

City of Las Vegas

**RECOMMENDING COMMITTEE MEETING
CITY HALL, 495 S. MAIN STREET
CITY CLERK'S 2ND FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
MARCH 5, 2013
9:00 A.M.**

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF ORDER PRESENTED; TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Bill No. 2013-7 - For Possible Action - Authorizes a recreational vehicle to park on a residential street for up to forty-eight consecutive hours under certain conditions. Sponsored by: Councilman Bob Beers and Councilwoman Lois Tarkanian
4. Bill No. 2013-8 - For Possible Action - Updates LVMC Chapter 4.12 regarding the payment of claims and demands to conform to changes in process and technology. Proposed by: Candace Falder, Director of Finance
5. Bill No. 2013-9 - For Possible Action - Authorizes the City to treat licensing violations under LVMC Title 6 as civil violations subject to a civil penalty rather than proceeding by means of a misdemeanor prosecution, and establishes procedures for the processing and disposition of Notices of Violation. Sponsored by: Councilwoman Lois Tarkanian
6. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited
7. ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Thursday, 7:00 A.M. to 5:30 P.M.

City of Las Vegas

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9108.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Hall, 495 South Main Street, 1st Floor
Clark County Government Center, 500 South Grand Central Parkway
Grant Sawyer Building, 555 East Washington Avenue
City of Las Vegas Development Services Center, 333 North Rancho Drive

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MARCH 5, 2013

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
CALL TO ORDER



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MARCH 5, 2013

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: MARCH 5, 2013**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐ **Consent** ☒ **Discussion****SUBJECT:**

Bill No. 2013-7 - For Possible Action - Authorizes a recreational vehicle to park on a residential street for up to forty-eight consecutive hours under certain conditions. Sponsored by: Councilman Bob Beers and Councilwoman Lois Tarkanian

Fiscal Impact☒**No Impact**☐**Augmentation Required**☐**Budget Funds Available****Amount:****Funding Source:****Dept./Division:****PURPOSE/BACKGROUND:**

Current Code provisions generally prohibit the parking of recreational vehicles on residential streets. This bill will authorize a recreational vehicle to park on a residential street for up to forty-eight consecutive hours under certain conditions. The bill will require a permit for each occasion and establish parameters and limitations designed to prevent abuse. The bill also combines duplicate and potentially conflicting provisions.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2013-7
2. Business Impact Statement
3. Text of section proposed to be repealed

BILL NO. 2013-7

ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE A RECREATIONAL VEHICLE TO PARK ON A RESIDENTIAL STREET FOR UP TO FORTY-EIGHT CONSECUTIVE HOURS UNDER CERTAIN CONDITIONS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Beers
Councilwoman Lois Tarkanian

Summary: Authorizes a recreational vehicle to park on a residential street for up to forty-eight consecutive hours under certain conditions.

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

SECTION 1: Title 11, Chapter 52, Section 305, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.52.305: (A) Except as otherwise provided in this Section, [It] it is unlawful for a person to stand, park or store, upon any residential street, a commercial vehicle, recreational vehicle, trailer, or any combination of vehicle and trailer having an overall length of twenty-four feet or more[, except in front of property from which or to which goods or passengers are being picked up or delivered, and then only for that period of time during which goods or passengers are being expeditiously loaded or unloaded.] or an unladen weight in excess of eight thousand pounds.

(B) The provisions of Subsection (A) do not apply to a commercial vehicle that is:

(1) Parked in front of property from which or to which goods or passengers are being picked up or delivered, but only for that period of time during which goods or passengers are being expeditiously loaded or unloaded; or

(2) Being used in conjunction with the performance of service, repair, construction or similar essential use within the immediate neighborhood.

(C) A person may park a recreational vehicle upon a residential street in front of property from which or to which passengers and travel items will be loaded or unloaded, but only:

(1) For a period not to exceed forty-eight consecutive hours; and

(2) In accordance with a permit issued by the Parking Division of the Department of Economic and Urban Development in accordance with Subsection (D).

➡ For purposes of this Subsection (C) and Subsection (D), "recreational vehicle" means any vehicle

1 or trailer, or vehicle-trailer combination, that is designed, maintained and used as a travel trailer,
2 camper, motor home, tent trailer, or camping trailer.

3 (D) A permit issued for recreational vehicle parking described in Subsection (C):

4 (1) Shall specify the location and vehicle to which it pertains, the date and
5 time permitted parking may begin, and the date and time the permit expires;

6 (2) Must be displayed in or on the vehicle in a conspicuous location that
7 is clearly visible from the street;

8 (3) Is valid only for the vehicle, location and times specified;

9 (4) Is not valid with reference to the same recreational vehicle more than
10 six times within any three-month period;

11 (5) Is not valid for any period that commences less than seventy-two hours
12 after a previous permit for the same recreational vehicle has expired;

13 (6) May be conditioned on the payment of a fee not to exceed ten dollars;
14 and

15 (7) May be revoked for abuse, misuse, ineligibility or other good cause.

