

BILL NO. 2014-74

ORDINANCE NO. _____

AN ORDINANCE TO AMEND LVMC CHAPTER 11.10 PERTAINING TO PARKING VIOLATIONS TO ADJUST AUTHORITY AND RESPONSIBILITY PERTAINING TO THE TOWING AND IMMOBILIZATION OF VEHICLES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Amends LVMC Chapter 11.10 pertaining to parking violations to adjust authority and responsibility pertaining to the towing and immobilization of vehicles.

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

SECTION 1: Title 11, Chapter 10, Section 200, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.10.200: (A) The Las Vegas Metropolitan Police Department, [and] the Department of Detention and Enforcement, and the Parking Services Division of the Department of Economic and Urban Development are authorized to remove a vehicle to the nearest garage or other place [of safety, or to a garage which is designated or maintained by the Las Vegas Metropolitan Police Department or otherwise maintained] that has been designated for vehicle storage by the City, under the circumstances which are hereinafter enumerated:

(1) When any vehicle is left unattended upon any highway, bridge, viaduct or causeway, or in any tube or tunnel, if such vehicle constitutes an obstruction to traffic;

(2) When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic and the person who is in charge of such vehicle is, by reason of physical injury or other reason, incapacitated to the extent that he is unable to provide for its custody or removal, or is not in the immediate vicinity of the disabled vehicle;

(3) When any vehicle is illegally parked in a parking space or location for twenty-four hours or more or is parked so illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;

(4) When the person who is in charge of a vehicle is unable to provide for its custody or removal within:

(a) Twenty-four hours after abandoning such vehicle on any freeway, United States highway or other primary arterial street, or

(b) Seventy-two hours after abandoning such vehicle on any other street;

(5) When the person who is driving or in actual physical control of a vehicle is arrested for any alleged offense for which the arresting officer is required by law to take such person before a proper magistrate without unnecessary delay; or

(6) In accordance with Section 11.10.240.

(B) As used in this Section 11.10.200 to Section 11.10.280, the term "vehicle" shall include any automobile, motorcycle, truck, boat trailer, utility trailer, or any other vehicle capable of being driven or towed on any street, highway, or right-of-way.

(C) Prior to the release of any vehicle impounded pursuant to this Section, the operator, registered owner or his designee must pay the costs of such impoundment.

SECTION 2: Title 11, Chapter 10, Section 240, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.10.240: (A) The City is authorized to attach an immobilizing device to a vehicle that is parked on any public right-of-way or City-owned or -operated lot if the vehicle is included on an immobilization eligibility list. A vehicle may be included on an immobilization eligibility list only if:

(1) The registered owner of the vehicle has accumulated more than \$500.00 in unpaid civil fines, judgments and penalties, or at least five Notices of Infraction have been issued and served with respect to that vehicle and have not been responded to within the time set forth in Section 11.10.090; and

(2) At least twenty-one days before including the vehicle on the list, the City provided notice of impending vehicle immobilization in accordance with Subsection (B) of this Section.

1 (B) Notice of impending vehicle immobilization shall be provided by mailing such
2 notice to the registered owner of the vehicle at the address last known to the City or on file with the
3 Department of Motor Vehicles. The notice shall include the dates and nature of the infractions which
4 formed the basis for the civil fines, judgments and penalties; the numbers of the Notices of Infraction; and
5 the amounts owing. The notice shall advise that the registered owner may challenge the validity of the
6 notice by requesting a hearing. The hearing shall be held before the Hearing Officer for the sole purpose of
7 allowing the registered owner to show that:

8 (1) The amounts in question have been paid; or

9 (2) The vehicle was not properly included on the immobilization eligibility list
10 in accordance with the provisions of Subsection (A) of this Section.

11 (C) A vehicle shall be removed from the immobilization eligibility list if:

12 (1) The registered owner pays all fines, judgments, penalties and applicable
13 immobilization, towing and storage fees;

14 (2) The registered owner executes an agreement to pay within a specified
15 period of time all fines, judgments, penalties and applicable immobilization, towing and storage fees, with a
16 condition that, for default on the payment obligation, the vehicle shall be subject to reinstatement on the
17 immobilization list; or

18 (3) The Hearing Officer finds that the vehicle was not properly included on
19 the immobilization eligibility list.

20 (D) In connection with the immobilization of a vehicle, a notice shall be attached to the
21 vehicle in a conspicuous place advising:

22 (1) That the vehicle is immobilized and that any attempt to move the vehicle
23 may result in its damage;

24 (2) That the unauthorized removal of or damage to the immobilizing device is
25 a violation of law;

26 (3) How release of the immobilizing device may be obtained; and

1 (4) How a hearing may be obtained pursuant to Subsection (H).

2 (E) The City may (but is not obligated to) cause to be towed and stored any vehicle
3 which has been immobilized if, within twenty-four hours after immobilization, no arrangements have been
4 made for the vehicle's release. An unregistered vehicle that is immobilized may be towed and stored
5 immediately. Within ten days after an immobilized vehicle is towed, the City shall send a notice advising
6 that the vehicle has been immobilized and towed. The notice shall be provided by means of certified mail,
7 return receipt requested, mailed to the registered owner at the address last known to the City or on file with
8 the Department of Motor Vehicles. The notice shall state that the registered owner is entitled to request a
9 hearing pursuant to Subsection (H) of this Section to determine the validity of the immobilization. If a
10 vehicle is towed pursuant to this Subsection (E), the City (or a tow operator acting at the City's direction) is
11 authorized to remove the immobilization device for purposes of transportation and reapply the device after
12 the vehicle is stored at the location designated for storage by the City.

13 (F) An immobilization fee of fifty dollars shall be paid by or on behalf of the
14 registered owner of the vehicle prior to the removal of an immobilizing device.

15 (G) Release of an immobilized vehicle, either by the City or by an authorized tow
16 operator who has been directed by the City to do so, may be obtained by:

17 (1) The payment of all fines, judgments, penalties and applicable
18 immobilization, towing and storage fees; or

19 (2) In connection with the request of a hearing to determine the validity of the
20 immobilization of the vehicle, the posting of a bond or other sufficient undertaking in an amount which will
21 satisfy all fines, judgments, penalties and applicable immobilization, towing and storage fees.

22 (H) The registered owner of a vehicle may request a hearing regarding the
23 immobilization of the owner's vehicle. The request for hearing must be made within 10 days after the date
24 of the notice described in Subsection (D) or Subsection (E) of this Section. The hearing shall be held
25 before the Hearing Officer and shall be limited to a determination of whether there was a factual and legal
26 basis for the immobilization. Failure to request or attend a hearing shall be deemed a waiver of the right to

1 a hearing. If the Hearing Officer determines that there was a factual and legal basis for the immobilization,
2 the bond or undertaking shall be forfeited. If the hearing officer determines that there was an insufficient
3 factual and legal basis for the immobilization, the bond or undertaking shall be exonerated.

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

11 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
12 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
13 Edition, in conflict herewith are hereby repealed.

14 PASSED, ADOPTED and APPROVED this ____ day of _____, 2014.

15 APPROVED:

16
17 By: _____
18 CAROLYN G. GOODMAN, Mayor

19 ATTEST:

20 _____
21 BEVERLY K. BRIDGES, MMC
22 City Clerk

23 APPROVED AS TO FORM:

24 Val Steed 11-3-14
25 Val Steed, Date
26 Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the _____
2 day of _____, 2014, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2014, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By: _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk