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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.

30.32.015 Seasonal Sales or Temporary Outdoor Commercial Events. Amusement Rides and Amusement Devices, Inflatable in conjunction with Seasonal Sales or Temporary Outdoor Commercial Events shall comply with the standards below.

1. Amusement Ride Standards.

a. Operational Requirements. At a minimum, an Amusement Ride shall be:

1. Placed on solid footings or anchored to prevent shifting and tipping.
2. Fenced, barricaded or otherwise guarded against public intrusion in all area around an Amusement Ride, where persons may be endangered during operation of the ride.
3. Installed in accordance with the manufacturer's specification for the ride.

b. Inspection Standards. At a minimum, if applicable, an Amusement Ride must be inspected for the following:

1. Whether the Amusement Ride is maintained in accordance with the manufacturer's specifications for the ride;
2. Whether there exists stress-related or wear-related damage to critical parts of the Amusement Ride, the failure of which could result in injury to a member of the public;
3. Whether belts, bars, footrests, interior padding and other equipment necessary for safe entrance and exit, and necessary to support and restrain a passenger safely while an Amusement Ride is in operation, are provided and maintained in a safe condition;
4. Whether supporting structures used in connection with an Amusement Ride are designed and constructed so that the Amusement Ride may be operated safely given proper allowance for wind forces, dynamic effects of equipment, load reversals and repetitions to which such structures may be subjected during normal operation of the ride.

2. Amusement Device, Inflatable, Standards. At a minimum, an Amusement Device, Inflatable, shall:

- a.** Be installed and maintained in accordance with the manufacturer's specifications for the device;
- b.** Be free of stress-related or wear-related damage to critical parts of the Amusement Device the failure of which could result in injury to a member of the public;

- c. Be placed on solid footings or anchored to prevent shifting and tipping; and
- d. Be fenced, barricaded or otherwise guarded against public intrusion for the areas around an Amusement Device where persons may be endangered during operation of the device. (Ord 4239 § 3, 10/2014)

30.32.020 Business Licenses. No business license may be issued for any purpose until all required land use applications have been approved and all conditions of approval have been satisfied. 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. (Ord 4152 § 5 (part), 12/2013; Ord 3955 § 3 (part), 6/2011; Ord 3720 § 3 (part), 12/2008)

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.

EXCEPTION: Building permits for multiple-family condominium projects requiring a subdivision map may be issued prior to the submission of the condominium map, provided the creation of the subdivision map was not a specific condition of approval by the Commission or the Board, and the project has not benefited by the standards established in Chapter 30.24.

- 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, unless a property owner within the State of Nevada Hydrographic Area 212 has complied with section 30.52.030(a)(5). Outside of the State of Nevada Hydrographic Area 212, 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 unless the property owner has signed a restrictive covenant running with the land for the improvements.
- 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 in compliance with Section 30.32.030(c), 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 and off-site improvement plans approved 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 \$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. (See 30.32.170, Off-site Improvement Phasing for Commercial Projects)
- h. For residential subdivision projects for which bonds have been posted and off-site improvement plans approved for the improvements per 30.32150, in accordance with specifications of the Clark County Department of Public Works, the required agreements executed and required improvements permitted, the improvements must be constructed, completed and accepted by the Director of Public Works or his designee prior to the final inspection and approval by the Building Official of all homes, buildings and structures within the residential subdivision.
- i. 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).
- j. 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. 4077 § 6 (part), 2/2013; Ord 3955 § 3 (part), 6/2011; Ord. 3859 § 6 (part), 6/2010; Ord 3720 § 3 (part), 12/2008; Ord 3688 § 5, 10/2008; Ord. 3091 § 1, 7/2004; Ord. 2961 § 4 (part), 10/2003; Ord. 2769 § 72, 7/2002; Ord. 2573 § 6 (part), 2001)

