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30.32 Permits and Licenses

30.32.010 Purpose.

a. The purpose of this Chapter is to provide means for the acceptance, processing and final action of various permits and licenses necessary to establish uses and structures.

b. Permits and licenses may be issued if in conformance with this code. Any permit or license issued in conflict with this Title shall be void.

c. It is unlawful to commence any use, or any work for the erection, construction, reconstruction, moving, conversion, alteration, demolition, excavating, grading, right of way improvement, or addition upon any property, or within a right-of-way, until all applicable permits and licenses have been obtained.

d. These requirements are also intended to ensure that off-site improvements meet proper standards, do not unnecessarily obstruct streets and other rights-of-way, and promote the general prosperity, health, safety, and welfare of the public.

e. Structures and premises shall be maintained consistent with the approved plans. Any change of use shall be permitted subject to conformance to this Title and the issuance of licenses when applicable.

30.32.020 Business Licenses. No business license may be issued for any purpose until all required land use applications have been approved. A business license for each separate use as required by Titles 6, 7, and 8 of the Clark County Code shall be issued by the Director of Business License, only if in compliance with this Title, who shall ensure conformance to this Title prior to the approval of the license.

30.32.030 Building Permits. (Grading permits may be issued independently per Section 30.32.040).

a. No building permit shall be issued for any purpose until all required land use applications have been approved and, the property is a legal lot or, when applicable, required subdivision maps have been recorded, and compliance with hillside regulations has been confirmed, if applicable and as required by this Title, except as expressly permitted.

b. The Building Official shall ensure that permits are issued and structures are constructed only in accordance with this Title. Prior to the issuance of a certificate of occupancy, the Building Official shall verify that all applicable on-site improvements under his/her authority meet the requirements of this Title. The Building Official shall require any plans, such as site, elevations, landscape plans,

and any documentation necessary, including information regarding neighboring lots, which may be necessary to determine and provide for the enforcement of this Title.

c. Building permits shall not be issued for any single-family residence on a lot which abuts a street on which off-site improvements have not been completed or off-site agreements and deed restrictions have not been executed by the property owner.

d. No building permit shall be issued for any building, or structure, on a lot from which insufficient dedication has been secured per Section 30.52.030.

e. No building permit shall be issued for any building, or structure, other than a single-family residence, on a lot which abuts a street on which off-site improvements per Chapter 30.52 have not been completed adjacent to the property, or bonds posted for the improvements per 30.32.150, in accordance with the specifications of the Clark County Department of Public Works. Off-site improvements need not be required in the case of a building permit for which the estimated valuation is less than ten thousand dollars ($10,000) or unless waived per Chapter 30.52.120.

f. A building permit for each separate building and/or structure shall be secured from the Building Official of the County by the owner, or his agent, in accordance with the provisions of Title 22 of the Clark County Code.

g. For commercial projects, no permanent public certificate of occupancy shall be issued until the traffic impact analysis and the improvement plans are approved by the County, the required participation agreements executed and the required improvements are permitted, constructed and accepted by the Director of ~~[Public Works]~~ Development Services. (See 30.32.170, Off-site Improvement Phasing for Commercial Projects)

h. Prior to the issuance of a certificate of occupancy for non-residential development, a certificate of compliance signed by the property owner or the landscape contractor shall be submitted certifying that all required landscaping and screening has been installed in accordance with Chapter 30.64, except as provided in subsection 30.64.030 (w).

i. Prior to the issuance of permits for swimming pools, bodies of water, manmade lakes, water theme parks, and/or decorative water features in conjunction with a resort hotel with a surface area which exceeds the restrictions listed under Chapter 30.64, the Building Official shall ensure that the requirements of the water purveyor have been met. (Ord. 2769 § 72, 7/2002; Ord. 2573 § 6 (part), 2001)

30.32.040 Grading Permits. Unless utilized for agricultural purposes within Community District 5 as designated by Section 30.12.060 of this Title, or site stabilization for disturbed soils, land shall not be disturbed, which includes clearing vegetation, rough grading, stockpiling, or altering the natural ground surface or its elevation, until either a grading permit, conditional grading permit, or an off-site permit has been issued by Clark County in accordance with all of the following: (NOTE: A temporary stormwater permit for construction activities should be obtained through the Nevada Division of Environmental Protection and stockpiling permits must be obtained through the Clark County Building Department. Projects within hillside development must submit a design review as a public hearing prior to any grading.)

a. 1. A final map technical review has been submitted for a major subdivision, a minor subdivision is approved but need not be recorded, or a complete building permit application has been accepted by the Building Official for a proposed building or structure, providing that the area to be graded is commensurate with the subdivision, building, structure, or complex being constructed including accessory buildings and structures, such as commercial pad sites within a shopping center.

2. A land use application has been approved pursuant to Chapter 30.16 of this Title (Land Use Application Processing) when required for the proposed use.

3. A drainage impact analysis is approved, if required.

4. A grading plan is approved.

5. Improvement plans required under Chapter 30.52 (Off-Site Development Requirements) have been reviewed and a bond estimate approved, when applicable.

6. When applicable, a bond is posted in accordance with Section 30.32.150 for the construction and installation of required off-site improvements, which may be based on an estimate calculated from the improvement plans required under subsection 30.32.030(g).

7. ~~[Any area which has been graded, but where subsequent development has been delayed, shall be protected from further disturbance until development occurs in accordance with the requirements of the Chief Officer of the Clark County Health District, including the installation of fencing around the area if required.]~~ A Dust Control Permit from the Department of Air Quality Management is required if grading or soil disturbing activities exceed one quarter acre or if trenching exceeds one hundred feet in length.

