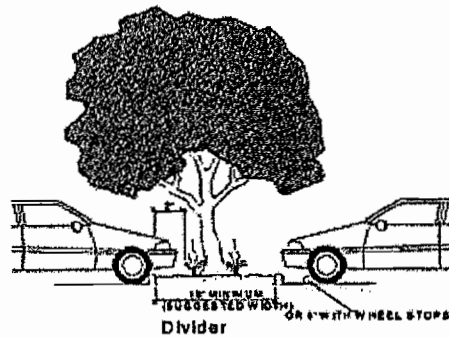
[4] A solid masonry or concrete wall with a minimum height of six feet and a maximum height of eight feet shall be provided to screen nonresidential uses from adjoining property with a residential land use designation as specified by the comprehensive plan. Solid walls adjoining the front yards or street side yards of an adjoining residential lot shall not exceed thirty-two inches in height.

[5] Lake Mead Parkway includes a ten-foot-wide detached sidewalk located six feet from the back-of-curb. Plants, materials and design shall be per the Lake Mead Parkway Improvement Program Manual.



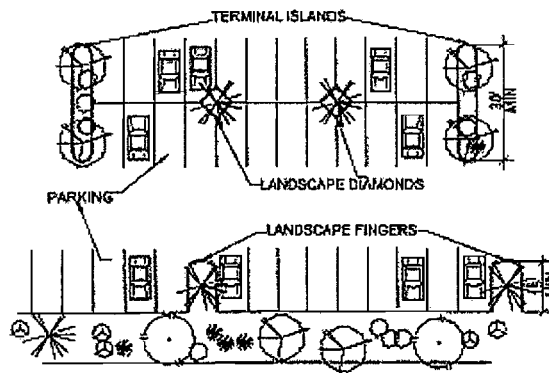
C. Parking Lot Landscaping.

1. **Applicability.** The interior parking lot landscaping standards of this section shall apply to all off-street parking lots containing five or more off-street parking spaces. They shall not apply to vehicle/equipment storage lots.
2. **Relationship to Other Landscaping Standards.** Landscaping provided to meet the parking lot landscaping requirements of this section may be counted towards meeting a project's required site landscaping.
3. **Terminal Islands.** Landscaped terminal islands shall be provided at the end of each parking row. Terminal islands shall have minimum interior dimensions of at least eight feet in width and thirty feet in length. At least two shade trees shall be provided within each terminal island.



4. **Divider Medians.** Divider medians that form a continuous landscaped strip may be installed between abutting rows of parking spaces. The minimum width of divider medians shall have a minimum interior dimension of eight feet if wheel stops or raised curbs prevent vehicle overhang of the median. If vehicle overhang is allowed, the minimum interior dimension shall be ten feet.
5. **Landscape Diamonds and Fingers.**

- a. Landscape diamonds with a minimum interior dimension of six feet shall be provided every four parking spaces within the interior parking lot, except where divider medians are provided. At least one shade tree shall be provided within every landscape diamond.
 - b. Landscape fingers shall be provided every ten spaces around the perimeter of the parking lot. Landscape fingers shall have a minimum interior dimension of eight feet in width and fifteen feet in length. At least one shade tree shall be provided within every landscape finger.
- D. Plant Units.



Parking Lot Landscaping

1. Perimeter Landscape Buffers and Non-Buffer Areas. Unless otherwise expressly stated, a minimum of three shrubs shall be provided per three hundred square feet of landscape buffer, and a minimum of one tree shall be provided per twenty-five linear feet of landscape buffer. The community development director may allow plant clustering subject to approval.
 2. Parking Lot Landscaping. No turf shall be allowed within interior parking lot landscape areas.
 - a. Terminal Islands. A minimum of two twenty-four-inch box shade trees and three five-gallon shrubs.
 - b. Divider Medians. A minimum one twenty-four-inch box shade tree every twenty-five linear feet and three shrubs every three hundred square feet.
 - c. Landscape Diamonds. A minimum one twenty-four-inch box shade tree and either one five-gallon shrub or two one-gallon groundcovers.
 - d. Landscape Fingers. A minimum one twenty-four-inch box shade tree and two five-gallon shrubs.
 3. Residential. Minimum two twenty-four-inch box trees, five five-gallon shrubs and five one-gallon groundcovers shall be provided for each residential front yard. Custom homes in designated rural neighborhoods and custom home lots with no design standards shall be exempt from this standard.
 4. Other areas. All landscape planting areas that are not dedicated to trees or shrubs shall be landscaped with groundcover or other appropriate landscape treatment including, but not limited to, decorative rock or decomposed granite.
- E. Landscape Material Standards. The following standards shall be considered the minimum required standards for all trees, shrubs, and landscape material installed to satisfy the requirements of this section.
- Any person(s) or association(s), regardless of date of establishment, is prohibited from imposing private covenants, restrictions, deed clauses, or other agreements, between the

