

ORDINANCE NO. 1682

AN ORDINANCE OF THE CITY OF BOULDER CITY AMENDING THE BOULDER CITY MUNICIPAL CODE TITLE 9 PUBLIC WAYS AND PROPERTY, CHAPTER 8 WATER UTILITY REGULATIONS, AND CHAPTER 14 BOULDER CITY WATER CONSERVATION PLAN, AND TITLE 5 BUILDING REGULATIONS, CHAPTER 6 SWIMMING POOL CODE TO MODIFY AND ESTABLISH ADDITIONAL RULES AND REGULATIONS REGARDING WATER CONSERVATION

THE CITY COUNCIL OF BOULDER CITY DO ORDAIN:

Section 1. The Boulder City Municipal Code, Title 9 Public Ways and Property, Chapter 8 Water Utility Regulations, and Chapter 14 Boulder City Water Conservation Plan, and Title 5 Building Regulations, Chapter 6 Swimming Pool Code is hereby amended as set forth on Exhibit A to Bill No. 1917 to modify and establish additional rules and regulations regarding water conservation.

Section 2. VALIDITY. Each section and each provision or requirement of any section of this ordinance shall be considered separable and the invalidity of any portion shall not affect the validity or enforceability of any other portion.

Section 3. PUBLICATION. This Ordinance shall become effective the 15th day of September, 2022

Section 4. EFFECTIVE. The City Clerk shall cause this Ordinance to be published in summary on the 26th day of August, 2022 in the Las Vegas Review Journal, a daily newspaper published in Las Vegas, Nevada.

DATED and APPROVED this 23rd day of August, 2022.


Kiernan McManus, Mayor

ATTEST:


Tami McKay, City Clerk

Bill No. 1917
Introduced by: Bridges

The foregoing Ordinance was first proposed and ready by title to the City Council on the 9th day of August, 2022, which was a regular meeting; thereafter, on the 23rd day of August, 2022, a regular meeting was held and the proposed Ordinance was adopted by the following vote:

VOTING AYE: McManus, Adams, Bridges, Fox, Jorgensen

VOTING NAY: None

ABSENT: None

DATED and APPROVED this 23rd day of August, 2022.


Kiernan McManus, Mayor

ATTEST:


Tami McKay, City Clerk

Title 9 – Chapter 8 WATER [UTILITY] UTILITY REGULATIONS

~~[9-8-17. WASTE OF WATER PROHIBITED.~~

A. ~~*Waste of Water Unlawful; Notice Of Violation.*~~ It shall be unlawful for any customer of the Boulder City water system to waste water within the city limits or those areas outside the corporate boundaries of Boulder City served by the Boulder City system[, after being served a notice of violation for wasting water from the same location or premises. Draining a spa or swimming pool is not considered wasting of water].

It is unlawful for any owner, occupant or manager of real property in the areas served by the Boulder City 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.

B. ~~*Definitions.*~~

~~CUSTOMER:~~ Any person who is an owner, occupant, manager or user of real property to which water is supplied by Boulder City's water system, any person who uses water supplied by Boulder City's water system, or any person who otherwise has the right or permission to utilize water provided by Boulder City's water system, but does not include any firefighting department or agency.

~~NOTICE OF VIOLATION:~~ 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.

~~SERVICE OF A NOTICE OF VIOLATION:~~

1. ~~Personal service upon a customer;~~
2. ~~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;~~
3. ~~Posting such notice upon the premises where the waste of water initiates; or~~
4. ~~Mailing a copy of such notice to the customer at the address as shown on the records of the Boulder City water system.~~

~~TO WASTE WATER:~~ The expenditure or application of water from Boulder City's water system that results in water:

1. ~~Flowing into any gutter, street, sidewalk, swale, or storm drain, in a steady stream of flow for a period of twenty (20) or more continuous minutes; or~~
2. ~~Collecting in pools or any depressed area in a public street, sidewalk, or right of way, to a depth of three inches (3") or more.~~

C. ~~*Second Notice Of Violation; Billing.*~~ If a customer continues to wastes water, a customer will be served a second notice of violation. If two (2) notices of violation are served within any thirty (30) day period, the customer will be billed for the wasted water at a rate as established by the city council until such time that the waste of water violation is corrected.]

