

[Bracketed and ~~strikethrough~~] material is that portion being deleted
Underlined and italicized material is that portion being added

BILL NO. 2-20-24-2

SUMMARY - An Ordinance to amend Clark County Code Chapter 2.76 to include all the duties and functions of the Department of Environment and Sustainability into one chapter, delete Chapter 9.08, and amend Section 30.04.07 to update references.

ORDINANCE NO. 5113
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 2, CHAPTER 2.76 AND TITLE 9, CHAPTER 9.08 OF THE CLARK COUNTY CODE BY DELETING THEM IN THEIR ENTIRETY AND ADOPTING A NEW CHAPTER 2.76 TO CONSOLIDATE AND REORGANIZE THE DUTIES AND FUNCTIONS OF THE DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY INTO ONE CHAPTER, DELETE OBSOLETE LANGUAGE, AND MAKE RELATED UPDATES, CORRECTIONS, AND CLARIFICATIONS; AMEND TITLE 30, CHAPTER 30.04, SECTION 30.04.07 TO UPDATE REFERENCES; 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 2, Chapter 2.76 of the Clark County Code, attached hereto as Exhibit 1, is deleted in its entirety.

SECTION 2. Title 9, Chapter 9.08 of the Clark County Code, attached hereto as Exhibit 2, is deleted in its entirety.

SECTION 3. Title 2, Chapter 2.76 of the Clark County Code entitled "Department of Environment and Sustainability" is hereby adopted to read as follows:

2.76.010 **Creation.** *A department hereinafter known as the Clark County department of environment and sustainability is authorized and established effective January 21, 2020.*

2.76.020 **Policy.** *It is the public policy of Clark County that the emission of air pollutants into the atmosphere be controlled, vulnerable species and habitats be protected and impacts mitigated, and sustainability practices be encouraged and implemented to promote the continual enjoyment of property within the county for residential and recreational purposes to the optimum degree, consistent with full employment and continued commercial and industrial development and to administer environmental programs related to air quality, desert conservation, and sustainability to protect and preserve our natural resources and enhance our resilience to the impacts of climate change. This chapter shall be interpreted and construed to effectuate the*

purpose stated above and the public policy declared in Chapter 445B of the Nevada Revised Statutes and all other applicable chapters.

2.76.030 **Air Quality – Authority of the board.** As designated by the Governor of the State of Nevada, the board of county commissioners is the air pollution control agency for Clark County and shall have all the powers and responsibilities enumerated in NRS 445B.500.

2.76.040 **Director – Appointment.** The director shall be appointed by the county manager with advice and consent of the board of county commissioners and serve at the pleasure of the county manager.

2.76.050 **Air Quality – Air pollution control officer.** The administrative enforcement of this chapter shall be performed by the director of the department of environment and sustainability. The director shall serve as the air pollution control officer and shall have the powers, duties, and authority to enforce the provisions of this chapter, the regulations issued thereunder, and state and federal laws and regulations.

2.76.060 **Director – Functions.**

- (a) The department of environment and sustainability shall be supervised by the director of environment and sustainability.
- (b) The director shall provide staff support to the Clark County board of county commissioners on all matters related to air quality, desert conservation, and sustainability and climate in Clark County.
- (c) The director shall serve as the air pollution control officer for air quality. The director or director's designee shall be responsible for air quality planning and shall administer a program for compliance with applicable state and federal laws and regulations governing air quality in accordance with Chapter 445B of the Nevada Revised Statutes.
- (d) The director or director's designee shall be responsible for desert conservation planning and shall administer a program for Endangered Species Act compliance through implementation of the Clark County Multiple Species Habitat Conservation Plan (Plan) and associated Section 10(a)(1)(B) incidental take permit (Permit).
- (e) The director or director's designee shall be responsible for sustainability and climate planning and shall oversee the functions and duties of the office of sustainability in accordance with chapter 9.08.

