

1 **BILL NO. 2010-7**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO EXCLUDE THE SALE OF MOPEDS FROM THE ZONING
4 REGULATIONS GOVERNING THE SALE OF MOTORIZED VEHICLES, AND TO PROVIDE
FOR OTHER RELATED MATTERS.

5 Proposed by: M. Margo Wheeler,
6 Director of Planning and Development

Summary: Excludes the sale of mopeds from
the zoning regulations governing the sale of
motorized vehicles.

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

9 SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
10 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
11 amending the description of the use "Motor Vehicle Sales (New)" in the "Auto and Marine Related"
12 element of Table 2, to read as follows:

13 **Description:**

14 A facility or area for the display and sale (or leasing) of new automobiles, trucks, motorcycles and
15 motor scooters[.], but excluding mopeds. The term includes service bays and auto body shops which
16 are incidental and accessory to the sales use.

17 SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
18 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
19 amending the description of the use "Motor Vehicle Sales (Used)" in the "Auto and Marine Related"
20 element of Table 2, to read as follows:

21 **Description:**

22 "Motor Vehicle Sales (Used)" means a facility or area used primarily for the display and sale (or
23 leasing) of used automobiles, motorcycles and motor scooters[.], but excluding mopeds. The term
24 includes service bays and auto body shops which are incidental and accessory to the sales use.

25 SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
26 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
27 amending the description of the use "Motorcycle/Motor Scooter Sales" in the "Auto and Marine
28 Related" element of Table 2, to read as follows:

1 **Description:**

2 A facility or area for the display and sale of motorcycles and motor scooters, whether new or used[.],
3 but excluding mopeds. The term includes service bays which are incidental and accessory to the sales
4 use. The term is used for the sole purpose of allowing the use by means of Special Use Permit in the
5 C-1 District. For all other purposes, the use described in this definition shall be treated under the
6 appropriate category of motor vehicle sales.

7 SECTION 4: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definitions of the terms "Motor
9 Vehicle Sales (New)," "Motor Vehicle Sales (Used)" and "Motorcycle/Motor Scooter Sales" to read,
10 respectively, as follows:

11 "Motor Vehicle Sales (New)" means a facility or area for the display and sale (or leasing) of new
12 automobiles, trucks, motorcycles and motor scooters[.], but excluding mopeds. The term includes
13 service bays and auto body shops which are incidental and accessory to the sales use.

14 "Motor Vehicle Sales (Used)" means a facility or area used primarily for the display and sale (or
15 leasing) of used automobiles, motorcycles and motor scooters[.], but excluding mopeds. The term
16 includes service bays and auto body shops which are incidental and accessory to the sales use.

17 "Motorcycle/Motor Scooter Sales" means a facility or area for the display and sale of motorcycles and
18 motor scooters, whether new or used[.], but excluding mopeds. The term includes service bays which
19 are incidental and accessory to the sales use. The term is used for the sole purpose of allowing the use
20 by means of Special Use Permit in the C-1 District. For all other purposes, the use described in this
21 definition shall be treated under the appropriate category of motor vehicle sales.

22 SECTION 5: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate location,
24 the following term, along with its corresponding definition:

25 "Moped" means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a
26 small engine which produces not more than two gross brake horsepower, has a displacement of not
27 more than fifty cubic centimeters or produces not more than fifteen hundred watts final output, and
28 is capable of a maximum speed of not more than thirty miles per hour on a flat surface with not more

1 than one percent grade in any direction when the motor is engaged. For purposes of the provisions
2 of this Title relating to vehicle sales, mopeds shall be considered retail goods rather than motor
3 vehicles.

4 SECTION 6: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010
5 and 19.20.020 are deemed to be subchapters rather than sections.

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

14 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
15 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
16 1983 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

18 APPROVED:

19
20 By _____
OSCAR B. GOODMAN, Mayor

21 ATTEST:

22 _____
23 BEVERLY K. BRIDGES, MMC
City Clerk

24 APPROVED AS TO FORM:

25 Val Steel 1-6-10
26 _____
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2010, 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 _____, 2010, 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:

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17 BEVERLY K. BRIDGES, MMC
City Clerk

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