~~[9-8-18. TURF LIMITATIONS].~~

~~[The use of turf/grass (that which is maintained by mowing) shall be limited as follows:~~

- A. ~~*Commercial/Industrial Districts.*~~ Limited to a maximum of twenty five percent (25%) of the total landscapable area.
- B. ~~*Public Facilities Districts.*~~ Limited to a maximum of twenty five percent (25%) of the total landscapable area, except for schools, parks and cemeteries. Recreation area shall meet the twenty five percent (25%) criteria outside of the turf area required by the designated activity.

- C. ~~*Golf Course Use.* Limited to approximately five (5) acres per hole, with a maximum twenty (20) additional acres for driving range. The total turf area, including golf course and driving range, shall not exceed one hundred twenty (120) acres for an eighteen (18) hole golf course development.~~
- D. ~~*Residential Districts.* The area of turf/grass within the yard of single family/two family residential lots shall not exceed fifty percent (50%) of the total landscapable area of the front and rear yard.~~
- E. ~~*Residential Districts (Multi-Family) Including Mobile Home/Manufactured Housing.* Limited to a maximum of thirty percent (30%) of the total landscapable area.~~
- F. ~~*Certificate Of Compliance.* A certificate of compliance stating the owner/occupant shall install turf/grass per this section, shall be signed by the property owner/occupant or contractor and submitted to the Boulder City community development office prior to occupancy of any structure (all other provisions of title 11, of this code, pertaining to landscape remain in effect).]~~

Title 5 – Chapter 6 – SWIMMING POOL CODE

[5-6-4. EFFECTIVE DATE.

This chapter shall be effective as of January 14, 2021. All applications for building permits prior to the effective date shall have the option, at the applicant's discretion, to apply for a building permit under this code or the 2018 ISPC.

{Ord. 1507, 8-27-2013, eff. 9-19-2013; Ord. 1649, exh. A, 7-14-2020, eff. 8-6-2020}

5-6-4. POOL SIZE LIMITS.

Effective January 1, 2023, all newly constructed swimming pools must meet the following condition: the combined total surface area of all pools, spas and/or outdoor water features at a single-family residential property cannot exceed 600 square feet in surface area.

5-6-5. SEWER CLEANOUT.

Sewer cleanout must be identified on the property for the future draining of swimming pool water for new swimming pool installations.

Chapter 14 BOULDER CITY WATER CONSERVATION PLAN

9-14-1. GENERAL PROVISIONS.

- A. *Purpose And Policy.* This chapter is intended to establish measures to enhance the efficient use of water and to prevent and discourage the wasting of water in Boulder City. Conservation is an essential resource to help meet water needs **for the protection of public health, safety, and welfare.**
- B. *Scope.* The provisions of this chapter shall apply to all water services (i.e., recycled, raw, potable, and reclaimed, customers).
- C. *Administration.* Except as otherwise provided herein, the Utilities Director or designee, shall administer, implement and enforce the provisions of this chapter.
- ~~[D. *Enforcement.* Enforcement will be accomplished through water rates and water resource impact fees.]~~
- DE.** *Waivers.* There shall be no waivers or variances granted to the standards listed in this chapter. Such a request shall be considered a request to amend the requirements of this chapter and shall only be considered in accordance with the proper procedures.

9-14-2. DEFINITIONS.

BUREAU OF RECLAMATION (BOR): Is part of the U.S. Department of the Interior entrusted with the management of the Colorado River.

COMMUNITY USE RECREATIONAL TURF: Any private or public park facility with the following characteristics:

1. A turf-dominated, multi-purpose recreational area of at least two-acres but not less than 100 feet wide in any dimension.
2. Accessible to at least twenty-five dwelling units or households.

COMMON AREA: Area held in common by an established Homeowners Association

COMMUNITY GARDEN: Group of plots of land rented by individuals or groups to garden.

CUSTOMER: Any person who is an owner, occupant, manager or user of real property to which water is supplied by Boulder City's water system, any person who uses water supplied by Boulder City's water system, or any person who otherwise has the right or permission to utilize water provided by Boulder City's water system, but does not include any firefighting department or agency.

DIRECTOR: The Utilities Director.

MAN-MADE LAKE: Any body of water manufactured, created, or constructed by human beings.