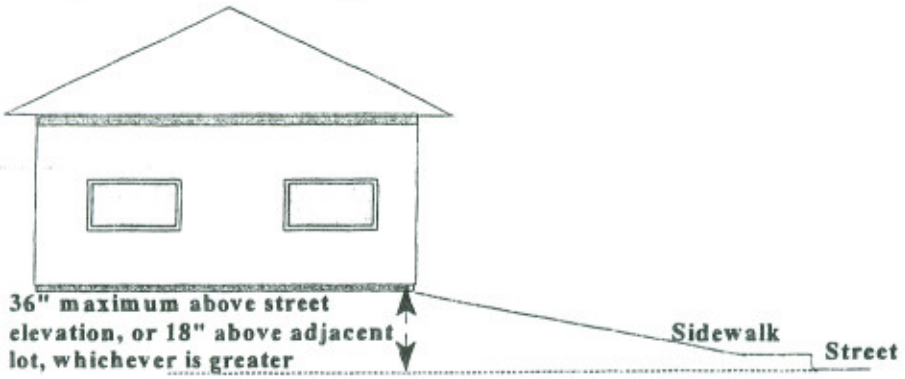
8. [~~A dust control permit for construction activities, including grading and trenching, or site stabilization for disturbed soils, is obtained from the Clark County Health District if required.~~] If there is an interval of 30 days or longer between grading and continuing construction activity, or if construction activity ceases for a 30-day period for any reason, then long-term soil stabilization is required. Long-term soil stabilization consists of the application and maintenance of a dust pallative; gravel; landscaping; or the development of a strong soil crust combined with fencing or some other means of controlling site access. Merely watering the soil to develop a crust is not generally sufficient for long-term stabilization. The Manager of the Department of Air Quality shall determine whether a specific treatment constitutes long-term treatment.

9. [~~A mitigation plan detailing steps to be taken to control fugitive dust if the proposed construction is delayed for any reason after grading is provided, consistent with any Clark County State Implementation Plan for Air Quality.~~

~~10.~~]The area to be graded shall not exceed the area encompassed within the drainage impact analysis, final map technical review, minor subdivision or improvement plans, whichever covers the smallest area of land, except that where necessary to accommodate the construction of the on-site improvements, permits for grading and grading related improvements may be approved outside the development sufficient to balance the site. An offsite grading plan depicting cts and fills necessary to balance the site must be submitted and approved by the Director of [~~Public Works~~] Development Services.

[~~11.~~]10. Unless the natural slope of the lot exceeds twelve percent (12%), the finished grade for the construction of any structure within one hundred (100) feet of the property line of a residential use shall not be established in excess of eighteen (18) inches above the grade of any lot or parcel adjacent to the structure (height to be measured at the highest elevation on the[~~common~~] property line[~~of the lowest adjacent lot or lots~~] closest to the building) unless required to do so by any provision of the Clark County Code or condition of any land use approval, and then the maximum grade shall not exceed eighteen (18) inches above that required by this Title or condition of land use approval. These requirements do not apply to lots interior to an approved subdivision under the same ownership. For the purpose of this subsection, the structure shall not include a floor established below grade. (Ord. 2769 § 73, 7/2002)

Figure 30.32-1 - Artificial grade



[~~12.~~]11. If the land to be graded includes property designated for public purposes by public ownership or easement but intended for private use, a vacation and abandonment shall be approved by all government and utility entities with an interest in the right-of-way or easement, but need not be recorded if a signed, notarized statement releasing Clark County of any liability for damage to any public or utility improvement within the right-of-way or easement to be vacated is provided.

[~~13.~~]12. Permits for grading may include permits for grading related improvements including, but not limited to, retaining walls, flood walls and drainage channels.

[~~14.~~]13. When the lot is subject to the hillside regulations shown in Chapter 30.56, the grading plans shall clearly identify the area and percentage of the lot to be disturbed. Where natural areas are designated, temporary fencing shall be installed where they abut construction areas in order to prevent encroachment into the natural areas.

[~~15.~~]14. Prior to any disturbance of any land, including rough grading, grubbing, or stockpiling, the applicant shall pay a Tortoise habitat conservation mitigation fee as required by Chapter 30.80 which cannot be waived and must be paid prior to the issuance of a grading permit per the following.

A. The purpose of this fee is to:

i. To provide money to fund conservation actions within Clark County to protect various habitats and species located within the County.

ii. To comply with the terms of the Desert Conservation Plan and the Tortoise Habitat Conservation Plan, which have been approved and adopted by the Board.

iii. To comply with Section 10(a) Permits issued by the United States Fish and Wildlife Service to the County, pursuant to the Federal Endangered Species Act (16 U.S.C.1531 et.seq.), which allow various species located within Clark County to be legally taken in connection with otherwise lawful activities.

B. All applicants for grading, building or off-site permits shall, prior to issuance thereof, complete a Plan Land Disturbance Report on the forms furnished by each Clark County Department which issues such permits. The Land Disturbance Report must be complete, signed by the applicant for the such permit and contain, at a minimum, the following information.

i. The Assessor's parcel number.

ii. The number of acres within the parcel and the area disturbed by related offsite improvements.

iii. The amount of mitigation fees actually paid.

iv. A fee shall be required, as specified in Chapter 30.80.

[~~16.~~]15. For additional grading requirements see hillside development regulations in Chapter 30.56.

b. Any request for a waiver of standards for premature grading shall be [~~presented directly to the Board as a public hearing. A dust mitigation plan approved by the government entity responsible for air quality shall be submitted prior to public hearing. This plan shall include~~] approved only if the Department of Air Quality Management approves a dust mitigation plan prior to Commission action which includes steps to guarantee that dust control is maintained in the event that the proposed construction is not completed. This condition cannot be waived or varied. (Ord. 2673 § 2, 2001; Ord. 2573 § 6 (part), 2001; Ord. 2510 § 7 (part), 2000)

30.32.050 ~~Incidental Take Permit of Tortoise During Grading.~~

~~a. All persons who comply with the provisions of this Title are hereby permitted to incidentally take any species for which the United States Fish and Wildlife Service has issued its Section 10(a) Permit to the County, so long as such person has complied, and continues to comply, with the provisions of the Desert Conservation Plan, the Tortoise Habitat Conservation Plan and the Section 10(a) Permits issued to the County in connection with such plans as they now exist or may hereinafter be amended. The Desert Conservation Plan and the Tortoise Habitat Conservation Plan are on file with the Clark County Department of Comprehensive Planning.~~

~~b. All persons which are not required to pay a mitigation fee pursuant to the terms of this Chapter, but which otherwise comply with the provisions of the Desert Conservation Plan, the Tortoise Habitat Conservation Plan and the Section 10(a) Permits issued to the County in connection with such plans, as they now exist or may hereafter be amended, are hereby permitted to incidentally take any species covered by the Tortoise Habitat Conservation Plan and for which the United States Fish and Wildlife Service has issued it Section 10(a) Permit(s) to the County.~~