2.76.070 **Responsibilities of the department.**

The department of environment and sustainability shall:

- (a) Perform all delegable functions of the local air pollution control agency, pursuant to Chapter 445B of the Nevada Revised Statutes.
- (b) Be responsible for planning and management of programs relating to air quality, desert conservation, and sustainability in compliance with applicable federal, state, and local laws and regulations.
- (c) Enforce local regulations known as the "Clark County Air Quality Regulations" pursuant to this chapter.
- (d) Administer the functions and duties of the desert conservation program.

- (e) Administer the functions and duties of the office of sustainability pursuant to chapter 9.08 of this code.

2.76.080 **Air quality regulations.**

- (a) The air quality regulations adopted by reference pursuant to NRS 445B.610(3) on July 1, 2001, may be amended from time to time, including additions and deletions, in accordance with NRS 445B.500.
- (b) The air quality regulations are known as the "Clark County Air Quality Regulations" and are incorporated herein by reference and made a part of this chapter, the same as if they were fully set forth herein.

2.76.090 **Air quality – Hearing board – Appointment.** The members of the air pollution control hearing board shall be appointed by the Clark County board of county commissioners in the manner and the terms provided by Chapter 445B of the Nevada Revised Statutes. The air pollution control hearing board shall have the powers, duties, and functions as described by Chapter 445B of the Nevada Revised Statutes and as otherwise provided in this chapter and any regulations promulgated under this chapter. The members of the air pollution control hearing board serve at the pleasure of the Clark County board of county commissioners.

2.76.100 **Air quality – Hearing officer – Appointment.** The board may appoint hearing officers to determine violations of this chapter and, where applicable, violations of Chapter 445B of the Nevada Revised Statutes, and levy administrative penalties. Any individual appointed as a hearing officer shall not be an employee of the state of Nevada or any political subdivision of the state. A hearing officer appointed under this section shall have a working knowledge of air quality issues, arbitration, law and/or engineering. Where not in conflict with this section or the provisions of Chapter 445B of the Nevada Statutes, chapter 2.68 of this code shall apply to such appointments.

2.76.110 **Desert conservation program.** The desert conservation program administers the Plan and Permit issued pursuant to the federal Endangered Species Act. The director serves as the Plan administrator. The desert conservation program addresses the conservation needs of species listed in the Plan and Permit within Clark County. In compliance with the Plan and Permit, the desert conservation program implements action to mitigate impacts from development that include, research, acquisition of sensitive habitats, habitat restoration, public information and education, the Wild Desert Tortoise Assistance Line, and installation and maintenance of fencing along roadways to reduce tortoise mortality.

2.76.120 **Sustainability and climate program.** The office of sustainability administers the sustainability and climate program, and any Clark County Sustainability and Climate Action Plans that are approved and adopted by the board of county commissioners in response to the impacts of climate change. The office of sustainability is responsible for the duties and functions set forth in chapter 9.08 of this code.

SECTION 4. Title 30, Chapter 30.04, Section 30.04.07 of the Clark County Code is hereby amended to read as follows:

...

- E. Odors. Odor is regulated by Clark County Air Quality Regulations, Section 43 in accordance with Title ~~[9]~~ 2, Chapter ~~[9.08]~~ 2.76.
- F. Smoke and Particulate Matter. Smoke and particulate matter are regulated by the Clark County Air Quality Regulations in accordance with Title ~~[9]~~ 2, Chapter ~~[9.08]~~ 2.76.

SECTION 5. If any section of this ordinance or portion 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 6. 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 7. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the 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.

PROPOSED on the 20th day of February, 2024.

PROPOSED BY: Commissioner Tick Segerblom

PASSED on the 5th day of March 2024.