NON-FUNCTIONAL TURF: An irrigated grass area not providing functional use. Areas of nonfunctional turf include, but are not limited to:

1. **Streetscape turf:** Grass located along public or private streets, streetscape sidewalks, driveways and parking lots, including turf within a community, park and business streetscape frontage areas, medians, and roundabouts.
2. **Frontage, courtyard, interior and building-adjacent turf:** Grass in front of, between, behind or otherwise adjacent to a building or buildings located on a property not zoned exclusively for single-family residence, including maintenance and common areas.

3. **Certain HOA-managed landscape areas: Turf managed by a homeowner association that does not provide a recreational benefit to the community or that otherwise does not qualify as functional turf, regardless of property zoning.**

NON-POTABLE WATER: Water not suitable for drinking.

ONE ACRE-FOOT OF WATER: Equivalent to 325,851 gallons of water.

POTABLE WATER: Water suitable for drinking.

RAW WATER: Water not suitable for human consumption without treatment.

RECLAIMED WATER: Municipal wastewater processed to reduce contaminants. Not suitable for human consumption.

SOUTHERN NEVADA WATER AUTHORITY (SNWA): An organization formed by local agencies with an inter-local agreement to address Southern Nevada's water needs on a regional basis.

SYRINGING: Process of applying small amounts of water to wet the turf canopy. Syringing cools the turf through evaporation of water from the leaf surface, which can help turf survive during mid-day stress periods.

TURF: The upper stratum of soil bound by grass and plant roots into a thick mat.

XERISCAPE: 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 turf grass landscaping. Can be referred to as water smart landscaping.

9-14-3. WASTE OF WATER GUIDELINES.

- A. ~~[Boulder City residents are subject to the following "Waste of Water Guidelines".]~~ **Except as otherwise provided in this Chapter the following conduct is considered Waste of Water prohibited by Section 9-14-5:**

- 1: ~~[It is unlawful for any owner, occupant, or manager of real property served by the City of Boulder City to waste water.]~~
 - [2]. ~~[It shall be deemed unlawful for]~~ **A person** ~~[anyone to]~~ **shall not** 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 proper ~~[A]~~ authority
 - 2[3]. Unless authorized by the City for a public purpose, a person shall not** allow~~[ing]~~ water to flow or spray directly into a public street, alley, or right-of-way, gutter or **similar** drain ~~[shall be prohibited]~~ **effective January 1, 2023.** ~~[for more than ten (10) minutes is prohibited.]~~
 - 3.[4]. A person shall not allow water to collect in pools or any depressed area in a public street, sidewalk, or right of way, to a depth of three inches (3") or more.**
- ~~[Where sewer receptacles are available, it is recommended that swimming pool water drainage from any filter, scum filter, scum gutter, overflow, or pool emptying line be discharged into the sewer.]~~
4. **A person shall follow the water schedule set forth in Section 9-14-7.**
 5. **Non-Functional Turf. As of January 1, 2027, Boulder City will not supply water to any customer who uses any portion of the water served by Boulder City for Non-Functional Turf without an approved waiver from the Southern Nevada Water Authority.**

9-14-4. RESPONSIBILITY OF WATER WASTE.

Any waste of water as set forth in this Chapter, together with proof that such waste originated at any **real property**, ~~[residence or place of business]~~, shall constitute, in evidence, a prima facie presumption that the owner,

occupant for the time being of such real property, ~~[residence or place of business]~~ [was] is responsible for such waste.

9-14-5. WASTE OF WATER PROHIBITED.

A. Waste of Water Unlawful. It shall be unlawful for any customer to waste water within the city limits or those areas outside the corporate boundaries of Boulder City served by the Boulder City system.

It is unlawful for any owner, occupant or manager of real property in the areas served by the Boulder City water system to allow a customer to waste water from such property.

9-14-6. NON-RESIDENTIAL TURF LIMITATIONS.

The installation of new turf (that which is maintained by mowing and/or irrigated by sprinklers or other irrigation means) in non-residential areas is strictly prohibited, except in schools, parks and cemeteries.

A. New turf installations in the allowable areas must be drought-tolerant warm season varieties, including without limitation, Bermuda, Fescue, Zoysia or Bentgrass

B. New turf installations must provide a recreational benefit to the community.

C. New turf installations in schools, parks and cemeteries must meet the following requirements:

a. Located at least 10 feet from a street;

b. Installed on slopes less than 25 percent;

c. Not installed within street medians or along streetscapes; and

d. Not installed at the entryways to parks, commercial sites, neighborhoods, or subdivisions.

