

1 **BILL NO. 2008-30**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE PROVISIONS OF THE CITY'S SIGN REGULATIONS
4 RELATING TO ENFORCEMENT, REMEDIES AND PENALTIES, AND TO PROVIDE FOR
OTHER RELATED MATTERS.

5 Sponsored by: Councilman Gary Reese

Summary: Updates provisions of the City's sign
regulations relating to enforcement, remedies
and penalties.

7 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
8 AS FOLLOWS:

9 SECTION 1: Title 19, Chapter 14, Section 110, Subsection (A), of the Municipal
10 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 (A) Signs Prohibited in Public Right-of-Way.

12 (1) General Rule. Signs shall be prohibited in the public right-of-way, except as provided
13 in this Section.

14 (2) Presumption. A sign erected or placed in the public right-of-way and containing an
15 individual's name, telephone number, address or identification of a product shall be presumed to have
16 been erected or placed by or at the direction of the person or entity associated with that name,
17 business, telephone number, address or product. That presumption is a rebuttable presumption which
18 the affected person or entity may disprove by competent evidence in any enforcement action or
19 administrative [hearing] proceeding involving such signs. However, in an administrative proceeding
20 against the affected person or entity, the presumption is not rebutted if the sign was erected or placed
21 by a person or entity who, pursuant to contract or otherwise, is acting on behalf of the affected person
22 or entity.

23 SECTION 2: Title 19, Chapter 14, Section 170, Subsection (B), of the Municipal
24 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 (B) Remedies and Penalties. Any sign installed or placed on any property in violation of the
26 requirements of this Chapter shall be subject to the following:

27 (1) With respect to any sign that constitutes a hazard to the public or a sign without proper
28 certification that has been installed or placed on unimproved property, on public property or within

1 public right-of-way, the sign may be immediately removed and impounded. The City shall notify the
2 sign owner(s) or installer (or other responsible person) of the impoundment, if the person or persons
3 are known to or reasonably can be determined by the City. The notice shall be given within five days
4 after impoundment of the sign, or within the additional time as may be necessary in order to identify
5 and locate the person or persons. The City will keep the sign for a period of thirty days following the
6 sign's removal, during which time the owner(s) or other responsible person may reclaim the sign. At
7 the end of the thirty-day period, the sign may be destroyed.

8 (2) Signs that are not made subject to the impoundment provisions described in Paragraph
9 (1) above are subject to removal and impoundment ten days after appropriate notice has been given[.],
10 or after such shorter period as the notice may indicate. Appropriate notice shall be deemed to have
11 been given if the City provides written notice to the owner(s) or installer of the sign (or other
12 responsible person). If the notice cannot be given after reasonable efforts to identify and locate the
13 person or persons, the City may affix a notice of noncompliance to the sign itself. If the sign has not
14 been removed or brought into compliance within ten days, or such shorter time as the notice may
15 indicate, the City may remove and impound the sign. Following the removal and impoundment of a
16 sign, the City will keep the sign for a period of thirty days following the sign's removal, after which
17 the sign may be destroyed.

18 (3) In addition to other remedies, the City shall have the right to recover from the owner(s)
19 or installer of such a sign, or the owner(s) of the property on which it is located, or any other
20 responsible person, the full costs of removal and disposal of the sign. The City shall certify the
21 removal and may charge the owner(s) or installer or other responsible person for the removal, payable
22 within ten days after receipt of a statement of charges or the charges may be a special assessment and
23 a lien on the property involved and subject to the provisions of LVMC 9.12.150, 9.12.160 and
24 9.12.170. It is presumed that the person or entity whose identity is represented on the sign is a person
25 responsible for installing the sign, which presumption may be rebutted by [affidavit.] competent
26 evidence. However, the presumption is not rebutted if the sign was erected or placed by a person or
27 entity who, pursuant to contract or otherwise, is acting on behalf of the person or entity whose identity
28 is represented on the sign.

(4) Removal pursuant to this Subsection may be accomplished by the City or its authorized agent.

(5) For any premises on which there is an existing sign that violates any part of this Chapter, the City may withhold permits for any other signs, including temporary signs, until the violation has been corrected or the property owner(s) has entered into a written agreement with the City for abatement of the violation by a specified date. The provisions of this Paragraph shall not apply to any sign that is not under the legal control of the applicant for a new sign, whether as owner(s) or lessee(s). A sign user simply renting one space on a larger "tenant board" or other sign advertising multiple businesses shall not be considered to be in control of such sign.

(6) Any violation of this Chapter shall be a misdemeanor. The City may issue a citation and upon conviction seek imposition of fines in accordance with the following schedule:

(a) Upon a first conviction, a minimum of two hundred fifty dollars;

(b) Upon a second conviction within a period of one year, or a first conviction within a period of one year following a finding of civil liability regarding a violation of this Chapter, a minimum of five hundred dollars; and

(c) Upon each subsequent conviction, [within period of one year, minimum] a fine of one thousand dollars.

(7) As an alternative to a criminal prosecution regarding a particular violation, the City may process the violation as a civil nuisance under LVMC 9.04.040 et seq. Upon a finding of civil liability, the City may seek an imposition of civil liability in accordance with the following schedule:

(a) Upon the first finding of civil liability, a minimum of two hundred fifty dollars;

(b) Upon a second finding of civil liability within a period of one year; a first finding of civil liability within a period of one year following a conviction; or any subsequent such finding, a minimum of five hundred dollars.

(8) Each day that any sign has been installed, created, erected, maintained or abandoned in violation of this Chapter shall be considered a separate violation when applying the criminal or civil penalty portions of this Chapter.

SECTION 3: For purposes of Section 2.100(3) of the City Charter, LVMC 19.14.110

1 and 19.14.170 are deemed to be subchapters rather than sections.

2 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
3 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
4 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
5 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
6 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
7 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
8 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
9 invalid or ineffective.

10 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared
11 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
12 required or the failure to do any act is made or declared to be unlawful or an offense or a
13 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
14 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
15 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
16 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

17 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
18 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
19 1983 Edition, in conflict herewith are hereby repealed.

20 PASSED, ADOPTED and APPROVED this ____ day of _____, 2008.

21 APPROVED:

22
23 By _____
OSCAR B. GOODMAN, Mayor

24 ATTEST:

25 _____
26 BEVERLY K. BRIDGES, CMC
City Clerk

27 APPROVED AS TO FORM:

28 Val Steed 6-5-08
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2008, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2008, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, CMC
City Clerk