parties that prevent person(s) from utilizing water-efficient landscaping, including but not limited to xeriscape, provided such landscaping receives appropriate architectural review approval. In any event, landscaping materials and designs may not be prohibited solely on the basis that they make use of water-efficient landscaping, such as referenced in this title, as amended.

1. General Design. Plant materials shall be selected for: energy efficiency and drought tolerance; adaptability and relationship to the Henderson environment; color, form and pattern; ability to provide shade; soil retention; and resistance to fire. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking lots, and streets to achieve a desirable microclimate and minimize energy demand.

a. Plant Varieties. Minimum three tree varieties and five shrub varieties shall be provided for each project.

b. Hardscape. Landscape design may integrate hardscape (plazas, courtyards, trails, etc.) and landscaping, which may be counted towards the overall project's site landscaping requirements at the discretion of the community development director.

2. Preparation of Landscape Plans. All landscape plans detailing proposed installation and irrigation systems shall be prepared by a landscape architect registered in the state of Nevada or by one of the acceptable alternatives listed under NRS 623A.070. This requirement shall not apply to conceptual landscape plans or site plans.

3. Plant Quality. Plants installed to satisfy the requirements of this section shall meet or exceed the plant quality and species standards of the Association of Arizona Nurserymen. Plants shall be nursery-grown and adapted to the local area. No artificial plants or vegetation shall be used to meet any standards of this section.

4. Plant Sizes and Specifications.

a. Trees.

(1) Size.

(a) Except for required tree wells in downtown districts, trees planted to satisfy the standards of this section shall have a minimum box size of twenty-four inches.

(b) At maturity, shade tree canopies in commercial, industrial, semipublic and multifamily developments shall be pruned to provide a minimum clearance of seven feet from the ground.

b. Shrubs.

(1) Size.

(a) Shrubs planted to satisfy the standards of this section shall have a minimum container size of five gallons.

(b) When planted adjacent to sidewalks or walls shrubs shall not exceed three feet at maturity in commercial, industrial, semipublic and multifamily developments.

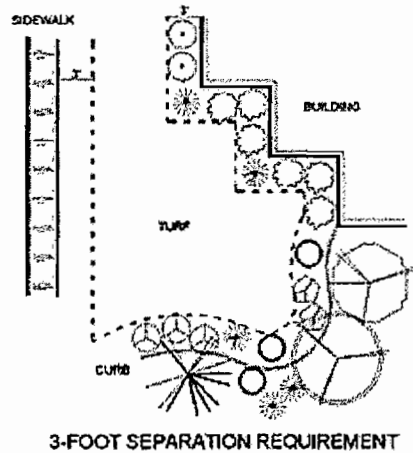
c. Groundcover.

(1) Size. Groundcovers planted to satisfy the standards of this section shall have a minimum container size of one gallon.

d. Barrier Plants.

(1) Size. Barrier plants planted to satisfy the standards of this section shall have a minimum container size of five gallons.

(2) Location. In commercial and industrial developments barrier plants should be used below and to the sides of windows and adjacent perimeter walls, fences, and other building walls.



e. Turf. The turf limitations contained in this section are intended to increase the use of water-efficient vegetation. Landscaping shall be designed and landscaping material shall be chosen and installed so as to ensure that within three years of normal growth, at least fifty percent of the area covered by non-turf landscaping will consist of water-efficient vegetation.

(1) Downtown, Nonresidential and Multifamily Zoning Districts.

(a) The installation of new turf in nonresidential developments is limited to fifteen percent of the landscapable area, provided that no turf area dimension is less than ten feet or subsurface irrigation is utilized. This provision shall not apply to golf courses or to public or private schools or parks.

(b) Multifamily developments are prohibited from installing new turf in common areas of residential neighborhoods. This restriction shall not apply to public parks or privately owned and maintained parks, including required useable open space in any new development, provided no turf area dimension is less than ten feet. However, the total turf area shall not exceed thirty percent of the landscaped area of the development.

(c) The planting of all cool-season grasses (i.e. tall fescue or rye grass) is prohibited during the months of May through August; however, the planting of warm-season grasses (i.e. bermuda and zoysia) is permitted.

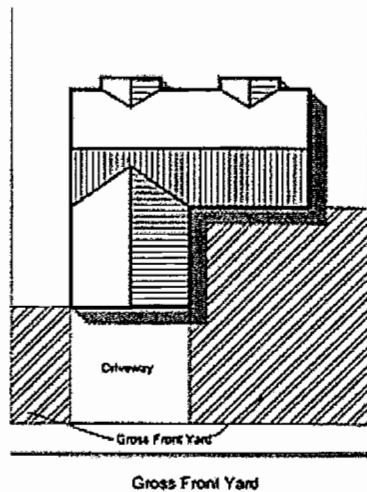
(d) Turf areas shall not be located within three feet of a sidewalk, curb or building wall.

(e) The maximum slope of a turf area shall not exceed thirty-three percent.

(2) Single-Family Residential.

(a) The use of drought-tolerant landscaping materials is encouraged in residential front yards.

(b) The area of turf within the front yard of single-family residential lots shall not exceed fifty percent of the gross area of the front yard.



(3) Golf Courses. Golf courses shall be limited to a maximum of ninety acres of turf for eighteen holes and ten acres of turf for a driving range. This turf limitation of golf courses may be exceeded if the applicant demonstrates to the satisfaction of the department of utility services that irrigation of turf, in excess of the amount specified, will have no significant impact on water resources or peak demand delivery capacity, because water for the additional turf will be provided by one or more of the following methods:

- (a) Water provided from applicants' own well, appurtenant or transferred water rights that can be legally used to irrigate the property on which the golf course is developed.
- (b) Water provided by the city of Henderson. However, the applicant must contribute to an exterior water efficiency retrofit program approved by the department of utility services to offset the impacts on water resources and system delivery capacity in an amount equivalent to two times the amount of water used by the turf grass.
- (c) Groundwater provided from the shallow groundwater aquifer. Applicant may develop and provide the groundwater at his sole cost or may compensate the city of Henderson department of utility services to develop groundwater pursuant to an agreement with the city of Henderson department of utility services. Both parties must have executed the agreement at the time of application.
- (d) Nonpotable water is provided at the discretion of the city of Henderson. The applicant must demonstrate water-efficient planning and practices to qualify for nonpotable water from the city.

The restrictions for turf area shall not apply to any property that is the subject of a development agreement between the city of Henderson and the owner or former owner of the property provided the development agreement is in effect as of the effective date of the ordinance codified in this chapter and the development agreement has not been canceled at the time of commencement of construction of the golf course.

f. Other Ground Treatments. Rock Mulch: Rock mulch shall be installed and maintained at a minimum depth of two inches and a maximum depth of four inches on all planted areas except where groundcover plants are fully established.

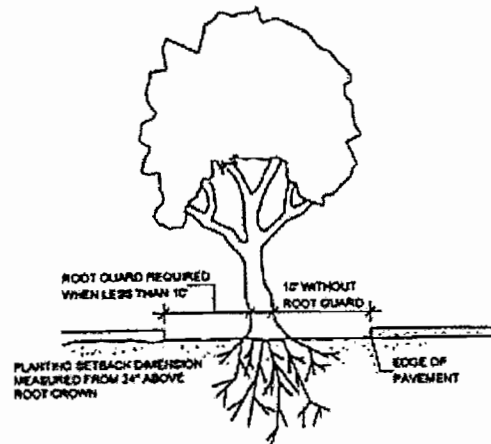
g. Species. Tree and plant species provided to meet the landscaping and screening standards of this section shall comply with the "City of Henderson Plant List."

F. Installation, Maintenance, and Irrigation.

1. Installation.

a. General. All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. All landscape material and irrigation improvements shall be in place prior to issuance of the final certificate of occupancy unless

the community development director approves an extension and a deferred completion agreement is executed.



Root Guards

- b. Root Guards. Root guards shall protect trees planted within ten feet of public improvements within the public right-of-way.
2. Maintenance. Trees, shrubs, fences, walls, irrigation improvements, and other landscape features depicted on plans approved by the city shall be considered elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The land owner, successors in interest or agent, if any, shall be jointly and severally responsible for the following:
 - a. Regular maintenance of all landscaping and irrigation improvements in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices.
 - b. The repair or replacement of required landscape structures (e.g., walls, fences) to a structurally sound condition.
 - c. The regular maintenance, repair or replacement, where necessary, of any landscaping required by this section.
3. Irrigation. Landscaped areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans shall be submitted with development plans and shall contain all construction details for an automatic system. A back-flow prevention device shall be provided in accordance with Nevada Administrative Code Chapter 445A.
- G. Mechanical Equipment Screening.
 1. Applicability. The mechanical equipment screening standards of this section shall apply to all of the following:
 - a. Electrical and gas-powered mechanical equipment;
 - b. Duct work and major plumbing lines used to heat, cool or ventilate;
 - c. Power systems for the building or site upon which the equipment is located. Roof and/or wall-mounted antennas and vent openings shall not be considered mechanical equipment for purposes of these mechanical equipment screening standards. The standards of this section are not intended to impede systems which use solar or wind energy to reduce the

costs of energy, if such systems are otherwise in compliance with applicable building codes and zoning ordinances.

2. Screening Standards. For all developments other than single-family residential, the following mechanical equipment screening standards shall apply to the maximum practical extent. If full compliance with these standards cannot be achieved, an alternate screening plan may be approved in accordance with Section 19.10.2(G)(3).

a. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be screened by a parapet wall or similar structural feature that is an integral part of the building's architectural design. The parapet wall or similar structure feature shall be of a height equal to or greater than the height of the mechanical equipment being screened.

b. Wall-Mounted Mechanical Equipment. Wall-mounted mechanical equipment that protrudes more than six inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture or the subject building. Wall-mounted mechanical equipment that protrudes six inches or less from the outer building wall shall be designed to blend with the color and architectural design of the subject building.

c. Ground-Mounted Mechanical Equipment. Ground-mounted mechanical equipment shall be screened from view by a decorative wall that is compatible with the architecture and landscaping of the development site. The wall shall be of a height equal to or greater than the height of the mechanical equipment being screened.

3. Alternate Screening. Mechanical equipment that is not screened in full compliance with the screening standards of Section 19.10.2(G)(2) shall be reviewed in accordance with the design review procedures of Section 19.2.11. As part of the design review, decision-making bodies shall be authorized to approve alternatives to full compliance with the screening standards of Section 19.10.2(G)(2) if the decision-making body determines that any adverse visual impacts associated with the mechanical equipment have been mitigated to the maximum practical extent. Alternate screening methods may include, but shall not be limited to, increased setbacks, increased landscaping, grouping the equipment on specific portions of a site, and painting or otherwise camouflaging the equipment.

H. Dumpster Screening. Trash dumpsters and other waste/recycling containers serving multifamily or nonresidential uses shall be screened in accordance with the following standards.

1. Design and Other Specifications. Dumpsters or other trash receptacles shall be screened from public view on three sides by a solid wall at least six feet in height and on the fourth side by a solid gate at least five feet in height. The gate and wall shall be maintained in good working order and shall remain closed except when trash pick-ups occur. The wall and gate shall be architecturally compatible with other buildings and structures on the site. Applicants shall be responsible for coordinating with the solid waste disposal provider on matters relating to appearance, quantity, interior dimensions, locations, and access.

2. Setbacks. Except in downtown zoning districts, all enclosures shall be located a minimum of fifty feet from residential zoning districts and from the property lines of sites containing existing or proposed residential, school, licensed day care, and public and semipublic uses.

I. Loading and Access Areas—Design and Screening. In nonresidential zoning districts, commercial and industrial buildings with rear or side vehicular access shall maintain adequate room for loading docks, loading spaces, customer pick-up areas, trash enclosures (and their setbacks), vaults, transformer pads, other utility service boxes, and all ground-mounted mechanical equipment. Beyond the physical boundaries of the docks and other such adjacent circulation impediments, property owners shall provide and maintain a minimum setback of thirty-four feet from all property lines. Within this minimum thirty-four-foot setback, the twenty-four feet closest to the building and its adjacent circulation impediments shall remain clear at all times, and the ten feet nearest the property line shall be available for vaults, transformer pads, and other above- and below-ground utility service boxes. Areas within ten feet of property lines that are not used for utility boxes shall be landscaped with minimum twenty-four-inch box pine trees, planted

fifteen feet on center. Alternate plant materials may be approved by the community development director, provided the alternate materials result in equivalent immediate and long-term screening.
(Ord. 2381 § 9, 2005; Ord. 2291 § 2, 2004; Ord. 2254 § 10 (part), 2004; Ord. 2202 §§ 1, 2, 2003; Ord. 2061 § 9 (part), 2001)

SECTION 12 – CONSERVATION AND DROUGHT

12.1 Introduction

Groundwater and Colorado River water are two physical resources used to meet water demands in Southern Nevada, but there is a third, tangible resource that is critical to managing and extending those physical resources over time - conservation. Conservation involves no real infrastructure challenges or significant capital costs, yet it effectively provides an additional resource by freeing up water that was previously consumed inefficiently or wasted. In this sense, it is the cheapest source of water available to the community. It is also a resource over which we have complete control, because future availability depends more on our own efforts and less on influences outside the community.

The Las Vegas Valley Water District, as a member agency of the Southern Nevada Water Authority (SNWA), is committed to an ongoing conservation strategic planning process that will result in the implementation of at least a 25% conservation goal by 2010. The goals focus on reductions in Nevada's consumptive use of Colorado River water. Consumptive use is the net amount of water used each year and not returned through return-flow credit to use again to extend our Colorado River water allotment. The SNWA and its purveyor members must focus on changing the outdoor water use habits of all customers. Outdoor use accounts for the greatest consumption of water. While water resources will not be extended by conserving water indoors due to return flow credits, environmental benefits result from efficient use of water and returning as little as possible.

12.2 Drought Conditions

a. Drought Plan

The Las Vegas Valley Water District is a purveyor member of the Southern Nevada Water Authority (SNWA)

For the purpose of enforcing these rules, the District and District customers shall abide by the current drought state declaration of the Southern Nevada Water Authority.

These stages are:

1. No Drought
2. Drought Watch
3. Drought Alert
4. Drought Critical

b. Declaration of Drought Stage

The SNWA will continually monitor the effectiveness of the drought measures on water use during the year and revisit its Drought declarations as necessary. Based

on water use, the SNWA may, at its regularly noticed and scheduled public meetings, change the drought stage declaration and/or revise its Drought Plan to reflect the status of the water resource environment.

Once a Drought Stage is declared, that portion of these Drought Rules shall take effect. Official public notice shall be published for two consecutive weeks in a newspaper of general circulation following the official SNWA declaration. District customers shall be provided notification of the effective date of the declared Drought Stage via direct mailed correspondence within 45 days following the official SNWA declaration. This notice shall serve as official notification to customers of the Drought Stage and its subsequent effects on District Rules and procedures.

c. Watering Schedules

For the purpose of managing the water distribution system, specific watering days and/or schedules will be assigned to each customer by the District. Affected water users will be provided reasonable mailed notification not less than 15 days prior to implementation of the policy changing the Drought Stage.

d. Water Budgets

In addition to, or in lieu of, any provisions of this section, the District reserves the right to assign specific water budgets to customers, and to prescribe rates and/or surcharges for varying levels of use related to the budget. The District shall provide written notification to each individual water budgeted customer of the amount of water provided for the budget and associated provisions.

Where a water budgeted customer is served by more than one SNWA member agency, the District may collaborate with any of those member agencies for purposes of administering the water budget.

The District may assign water budgets for any specified period of time and may prorate the amount of water at its discretion. If conditions at a property change such that an alteration in the water budget may be merited, the District may reconsider the budget.

Water budgeted customers are exempt from time of day, assigned day, and watering frequency restrictions described elsewhere in this Section.

12.3 Water Waste Enforcement

As a condition of service, customers of the District must use water delivered through the District's system in a manner that promotes efficiency and avoids waste.

In the event of a conflict between the District Service Rules and other applicable ordinances or regulations, the most stringent will prevail.

12.4 Water Waste Prohibited

A. Water waste shall include:

1. Allowing water provided by the District to flow or spray off the property.
2. Failure to correct a malfunctioning device or supply line, where the customer or their agent has known of the problem for more than 48 hours.
3. Non-compliance with regulations regarding washing of vehicles, equipment, driveways, parking lots, sidewalks, streets or other surfaces or objects.
4. Discharging swimming pool or spa water drainage off the property where discharge into a public sanitary sewer is available.
5. Using spray irrigation (sprinklers) between the hours of 11:00 a.m. and 7:00 p.m. from May 1st through September 30th each year.
6. Non-compliance with regulations relating to ornamental water features and misters.
7. Non-compliance with watering group assignments under a declaration of Drought.

B. Exemptions

Exemptions to specific provisions are outlined in Section 12.5.

C. Violations

Upon the first observation of waste, the customer will be notified and allowed a prescribed time period to take corrective action. Subsequent violations will result in a fee assessment. In addition, the District may exercise authority granted by any appropriate jurisdictions, including the issuance of misdemeanor citations.

The District has adopted specific administrative policies and procedures to support these Service Rules. These policies and procedures:

1. Specifically define water waste and exemptions;
2. Require observation and documentation of water waste by a representative of the District;
3. Require notification to the customer explaining the District's policy prior to fee assessment;
4. May allow a customer to receive additional time to pursue corrective action;
5. Provide a mechanism by which a customer may protest the fee assessment;

D. Administrative Fees

Customers issued a violation notice as defined by the District shall be assessed a fee according to the listed schedules. Violation levels shall be based upon violation history for the preceding 36 months. Administrative fees are assessed in accordance with the No Drought and Drought Watch schedule and the Drought Alert schedule.

No Drought and Drought Watch Schedule					
Meter Size	1st Violation	2nd Violation	3rd Violation	4th Violation	5th Violation and More
1" and Less	\$20.00	\$ 40.00	\$ 80.00	\$160.00	\$ 320.00
Over 1" but less than 3"	40.00	80.00	160.00	320.00	640.00
3" and over	80.00	160.00	320.00	640.00	1,280.00

Drought Alert Schedule					
Meter Size	1st Violation	2nd Violation	3rd Violation	4th Violation	5th Violation and More
1" and Less	\$ 40.00	\$ 80.00	\$160.00	\$ 320.00	\$ 640.00
Over 1" but less than 3"	80.00	160.00	320.00	640.00	1,280.00
3" and over	160.00	320.00	640.00	1,280.00	2,560.00

12.5 Exemptions

Exemptions to various provisions of this section are outlined in the Water Use Exemptions table. The following exemptions shall apply.

Water Use Exemptions					
	Type	No Drought	Drought Watch	Drought Alert	Drought Critical
Handwatering	Time of Day	Exempt	Exempt	Exempt	TBD
	Assigned Day	Exempt	Exempt	Exempt	TBD
	Flow or Spray Off Property	Not Exempt	Not Exempt	Not Exempt	TBD
New Landscape¹	Time of Day	Exempt 30 days	Exempt 30 days	Exempt 30 days	TBD
	Assigned Day	Exempt 30 days	Exempt 30 days	Exempt 30 days	TBD
	Flow or Spray Off Property	Not Exempt	Not Exempt	Not Exempt	TBD

Water Use Exemptions					
	Type	No Drought	Drought Watch	Drought Alert	Drought Critical
Supervised Testing	Time of Day	Exempt	Exempt	Exempt	TBD
	Assigned Day	Exempt	Exempt	Exempt	TBD
	Flow or Spray Off Property	Exempt	Exempt	Exempt	TBD
Public Health and Welfare	Time of Day	Exempt	Exempt	Exempt	TBD
	Assigned Day	Exempt	Exempt	Exempt	TBD
	Flow or Spray Off Property	Exempt	Exempt	Exempt	TBD
Residential Car Washing	Time of Day	Exempt	Exempt	Exempt	TBD
	Assigned Day	Exempt	Exempt	Exempt	TBD
	Flow or Spray Off Property	Exempt for 5 Minutes	Exempt for 5 Minutes	Exempt for 5 Minutes	TBD
Non-Spray Irrigation	Time of Day	Exempt	Exempt	Exempt	TBD
	Assigned Day	Exempt (not to exceed Maximum Water Frequency)	Exempt (not to exceed Maximum Water Frequency)	Exempt (not to exceed Maximum Water Frequency)	TBD
	Flow or Spray Off Property	Not Exempt	Not Exempt	Not Exempt	TBD
Irrigation of Commercial Nursery Stock	Time of Day	Exempt	Exempt	Exempt	TBD
	Assigned Day	Exempt	Exempt	Exempt	TBD
	Flow or Spray Off Property	Not Exempt	Not Exempt	Not Exempt	TBD
Water Budgeted Facilities	Time of Day	Exempt	Exempt	Exempt	TBD
	Assigned Day	Exempt	Exempt	Exempt	TBD
	Flow or Spray Off Property	Not Exempt	Not Exempt	Not Exempt	TBD

