

[Bracketed] and/or ~~strickethrough~~ material is that portion being deleted or amended
Underlined material is that portion being added

BILL NO. 9-2-09-1 (A)

SUMMARY - An Ordinance to amend the Unified Development Code to clarify and allow a partial release of bonds. (ORD-0994-09)

ORDINANCE NO. 3820
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 30, CHAPTERS 30.08, 30.32, 30.52, SECTIONS 30.08.030, 30.32.150, AND 30.52.090 TO CLARIFY AND ALLOW A PARTIAL RELEASE OF BONDS AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 30, Chapter 30.08, Section 30.08.030, of the Clark County Code is hereby amended to read as follows:

Work "Work" means, with respect to work performed in a right-of-way, to construct, cut break, alter, excavate, install, remove, relocate, repair, or replace improvements, or install and maintain temporary traffic control devices and/or barricades.

SECTION 2. Title 30, Chapter 30.32, Section 30.32.150, of the Clark County Code is hereby amended to read as follows:

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 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.

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 Development Services. 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 residential street:

- 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.

SECTION 3. If any section of this ordinance or portion of thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 4. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks; on 11/16/09. A land use application approved prior to the effective date of this ordinance may be developed per the plans approved with the application.

PROPOSED on the 2nd day of September, 2009

PROPOSED By : Rory Reid

PASSED on the 21st day of October, 2009

VOTE:

AYES:

- Susan Brager
- Lawrence L. Brown III
- Tom Collins
- Chris Giunchigliani
- Rory Reid
- Steve Sisolak
- Lawrence Weekly

NAYS:

- None
- _____
- _____
- _____

ABSTAINING:

- None
- _____
- _____

ABSENT:

- None
- _____
- _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By [Signature]
Chair

ATTEST:

[Signature]
DIANA ALBA County Clerk

This ordinance shall be in force and effect from and after the 16th day of November, 2009.