~~c. Permission to incidentally take any species shall be immediately revoked in the event such person ceases to be in compliance with the provisions of subsections (a) or (b) above.~~

Incidental Take Permit: Compliance with Endangered Species Act.

a. All applicants for Land Disturbance Permits shall, prior to issuance thereof, complete a Land Disturbance Report on the forms furnished by each Clark County

department which issues Land Disturbance Permits. The Land Disturbance Report must be complete, signed by the applicant for the Land Disturbance Permit and contain at a minimum, the following information: The assessor's parcel number, the number of acres within the Parcel and the area disturbed by related offsite improvements and the amount of MSHCP Mitigation Fees actually paid.

b. Compliance with Ordinance and Endangered Species Act

1. All persons, firms or entities located within Clark County which engage in any activity covered pursuant to the Clark County Multiple Species Habitat Conservation Plan, including but not limited to residential and commercial development, agriculture, mining, grazing and off highway vehicle activities shall comply with the provisions of this Chapter, the Clark County Multiple Species Habitat Conservation Plan, its corresponding Implementing Agreement, and the Section 10(a) Permit issued by the United States Fish and Wildlife Service, all of which are on file with the Clark County Comprehensive Planning Department.

2. All persons, firms or entities, their agents and employees, which comply with the provisions of this Chapter are hereby permitted to incidentally take any species for which the United States Fish and Wildlife Service has issued its Section 10(a) Permit to the County so long as such person, firm or entity has complied and continues to comply with the provisions of the Clark County Multiple Species Habitat Conservation Plan, its corresponding Implementing Agreement and the Section 10(a) Permits issued to the County in connection with such Plan.

3. All persons, firms or entities which are not required to pay a MSHCP Mitigation Fee pursuant to the terms of this Chapter, but which are otherwise in compliance with the provisions of the Clark County Multiple Species Habitat Conservation Plan, its corresponding Implementing Agreement and the Section 10(a) Permit issued to the County in connection with such Plan are hereby permitted to incidentally take any species covered by the Multiple Species Habitat Conservation Plan and for which the United States Fish and Wildlife Service has issued its Section 10(a) Permit(s) to the County.

4. Permission to incidentally take any species shall be immediately revoked, without further action or notice, in the event such person, firm or entity ceases to be in compliance with subsections 1,2 or 3 above. (Ord. 2602 § 2, 2001)

30.32.060 Technical Impact Analysis. Any technical impact analysis required by this Title, or as a condition of the approval of any application, shall be prepared by a Nevada licensed professional engineer, submitted, and approved before the submittal of the completed map or prior to the issuance of building permits for the improvement. Complete and accurate technical impact analyses shall be submitted to the Director of

[~~Public Works~~] Development Services for conditional acceptance prior to the submission of a final map technical review.

1. **Conditional Acceptance.**

   A. The Director of [~~Public Works~~] Development Services shall review any required technical impact analysis to determine that the impact analysis is complete and accurate enough to ensure that the design of the proposed subdivision or development will not conflict with the goals of the technical impact analysis.

   B. When the preparer resubmits the impact analysis in a form acceptable to the Director of [~~Public Works~~] Development Services, the Director shall conditionally accept the impact analysis. The Director's conditional acceptance affirms the impact analysis is complete and accurate enough to ensure that the design of the proposed subdivision or development will not conflict with the findings of the impact analysis.

   C. If it is determined at any time in the process that the technical impact analysis is incomplete, inaccurate or has not adequately addressed outstanding issues, the impact analysis will be returned to the preparer for re-submission in an acceptable form.

2. **Notice.** Upon conditional acceptance of all required impact analyses, a notice will be prepared and provided to the preparer and/or developer indicating that a technical review can be submitted in accordance with Chapter 30.28. Any developer aggrieved by the conditions imposed as a result of this review may appeal the results by filing a waiver of standards per Table 30.16-7, which need not be a public hearing.

3. **Final Approval.** No technical impact analysis shall be approved unless the developer demonstrates that compliance with the impact analysis will mitigate the impact of the development on adjacent and downstream properties. (Ord. 2769 § 74, 7/2002)

30.32.070 Right-of-Way Permit. A right-of-way permit shall be obtained [~~from the Director of Public Works~~] for any improvements within a right-of-way or public easement in accordance with the following.

1. An off-site permit shall be issued for the purposes of constructing any major new improvements when:

   A. The improvement plans and technical impact analyses for the proposed work have been reviewed and approved [~~by the Director of Public Works~~].

   B. All necessary fees have been paid and bonds and agreements have been executed in accordance with this Chapter (30.32) and Chapter 30.80 of this

C. A grading permit is issued for the on-site grading of the project, if applicable.

D. The final map, if required, has received final approval per Table 30.28.3.

2. An encroachment permit shall be issued for the purposes of minor reconstruction, modification or maintenance of existing improvements, the installation of new utility facilities, or any other minor encroachment approved by the Director of [~~Public Works~~] Development Services within two (2) working days when:

A. The applicant has completed an application for a permit on the forms provided [~~by the Director of Public Works~~] and has submitted all plans, engineering calculations and other data that is required and applicant has agreed, in writing, to comply with all conditions as stated on that permit.

B. The applicant is the owner, utility company, contractor or other individual who is properly licensed for performance of work within public right-of-way.

C. The plans for the proposed work, including a construction traffic control plan in accordance with Section 30.32.140(c) of this Title, have been reviewed and approved [~~by the Director of Public Works~~].

D. All necessary fees and deposits have been made in accordance with this Chapter (30.32) and Chapter 30.80.

E. The applicant is not currently in default on an existing permit. If an applicant is currently in default, the application will be denied until final resolution of the defaulted permit, either by completing the work or, in the event the County has already completed the work, reimbursing the County for costs incurred exceeding the deposits posted in accordance with this Chapter (30.32) of this Title.

3. If an emergency arises, necessitating immediate work within the right-of-way during the hours when the [~~Director of Public Works~~] Development Services Department is not open for business, notification shall be made to the Las Vegas Metropolitan Police Department and Clark County Fire Department, prior to commencement of work, giving the location, time and the extent thereof. An application for an encroachment permit shall be submitted to the Director of [~~Public Works~~] Development Services on the following business day, whether the emergency work has been completed or not. The permit shall be granted if the applicant complies with the provisions of this Chapter (30.32) of this Title.

4. Whenever any work, with the exception of emergency work per subsection (3) above, for which a permit is required by this code has been commenced without first obtaining said permit, or exceeding the scope of a valid permit, an investigation shall be made before a permit may be issued for such work. A right-of-way permit violation fee per Chapter 30.80 of this Title, shall be collected in

addition to all other applicable fees prior to issuance of a permit. The payment of such permit violation fee shall not exempt any person from compliance with all other provisions of this Title or the technical codes nor from any penalty described by law.

5. Prior to issuance of an encroachment permit or prior to commencement of construction for an offsite permit, a traffic control plan must be submitted and approved [~~by the Director of Public Works~~] to ensure that the work will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the ingress and egress from the affected or adjacent properties and rights-of-way. The Traffic Control Plan shall conform to the "Manual on Uniform Traffic Control Devices, Latest Edition" and the manual entitled "Nevada Work Zone Traffic Control Handbook, Latest Edition."

6. Any proposed utility line not shown to be underground shall not be approved unless the Zoning Administrator approves the installation following the approval of a waiver of standards as required by Table 30.16-7, which need not be a public hearing. (Ord. 2769 § 75, 7/2002)

30.32.080 Improvement Plans.

a. **Standard Drawings and Specifications.** Improvements within a public or private right-of-way/easement shall be constructed in accordance with the "Uniform Standard Drawings for Public Works Construction Off-Site Improvements, Clark County Area, Nevada" and "Uniform Standard Specifications For Public Works Construction Off-Site Improvements, Clark County Area, Nevada" and appendices, current edition or as amended, and on file for public review at the County Clerk's Office and at the Clark County Regional Transportation Commission of Southern Nevada office, as modified by:

   1. "Clark County Supplement to Uniform Standard Drawings and Specifications" and appendices, current edition or as amended, and on file for public review at the County Clerk's Office and at the office of the Director of Public Works and Director of Development Services.

   2. "Minimum Road Design Standards for Non-Urban Roadways" and appendices, current edition or as amended from time to time, and on file for public review at the County Clerk's Office and at the office of the Director of Public Works and Director of Development Services.

   3. Improvements shall also be constructed in accordance with Subsection 30.52.050(b) (Drainage Regulations, Criteria and Design Manual) and Subsection 30.32.170(5) (Traffic Impact Analysis and Design of Required Improvements) of this Title.

b. Improvement Plan Submittal, Review and Approval.

1. The developer, or representative, shall submit to the Director of [~~Public Works~~] Development Services:

   A. Four (4) copies of the improvement plans. The plans, profiles, cross sections and specifications shall be in accordance with this Title and any conditions imposed by the Commission or Board.

   B. An improvement plan review fee in accordance with Chapter 30.80 of this Title.

2. The [~~Director of Public Works~~] plans shall be reviewed [~~the plans~~] to determine whether they are complete and accurate in accordance with this Title, any conditions imposed by the Commission or Board, and in compliance with any required and approved technical impact analyses.

3. If the plans are not complete and accurate, the Director of [~~Public Works~~] Development Services shall provide information to the applicant's engineer detailing the necessary corrections to be made. Applicant's engineer shall resubmit the following to the Director of [~~Public Works~~] Development Services together with the required inspection fees:

   A. Corrected subdivision map: two (2) copies.

   B. Corrected street plans and profiles: original.

   C. Corrected sewer plans and profiles: original.

   D. Corrected street lighting plan: original.

   E. Corrected water plan: original.

4. When the Director of [~~Public Works~~] Development Services is satisfied as to the technical correctness of the improvement plans submitted for a subdivision map, he shall transmit his approval to the Zoning Administrator.

5. The original mylars for the improvement plans, which shall remain on file with the County, shall be signed as approved by the Director of [~~Public Works~~] Development Services when bonds are posted, fees are paid, the plans, profiles, cross sections and specifications for improvements meet the requirements of this Title, all special requirements that have been required by the Commission and the Board have been met, and all applicable agency approvals have been obtained.

6. Approval by other entities, as required, shall be either indicated by letter or on the plans and profiles retained by the Director of [~~Public Works~~] Development Services or the applicable agencies, departments or districts.

7. Any changes from the approved plans deemed necessary during the construction and installation of improvements shall be approved by the Director of [~~Public Works~~] Development Services and, where publicly funded projects are impacted, the applicable agency. If plans are revised, plans and fees in accordance with Chapter 30.80 of this Title shall be submitted [~~to the Director of Public Works~~] prior to acceptance of the revised development improvements. (Ord. 2769 § 76, 7/2002)

30.32.090 Utility Improvement Plans, Submittal and Review. The developer and the utility companies are responsible for complying with the requirements of this chapter, and the developer shall make the necessary arrangements with the utility companies involved for the design plans and for the installation of said utility lines. It shall be the responsibility of the property owner to provide utility easements as may be required.

1. **Overhead Utility Permit.** Following the approval of a waiver of standards or variance to establish overhead utilities, if required, utility companies requesting approval for the installation of overhead utility lines shall be required to submit two copies of a plan to the Zoning Administrator showing the following:

   A. The distribution systems proposed to be installed;

   B. Location of all existing facilities, existing or proposed sources of power and the location of any street intersections;

   C. The location of any existing or proposed rights-of-way and/or easements;

   D. The assessor's parcel number for the starting point of the extension; and

   E. A legend which includes, at a minimum, standard symbols or notations of existing utilities, including locations of poles and easements.

2. **Review process.** Approval by the Zoning Administrator is required prior to construction or installation of overhead utilities.

   A. The Zoning Administrator shall review the plan for compliance with the provisions of the Clark County Code, then forward the approved plans to the Director of [~~Public Works~~] Development Services.

   B. The Director of [~~Public Works~~] Development Services shall ensure that overhead utilities shall not be installed without plans for such approved by the Zoning Administrator. (Ord. 2769 § 77 & 78, 7/2002)

30.32.100 Time Restrictions on Work in Streets. Except for emergency work, as defined in Chapter 30.08, no work may be performed in any travel lanes, on any street listed on Table 30.32-1, below, except during the time periods specified in said schedule.