30.32.040 Grading Permits.

- a. Except for the perpetuation of established agricultural cultivation 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 a grading permit has been issued by Clark County in accordance with all of the requirements listed in this subsection (below): (NOTE: A temporary stormwater permit for construction activities should be obtained through the Nevada Division of Environmental Protection and stockpiling permits must be obtained from the Building Official. Projects within hillside development must submit a design review as a public hearing prior to any grading.)
 - 1. A land use application has been approved pursuant to Chapter 30.16 of this Title (Land Use Application Processing) if required for the proposed use or a parcel map determination letter has been issued by Clark County Public Works, if required.
 - 2. Both drainage impact and/or traffic analyses are approved, if required.
 - 3. A grading plan is approved.
 - 4. Improvement plans required under Chapter 30.52 (Off-Site Development Requirements) have been reviewed and a bond estimate approved, when applicable.
 - 5. When applicable, a bond is posted and all fees paid 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).
 - 6. Pursuant to Section 94 of the Clark County Air Quality Regulations, a Dust Control Permit from the Department of Air Quality is required if grading or soil disturbing activities exceed one quarter acre or if trenching exceeds 100 feet in length.

7. 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 palliative; 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 Director of the Department of Air Quality shall determine whether a specific treatment constitutes long-term treatment.
8. The area to be graded shall not exceed the area encompassed within the grading plan approved by the Director of Public Works and the Building Official.
9. Cross sections that extend a minimum of one hundred feet beyond the limits of the project at each property line, showing the location and finished floor elevations of adjacent structures shall be submitted with a land use application for non-single family development or a subdivision map. The Zoning Administrator may require cross sections greater than 100 feet beyond the property line to include the centerline of an abutting street. Measurements shall be made from the centerline of adjacent streets or from the property line where no street exists. The cross section shall include proposed and existing grades, building locations, and building height information for the development site and for the adjacent properties.

Unless the natural slope of the lot exceeds 12%, the finished grade for the construction of any structure within 100 feet of the property line of a residential use shall not be established in excess of the standard 18 inches above the grade of any lot or parcel adjacent to the structure (height to be measured at the highest elevation on the property line 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 18 inches above that required by this Title or condition of land use approval. Any request to increase the finished grade over 18 inches shall be considered by the Board through a design review as a public hearing. Justification for the proposal shall be provided with the submittal.

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. See Figure 30.32-1

10. 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.
11. Permits for grading may include retaining walls, flood walls and drainage channels, block walls or fences.
12. When the lot is subject to the hillside regulations established 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.
13. Prior to any disturbance of any land, including rough grading, grubbing, or stockpiling, the applicant shall pay a Multiple Species Habitat Conservation Plan (MSHCP) mitigation fee as prior to the issuance of a grading permit, as required by Chapter 30.80 and pursuant to the provisions established in subsections (A) and (B) below.

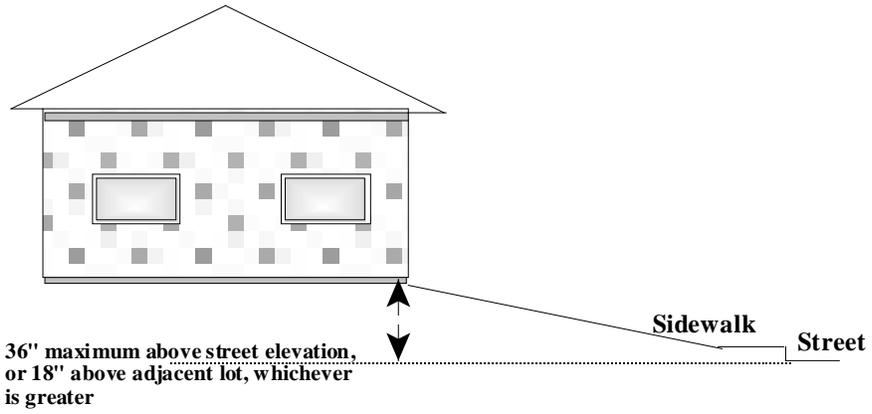
- A. The purpose of this fee is to allow the applicant, by certificate of inclusion, to comply with the Federal Endangered Species Act through the Incidental Take Permit issued to the County. Fees collected are used to implement the terms of the Incidental Take Permit.
- B. All applicants for grading, building or off-site permits shall, prior to issuance thereof, complete a land disturbance/mitigation fee form furnished by each Clark County Department which issues such permits. The land disturbance/mitigation fee form must be complete, signed by the applicant for the 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.