9-14-7[5]. LANDSCAPE WATERING RESTRICTIONS (RESIDENTIAL).

A. Watering may only occur in accordance ~~[It is deemed unlawful to use water to irrigate exterior lawns, gardens, trees, grass, shrubbery, or other vegetation in variance]~~ with the following water schedule table:

[WATER SCHEDULE FOR SPRAY IRRIGATION]

| [Schedule] | {Watering Restrictions} |
|-----------------------------------|-------------------------|
| Winter (November - February) | Once per week |
| Spring (March - April) | Three days per week |
| Summer ¹ (May- August) | Any day except Sunday |
| Fall (September - October) | Three days per week |

Note:

1. Watering between the hours of 11 a.m. through 7 p.m. prohibited.

B. For the purpose of managing the water supply distribution system, specific watering days and/or schedules may be assigned by Boulder City Staff **following recommendations promulgated by the Southern Nevada Water Authority**, provided that all affected water users have been provided reasonable notification prior to implementation of the policy. ~~[If assigned watering schedules are in effect, it shall be unlawful to irrigate turf, gardens, trees shrubbery, or vegetation, except in compliance with the assigned days, dates times for the specific properties.]~~

C. Regions will be designated and winter watering days assigned as follows:

1. **Persons located in** Region A ~~[shall]~~ **may only** water on Monday

2. **Persons located in** Region B ~~[shall]~~ **may only** water on Tuesday

-
3. **Persons located in** Region C ~~[shall]~~ **may only** water on Wednesday
 4. **Persons located in** Region D ~~[shall]~~ **may only** water on Thursday
 5. **Persons located in** Region E ~~[shall]~~ **may only** water on Friday
 6. **Persons located in** Region F ~~[shall]~~ **may only** water on Saturday
- D. Spring/Fall (March/April and September/October) watering days assigned as follows:
1. A, C, E Monday, Wednesday, Friday
 2. B, D, F Tuesday, Thursday, Saturday
 3. **No person may water on** Sunday ~~[is a "free day" for all groups.]~~
- E. Community use recreational turf areas, public and private common use recreation turf will be permitted to water four times each 14 days or twice per week during the winter schedule.
- F. **It is deemed unlawful waste of water to use water to irrigate exterior lawns, gardens, trees, grass, shrubbery, or other vegetation in variance with the schedules set forth in this Chapter.**
- G. Exemptions to **water schedule** ~~[restrictions]~~.
1. Hand watering with hand held hose.
 2. Irrigation of new lawns or re-seeding of an existing lawn (annual), for a period of thirty days from the date of planting or installation.
 3. Drip and/or bubbler irrigation systems.
 4. ~~[Irrigation by licensed commercial gardens or plant nurseries].~~
 - ~~[5.] Landscape irrigation audits where the application rate and efficiency of an irrigation system is being tested. The technician must be present to observe the system performance.~~
 - ~~[6.] [Municipal operations or procedures that are necessary to protect the health, safety and welfare of the community.]~~
 - ~~[7.] [Golf courses shall be required to comply with water budgeting policies in lieu of specific water schedules].~~
- H. **For purposes of this Section, the term "water" when used as a verb or "watering" means to irrigate exterior lawns, gardens, trees, grass, shrubbery, or other vegetation.**

9-14-8[6]. RESIDENTIAL LANDSCAPE MATERIAL RESTRICTIONS.

~~[Landscape materials for [new]~~ **The installation of new turf (that which is maintained by mowing and/or irrigated by sprinklers or other irrigation means) upon a newly constructed residential property is strictly prohibited** ~~[residences shall be limited as described below].~~ In the case of building permits issued prior to the adoption of these restrictions, the development rules at the time of permitting shall apply.

- A. ~~[The following landscape material restrictions will apply.]~~

~~[1— Residential Landscape Restrictions]~~

- ~~[a.]~~ Single-family and multifamily homes are prohibited from installing new turf in common areas of residential neighborhoods. This restriction shall not apply to public or private community parks.

The installation of new turf is prohibited in residential front yards and the use of drought tolerant landscaping materials is encouraged in residential front yards.