Table 30.32-1 *Time Restrictions on Work in Streets*			
Street	**From**	**To**	**Time Restrictions**
Arville Street	Flamingo Road	Tropicana Avenue	C
Arville Street	Tropicana Avenue	Russell Road	D
Buffalo Drive	Sahara Avenue	Tropicana Avenue	D
Cameron Street	Flamingo Road	Russell Road	D
Casino Drive (Laughlin)	Colorado River Bridge/State Route 163	Needles Highway	C
Charleston Boulevard	Nellis Boulevard	Hollywood Boulevard	D
Convention Center Drive	Las Vegas Boulevard South	Paradise Road	C
Decatur Boulevard	Sahara Avenue	Tropicana Avenue	B
Decatur Boulevard	Tropicana Avenue	I-215	D
Desert Inn Road	Boulder Highway	Arville Street	B
Desert Inn Road	Arville Street	Hualapai Way	D
Durango Drive	Desert Inn Road	Hacienda Avenue	D
Eastern Avenue	Sahara Avenue	Lake Mead Drive	B
Flamingo Road	Nellis Boulevard	Boulder Highway	B
Flamingo Road	Rainbow Boulevard	Durango Drive	D
Giles Street	Reno Avenue	Hacienda Avenue	D
Hacienda Avenue	Giles Street	Las Vegas Boulevard South	D
Harmon Avenue	Las Vegas Boulevard South	Gym Drive	D
Harmon Avenue	Valley View Boulevard	Wynn Road	A
Highland Drive	Viking Road	Edna Avenue	D
Hollywood Boulevard	Charleston Boulevard	Lake Mead Boulevard	D
Indios Avenue	Mountain Vista Street	Twain Avenue	D
Industrial Road	Sahara Avenue	Hacienda Avenue	C
Industrial Road	State Route 160	Hacienda Avenue	D
Joe W. Brown Drive	Desert Inn Road	Sahara Avenue	A
Karen Avenue	Eastern Avenue	Paradise Road	D
Koval Lane	Reno Avenue	Sands/Twain Avenue	D
Lamb Boulevard	Boulder Highway	Lake Mead Boulevard	D
Maryland Parkway	Sahara Avenue	Tropicana Avenue	B
Maryland Parkway	Tropicana Avenue	Russell Road	D
Mountain Vista Street	Flamingo Road	Patrick Lane	B
Owens Avenue	Pecos Road	Hollywood Boulevard	D
Pecos Road	Owens Avenue	Alexander Road	D
Pecos Road	Warm Springs Road	Flamingo Road	B

Table 30.32-1 *Time Restrictions on Work in Streets* Continued			
Street	**From**	**To**	**Time Restrictions**
Pecos/McLeod Drive	Flamingo Road	Desert Inn Road	B
Reno Avenue	Koval Lane	Las Vegas Boulevard South	D
Russell Road	Interstate 15	Decatur Boulevard	D
Russell Road	Paradise Road	Spencer Street	B
Russell Road	Spencer Street	Mountain Vista Street	D
Sahara Avenue	Nellis Boulevard	Hollywood Boulevard	D
Sahara Avenue	Rainbow Boulevard	Durango Drive	B
Sands/Twain Avenue	Las Vegas Boulevard South	Maryland Parkway	C
Spring Mountain Road	Durango Drive	Valley View Boulevard	B
Spring Mountain Road	Hualapai Way	Durango Drive	D
Spring Mountain Road	Valley View Boulevard	Las Vegas Boulevard South	C
Swenson Street	Hacienda Avenue	Desert Inn Road	D
Tropicana Avenue	Hualapai Way	Rainbow Boulevard	D
Tropicana Avenue	Industrial Road	Rainbow Boulevard	B
Twain Avenue	Boulder Highway	McLeod Drive	D
Twain Avenue	Rainbow Boulevard	Cimarron Road	D
Twain Avenue	Valley View Boulevard	Decatur Boulevard	D
Valley View Boulevard	Sirius Boulevard	Oquendo Road	A
Viking Road	Highland Drive	Valley View Boulevard	D
Warm Springs Road	Industrial Road	Pecos Road	D
Windmill Lane	Las Vegas Boulevard South	Eastern Avenue	D
Wynn Road	Harmon Avenue	Tropicana Avenue	A

Legend of Time Restrictions

Restriction	Permitted Work Periods
A	7:00 p.m. to 6:00 a.m., 7 days per week
B	9:00 p.m. to 6:00 a.m., 7 days per week
C	9:00 p.m. to 6:00 a.m., except no work on holidays and Friday night through Sunday morning
D	9:00 a.m. to 3:00 p.m. and 9:00 p.m. to 6:00 a.m.

1. The Director of Public Works may waive the time restrictions as set forth in this Section if the general prosperity, health, safety or welfare of the public is not adversely affected and if the work to be performed:

A. Is not within two hundred and fifty (250) feet of a residential dwelling.

B. Will not unnecessarily disrupt traffic flow.

C. Requires materials that are not readily available during the restricted time periods.

D. Would not significantly disrupt traffic flow during the restricted time periods any more than during the unrestricted time periods.

E. Necessitates that such work be accomplished at different time periods than those specified herein.

F. Can be completed in whole, or in part, with more intense construction activity that shortens the overall length of the traffic disruption.

2. Where the applicant is aggrieved by the decision of the Director of Public Works, the applicant may file an appeal in the form of a waiver of standards application to the Commission as provided in Table 30.16-7 of this Title, which need not be a public hearing.

30.32.110 Notice of Public Street Project Commencement.

a. Whenever the County or any other party proposes to construct, reconstruct or resurface a street, the County shall provide the owners of the properties as identified on the current Clark County Tax Assessor's Records that abut the street, or proposed street that is scheduled for such improvement, utility owners or operators, and any governmental entities affected by the scheduled construction, reconstruction or resurfacing with a notice that:

1. Advises them of the proposed improvement.

2. Affords them the opportunity to place, expand, relocate, modify or connect utilities in such street or proposed street before the work of improvement commences.

