

**RULES AND PROCEDURES
OF THE
AIRPORT HAZARD AREAS BOARD OF ADJUSTMENT**

ARTICLE I

TITLE

This document shall be known as the Rules and Procedures of the Airport Hazard Areas Board of Adjustment of the Clark County Department of Aviation.

ARTICLE II

INTRODUCTION AND PURPOSE

The Airport Hazard Areas Board of Adjustment of the Clark County Department of Aviation ("Board") was established by Chapter 20.13 of the Clark County Code, concerning the regulation of airport hazards (the "Airport Hazard Regulations"). The following rules and procedures are established pursuant to the Airport Hazard Regulations and Chapter 497 of the Nevada Revised Statutes to govern the conduct of meetings of the Board where such rules and procedures are not inconsistent with the Laws of the State of Nevada and the Ordinances of Clark County.

ARTICLE III

POWERS OF BOARD OF ADJUSTMENT

The Board shall have and exercise the following powers as provided in Chapter 20.13:

- A. To hear and decide appeals from any order, requirement, decision or determination made by the Clark County Director of Aviation ("Director") in the enforcement of the Airport Hazard Regulations.
- B. To hear and decide specific variances under Section 20.13.080 of the Airport Hazard Regulations.

ARTICLE IV

MEMBERSHIP

The Board shall consist of five members, each to be appointed for a term of three years by the Clark County Board of County Commissioners ("County Commissioners"). Any such member may be removable by the County Commissioners for cause, upon written charges and after public hearing.

ARTICLE V

CHAIRMAN AND VICE CHAIRMAN

- A. The Board shall elect one of its number as Chairman, who shall act as presiding officer at meetings of the Board.
- B. The Board shall also elect one of its number as Vice-Chairman, who shall act in the absence of the Chairman.
- C. The Chairman and Vice-Chairman shall be elected annually for one-year terms at the first meeting of the Board held after February 1 of each year.
- D. The Chairman, or in his absence, the Vice-Chairman, may administer oaths and compel the attendance of witnesses.

ARTICLE VI

MEETINGS

- A. The Board shall meet at least one time yearly and at such other times as the Chairman may determine.
- B. All meetings shall be open to the public. Notice of any such meeting shall be provided in accordance with Chapter 241 of the Nevada Revised Statutes, as the same may be amended from time to time.

ARTICLE VII
MINUTES AND RECORDS

The Board shall (a) keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; (b) keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Director of the Department of Aviation and shall be a public record. Minutes and recordkeeping shall otherwise be prepared and performed in accordance with Chapter 241 of the Nevada Revised Statutes, as the same may be amended from time to time.

ARTICLE VIII
QUORUM; MAJORITY VOTE

- A. Three members of the Board shall constitute a quorum for purposes of conducting business.

- B. The concurring vote of a majority of the members of the Board shall be sufficient to reverse any order, requirement, decision or determination of the Director of Aviation, or to decide in favor of the applicant on any matter upon which it is required to pass under the Airport Hazard Regulations, or to effect any variation in the Airport Hazard Regulations.

ARTICLE IX
GENERAL

A member of the general public may speak on any matter before the Board if appropriate for the Board's consideration, upon recognition by the Board. Such person shall be limited to five minutes unless time is extended by approval of the Board.

ARTICLE X

APPEALS

- A. All appeals taken pursuant to Section 20.13 shall be filed within thirty (30) days of the final decision being appealed from by filing with the Director of Aviation and the Board a notice of appeal specifying the grounds thereof. The Director of Aviation shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. The Board shall set a hearing on the appeal to occur no later than thirty (30) days of receipt of the notice of appeal and shall send notice of such hearing by first class mail, at least ten (10) days prior to the hearing to
- (1) the appellant,
 - (2) the Director,
 - (3) each owner of property within a minimum distance of 300 feet of the exterior boundary of the lot or parcel of land described in the appeal, and
 - (4) tenants of mobile home parks when the park is within a minimum distance of 300 feet of the exterior boundary of the lot or parcel of land described in the application.
- C. The Board shall render its decision on the appeal within fifteen (15) days after such hearing.

- D. The Board may, in conformity with Section 20.13, reverse, affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Director of Aviation.

ARTICLE XI

VARIANCES

- A. Any person seeking a variance pursuant to Section 20.13.080 shall file an application therefor with the Director of Aviation and the Board.
- B. The Board shall set a hearing on the application to occur no later than thirty (30) days of receipt of the application and shall send notice of such hearing by first class mail, at least ten (10) days prior to the hearing to
- (1) the applicant,
 - (2) the Director,
 - (3) each owner of property within a minimum distance of 300 feet of the exterior boundary of the lot or parcel of land described in the application, and
 - (4) tenants of mobile home parks when the park is within a minimum distance of 300 feet of the exterior boundary of the lot or parcel of land described in the application.
- C. Any person may appear at the hearing in person or by agent or attorney. The Board shall render its decision on the application within fifteen (15) days after such hearing.

- D. A variance shall be allowed only where a literal application or enforcement of the Airport Hazard Regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest, but would do substantial justice and be in accordance with the spirit of the Airport Hazard Regulations. As used in the Airport Hazard Regulations, practical difficulty or unnecessary hardship shall be found only in cases where such difficulty and hardship is extreme and inequitable. Further, and without limitation, any relief granted would be contrary to the public interest if it interferes with the operations of the Clark County Airport or the North Las Vegas Air Terminal. Any such variance allowed may be subject to any reasonable conditions that the Board may deem necessary to effectuate the purposes of these regulations.
- E. In granting any variance under Section 20.13.080, the Board may, if it deems such an action advisable to carry out the purposes of the Airport Hazard Regulations and reasonable in the circumstances, so condition the variance as to require the owner of the structure or tree in question to permit the County to install, operate, and maintain thereon, at the owner's expense, such markers and lights as may be necessary to indicate to aviators the presence of a hazard to flight.

ARTICLE XII

PARLIAMENTARY AUTHORITY

Where consistent with State Law and County Ordinances, the conduct of the meetings of the Board shall be governed by Robert's Rules of Order, Newly Revised.

ARTICLE XIII

AMENDMENTS

Amendments to the Rules and Procedures may be proposed at any regular meeting and voted upon at any successive meeting.