AYES: Tick Segerblom

James B. Gibson

Justin Jones

Marilyn K. Kirkpatrick

William McCurdy II

Ross Miller

Michael Naft

NAYS: None

ABSTAINING: None

ABSENT: None

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By:  _____
Tick Segerblom, Chair

ATTEST:

 _____
LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after
the 19th day of March, 2024.

Chapter 2.76 DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY¹

Sections:

2.76.010 Creation—Assumption of functions.

A department, to be hereinafter known as the department of environment and sustainability, is created effective January 21, 2020. The department of environment and sustainability shall assume the air quality functions of the former department of air quality, the functions of the desert conservation program, and the functions of the office of sustainability. The department of environment and sustainability shall perform all delegable functions of the local air pollution control agency, pursuant to Chapter 445B of the Nevada Revised Statutes.

(Ord. 3085 § 10, 2004)

(Ord. No. 3826, § 1, 11-4-2009; Ord. No. 4008, § 3, 3-6-2012; Ord. No. 4760, § 2, 1-21-2020)

2.76.020 Director—Appointment.

The director shall be appointed by the county manager with advice and consent of the board of county commissioners and serve at the pleasure of the county manager.

(Ord. 3085 § 11, 2004)

2.76.030 Director—Functions.

- (a) The department of environment and sustainability shall be supervised by the director of environment and sustainability.
- (b) The director shall provide staff support to the Clark County board of county commissioners on all matters related to air quality, desert conservation, and sustainability in Clark County.
- (c) The director shall serve as the air pollution control officer for air quality as that term is used in Chapter 9.08 of this code and state and federal laws and regulations.
- (d) The director or director's designee shall be responsible for air quality planning and shall administer a program for compliance with applicable state and federal laws and regulations governing air quality in accordance with Chapter 445B of the Nevada Revised Statutes.
- (e) The director shall have such other duties as assigned to the director or air pollution control officer in Chapter 9.08 of this code, and any regulations promulgated thereunder.

¹Editor's note(s)—At the direction of the city and pursuant to Ord. No. 4760, adopted January 21, 2020, ch. 2.76 was renamed from "department of air quality and environmental management" to "department of environment and sustainability."

Note(s)—Prior ordinance history: Ord. 2627.

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- (f) The director or director's designee may administer a program to promote compliance with state and federal environmental regulations including a program promoting the use of alternative fuels under guidelines approved by the board of county commissioners.

(Ord. 3085 § 12, 2004)

(Ord. No. 3826, § 1, 11-4-2009; Ord. No. 4008, § 4, 3-6-2012; Ord. No. 4760, § 3, 1-21-2020)

2.76.040 Responsibilities of the department.

- (a) The department of environment and sustainability shall be responsible for planning and management of programs relating to air quality, desert conservation, and sustainability in compliance with applicable federal, state, and local laws and regulations.
- (b) The department of environment and sustainability shall enforce local regulations known as the "Clark County Air Quality Regulations."
- (c) The department of environment and sustainability shall administer the functions and duties of the desert conservation program.
- (d) The department of environment and sustainability shall administer the functions and duties of the office of sustainability, which promotes sustainable practices within Clark County's operations and throughout the community, including promoting economically, environmentally, and socially sustainable living practices and reducing carbon emissions.

(Ord. 3085 § 13, 2004)

(Ord. No. 3826, § 1, 11-4-2009; Ord. No. 4008, § 5, 3-6-2012; Ord. No. 4752, §§ 1—5, 12-17-2019; Ord. No. 4760, § 4, 1-21-2020)

Chapter 9.08 AIR QUALITY AND ENVIRONMENTAL MANAGEMENT*

Sections:

9.08.020 Policy.

It is the public policy of Clark County that the emission of air pollutants into the atmosphere be controlled to promote the continual enjoyment of property within the county for residential and recreational purposes to the optimum degree, consistent with full employment and continued commercial and industrial development and to administer environmental programs related to air quality, desert conservation, and sustainability for the purpose of protecting and preserving our natural resources. This chapter shall be interpreted and construed so as to effectuate the purpose stated above and the public policy declared in Chapter 445B of the Nevada Revised Statutes and all other applicable chapters.