3. Advises them that, if they fail to do so, they will be restricted from excavating in the street that is to be constructed, reconstructed or modified for the purpose of making utility placement, expansion, relocation, modification, or connections for a period of five (5) years after the work of improvement is completed.

b. At least one hundred eighty calendar days (180) prior to the commencement of the work of construction, reconstruction, relocation or resurfacing, notice to owners of property identified in Section 30.32.110(a) shall be filed and recorded in the Office of the County Recorder with respect to each of such properties. Owners/operators of utilities or governmental entities shall receive notice by certified mail.

30.32.120 Utility Connections to be Made with Public Street Project. For any notice provided to the owners of the property, public utilities, or government entities, in accordance with Section 30.32.110, except as otherwise provided by the Nevada Revised Statutes or by a franchise agreement with the County, the following conditions apply:

1. The notice shall be binding upon the owner or affected entity and upon any successor in interest in, and to, such property or entity.

2. All utility connections, expansions, relocations, modifications or placements must be made within one hundred eighty (180) days of notification, or in conjunction with, the work of improvement on the street or proposed street. Failure to make any such improvement(s) within one hundred eighty (180) days of notification, or in conjunction with the construction, reconstruction or modification of the street, shall be restricted from excavating in the constructed, reconstructed or modified street for any reason for a period of five (5) years after the work is completed and accepted by the County for maintenance, except as provided by Section 30.32.100 of this Title.

30.32.130 Exceptions to Restrictions Against Cutting Streets.

a. **Alternate Methods.** In the event that any owner specified above, upon which notice is binding, seeks to work in a public street for the purpose of making a utility connection, expansion, relocation, modification or placement, may request approval from the Director of Public Works, subject to the following conditions.

1. Alternative methods of providing utility placements, connections, expansions, relocations or modifications, other than by cutting the subject street, must be considered and may be required by the Director of Public Works. Such alternative methods may include, but are not limited to, underground jacking, boring or tunneling under the street surface or by excavating in unpaved alternative alignments or paved alternative alignments not covered by this Chapter. Such alternatives shall also consider the construction of the connection, expansion, relocation or modification from another direction or street in the vicinity, and must conform to the utility's standards and service rules.

2. When the alternative methods specified in Subsection (1) of this Section cannot be performed, cuts will be allowed and the restoration of pavement shall meet, or may exceed, the minimum requirements described in Section 30.52.060 and may require additional resurfacing of the streets after repairs are made to maintain a uniform pavement appearance.

b. **Emergency Work.** The restrictions against cutting streets contained in Section 30.32.130 shall not apply to emergency work. Emergency work shall be accomplished in accordance with Section 30.32.070(3) of this Title.

30.32.140 Off-Site Inspections.

a. All construction or work within a right-of-way or easement for which a permit is required shall be subject to inspection by the Director of [~~Public Works~~] Development Services.

1. The permitee shall notify the Director, one (1) business day prior to requested inspection, that such work is ready for inspection.

2. Any permitted work shall not be done beyond each successive stage of construction as indicated in specifications without first obtaining an inspection and approval of the Director.

3. The Director, upon notification shall, within a reasonable time frame, make the requested inspections and shall either indicate that portion of the construction is satisfactory as completed or shall notify the permitee or their agent where the work fails to comply with this Title. Any portions which do not comply shall be corrected and such portion shall not be covered until authorized.

4. A reinspection fee may be assessed for each reinspection of work in accordance with Chapter 30.80 if any one (1) of the following conditions occur.

A. Work for which an inspection has been requested is not complete.

B. Corrections identified in a previous inspection are not complete.

C. Work for which inspection has been requested has been covered.

D. Work which requires approval prior to the requested inspection has not been approved.

5. There shall be a final inspection and approval on all construction when completed and ready for acceptance by the Director and all necessary reinspection, construction traffic control violation, night work and/or overtime fees have been paid in accordance with Chapter 30.80.

b. The following inspection provisions are required for grading work permitted under the "Uniform Regulations for the Control of Drainage" to verify compliance with approved plans, specifications and computations, as approved by the local administrator and permitted by the Designated Official. The Designated Official shall ensure that inspections are conducted by qualified individuals and reports are filed to verify compliance by one (1) of the following methods, based upon the project circumstances.

1. Certification by a Nevada Licensed Professional Engineer who designed the project that work is in substantial compliance with the approved plans, computations, specifications and required testing or certification by a quality control testing and/or inspection agency under this Title or inspection report filed by a County Inspector.

2. Certifications by a Nevada Licensed Professional Land Surveyor may be required to ensure finish grades comply with the approved plans. No final inspection shall be approved, certificate of completion accepted, or certificate of occupancy issued without such compliance.

c. **Construction Traffic Control Plan.** Any applicant with an approved permit not maintaining barricades or signage in conformance with their approved Construction Traffic Control Plan within right-of-way which, upon notification, has not corrected the situation and requires the placing of barricades, warning lights or signs by the Director of [~~Public Works~~] Development Services, in the interest of public safety shall be charged a construction traffic control violation fee in accordance with Chapter 30.80, for each occasion in which the Director finds it necessary to place or maintain the traffic control devices in the construction zones on behalf of the contractor. Any traffic control device left in County right-of-way beyond the time limits established on the Construction Traffic Control Plan may be confiscated by the Director. The permitee, after providing sufficient proof of ownership, may, at any time up to, and including, the thirtieth day after confiscation, obtain a return of the traffic control device upon payment of the construction traffic control plan violation fee. (Ord. 2769 § 79 & 80, 7/2002)

30.32.150 Bonds and Cash Deposits in Conjunction with the Off-Site Permit. The construction or installation of improvements shall be assured by entering into an agreement with the County whereby the developer agrees to furnish labor, equipment, and material necessary to complete the work within the time specified. The developer shall deliver to the County either a one hundred percent (100%) performance bond or a cash deposit in such an aggregate amount as is estimated by the Director of [~~Public Works~~] Development Services to be the total cost of the construction and/or installation of improvements required.

1. **Posting of Bonds.** Bonds posted pursuant to the above shall run to the County and provide that the developer, his heirs or successors and assigns, and their agents and servants, will comply with the applicable terms, conditions, and provisions of these

regulations and will faithfully perform the work of constructing and installing such facilities and improvements in accordance with applicable laws and regulations, and that the developer will save and hold the County harmless from any expense incurred, or damages resulting from the failure of the developer, his heirs, successors or assigns, and their agents or servants, to complete the work of installation and construction of the improvements within the time and manner required by this Title.

2. **Acceptance of Bonds.** Before acceptance, any required bond or cash deposit shall be approved by the Director of [~~Public Works~~] Development Services.

   A. If a bond is offered, it shall be executed by a surety or guaranty company, licensed in the State of Nevada, on a form approved by the County and the company shall:

      i. Hold a current Certificate of Authority as an acceptable surety on federal bonds per the current United States Department of Treasury listing of approved sureties, Department Circular 570.

      ii. Have a current rating of "A" or better by the A.M. Best Company.

   B. If cash is offered in lieu of a bond it shall:

      i. Be deposited with the Director of [~~Public Works~~] Development Services who shall provide a receipt and signify the amount and purpose of said deposit, in compliance with these regulations.

      ii. Be deposited in a local bank, if a proper agreement is entered into by, and between, the developer, the County and such bank, to pay for the installation of said improvements as they are installed. This agreement shall provide, among other things, that there shall, at all times, be a ten percent (10%) retention of the funds so deposited until all improvements have been completed and accepted by the Director of [~~Public Works~~] Development Services. The named bank shall have an office or offices lawfully located and actually doing business within the County of Clark, State of Nevada.

3. **Duration and Release.**

   A. **Surety Bond.** Bonds posted pursuant to these regulations shall be released or returned at such time as the improvements guaranteed have been accepted and approved by the Director of [~~Public Works~~] Development Services. No improvements shall be accepted or approved unless they conform with the approved set of off-site plans on file [~~at the Department of Public Works~~].

   B. **Cash Deposits/Installment Release.** Upon completion and inspection of separate phases of work, the Director of [~~Public Works~~] Development Services

shall have the authority to release funds from a cash deposit made in accordance with Section 30.32.150 (2)(B), every thirty (30) days provided, however, that there shall be at all times a ten percent (10%) retention of all funds so deposited until all of such improvements have been completed and accepted by the Director of [~~Public Works~~] Development Services. In the event a cash deposit is made with a local bank, the release of the funds so deposited shall be governed by the provisions of the deposit agreement.

C. **Replacement Bond.** Any developer wishing to replace an existing bond with a new bond in an amount equal to the amount previously established in this Section, prior to the completion and acceptance of the improvements required by the County Code, shall be required to pay a bond replacement fee, in accordance with Chapter 30.80, to cover the cost of processing the replacement bond.

4. **Default on Work Required Under Bond.** If the construction or installation of any improvements or facilities for which a bond is posted is not completed within three (3) months after substantial completion of any buildings or structures which such improvements or facilities are designed to serve, or within two (2) years of the date of approval of the final map, whichever is sooner, or if such construction is not in accordance with the Section 30.52.050, the County may proceed to construct or install such improvements and the surety on such bond shall be liable for the expense thereby incurred. In the event cash is deposited with the Director of [~~Public Works~~] Development Services, the County may use as much of such cash as is necessary to construct or install the improvements or facilities. If any portion of a cash deposit is not required or used by the County, such excess cash shall be repaid to the person making the deposit upon acceptance or approval of the improvements or facilities herein required. Should the actual cost of the improvements exceeds the bond, the developer is in no way relieved from paying the entire amount of such excess. (Ord. 2769 § 81, 7/2002)

30.32.160 Cash Deposit in Conjunction with an Encroachment Permit. Prior to the issuance of an encroachment permit for any of the purposes designated in Section 30.32.070(2), an applicant that has had a previous permit in default within the previous two (2) years shall be required to make a deposit with the Director of [~~Public Works~~] Development Services in such sum as designated by the Director of [~~Public Works~~] Development Services to restore the streets and improvements to their proper condition. Should the person obtaining such permit default or fail, neglect or refuse to restore the right-of-way to proper condition to the satisfaction of the Director of [~~Public Works~~] Development Services, the Director of Public Works may use any part of the deposit for such work. Deposit shall be released upon final approval of the work by the Director of [~~Public Works~~] Development Services, less any deductions made pursuant to this Section. (Ord. 2769 § 82, 7/2002)

30.32.170 Off-Site Improvement Phasing for Commercial Projects. Due to the complex nature of a large commercial project and the mitigation improvements required for the project, certain requirements, including the final approval of a traffic impact analysis, may be

deferred for qualified applicants until after the issuance of building permits subject to the conditions stated below. If the developer elects to utilize this process, as set forth in this Section, the developer shall acknowledge and agree that the County may require additional impact measures beyond those identified at the time of the developer's submitted traffic impact analysis. Additional measures may be identified in the review process and included as requirements of the County approved traffic impact analysis. The developer will be required to either participate in the future cost to construct, or to construct, the necessary improvements prior to occupancy at the developer's sole cost and expense.

1. **Qualified Applicants for Improvement Phasing.** Developers of commercial projects with a construction schedule for the primary structure of fifteen (15) months or more from grading to first temporary or permanent public certificate of occupancy, and which have been required to submit a traffic impact analysis in accordance with Subsection 30.32.170(5) below may enter into an improvement phasing agreement in accordance with Subsection 30.32.170(3) below.

2. **Submittal.** After obtaining the necessary land use approvals in accordance with Chapter 30.16, and prior to the issuance of any building permit, including grading, the qualified applicant shall submit to the Director of [~~Public Works~~] Development Services:

   A. A traffic impact analysis in accordance with Section 30.32.170(5) of this Title which addresses the development's impacts to the transportation network and the developer's proposed measures to mitigate those impacts.

   B. A drainage impact analysis in accordance with Chapters 30.52.050(b) and 30.32.040 of this Title.

   C. The improvement phasing fee in accordance with Chapter 30.80 of this Title.

3. **Improvement Phasing Agreement and Surety Required.** After the required submittal in accordance with (2) above, an improvement phasing agreement shall be executed and a surety furnished prior to the issuance of any building permit, including grading, for qualified applicants.

   A. The improvement phasing agreement must be a standard form agreement approved by the County and at a minimum shall contain each specific provision or requirement to be deferred, the conditions of the deferral, the conditions listed in (4) below and the amount of the surety required to assure that the terms of the improvement phasing agreement are fulfilled.