14. For additional grading requirement, see hillside development regulations in Chapter 30.56.

- b. The Commission or Board shall not approve any request for a waiver of standards for premature grading prior to the Department of Air Quality's approval of a dust mitigation plan that includes steps to guarantee the maintenance of dust control should the proposed construction not be completed. This condition cannot be waived or varied.
- c. **Exceptions:** A grading permit may be issued prior to the completion of the requirements in subsections 30.32.040(a)(4) and (5), above, providing all the other requirements listed in 30.32.040(a), above, have been met and so long as Developer has entered into a grading agreement adopted by the County.

(Ord. 4367 § 5, 2/2016; Ord. 4288 § 2, 5/2015; Ord. 4152 § 5 (part), 12/2013; Ord. 4036 § 11, 7/2012; Ord. 4008 § 26 & 27, 3/2012; Ord. 3859 § 6 (part), 6/2010; Ord. 3848 § 5 (part), 2/2010; Ord. 3472 § 5, 1/2007; Ord. 3440 § 1, 10/2006; Ord. 3160 § 7 (part), 11/2004; Ord. 3085 § 49, 6/2004; Ord. 2961 § 4 (part), 10/2003; Ord. 2857 § 8, 2/2003; Ord. 2769 § 73, 7/2002; Ord. 2673 § 2, 2001; Ord. 2573 § 6 (part), 2001; Ord. 2510 § 7 (part), 2000)

Figure 30.32-1 - Artificial grade



30.32.050 Incidental Take Permit: Compliance with Endangered Species Act.

- a. All applicants for a Land Disturbance Permit shall complete a land disturbance/mitigation fee form described in subsection 30.32.040(a)(13)(B) prior to issuance of the Permit.
- b. **Compliance with the 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 must comply with the applicable provisions of the Incidental Take Permit to be included, by certificate of inclusion, for coverage under the Incidental Take Permit.
 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 the Incidental Take Permit so long as such person, firm or entity has complied and continues to comply with the applicable provisions of the Incidental Take Permit.
 3. All persons, firms, or entities which are not required to pay an MSHCP Mitigation Fee pursuant to the terms of this Chapter and Section 30.80.080 of this Code, but are otherwise in compliance with the applicable provisions of the Incidental Take Permit, are hereby permitted to incidentally take any species covered by the Incidental Take Permit.
 4. The certificate of inclusion that allows a person, firm or entity to comply with Federal Endangered Species Act through the Incidental Take Permit, including the incidental take of species listed in the Incidental Take Permit, 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 4152 § 5 (part), 12/2013; Ord 4008 § 28, 3/2012; Ord. 3160 § 7 (part), 11/2004; Ord. 3085 § 50, 6/2004; 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 for conditional acceptance prior to the submission of a final map technical review or parcel map technical review.

1. Conditional Acceptance.

- A. The Director of Public Works 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, 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 4275 § 4 (part), 3/2015; Ord. 3859 § 6 (part), 6/2010; Ord. 2961 § 4 (part), 10/2003; Ord. 2769 § 74, 7/2002)

30.32.070 Right-of-Way Permit. A right-of-way permit shall be obtained 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.
 - B. All necessary fees have been paid and bonds and agreements have been executed in accordance with Chapters 30.32 and 30.80 of this Title.
 - C. A grading permit is issued for the grading of the project, if applicable.
 - D. The final map, if required, has completed the first technical review, pursuant to the requirements established in Chapter 30.28, Table 30.28-2.
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 within 5 working days when:
 - A. The applicant has completed an application for a permit on the forms provided 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 properly licensed by the State Contractor Board, for performance of work within public right-of-way, or is a utility company.
 - 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.
 - 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 Public Works 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 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, a review fee paid, and the traffic control plan 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.
 7. In the State of Nevada Hydrographic Area 212, commonly known as the Las Vegas Valley PM₁₀ non-attainment area of the County, whenever any work is permitted in a dedicated right-of-way that is unpaved, and there is no existing permitted obligation to pave the right-of-way by another applicant, the applicant is required to provide: 1) dust control of the right-of-way disturbed by the applicant and compliance with Clark County Air Quality regulations until the right-of-way is paved in accordance with Clark County standards or the average daily traffic exceeds 150 vehicle trips per day and the applicant requests and receives a waiver of this condition from the Board of County Commissioners; or 2) temporary paved roadway access improvements in accordance with Clark County Code in the right-of-way disturbed by the applicant; or 3) other dust control mitigation measure(s) acceptable to the Department of Public Works; or 4) a cash payment to the Clark County Capital Improvement Fund in the amount equal to the estimated cost of constructing the paved access roadway improvements within the right-of-way disturbed. The cost will be established by the Department of Public Works and will be based upon the square feet of the right-of-way disturbed by the applicant. Such funds shall be used specifically for paving the roadway in the area of the work covered by the permit. (O Ord. 3970 § 4 (part), 8/2011; Ord. 3859 § 6 (part), 6/2010; Ord. 3229 § 5 (part), 6/2005; Ord. 3160 § 7 (part), 11/2004; Ord. 3092 § 1, 7/2004; Ord. 2961 § 4 (part), 10/2003; 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.
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.
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:
 - 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 plans shall be submitted prior to the submission of a final map technical review or parcel map technical review.
3. The plans shall be reviewed 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.
4. If the plans are not complete and accurate, the Director of Public Works 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 together with the required inspection fees:
 - A. Corrected street plans and profiles: original.
 - B. Corrected sewer plans and profiles: original.
 - C. Corrected street lighting plan: original.
 - D. Corrected water plan: original.
 - E. Corrected drainage improvements and grading plans: original.
5. When the Director of Public Works 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.