(Ord. 3085 § 15, 2004)

(Ord. No. 3826, § 2, 11-4-2009; Ord. No. 4008, § 6, 3-6-2012; Ord. No. 4760, § 9, 1-21-2020)

9.08.030 Reserved.

Editor's note(s)—Ord. No. 4008, § 7, adopted March 6, 2012, repealed § 9.08.030 which pertained to definitions and derived from Ord. No. 3085, § 16, 2004.

9.08.040 Authority of the board.

As designated by the Governor of the State of Nevada, the board of county commissioners is the air pollution control agency for Clark County and shall have all the powers and responsibilities enumerated in NRS 445B.500.

(Ord. 3085 § 17, 2004)

(Ord. No. 4008, § 8, 3-6-2012)

9.08.100 Air pollution control officer—Appointment.

The administrative enforcement of this chapter shall be performed by the director of the department of environment and sustainability. The director shall serve as the air pollution control officer and shall have the power, duties, and authority to enforce the provisions of this chapter, Chapter 2.76 of this code and the regulations issued thereunder.

(Ord. 3085 § 20, 2004)

(Ord. No. 4008, § 9, 3-6-2012; Ord. No. 4760, § 10, 1-21-2020)

9.08.110 Air quality—Hearing board—Membership.

The members of the air pollution control hearing board shall be appointed by the Clark County board of county commissioners in the manner and the terms provided by Chapter 445B of the Nevada Revised Statutes. The air pollution control hearing board shall have the powers, duties, and functions as described by Chapter 445B of the Nevada Revised Statutes and as otherwise provided in this chapter and any regulations promulgated under this chapter. The members of the air pollution control hearing board serve at the pleasure of the Clark County board of county commissioners.

(Ord. 3085 § 21, 2004)

(Ord. No. 4927, § 5, 3-15-2022)

9.08.120 Air quality—Hearing officer—Appointment.

The board may appoint hearing officers to determine violations of this chapter and, where applicable, violations of Chapter 445B of the Nevada Revised Statutes, and levy administrative penalties. Any individual appointed as a hearing officer shall not be an employee of the state of Nevada or any political subdivision of the state. A hearing officer appointed under this section shall have a working knowledge of air quality issues, arbitration, law and/or engineering. Where not in conflict with this section or the provisions of Chapter 445B of the Nevada Statutes, Chapter 2.68 of this code shall apply to such appointments.

(Ord. 3085 § 22, 2004)

9.08.130 Air quality regulations.

(a) The air quality regulations adopted by reference pursuant to NRS 445B.610(3) on July 1, 2001, (three copies of which are available for inspection in the office of the county clerk, commission division) may be amended from time to time, including additions and deletions, in accordance with NRS 445B.500.

(b) The air quality regulations are known as the "Clark County Air Quality Regulations" and are incorporated herein by reference and made a part of this chapter, the same as if they were fully set forth herein.

(c) Wherever "department of air quality" appears in the air quality regulations in effect on January 21, 2019, these terms shall be deleted and replaced with "department" which means the "department of environment and sustainability."

(Ord. 3085 § 23, 2004)

(Ord. No. 4008, § 10, 3-6-2012; Ord. No. 4760, § 11, 1-21-2020)

9.08.140 Reserved.

Editor's note(s)—Ord. No. 4008, § 11, adopted March 6, 2012, repealed § 9.08.140 which pertained to air quality — penalty for violation and derived from Ord. No. 3085, § 24, 2004.

9.08.150 Reserved.

(Supp. No. 140)

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Editor's note(s)—Ord. No. 4008, § 12, adopted March 6, 2012, repealed § 9.08.150 which pertained to injunctive relief and derived from Ord. No. 3085, § 25, 2004.

9.08.200 Reserved.

Editor's note(s)—Ord. No. 4008, § 13, adopted March 6, 2012, repealed § 9.08.200 which pertained to compliance with the Endangered Species Act and derived from Ord. No. 3085, § 29, 2004.