   B. A surety shall be furnished, in accordance with this Chapter (30.32), in an aggregate surety amount to cover the anticipated total cost of right-of-way, design, construction, installation, inspection and acceptance of any improvements proposed to be deferred. Such aggregate amount must be [**two**

hundred percent (200%)] ***one hundred twenty-five (125%)*** of the estimated total cost described above, as certified by the applicant's engineer and approved or adjusted by the Director of [~~Public Works~~] Development Services **[and a minimum of fifty percent (50%) of the surety shall be a cash deposit]**. (Ord. 2636 § 1, 2001)

4. **Building Permit Issuance.** Building permits, including grading, shall not be issued until the following conditions are met.

   A. Completion of the submittal in accordance with (2) above.

   B. County approval of the drainage impact analysis.

   C. Execution of the improvement phasing agreement and provisions for a surety in accordance with (3) above.

   D. Foundation or structural building permits may be withheld for a distance not to exceed one hundred (100) feet from the property line until the major issues of the traffic impact analysis have been resolved or it is determined by the County that this area, or a portion thereof, is not needed for additional right-of-way and/or improvements.

   E. Prior to the issuance of any structural permit for the primary structure, the traffic impact analysis shall identify and receive initial approval from the County on major transportation issues and mitigation of those issues and, if necessary, the developer shall adjust the cash deposit as required by the Director of [~~Public Works~~] Development Services.

   F. Compliance with all other requirements of the Development Code.

5. **Traffic Impact Analysis and Design of Required Improvements.** The traffic impact analysis and design of the required improvements shall be completed as follows.

   A. The traffic impact analysis shall identify, and receive, initial approval from the County on major transportation issues and mitigation of those issues, in accordance with (4)(E) above. The analysis shall include the evaluation of alternative modes of transit, including walking, bicycling, and mass transit.

   B. The required traffic impact analysis and design of the required improvements shall be submitted in an approvable format to the County, and must receive final approval from the county and any other entity as required by the County, and apply for a right-of-way permit for construction of the required improvements, within nine (9) months from the date of issuance of the first building permit, including grading, and prior to any temporary or permanent public certificate of occupancy.

6. **Certificate of Occupancy.** No permanent public certificate of occupancy shall be issued until the traffic impact analysis and the improvement plans are approved by the County, the required participation agreements are executed, and the required improvements are permitted, constructed and accepted by the Director of [~~Public Works~~] Development Services. (Ord. 2769 § 83, 84, 85, & 86, 7/2002; Ord. 2559 § 1, 2001)

30.32.180 Reimbursement.

a. **Eligibility.** A subdivider required to construct improvements on any public right-of-way as a condition to a parcel map recorded prior to July 15, 2000 may be reimbursed for:

1. Fifty percent of the cost of the common improvements when an adjacent property owner divides the adjacent property by minor subdivision map; and

2. One hundred percent of the cost for improvements constructed as access to the parcel map which are not adjacent to the parcel map, when properties fronting the access improvements are divided by a minor subdivision map. For the purposes of this section, "adjacent" is defined as directly across and fronting on the improved right-of-way.

b. **Conditions.**

1. Improvements must have been constructed by the subdivider within the allotted time, as listed in Section 28.32.160 (Improvements and standards for a parcel map).

2. A document indicating intent to execute a reimbursement contract must have been recorded with the parcel map. It shall set forth the bonded amount, conditions for reimbursement, assessor's tax parcel numbers of the improving parcel or parcels and assessor's tax parcel numbers of all parcels from which reimbursement may be forthcoming.

3. A contract for reimbursement between the subdivider and Clark County must have been executed within thirty days of acceptance of the improvements by the county. The contract shall indicate the actual cost of improvements, conditions for reimbursement and all parcel numbers, exclusive of those which may have paid prior to the contract as in subsection (b)(2) of this section.

4. No reimbursement shall be forthcoming in the following instances:

A. For portions of improvements consisting of full off-site improvements as adjacent property owners will also require full off-site improvements to the centerline of the common street;

B. When full off-site improvements are required of any subsequent divider fronting the improvements; or

C. For portions of improvements from subsequent dividers fronting the access road on adjacent property if the subsequent divider is required to upgrade or further improve the right-of-way.

5. Reimbursement will occur only after owners of property fronting the improvements divide their property by minor subdivision map and only after moneys to be reimbursed have been collected.

6. Should the divider elect to construct improvements only on his side of the centerline, no reimbursement shall be forthcoming for the improvements. This condition shall be waived if right-of-way (including government easements) is not available on the opposite side of the centerline.

7. Private streets are not be eligible for reimbursement.

8. The contract for reimbursement shall expire ten years from the date of recordation of parcel map and no reimbursement shall be forthcoming for division of parcels by minor subdivision fronting the covered improvements occurring after the expiration date of the agreement.

c. Calculation of Reimbursable Amounts.

1 Reimbursements shall be based upon the actual cost of improvements at the time of construction adjusted to the time of reimbursement.

2. Reimbursement from properties dividing by minor subdivision between the time of recording the intent to execute a reimbursement contract and the recording of the actual contract shall be calculated as above, based on the amount of bond. Overages occurring from this method of calculation shall be refunded. No provisions for additional funds are provided if actual construction costs exceed the bonded amount.

3. Reimbursement shall include interest not to exceed ten percent simple interest per year. Actual interest shall be computed based upon the difference between the Engineering News Record's Construction Cost Index at the time of bonding or construction, whichever is applicable, and the Construction Cost Index at the time of reimbursement. The most current base index shall be included in the agreement for reimbursement.

4. Reimbursement due from any one parcel shall be based upon the relationship which that parcel's frontage upon the improvement bears to the total frontage along the improvement (including both sides of the right-of-way).

d. Payment of Reimbursement. All reimbursements shall be made at the time of collecting the reimbursement from the subdivider or upon acceptance of street improvements, whichever occurs last. Reimbursement shall be paid to the property owner(s) of record of the improving parcel(s) at the address as shown on the latest tax assessment roll. The amount of reimbursement to each current owner shall be directly proportionate to the percentage of acreage within his or her ownership of the area contained in the original map.

e. Any and all reimbursement payments which have been returned to the Director of Public Works and unclaimed for a period of six months shall be deemed forfeited and shall be deposited in the Clark County road improvement fund. (Ord. 2573 § 6 (part), 2001)