[b For single family residential lots, the installation of new turf shall not exceed a maximum of five thousand square feet.]

2. ~~Non Residential Landscape Restrictions:~~

a. ~~The installation of new turf in non residential developments is prohibited. This provision shall not apply to community use recreational turf, parks, schools or cemeteries. [golf courses, or sports complexes].~~

B. [3]. 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 and approval. In any event, landscaping materials and designs may not be prohibited solely on the basis that they make use of water-efficient landscaping.

9-14-9[7]. [OTHER OUTDOOR] WATER USE [RESTRICTIONS] EXCEPTIONS.

The following conduct is not considered waste of water pursuant to this Chapter:

A. *Vehicle Washing.*

1. Washing of [personal] vehicles [upon residential properties] is limited to once per week per vehicle and requires a positive shut-off nozzle.
2. Commercial vehicles may 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 waste per vehicle.

B. *Swimming Pool Draining.* Draining a spa or swimming pool is not considered wasting of water. Where sewer receptacles are installed, a person shall discharge swimming pool water from any filter, scum filter, scum gutter, overflow, or pool emptying line into the sewer.

C. *Ordinary Maintenance.* Use of water to clean driveways, sidewalks, or household items.

D. *Emergency Use.* Use of water to mitigate an imminent threat to loss of life or property.

E. *Dust Control.* Use of water to comply with the Clark County Dust Control Permit requirements.

F. *Gardens and Commercial Plant Nurseries.* Irrigation by community gardens, licensed commercial gardens, or plant nurseries.

G. *City Necessity.* Municipal operations or procedures that are necessary to protect the health, safety and welfare of the community.

9-14-10[8]. WATER BUDGET FOR GOLF COURSES.

A. [Unless otherwise stipulated in existing agreements, private golf] **Golf** courses will be subject to water budgets, with appropriate surcharges applied to any water used over the budgeted amounts. These surcharges will be calculated on an annual basis, billed monthly after annual water budget is exceeded and will be in addition to the price paid for water as described in the table below.

TABLE 1

| | | | |
|----------------------|--------------------|--------------------|------------------|
| Percentage of budget | 101 to 120 percent | 121 to 140 percent | Over 140 percent |
|----------------------|--------------------|--------------------|------------------|

| | | | |
|--|---|---|---|
| Surcharge applied 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 |
|--|---|---|---|

B. ~~[Municipal-golf]~~ **Golf** courses will be water budgeted based upon acre-feet of water for each acre currently irrigated. Irrigated acreage will be calculated based on irrigated areas as determined from aerial photography and field verification. The irrigated acreage will include lakes and ponds existing within a golf course. Once measured the irrigated acreage shall remain fixed, this 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.]~~

~~[C. New golf courses shall be exempt from water budgeting for the first two years after seeding to establish turf. Each golf course shall be required to submit its own water use reduction plan. A description of water use reduction strategies and timelines for implementing those strategies are required in the plan.]~~

~~[Exemption.]~~ Man-made lakes, where all or part of the water is used in whole or in part, as a functional reservoir for a golf course shall be included in the calculation of a golf course water budget.

~~[9-14-9]. MAN-MADE LAKES PROVISIONS.~~

~~All man-made lakes shall pay Boulder City rates on all fill water.]~~

9-14-11[10]. OPERATION OF ORNAMENTAL FOUNTAINS AND WATER FEATURES.

Fountains and water features **larger than ten (10) square feet in surface area** utilizing potable or non-potable water provided by the water purveyor shall be prohibited. The following uses shall be exempt:

- A. Swimming Pools.
- B. Fountains and water features of less than twenty-five (25) square feet surface area **in place prior to October 1, 2022, and all fountains and water features in place prior to September 1, 2009** [at single-family residences]. Swimming pools are not considered water features.
- C. Man-made lakes, where all or part of the water is used in whole or in part, as a functional irrigation reservoir for a golf course.**
- ~~[C. 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. Such device must be turned off during high winds. Allowable uses including but not limited to:~~
 - ~~1. Irrigation reservoirs, such as for a golf course, park or cemetery;~~
 - ~~2. An engineered component of a heat exchanger for a cooling system;~~
 - ~~3. An interpretive feature of an educational exhibit.]~~
- D. 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. (E.g., timers on shut-off valves).
- ~~[E. Commercial fountains or water features vital to a core economic function of the region, as determined by the governing jurisdiction on a case-by-case basis in a process with input from the public, including but not limited to:~~
 - ~~1. Recreation water parks, both public and private.~~
 - ~~2. Water features integral or vital to an entertainment venue, such that substantial economic harm could be associated with discontinuation of use.]~~

E. [F]. Fountains or water features necessary to sustain aquatic animals, provided that the animal population has been actively and continuously managed within the water feature prior to 2003;

[G.— Fountains and water features in place prior to September 1, 2009.]