16 [(B)] (E) It is unlawful for a person to stand, park or store a mobile billboard upon any
17 street at a location within five hundred feet of a dwelling, including any apartment unit or residential
18 condominium. For purposes of this Subsection [(B),] (E), "mobile billboard" means one or more sign
19 structures that are mounted on a vehicle or trailer and are used for general advertising or advertising
20 for hire. The term does not include signs that are displayed or installed on:

21 (1) A bus, taxicab or similar vehicle that is used primarily for the purpose
22 of transporting multiple passengers; or

23 (2) A vehicle operated in the normal course of the vehicle owner's business,
24 if the signs contain advertising or identifying information directly related to the business and are not
25 used to display advertising unrelated to that business.

26 SECTION 2: Title 11, Chapter 48, Section 90, of the Municipal Code of the City of
27 Las Vegas, Nevada, 1983 Edition (relating to heavy trucks), is hereby repealed in its entirety.

28 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or

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

8 SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared
9 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
10 required or the failure to do any act is made or declared to be unlawful or an offense or a
11 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
12 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
13 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
14 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

15 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
16 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
17 1983 Edition, in conflict herewith are hereby repealed.

18 PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

19 APPROVED:

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21 By _____
CAROLYN G. GOODMAN, Mayor

22 ATTEST:

23 _____
24 BEVERLY K. BRIDGES, MMC
City Clerk

25 APPROVED AS TO FORM:

26 Val Steed 1-28-13
27 _____
Date
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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, MMC
City Clerk

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BUSINESS IMPACT STATEMENT

BILL NO. 2013-7

(Authorizes a recreational vehicle to park on a residential street for up to forty-eight consecutive hours under certain conditions)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2013-7, that will authorize a recreational vehicle to park on a residential street for up to forty-eight consecutive hours under certain conditions.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

Not applicable

Beneficial effects:

Not applicable

Direct effects:

Not applicable

Indirect effects:

Not applicable

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

Cost of enforcement has no relation to business impact

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Fee collection has no relation to business impact

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Fee collection has no relation to business impact

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains why such duplicative or more stringent provisions are necessary:

Not applicable

Date: January 23, 2013

Text of Section Proposed to be Repealed

11.48.090 - Heavy trucks in residence districts.

No person shall stand or park a vehicle, trailer, or combination of vehicle and trailer which has an overall length greater than twenty-four feet or an unladen weight in excess of eight thousand pounds in any residential district, except when actually and expeditiously engaged in the loading or unloading of merchandise or when such vehicle is being used in conjunction with the performance of service, repair, construction or similar essential use within the immediate neighborhood.

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: MARCH 5, 2013

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2013-8 - For Possible Action - Updates LVMC Chapter 4.12 regarding the payment of claims and demands to conform to changes in process and technology. Proposed by: Candace Falder, Director of Finance

Fiscal Impact

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No Impact

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Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update LVMC Chapter 4.12 regarding the payment of claims and demands on the City. The update will conform Code provisions to changes in process and technology. This update is part of a project designed to identify and update obsolete and duplicative Code provisions.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2013-8
2. Business Impact Statement
3. Text of section proposed to be repealed

BILL NO. 2013-8

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE LVMC CHAPTER 4.12 REGARDING THE PAYMENT OF CLAIMS AND DEMANDS TO CONFORM TO CHANGES IN PROCESS AND TECHNOLOGY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Candace Falder, Director of Finance	Summary: Updates LVMC Chapter 4.12 regarding the payment of claims and demands to conform to changes in process and technology.
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THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 4, Chapter 12, Section 90, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4.12.090: All claims against the City for materials, supplies and services purchased by the City shall be presented to and filed with the [Director of Finance who shall note thereon the date received. The Director of Finance shall attach to such] Department of Finance. With respect to each claim, officers or employees of the Department shall:

(A) Note thereon the date the claim was received; and

(B) Attach to the claim a copy of the purchase order by which the expenditure was authorized, together with such evidence as is available of the receipt of goods or services referred to on the claim upon which shall be shown the written approval or disapproval of the head of the department or designee as to the materials and supplies received or services rendered. The process used (and evidence of the process used) may be in electronic form.

SECTION 2: Title 4, Chapter 12, Section 100, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4.12.100: The [Director] Department of Finance shall examine and verify all claims filed against the City as to their validity, accuracy and required previous approvals, and shall prepare for approval a check upon the treasury representing such demand, which check shall specify in whose favor it is drawn and the amount thereof, together with the name or reference number of the fund and of the bank out of which it is payable. [He shall note] Notation of each such claim and check shall be made in a register book of claims and checks, setting forth the number of the claim and check, in whose favor

1 the check is drawn, and the amounts thereof, together with dates and the name or reference number
2 of the fund and of the bank out of which the check is payable.

3 SECTION 3: Title 4, Chapter 12, Section 140, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **4.12.140:** (A) No check (whether in hard copy or electronic form) shall be drawn or evidence
6 of indebtedness issued unless there is sufficient cash or cash equivalents in the treasury legally
7 applicable to the payment of the same, except as provided by law.

