BILL NO. 2011-19

ORDINANCE NO. _____

AN ORDINANCE TO EXPAND AND CLARIFY THE APPLICABILITY OF CERTAIN PARKING-RELATED PROHIBITIONS RELATING TO CITY-OWNED PARKING LOTS, CITY-OWNED PARKING GARAGES, AND PUBLIC RIGHTS-OF-WAY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Gary Reese

Summary: Expands and clarifies the applicability of certain parking-related prohibitions relating to City-owned parking lots, City-owned parking garages, and public rights-of-way.

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

SECTION 1: Title 11, Chapter 10, Section 180, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.10.180: (A) Except as provided in Subsection (B) of this Section, for other parking infractions of the provisions of this Code, the civil fine is twenty dollars.

(B) For abandoning or for stopping, standing or parking a vehicle [on any City highway, street or thoroughfare] in violation of LVMC 11.24.010 or 11.52.305, [respectively,] the civil fine is seventy-five dollars, plus any towing and storage fees which may be assessed in connection with the removal of the vehicle pursuant to this Title.

SECTION 2: Title 11, Chapter 24, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.24.010: (A) It is unlawful to do any of the following upon any highway, street or other public thoroughfare within the City:

[(A)] (1) Abandon a vehicle;

[(B)] (2) Park a vehicle which does not display thereon a valid registration permit or license plate issued [by the Nevada Department of Motor Vehicles] for that vehicle[;] by the Nevada Department of Motor Vehicles or by another state or nation;

[(C)] (3) Allow a vehicle to remain positioned:

[(1)] (a) On the same highway, street or other public right-of-way

adjacent to the same parcel or property line for more than seventy-two consecutive hours;

[(2)] (b) On the same highway, street or other public right-of-way adjacent to the same parcel or property line for more than seventy-two hours of any consecutive ninety-six-hour period;

[(3)] (c) On adjoining highways, streets or other public rights-of-way adjacent to the same parcel or property line for more than seventy-two hours of any consecutive ninety-six-hour period;

[(D] (4) Park a vehicle and cause it to be suspended on jacks or any other lifting device, except as and to the extent reasonably necessary to change a tire or effect an immediate repair; or

[(E)] (5) Park a vehicle and engage in mechanical repairs thereon, except as and to the extent reasonably necessary to effect an immediate emergency repair.

(B) It is unlawful to do any of the following upon or within any City-owned parking lot or parking garage within the City:

(1) Abandon a vehicle;

(2) Park a vehicle which does not display thereon a valid registration permit or license plate issued for that vehicle by the Nevada Department of Motor Vehicles or by another state or nation;

(3) Park a vehicle and cause it to be suspended on jacks or any other lifting device, except as and to the extent reasonably necessary to change a tire or effect an immediate repair; or

(4) Park a vehicle and engage in mechanical repairs thereon, except as and to the extent reasonably necessary to effect an immediate emergency repair.

SECTION 3: Title 11, Chapter 24, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.24.030: Any officer of the Metropolitan Police Department or any officer of the Department of Detention and Enforcement who has reasonable grounds to believe that a vehicle has been abandoned or has been parked [in the same location] in violation of LVMC 11.24.010 may affix a

Notice of Infraction to the vehicle. An authorized employee of the Department of Neighborhood Services who has reasonable grounds to believe that a vehicle has been abandoned or parked on private property in violation of LVMC 11.24.020 may affix a Notice of Infraction to the vehicle. The officer or employee may also affix a warning notice advising that the vehicle is subject to tow because it is in violation, and may mark one or more tires of the vehicle to indicate the current date. Any such officer or employee is authorized to immediately remove or have such vehicle removed from any street, highway, public thoroughfare, public or private property, for the purpose of storage or disposition, to any garage within the City as designated by the officer if the vehicle:

(A) Has not been removed within seventy-two hours after the warning notice is affixed.

(B) Has been parked for more than twenty-four hours while in violation of a parking prohibition, restriction or time limitation.

(C) Is parked at a location or in a manner so as to constitute a traffic hazard or an obstruction to the normal movement of traffic or pedestrians.

(D) Is parked within a fire lane, whether on public or private property, which has been designated and posted as such pursuant to [Sections 901 and 902 of the] Section 503.3 of the International Fire Code, as adopted by the City.

(E) Is parked within fifteen feet of a fire hydrant located on either public or private property, whether or not:

(1) A sign has been posted to indicate "No Parking"; or

(2) The adjacent curb or road surface has been painted red.

(F) Has obviously been abandoned upon a street, highway, public thoroughfare or on public property.

(G) Has been abandoned or parked in violation of LVMC 11.24.020, and has not been removed within seventy-two hours after a warning notice has been affixed.

(H) Is parked upon a street, highway, public thoroughfare or public property and is so disabled or in such a state of disrepair that its normal operation is impossible or impractical.

(I) Is parked upon a street, highway, public thoroughfare or public property and

displays no valid registration permit or license plate issued by the Nevada Department of Motor Vehicles for that vehicle.

(J) Is parked on private property to which the public has access and has been damaged or is in such a state of disrepair as to constitute an imminent hazard to the public.

SECTION 4: Title 11, Chapter 52, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 315, reading as follows:

11.52.315: The City Manager or his designee is authorized to cause individual parking spaces within City-owned parking lots or parking garages to be marked, either by means of painted lines or other durable markings. Where such parking spaces have been so marked, it is unlawful to park any vehicle:

(A) In such a way that the vehicle is not entirely within the limits of a single space so designated; or

(B) In an area not marked as a parking space.

SECTION 5: Title 13, Chapter 4, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13.04.070: (A) It is unlawful for any person to:

(1) Sell [sell] or to display for the purpose of sale any motor vehicle or merchandise on or within any unimproved portion of a public right-of-way. For purposes of this [Section,] Subsection, "merchandise" means goods or wares, including, but not limited to, produce, nursery stock, ceramics and other similar items.

(2) Park a vehicle upon any public right-of-way, whether improved or unimproved, for the principal purpose of displaying the vehicle for sale.

➥A violation of this Subsection (A) may be enforced either by means of a criminal proceeding or as a civil violation under LVMC Chapter 11.10.

(B) Members of the Las Vegas Metropolitan Police Department and designated officers of the Department of Detention and Enforcement are authorized to remove or cause to be removed, to a designated garage or storage area, any motor vehicle which is being displayed in

violation of this Section if the vehicle has not been removed within seventy-two hours after a written notice to remove is attached to the vehicle. The costs of removal and storage shall be borne by the owner of the vehicle.

(C) Nothing in this Section shall be deemed to authorize any sale or display on any improved portion of a public right-of-way except that which is otherwise expressly permitted by this Code.

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

SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Valstead 3-23-11
_____
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2011, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2011, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk