



# Department of Public Works

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## NOTIFICATION OF PROPOSED AMENDMENT TO CLARK COUNTY CODE, TITLE 30, SECTIONS 30.08, 30.32.070, 30.32.075, 30.32.078 AND 30.80.070 LANE RENTAL FEES AND RELATED MATTERS

Please be notified pursuant to NRS 237.080, of proposed amendments to Clark County Code, Title 30 SECTIONS 30.08, 30.32.070, 30.32.075, 30.32.078 AND 30.80.070 regarding the review, approval and permitting of barricades within the Clark County right-of-way. These amendments are also available for your review on the [Clark County website under Development > Construction Management / Inspections](#).

Specifically, the proposed amendments will add and revise certain definitions. The proposed amendments will address the following key areas: Add requirements for payment of "Lane Rental Fees" for traffic control plans that will address the length of time and costs for traffic control setup in the Clark County right-of-way.

The following subsections additions are underlined and changes are indicated in parentheses [ ].

SECTION 1. Chapter 30.08 of the Clark County is amended to add the definition of the term "Lane":  
"Lane" means the paved portion of the public roadway, including a through travel lane for vehicles and bicycles, turn lane, shoulder, parking lane, sidewalk contiguous to the highway in the Restricted area defined in Clark County Code 14.42.020(g), and paved trail.

SECTION 2: Section 30.32.070 of the Clark County Code is amended to read as follows:  
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.

#### BOARD OF COUNTY COMMISSIONERS

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- 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 or delinquent on any charges or fees required by this Title 30. 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, or approved traffic control plan per section 30.32.075, is required by this code has been commenced without first obtaining said permit or plan, or exceeds[ing] the scope of a valid permit or plan, an investigation shall be made before a permit or plan may be issued for such work. [A] Right-of-way permit violation fees and other applicable fees per Chapter 30.80 of this Title shall be paid. [collected in addition to all other applicable fees prior to issuance of a permit]. The payment of such permit violation fees 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 PM<sub>10</sub> non-attainment area of the County, whenever any work is in a public 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) an agreement executed by the utility company that they will provide 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 2) paved roadway access improvements in accordance with Clark County Code in the right-of-way disturbed by the applicant; or 3) 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. (Ord. 4481 § 7 (part), 5/2017; 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)

SECTION 3: Chapter 30.32 of the Clark County Code is amended to add a new section 30.32.075 to read as follows:

**30.32.075 Traffic Control Plan When Right-of-Way Permit Not Required.**

For a Lane closure necessitated by work or maintenance on property adjacent and/or near the public roadway or within a median, an encroachment permit is not required but a traffic control plan must be submitted and is subject to the requirements for encroachment permits as set forth in Clark County Code sections 30.32.070(2)(C)(D)(E)(4)(5), the fee schedule in 30.80.070 and Lane Occupancy charges in 30.32.078.

SECTION 4: Chapter 30.32 of the Clark County Code is amended to add a new section 30.32.078 to read as follows:

**30.32.078 Lane Occupancy Charge.** A Lane occupancy charge shall be administered as follows:

1. For any work performed in the right-of-way pursuant to an encroachment permit or an off-site improvement permit, or a Lane closure pursuant to an approved traffic control plan, there shall be a Lane occupancy charge of fifty (\$50) dollars per day, or a portion of a day, for each Lane segment of 660 feet or less that is closed, including transitions as defined by the by "Manual on Uniform Traffic Control Devices, Latest Edition". These charges shall be paid prior to the issuance of a permit or traffic control plan.
2. If the applicant exceeds the number of days of Lane closure as authorized by the encroachment permit, off-site improvement permit or traffic control plan, then the applicant shall be assessed the fees for right-of-way permit violations for each day of violation, and related investigation fees, set forth in 30.32.070(4) and 30.80.070.
3. The fees set forth in 30.32.078 (2) must be paid before future permit applications, permit extensions or plan applications submitted by said applicant will be considered by the Department of Public Works. If applicant remains in default then the application will be denied as set forth in 30.32.070(2)(E).
4. The Lane occupancy charge shall not be assessed for work performed during a continuing emergency condition as provided in 30.32.070(3). Once the emergency is resolved applicant will be subject to the Lane occupancy charge.
5. The Lane occupancy charge does not apply to public works projects performed by a governmental entity, or any work performed pursuant to a contract awarded by Clark County, but shall apply to contractors performing work for other governmental entities, unless waived by the Board of County Commissioners.
6. The Lane occupancy charges are in addition to all other fees related to right-of-way permit applications and traffic control plans for work or activity within the right-of-way, including but not limited to fees for violation of permit conditions, investigations and inspections.

SECTION 5: Section 30.80.070 of the Clark County Code is hereby amended as follows:

**30.80.070 OFF SITE IMPROVEMENT FEES**

30.80.070 Off Site Improvement Fees. Right-of Way Permit and related fees payable to the Director of Public Works shall be required as shown in Table 30.80-5.

<b>Administrative Service</b>	<b>Required Fee</b>	
<b>Soil/Asphalt Review</b>		
<b>Original Application<sup>2</sup></b>	<b>Initial Submittal &amp; 1 Review</b>	<b>Every Review Over 2 Reviews</b>
<b>Up to 5 Acres</b>	\$750	\$400
<b>Over 5 Acres &amp; up to 40 Acres</b>	\$2,000	\$400
<b>Over 40 Acres &amp; up to 320 Acres</b>	\$4,000	\$400
<b>Over 320 Acres</b>	\$6,000	\$400
<b>Improvement Plan Review</b>		

<b>Table 30.80-5 Fee Schedule – Off Site Improvement Fees</b>		
<b>Administrative Service</b>	<b>Required Fee</b>	
Original Application <sup>2</sup>	\$300, or 1.20 percent of the estimated construction cost <sup>1</sup> , whichever is greater	
Revision of an Approved Plan	\$50/sheet	
Off-site Plan Rejection	Additional 50% of plan review [check] fee	
<b>Impact Analysis Review – Traffic Study</b>		
Original Application <sup>2</sup>	<b>Initial Submittal &amp; 1 Review</b>	<b>Every Review Over 2 Reviews</b>
Up to 5 Acres	\$750	\$400
Over 5 Acres & up to 40 Acres	\$2,000	\$400
Over 40 Acres & up to 320 Acres	\$4,000	\$400
Over 320 Acres	\$6,000	\$400
Optional Traffic Mitigation	\$750, plus \$150 per trip <sup>3</sup> , prior to building permits or approval of improvement plans	
<b>Impact Analysis Review – Drainage Study</b>		
Original Application <sup>2</sup>	<b>Initial Submittal &amp; 1 Review</b>	<b>Every Review Over 2 Reviews</b>
Up to 5 Acres	\$750	\$400
Over 5 Acres & up to 40 Acres	\$2,000	\$400
Over 40 Acres & up to 320 Acres	\$4,000	\$400
Over 320 Acres	\$6,000	\$400
<b>Inspection Fees<sup>4</sup></b>		
Offsite Permit		
First \$30,000	\$300 minimum, or 2.75 percent, whichever is greater	
Next \$90,000	1.75 percent	
Over \$120,000	1.00 percent	
[Encroachment Permit]	[Appropriate plancheck and inspection fees or \$300 minimum whichever is greater]	
Re-inspection Fee	Hourly rate for each re-inspection	
Re-test	Hourly rate	
Bond Replacement	\$500 prior to release of the existing bond	
Bond Reduction	\$500	
Improvement Agreement	\$50	
Encroachment Permit	Appropriate plan review and inspection fees or \$300 minimum whichever is greater	
Traffic Control Plan <sup>2</sup>	\$50	
Work Without A Permit	3x permit fee	
Structural Review	\$750 per 660 feet	
Lane Occupancy Charge	\$50 per day for each Lane segment of 660 feet or less that is closed. Payable prior to issuance of permit or plan.	
Right-of-Way Permit Violation	\$300 per day of violation	
[Administrative Service]	<b>[Required Fee]</b>	
Per Hour Rate	\$120	
Investigative Fees	Hourly rate – minimum 3 hours	
Overtime Rate <sup>5</sup>	1.5 hourly rate	
Flood Plain Determination	\$20 for each request for information as to whether or not a property is located within a Federal Emergency Management Agency defined special flood hazard area	
Clark County Supplement to Uniform Standard Drawings and Specifications	\$10	

<b>Table 30.80-5 Fee Schedule – Off Site Improvement Fees</b>	
<b>Administrative Service</b>	<b>Required Fee</b>
<b>Additional Requirements:</b>	
1. As determined on the construction bond estimate form, and as approved by the Director of Public Works.	
2. Resubmittal shall be required if plans do not contain sufficient information for a complete review, have been substantially redesigned, or if required corrections are not submitted within one year of notification.	
3. As defined in Chapter 30.52.055(b).	
4. Based on the estimated construction costs as determined by the Director of Public Works.	
5. Additional fees may be required to provide for overtime or night work and must be paid prior to final acceptance of the work.	
<b>Refund Policy:</b> Per 30.80.020(b)	

(Ord 3859 §12 (part), 6/2010; Ord. 3767 § 3 (part), 6/2009; Ord. 3518 § 16 (part), 5/2007; Ord. 3296 § 10(part), 10/2005; Ord. 2849 § 1, 7/2003; Ord. 2769 § 110 & 111, 7/2002)

In accordance with NRS 237.080, business owners and interested parties may submit data and arguments to the Clark County Board of County Commissioners, in care of the Department of Public Works as to whether the proposed amendments will:

1. Impose a direct and significant economic burden upon a business; or
2. Directly restrict the formation, operation or expansion of a business.

Please respond in writing with comments/concerns within 15 working days of date of this letter to either Public Works – Development Review Permitting, 500 S. Grand Central Parkway, 1<sup>st</sup> Floor, Las Vegas, NV 89155 or [PW\\_codechange@clarkcountynv.gov](mailto:PW_codechange@clarkcountynv.gov) (PW\_codechange).