Water Use Exemptions					
	Type	No Drought	Drought Watch	Drought Alert	Drought Critical
Syringing	Time of Day	Exempt	Exempt	Exempt	TBD
	Assigned Day	Exempt	Exempt	Exempt	TBD
	Flow or Spray Off Property	Not Exempt	Not Exempt	Not Exempt	TBD
Overseeding ^{1,2}	Time of Day	Exempt 30 Days	Exempt 30 Days	Exempt 30 Days	TBD
	Assigned Day	Exempt 30 Days	Exempt 30 Days	Exempt 30 Days	TBD
	Flow or Spray Off Property	Not Exempt	Not Exempt	Not Exempt	TBD

¹Customer must contact District prior to change in irrigation schedule. Must be in compliance with all applicable codes and drought restrictions.

²Exemption limited to one 30-day period per calendar year. No cool season grass plantings May – August.

12.6 Compliance with Water Efficiency and Conservation Codes

All customers of the District are required to comply with all applicable water efficiency and landscape codes. The District may reject the application for, rescind, or terminate water service to any property or use determined to be in violation of applicable codes or standards which are directly or indirectly intended to conserve or protect the waters of the District.

12.7 Drought Restrictions

A. Irrigation Restrictions for Properties not Subject to Water Budgets

1. During all stages of the Drought between May 1st and September 30th of each calendar year, it shall be considered water waste to spray irrigate outdoor vegetation between the hours of 11:00 a.m. and 7:00 p.m.
2. It shall be considered water waste to irrigate outdoor vegetation at variance with the following table, unless the property is designated as a Community Use Recreational Turf Area, or qualifies as a property restricted by Water Budgeting as identified in this section.

Maximum Watering Frequency			
Season	Drought Watch	Drought Alert	Drought Critical
Winter November – February	One Assigned Day Per Week	One Assigned Day Per Week	TBD
Spring March – April	3 Assigned Days per Week & Sunday (Option)	3 Assigned Days per Week	TBD
Summer May- August	Any Day	Any Day	TBD
Fall September - October	3 Assigned Days per Week & Sunday (Option)	3 Assigned Days per Week	TBD

3. Community Use Recreational Turf Area (CURTA).

Public or private areas designated as CURTA by government jurisdictions shall comply with the following restrictions:

- a. During the spring and fall a watering schedule for each area may not exceed seven (7) days out of 14 days and the schedule must be posted at each location.
- b. During the winter a watering schedule for each area may not exceed two (2) days out of seven (7) days and the schedule must be posted at each location.
- c. Irrigation shall be eligible to commence no earlier than 9:00 p.m. the day prior to the designated day.
- d. The District may require areas designated as CURTA to submit an irrigation schedule to the District for the current season (Spring, Winter, Fall) within 30 days of the designation. Irrigation schedules for subsequent seasons must be submitted 30 days prior to the next season.

Government bodies may approve an alternative to landscape watering restrictions on a specific CURTA, and under such circumstances the District shall defer enforcement of provisions 3 a. and b. above.

B. Water Budgeted Golf Courses

Any golf course using District supplied water shall be on a water budget, and shall be exempt from time of day and assigned watering day provisions. A golf course on a water budget shall be measured and charged based upon a specified amount of acre-feet of SNWA member agency water (including potable, raw, reuse, and non-

potable) for each acre currently being irrigated. The irrigated acreage will include lakes and ponds existing within a golf course and lakes and ponds serving in total or in part, as a golf course irrigation reservoir.

A water budget is established for golf courses as shown below:

<u>Drought Stage</u>	Annual Budget
Drought Watch	6.5 acre-feet per irrigated acre
Drought Alert	6.3 acre-feet per irrigated acre

The Drought Watch Stage water budget will be effective September 1, 2003 through March 31, 2005. At the end of each calendar year, the annual water budget will be determined by the current drought stage as declared by the Southern Nevada Water Authority.

In the event a golf course customer contests the calculated irrigated acreage as determined by the District, the golf course may provide calculations supported by other methods acceptable to the District. Alternative measurements would need to be determined by an independent consultant not affiliated with the golf course. In any case however, the District shall make the final determination of irrigated acreage. Once measured, the irrigated acreage shall remain fixed, thus creating an incentive for golf courses to convert unneeded turf to other styles of water efficient landscaping. However, if a golf course expands its course by increasing the number of playing holes, a new irrigated acreage will be determined.