6. The final improvement plans, which shall remain on file with the County, shall be signed as approved by the Director of Public Works 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. The final plans should contain all original signatures of the approving agencies and design engineer and be legible and clear for reproduction purposes.
7. 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 or the applicable agencies, departments or districts.
8. Any changes from the approved plans deemed necessary during the construction and installation of improvements shall be approved by the Director of Public Works 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 prior to acceptance of the revised development improvements. (Ord 4275 § 4 (part), 3/2015; Ord. 3859 § 6 (part), 6/2010; Ord. 3432 § 4, 10/2006; Ord. 2961 § 4 (part), 10/2003; 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 and then forward the approved plans to the Director of Public Works.
 - B. The Director of Public Works shall ensure that overhead utilities shall not be installed without plans for such approved by the Zoning Administrator. (Ord. 3859 § 6 (part), 6/2010; 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.

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	Tropicana Avenue	A
Cameron Street	Tropicana Avenue	Russell Road	D
Casino Drive (Laughlin)	Colorado River Bridge / State Route 163	Needles Highway	C
Charleston Boulevard	Nellis Boulevard	Hollywood Boulevard	D
Clark County 215 & Frontage Roads	1-15 northeast of Craig Road	1-15 south of Russell Road	B
Clark County 215	Warm Springs Road	US 95	B
Convention Center Drive	Las Vegas Boulevard South	Paradise Road	C
Decatur Boulevard	Sahara Avenue	Clark County 215	B
Desert Inn Road	Boulder Highway	Arville Street	B
Desert Inn Road	Arville Street	Hualapai Way	D
Desert Inn Road	Hualapai Way	Red Rock Ranch	D
Durango Drive	Desert Inn Road	Windmill Lane	D
Eastern Avenue	Sahara Avenue	Lake Mead Drive	B
Fashion Show Drive	Industrial Road	Spring Mountain Road	C
Flamingo Road	Nellis Boulevard	Boulder Highway	B
Flamingo Road	900' West of Las Vegas Boulevard South	Paradise Road	C
Flamingo Road	Rainbow Boulevard	Clark County 215	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
See Clark County 215			
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	Boulder Highway	Paradise Road	D
Koval Lane	Reno Avenue	Sands/Twain Avenue	D
Lamb Boulevard	Boulder Highway	Charleston Boulevard	A
Lamb Boulevard	Owens Avenue	Las Vegas Boulevard North	A
Las Vegas Boulevard	Sahara Avenue	Russell Road	E
Maryland Parkway	Sahara Avenue	Russell Road/St. Rose Parkway	D
Mountain Vista Street	Flamingo Road	Patrick Lane	B
Owens Avenue	Pecos Road	Hollywood Boulevard	D
Paradise Road	Desert Inn Road	Sahara Boulevard	B
Paradise Road	Sahara Boulevard	Tropicana Avenue	C
Pecos Road	Owens Avenue	Alexander Road	D
Pecos Road	Warm Springs Road	Flamingo Road	B
Pecos/McLeod Drive	Flamingo Road	Desert Inn Road	B
Rainbow Boulevard	SR 160	Tropicana Avenue	D

