

ORDINANCE NO. 3181

AN ORDINANCE AMENDING CHAPTER 15.08 OF THE NORTH LAS VEGAS MUNICIPAL CODE BY INCORPORATING REGIONAL WATER CONSERVATION POLICY RELATING TO THE USE OF EVAPORATIVE COOLING AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, pursuant to Section 15.08.010 of the North Las Vegas Municipal Code (NLVMC), the City of North Las Vegas (City) has adopted the Uniform Mechanical Code, 2018 edition, as amended by the Southern Nevada Amendments to the 2018 Uniform Mechanical Code;

WHEREAS, NRS 268.411 provides the City Council authority to “prohibit by ordinance any waste of water within” the City;

WHEREAS, NRS 540.131(6) gives the City Council authority to adopt ordinances necessary to carry out a plan of water conservation adopted pursuant to NRS 540.131(1) that applies to property within the City;

WHEREAS, the Southern Nevada Water Authority (SNWA) provides wholesale water service to the City;

WHEREAS, on December 20, 2021, SNWA’s Board of Directors adopted a water conservation goal of 86 gallons per capita per day and, to meet this goal, approved a resolution to reduce consumptive uses from customers in all sectors by adopting a resolution supporting a moratorium on cooling and heating mechanisms that consumptively use water in all new developments and establishments within the service area of SNWA’s purveyor members, except for single family residences, and urging SNWA’s purveyor members to revise their regulatory ordinances and policies;

WHEREAS, on November 15, 2022, Las Vegas Valley Water District (District) modified its Service Rules to prohibit the District from serving a new development with evaporative cooling and/or cooling towers that consumptively use water, unless certain conditions are met;

WHEREAS, on February 7, 2023, the City of Henderson amended its municipal code to prohibit evaporative cooling unless certain conditions are met; and

WHEREAS, these amendments to NLVMC Chapter 15.08 are intended to promote water use efficiency, prevent, discourage, and significantly reduce future consumptive water use, align the City with the regional approach being taken with respect to maximizing regional water resources, and modify the administrative enforcement process for systems impacted by these changes.

NOW THEREFORE, the City Council of the City of North Las Vegas does ordain:

SECTION 1: Chapter 15.08 of the NLVMC shall be amended by adding a new section 15.08.020 entitled Evaporative Cooling that reads as follows:

15.08.020 - Evaporative Cooling.

- A. “Evaporative Cooling” as referred to in this section applies to any type of cooling technology, device, or equipment that utilizes the evaporation of water as part of the cooling process. Evaporative coolers include, but are not limited to, swamp coolers and cooling towers, but do not include misting systems.
- B. Evaporative cooling is prohibited unless all of the following conditions are met.
 - 1. A building or mechanical permit application has been submitted on or before September 1, 2023;
 - 2. A building or mechanical permit, that was applied for on or before September 1, 2023, has been issued before February 1, 2024; and
 - 3. A temporary certificate of occupancy, certificate of occupancy, or an approved final inspection for the Evaporative Cooling system has been received no later than February 1, 2026.

Tenant improvements within shell buildings that have been permitted in compliance with the conditions listed above in Section 15.08.020.B may permit and equip their space(s) with Evaporative Cooling.

- C. Evaporative Cooling that has been approved and installed in accordance with Section 15.08.020.B may be expanded or replaced with Evaporative Cooling that is equal to or more efficient than the technology of the existing system, provided that the resulting change does not increase the water consumption of the Evaporative Cooling.

SECTION 2: NON-INFRINGEMENT OF RIGHTS. The City Council has been informed by the City Attorney as to the constitutionality of this Ordinance and, based upon such information, the City Council is adopting this Ordinance in good faith with a reasonable belief that the actions taken by the City are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 3: SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council and publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 5: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmembers voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS _____ day of _____, 2023.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

PAMELA GOYNES BROWN
MAYOR

ATTEST:

JACKIE RODGERS
CITY CLERK