Water used in excess of the budget will be assessed a surcharge based upon the schedule below. Surcharges will be imposed in lieu of the fourth tier of adopted rates (the third tier rate will be charged for all water used above the third tier shown in Section 8.1).

Stage	Percentage of budget	101 to 120 percent	121 to 140 percent	Over 140 percent
Drought Watch	Surcharge to apply to water use in excess of budget.	2.0 times the highest non-potable rate.	4.0 times the highest non-potable rate.	8.0 times the highest non-potable rate.
Drought Alert	Surcharge to apply to water use in excess of budget.	2.0 times the highest non-potable rate.	5.0 times the highest non-potable rate.	9.0 times the highest non-potable rate.

Each golf course shall be required to submit its own water use reduction plan containing at least the following elements: a physical description of the course, including detailed descriptions of all irrigated areas; an itemized accounting of calendar year 2002 water use; a review of spray irrigation efficiency; and a description of key water use reduction strategies and timelines for implementing those strategies.

C. Mist System Restrictions

During No Drought, Drought Watch, and Drought Alert residential mist systems used for human comfort will not be restricted. However, commercial use is allowed only under the following conditions:

1. From May 1st to August 31st and,
2. Between noon and midnight

D. Water Feature Conditions and Exemptions

Water features may not be operated during Drought Watch or Drought Alert. During Drought Watch and Alert, a water feature will not be required to be drained. It can maintain a re-circulating water pool to sustain pumps, pond liners, surface coatings, and ancillary equipment. The water feature may be operated only between 1:00 a.m. and 4:00 a.m., or whenever freezing conditions require system preservation. This shall include the use of District water that has been recycled or reprocessed by the customer.

The following uses are exempt:

1. Residential

A water feature of less than 200 square feet surface area during Drought Watch, and less than 25 feet surface area during Drought Alert:

- a. At a single-family residence, or
- b. Centrally located within a residential development. No feature incorporated into an entryway or streetscape, as defined by local government, will be allowed.

2. Non-Residential

Government bodies may approve exemptions to water feature restrictions, and establish any other conditions or requirements that may apply.

3. Swimming pools and recreational water parks, both public and private.

4. Water features that are necessary and functional components serving other allowable uses (e.g., storage ponds on a golf course, or aeration devices).

5. Indoor water features or features with the majority of the total water volume contained indoors or underground. If practical alternatives exist for separating indoor and outdoor components, they shall be separated and managed accordingly.
6. Recreational water parks, both public and private.
7. Fountains and water features at resorts as defined by the governing jurisdiction.
8. Fountains or water features necessary to sustain aquatic animals provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of drought.
9. Fountains and water features supplied by privately owned water rights, unless restricted by the code of the applicable jurisdiction.

E. Other Outdoor Water Use Restrictions

1. Surface, Building, and Equipment Washing (excluding motor vehicles).

During No Drought, Drought Watch, and Drought Alert conditions, surface, building, and equipment washing will be prohibited, unless the water is discharged to a sanitary sewer through approved methods, or contained on site.

2. Personal Vehicle Washing
 - a. Under No Drought, personal vehicles may be washed upon residential properties with a leak free hose equipped with a positive shut-off nozzle and where water does not flow off the property for a continuous period of five minutes or greater.
 - b. Under Drought Watch and Drought Alert, washing of personal vehicles upon residential properties shall comply with all No Drought conditions and is limited to once per week, per vehicle.

3. Commercial Vehicle Washing

Commercial vehicles may only be washed at a commercial facility where water is discharged to the sanitary sewer through approved methods or, with the use of a high-pressure, low volume sprayer using less than ten (10) gallons per vehicle. There is no limitation on frequency.

F. Manmade Lake Provisions

During Drought Watch and Drought Alert all man-made lakes with over one acre of surface area shall pay the same rate as metered construction water, as defined by Section 8.6(e). Lakes that serve, in whole or part, as a functional reservoir for a golf course are included in the calculation of a golf course water budget.

G. Governmental Facility Provisions

1. Government facilities shall be subject to landscape water restrictions.
2. Government facilities shall be subject to District water rates and water waste fees.
3. During a Drought Watch and Drought Alert, government facilities with greater than five (5) acres of turf must conduct a self-assessment of water conservation potential and implement a plan to maximize outdoor water use efficiency.

