

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

CA-7-12 - City of Sparks

AN ORDINANCE BY THE CITY OF SPARKS AMENDING TITLE 20, CHAPTER 20.07.030 OF THE SPARKS MUNICIPAL CODE (DECISIONS SUBJECT TO REVIEW AND METHODS OF APPEAL) TO SHORTEN THE APPEAL PERIOD FOR PLANNING COMMISSION AND ADMINISTRATIVE ACTIONS AND OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

- A. **SECTION 1: Section 20.07.030 is hereby amended as follows:** Every action or decision of the planning commission or of any person engaged in the administration or enforcement of this title, other than a recommendation or other action or decision routinely reviewed by the city council, may be appealed to the city council by any person who is aggrieved by the action or decision.
- B. Unless otherwise provided, any person aggrieved by any such action or decision, or any person engaged in the administration or enforcement of this title affected by such action or decision, may appeal such action or decision to the city council, by filing a written notice of appeal with the city clerk which identifies all pertinent issues within ~~twenty one~~ eleven calendar days after such action or decision. Upon such filing, the city clerk shall set the matter for public hearing at the next available regular meeting of the city council. The city council shall review the matter de novo, and may affirm, modify, remand for further consideration or reverse the action or decision. In deciding an appeal the Sparks City Council will be guided by the statement of purpose

underlying the regulation of the improvement of land expressed in Nevada state law.

- C. The mayor or any member of the city council may request review of a planning commission action or decision with a written notice to the city clerk or orally at a meeting of the city council. Any such notice must be made within ~~twenty one~~ **eleven calendar** days after such action or decision.
- D. The right to appeal to the city council shall be deemed to have been waived upon failure to comply with the procedures set forth in this section or any rules and regulations adopted by the administrator of this title pursuant to Section 20.07.040
- E. **The decision of the Sparks City Council is a final decision for the purpose of judicial review. Any person who has appealed a decision to the governing body in accordance with this section and is aggrieved with the decision of the Sparks City Council may appeal the decision to Washoe County District Court by filing a petition for judicial review within 25 days after the date of filing of notice of the decision with the clerk of the Sparks City Council.**

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law and to record the plan certified herein as provided by law.

SECTION 4: This ordinance shall become effective upon passage, approval, publication.

SECTION 5: The provisions of this ordinance shall be literally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 6: If any subsection, phrase, sentence or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such

portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 7: The City Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

PASSED AND ADOPTED this _____ day of _____,
2013, by the following vote of the City Council:

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this _____ day of _____,
2013 by:

GENO MARTINI, Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Linda Patterson, City Clerk

CHESTER H. ADAMS, City Attorney