~~{Special Exemptions: The Public Works Director shall be vested with the authority to make exemptions to the provision of this chapter, when in the opinion of the Director; these exemptions protect the public health, safety and well-being of the purveyor's water system (i.e., hydrant flushing, valve testing and system maintenance). To be granted an exemption, the applicant must:~~

1. — Submit an application to Boulder City Public Works;
2. — Propose a modification to the property that will reduce consumptive demand by 20 times the estimated evaporative loss of the water feature, by participating in one of the following:
 - a. — Converting irrigated turfgrass upon the property to water efficient landscaping at a ratio of a minimum of 20 square feet converted for each square foot of water surface in the fountain or water feature;
 - b. — Reducing or eliminating an existing, compliant body of water upon the property that results in a net decrease in water surface area on the property;
 - c. — Supporting the regional water conservation program by paying a minimum of \$40 for each square foot of water surface in the fountain or water feature to the Southern Nevada Water Authority conservation program. }

9-14-12[11]. ENFORCEMENT.

~~{The Public Works Director shall adopt and maintain administrative procedures for the enforcement of water conservation. Water resource impact Fees will be assessed where applicable for non-compliance with the provisions set forth in this conservation chapter.}~~

- A. **Administrative Enforcement.** The Director or the Director's designee, may impose any and all administrative remedies herein for a violation of this Chapter. Such person has the authority and powers necessary to determine whether a violation exists and the authority to take appropriate action to gain compliance. These powers include the power to impose administrative fines, issue notices of violation, have the City take corrective action, issue notices and orders, order and conduct a hearing, inspect public and private property, and use any other administrative remedies that are available as set forth herein.
- B. **Warning Letter.** The Director or the Director's designee shall issue a warning letter notifying the customer of a violation of this Chapter prior to issuing a notice of violation as set forth in this Chapter.
- C. **Administrative Fine.**
 1. The City may impose administrative fines identified in the Administrative Fine Schedule set forth in Subsection D below for a violation of this Chapter by issuing a notice of violation and shall impose a fine(s) as outlined in this Chapter. Payment of an administrative fine shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the City.
 2. If an administrative fine amount is due and owed to the City and the person who owes the City that amount holds a City-issued license or City-issued permit, has applied for a City-issued license or City-issued permit, has requested a City inspection, is seeking renewal or transfer of a City-issued license or City-issued permit or is seeking a City approval, the City may take one or more of the following actions until that person pays the City the amount owed:
 - a. Revoke the City-issued license and/or City-issued permit;

- b. Deny, or condition the City's approval of, that person's application for the City-issued license and/or City-issued permit;
 - c. Refuse to schedule or perform the City inspection;
 - d. Deny, or condition the City's approval of, a renewal or transfer of the City-issued license or City-issued permit; or
 - e. Refuse to provide, or impose conditions on, the City approval being sought.
3. The City shall utilize the proceeds from any administrative fine assessed pursuant to this Chapter for water conservation purposes, including without limitation turf rebate programs for customers, smart irrigation meters, and water efficient irrigation systems.

D. Administrative Fine Schedule

| Meter Size | 1st Violation | 2nd Violation | 3rd Violation | 4th Violation | 5 th <u>or more</u> Violation |
|----------------|---------------|---------------|---------------|---------------|--|
| 1" or less | \$75.00 | \$125.00 | \$200.00 | \$300.00 | \$600.00 |
| 1" - 3" | \$75.00 | \$125.00 | \$250.00 | \$500.00 | \$1,000.00 |
| 3" and Greater | \$150.00 | \$300.00 | \$500.00 | \$1,000.00 | \$2,000.00 |

E. Termination of service. If a customer fails to pay for water utility services or fines assessed after a final order as defined in Section 9-14-14 is issued, the City may shut off, stop, prevent turn-on of utility service and any associated equipment and otherwise terminate water, wastewater, reclaimed and/or raw water service without the customer's permission. The City is not obligated to resume or re-establish service until after all violations are corrected to the Director's satisfaction, all delinquent fees, rates and charges are paid to the city and all administrative fine amounts due and owed to the city are paid.

F. Notice of Violation.

1. The City must issue a notice of violation to the customer. The notice of violation must contain, at a minimum, the following information:
 - a. The name and address (if known) of the person or customer responsible for the violation (referred to as the "person cited");
 - b. A brief description of the violation(s) and a reference to the applicable ordinance or code citation(s);
 - c. The location, date and (when known) time of the violation;
 - d. Where appropriate, the action required to correct the violation(s) and the deadline by when the violation(s) must be corrected;
 - e. The name of the person issuing the notice of violation;
 - f. The amount of the administrative fine(s) imposed for the violation(s) if not corrected by the stated deadline; and
 - g. Information advising of the manner and time for responding to the notice of violation.
2. The notice of violation may be issued by any peace officer employed by the City or by an enforcement official. Any notice of violation issued pursuant to this Section shall constitute a declaration that is subject to the penalty of perjury.
3. An original notice of violation, or a copy thereof, must be filed with and retained by the department. A notice of violation is prima facie evidence of the facts that are alleged therein. The City must deliver the notice of violation personally or by registered or certified mail, return receipt

requested to the person cited, the property owner (if the person cited is a user and not the owner of the property and the violation relates to utility services at the property) and, if the person cited is an entity, to an officer, key employee, manager in charge, or registered agent of that entity. That notice of violation will be deemed to have been received by the person to whom it was addressed on the date of delivery if delivered personally or by mail or the date of the last delivery attempt if delivered by mail and delivery was unsuccessful.

4. The property owner or person cited must respond to a notice of violation within the time prescribed in that notice in one of the following ways:
- a. Admit responsibility for the commission of the violation and liability by paying the amount of any administrative fines, and correcting the violation; or
 - b. Dispute the notice of violation by requesting a hearing within 30 calendar days from the delivery of the notice of violation. A hearing may be requested in writing on a form provided by the City.

5. Hearings

- a. Upon receipt of a request for a Hearing, or upon the City's own initiative, the City shall issue a notice of hearing that specifies the date, time, and place for the administrative hearing. The City must deliver the notice personally or by registered or certified mail, return receipt requested to the person cited, the property owner (if the person cited is a user and not the owner of the property and the violation relates to utility services at the property) and, if the person cited is an entity, on an officer, key employee, manager in charge, or registered agent of that entity. That notice of hearing will be deemed to have been received by the person to whom it was addressed on the date of delivery if delivered personally or by mail or the date of the last delivery attempt if delivered by mail and delivery was unsuccessful. The Department may continue the hearing to a different date and/or time at the request of a party if the Director determines good cause for the continuance exists.
- b. The Director, or the Director's designee, is hereby designated as the presiding officer for each hearing conducted in accordance with this Chapter.
- c. The City has the burden of proof to show that a violation occurred by a preponderance of the evidence.
- d. The City, the person cited, or the property owner may present evidence and call witnesses.
- e. The Director or the Director's designee must issue a decision upholding the violation, modifying the notice of violation, or dismissing the violation within 30 calendar days from the date of the hearing.

9-14-13[12]. APPEALS FOR RECONSIDERATION.

Any User, permit applicant, permit holder, property owner, occupant, or responsible party affected by any decision, action or determination, including any enforcement action made by the City of Boulder 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 designee within ten days of the Director's decision following a hearing [of such action], setting forth in detail the facts supporting the user's request for appeal. Such appeal will be decided upon the record made at the hearing and reviewed by the City Manager.

The decision of the City Manager ~~Director or designee~~ shall be rendered within 30 ~~10~~ days of the receipt of the request for appeal. ~~date of the hearing of the appeal.~~ Such decision shall be deemed to be the final administrative ~~action on such appeal.~~

9-14-14 FINAL ORDER.