Table 30.32-1 Time Restrictions on Work in Streets			
Street	From	To	Time Restrictions
Reno Avenue	Koval Lane	Las Vegas Boulevard South	D
Russell Road	Las Vegas Boulevard South	Decatur Boulevard	B
Russell Road	Paradise Road	Spencer Street	B
Russell Road	Spencer Street	Mountain Vista Street	D
Sahara Avenue	Nellis Boulevard	Hollywood Boulevard	D
Sahara Avenue	Hualapai Way	Clark County 215	B
Sahara Avenue	Rainbow Boulevard	Durango Drive	B
Sandhill Road	Sunset Road	Boulder Highway	D
Sands/Twain Avenue	Las Vegas Boulevard South	Maryland Parkway	C
Serene Avenue	Spencer Street	Eastern Avenue	D
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 Avenue	Clark County 215	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 (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.		
E	Work is permitted Monday through Friday, excluding national holidays, from 2:00 a.m. to 10:00 a.m.		

(Ord. 3160 § 7 (part), 11/2004; Ord. 2961 § 4 (part), 10/2003)

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.
 1. The permittee 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 permittee 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 re-inspection fee may be assessed for each re-inspection 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 re-inspection, 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, 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 County. The permittee, 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. 3859 § 6 (part), 6/2010; Ord. 2961 § 4 (part), 10/2003; 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 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.
 - 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 and a Rating Outlook of Stable or Positive.
 - B.** If cash is offered in lieu of a bond it shall:
 - i.** Be of an amount that does not exceed the amount that is federally insured by the Federal Deposit Insurance Corporation of the National Credit Union Administration. In order to offer a cash in lieu of bond, the total cost of the construction and/or installation of the improvements shall not exceed the amount that is federally insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.
 - ii.** Be deposited with the Director of Public Works who shall provide a receipt and signify the amount and purpose of said deposit, in compliance with these regulations. No interest shall be paid on funds deposited.
 - iii.** Be deposited in a local bank or credit union (bank), insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, 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. 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. Unless the property that is the subject of the development has been reverted to acreage, bonds posted pursuant to these regulations shall not be released or returned until such time as the improvements guaranteed have been accepted and approved by the Director of Public Works. No improvements shall be accepted or approved unless they conform with the approved set of off-site plans on file. There may be a one time bond reduction of 80% of the surety bond for subdivision projects when only the following improvements are remaining to be built on the streets:

- i. sidewalks;
- ii. utility pads and boxes;
- iii. slurry seal on the asphalt; and
- iv. the water and sewer utilities have agreed to this reduction.

The reduction does not constitute acceptance of any of the projected improvements for maintenance, which will occur upon completion of the required work and release of the remaining 20% of the surety bond.

B. Cash Deposits/Installment Release. Upon completion and inspection of separate phases of work, the Director of Public Works 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. In the event a cash deposit is made with a local bank or credit union (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 two (2) years of the date of approval of the final map, (or the time provided in an approved extension of time granted per 30.52.090), whichever is sooner, or if such construction or development is not in accordance or compliance with the Section 30.52.050, or the Off-Site Improvement Agreement or the off-site permit, the County may seek recovery against the bond and the surety shall be responsible and liable for the completion or procurement of completion of the obligations of its principal, whether or not construction of the development, or the off-site improvements, has commenced, and regardless of whether the principal is the owner of the property that is the subject of the development. In no way is the bond intended, or to be interpreted, to condition or delay surety's obligations until after completion of principal's obligations to fully construct the improvements. In the event cash is deposited with the Director of Public Works, 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. 4077 § 6 (part), 2/2013; Ord. 3859 § 6 (part), 6/2010; Ord. 3848 § 5 (part), 2/2010; Ord 3820 § 2, 11/2009; Ord. 3229 § 5 (part), 6/2005; Ord. 2961 § 4 (part), 10/2003; 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 in such sum as designated by the Director of Public Works 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, 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, less any deductions made pursuant to this Section. (Ord. 3859 § 6 (part), 6/2010; Ord. 2769 § 82, 7/2002)
- 30.32.170 Off-Site Improvement Phasing for Commercial Projects.** – **DELETED** (Ord. 3518 § 7 (part), 5/2007)
- 30.32.180 Reimbursement.** – **DELETED** (Ord. 3518 § 7 (part), 5/2007)