9.08.300 Reserved.

Editor's note(s)—Ord. No. 4008, § 14, adopted March 6, 2012, repealed § 9.08.300 which pertained to water quality planning and derived from Ord. No. 3085, § 30, 2004; and Ord. No 3494, § 1, 2007.

9.08.400 Reserved.

Editor's note(s)—Ord. No. 3826, § 2, adopted November 4, 2009, repealed § 9.08.400 which pertained to federal lands and derived from Ord. 3085, § 31, 2004.

9.08.500 Reserved.

Editor's note(s)—Ord. No. 3826, § 2, adopted November 4, 2009, repealed § 9.08.400 which pertained to trails and derived from Ord. 3085, § 32, 2004.

9.08.600 Reserved.

Editor's note(s)—Ord. No. 4008, § 15, adopted March 6, 2012, repealed § 9.08.600 which pertained to solid waste and derived from Ord. No. 3085, § 33, 2004.

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

CC CLERK
ATTN: COMMISSION CLERK
RM 6037
500 S GRAND CENTRAL PKWY
LAS VEGAS NV 89155

Account # 104095
Order ID 310737

IMAGE ON NEXT PAGE(S)

Leslie McCormick, being 1st duty sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal/Las Vegas Sun, daily newspaper regularly issued, published and circulated in the Clark County, Las Vegas, Nevada and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal/Las Vegas Sun, in 2 edition(s) of said newspaper issued from 03/12/2024 to 03/19/2024, on the following day(s):

03/12/2024, 03/19/2024

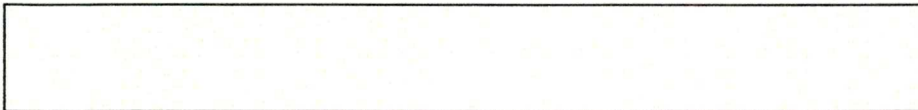
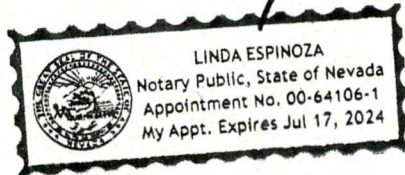
Leslie McCormick

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this March 19, 2024

Notary

Linda Espinoza



ORDINANCE NO. 5113

AN ORDINANCE TO AMEND TITLE 2, CHAPTER 2.76 AND TITLE 9, CHAPTER 9.08 OF THE CLARK COUNTY CODE BY DELETING THEM IN THEIR ENTIRETY AND ADOPTING A NEW CHAPTER 2.76 TO CONSOLIDATE AND REORGANIZE THE DUTIES AND FUNCTIONS OF THE DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY INTO ONE CHAPTER, DELETE OBSOLETE LANGUAGE, AND MAKE RELATED UPDATES, CORRECTIONS, AND CLARIFICATIONS; AMEND TITLE 30, CHAPTER 30.04, SECTION 30.04.07 TO UPDATE REFERENCES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

NOTICE IS HEREBY GIVEN that typewritten copies of the above numbered and entitled Ordinance are available for inspection by all interested parties at the Office of the County Clerk of Clark County, Nevada, at her Commission Division Office on the first floor of the Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada, and that said Ordinance was proposed by Commissioner Tick Segerblom on the 20th of February 2024 and passed on the 5th day of March 2024, by the following vote of the Board of County Commissioners:

Aye: Tick Segerblom
James B. Gibson
Justin Jones
Marilyn K. Kirkpatrick
William McCurdy II
Ross Miller
Michael Naft

Nay:None
Abstaining:None
Absent:None

This Ordinance shall be in full force and effect from and after the 19th day of March 2024.

(SEAL) LYNN MARIE GOYA,
COUNTY CLERK
and Ex-Officio Clerk of the
Board of County
Commissioners

Dated this 5th day of March
2024.

PUB: March 12, 19, 2024
LV Review-Journal