The following are hereby declared and deemed a final order with all unpaid amounts, if any, deemed immediately due and payable to the City by the person cited:

- A. If the person cited does not respond by the date specified in the notice of violation or within 60 days of the date of delivery of the notice of violation, whichever is later, the notice of violation is deemed a final order.**
- B. If a hearing is requested and conducted, and the Director's decision is not appealed within ten calendar days of the decision, the Director's decision is deemed a final order.**
- C. The decision of the City Manager upon appeal.**

9-14-15 CIVIL LITIGATION.

- A. *Civil litigation.* The City Attorney may file an action in a court of competent jurisdiction to seek correction of a violation(s) of this Chapter by seeking declaratory or injunctive relief, payment of administrative fines, restitution for corrective action(s) taken by the City, and any other appropriate relief.**

~~9-14-143. LEGALITY OF THE BOULDER CITY CONSERVATION ORDINANCE.~~

The City Council of the City of Boulder City has been informed by its legal department as to the constitutionality of this chapter, and based upon such information, it is adopting this chapter in good faith with reasonable belief that the actions taken by the City of Boulder City are not in violation of any rights, privileges, or immunities secured by the Constitution or by laws providing for equal rights of citizens or persons.]

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

**CITY OF BOULDER CITY CLERK
401 CALIFORNIA AVE
BOULDER CITY NV 89005-2600**

**Account # 20713
Ad Number 0001202879**

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/12/2022 to 08/12/2022, on the following days:

08 / 12 / 22

NOTICE OF FILING

Notice is hereby given that the following proposed ordinance was introduced by the City Council at the August 9, 2022 City Council meeting, and that a copy of such ordinance was filed with the City Clerk on the 9th day of August, 2022 for public examination.

Bill No. 1917
Introduced by:
Council member Bridges

"AN ORDINANCE OF THE CITY OF BOULDER CITY, NEVADA, AMENDING THE BOULDER CITY MUNICIPAL CODE TITLE 9 PUBLIC WAYS AND PROPERTY, CHAPTER 8 WATER UTILITY REGULATIONS, AND CHAPTER 14 BOULDER CITY WATER CONSERVATION PLAN, AND TITLE 5 BUILDING REGULATIONS, CHAPTER 6 SWIMMING POOL CODE TO MODIFY AND ESTABLISH ADDITIONAL RULES AND REGULATIONS REGARDING WATER CONSERVATION"

Notice is hereby further given that action on the proposed ordinance, or the ordinance as amended, will be taken at a regular meeting of the City Council of Boulder City, Nevada, at 5:00 p.m. on the 23rd day of August, 2022 at the Council Chambers, City Hall, Boulder City, Nevada

Dated this 9th day of August, 2022.

/s/Tami McKay
Tami McKay, City Clerk

PUB: Aug. 12, 2022
LV Review-Journal

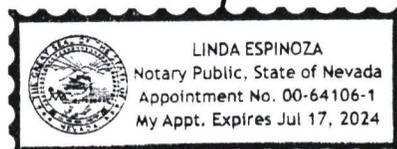
IS/

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 12th day of August, 2022

Notary

Linda Espinoza



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

**CITY OF BOULDER CITY CLERK
401 CALIFORNIA AVE
BOULDER CITY NV 89005-2600**

**Account # 20713
Ad Number 0001204865**

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/26/2022 to 08/26/2022, on the following days:

08 / 26 / 22

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the following ordinance of the City of Boulder City, Nevada was introduced on August 9, 2022, and read by title. On August 23, 2022, Bill No. 1917 was considered by the City Council and adopted as the following Ordinance Number:

ORDINANCE NO. 1682 Introduced by: Council member Bridges

Effective September 15, 2022

"Bill No. 1917, an Ordinance of the City of Boulder City, Nevada, amending the Boulder City Municipal Code Title 9 Public Ways and Property, Chapter 8 Water Utility Regulations, and Chapter 14 Boulder City Water Conservation Plan, and Title 5 Building Regulations, Chapter 6 Swimming Pool Code to modify and establish additional rules and regulations regarding water conservation"

Motion to adopt Ordinance No. 1682 was made by Council member Bridges; seconded by Council member Adams; and approved by the following vote:

YEA: McManus, Adams, Bridges, Fox, Jorgensen
NAY: None
ABSENT: None

Dated this 23d day of August, 2022

/s/ Tami McKay
Tami McKay, City Clerk

PUB: August 26, 2022
LV Review-Journal

/s/

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 26th day of August, 2022

Notary

Linda Espinoza