8 (B) [All checks so drawn and executed, together with a signed copy of the register
9 book of claims and checks shall be forwarded to the City Treasurer, and if found correct, shall be
10 signed by the City Treasurer and distributed by him] All checks in hard copy form that are so drawn
11 shall be forwarded to the City Treasurer's Office, together with a signed copy of the register book of
12 claims. If payment of the claim is deemed appropriate and correct, the check shall be signed by the
13 City Manager, Chief Financial Officer, Director of Finance or City Treasurer and distributed to the
14 claimants legally entitled thereto.

15 SECTION 4: Title 4, Chapter 12, Section 150, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **4.12.150:** [The City Treasurer and the Director of Finance are authorized to] Officers who are
18 authorized by this Chapter to sign instruments may use a facsimile signature produced [through a
19 mechanical device] by means of an electronic process and signature stamp in place of their
20 handwritten signatures [whenever the necessity may arise] under the circumstances described in this
21 Section. The use of the facsimile signature described in the preceding sentence may take place in
22 cases of emergency and upon approval of the City Council, subject to the following conditions:

23 (A) The [mechanical device] electronic process shall be of such nature that the
24 facsimile signature [may be removed from the mechanical device and kept in a separate secure place.]
25 is secured, with access thereto being controlled by the Department of Information Technology in
26 accordance with recognized and appropriate technology security controls.

27 (B) The use of the facsimile signature shall be made only under the direction and
28 supervision of the officer whose signature it represents.

1 (C) All [of the mechanical devices] signature stamps shall at all times be kept in
2 a safe or vault, securely locked, when not in use, to prevent any misuse of the same.

3 SECTION 5: Title 4, Chapter 12, Section 180, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **4.12.180:** No City department, court or agency [can] shall open or maintain any bank account
6 where public funds are on deposit unless authorized by the Director of Finance[.] or City Treasurer.
7 Accounts with public funds on deposit must bear the [signatures of the Director of Finance and the
8 City Treasurer.] signature of the City Manager, Chief Financial Officer, Director of Finance or City
9 Treasurer.

10 SECTION 6: Title 4, Chapter 12, Section 170, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition (relating to weekly check registers), is hereby repealed in its entirety.

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

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SECTION 8: 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 _____, 2013.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 2-4-13
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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12 APPROVED:

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14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
18 City Clerk

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BUSINESS IMPACT STATEMENT
BILL NO. 2013-8
(Updates LVMC Chapter 4.12 regarding the payment of claims and demands to conform to changes in process and technology)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2013-8, that would update LVMC Chapter 4.12 regarding the payment of claims and demands to conform to changes in process and technology.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

No comments were solicited. The proposal primarily addresses internal processes and is not expected to have any impact on businesses

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None identified

Beneficial effects:

None identified

Direct effects:

None

Indirect effects:

None

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: February 4, 2013

Text of Section Proposed to be Repealed

4.12.170 - Submission to Department of Finance

(A) Claims for payment, when approved by a City department, court or agency, are to be submitted to the Department of Finance which will prepare a weekly check register. The register shall be verified by the Director of Finance and submitted to the City Council as an agenda item for approval as soon as permissible following the verification.

(B) The weekly check register shall include the summary of the most recent payroll register. The City Clerk shall attest the approval of all claims for payment and payroll presented on the registers.

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: MARCH 5, 2013

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2013-9 - For Possible Action - Authorizes the City to treat licensing violations under LVMC Title 6 as civil violations subject to a civil penalty rather than proceeding by means of a misdemeanor prosecution, and establishes procedures for the processing and disposition of Notices of Violation. Proposed by: Flinn Fagg, Director of Planning

Fiscal Impact

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No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will authorize the City to treat licensing violations under LVMC Title 6 as civil violations subject to a civil penalty rather than proceeding by means of a misdemeanor prosecution. The bill will establish procedures for the processing and disposition of Notices of Violation, which include the opportunity to appear before a hearing officer regarding such Notices of Violation. This process has been used successfully regarding parking violations and, more recently, for some kinds of animal control violations.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2013-9
2. Business Impact Statement

BILL NO. 2013-9

ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE THE CITY TO TREAT LICENSING VIOLATIONS UNDER LVMC TITLE 6 AS CIVIL VIOLATIONS SUBJECT TO A CIVIL PENALTY RATHER THAN PROCEEDING BY MEANS OF A MISDEMEANOR PROSECUTION, TO ESTABLISH PROCEDURES FOR THE PROCESSING AND DISPOSITION OF NOTICES OF VIOLATION, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Lois Tarkanian

Summary: Authorizes the City to treat licensing violations under LVMC Title 6 as civil violations subject to a civil penalty rather than proceeding by means of a misdemeanor prosecution, and establishes procedures for the processing and disposition of Notices of Violation.

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

SECTION 1: Title 6, Chapter 2, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto eight new sections, designated as Sections 390 to 460, inclusive, reading as follows:

6.02.390: As an alternative to a criminal prosecution for the violation of any provision of Title 6, the City may treat the violation as a civil violation and proceed in accordance with the provisions of LVMC 6.02.400 to 6.02.460, inclusive.

6.02.400: (A) A proceeding under LVMC 6.02.390 shall be commenced by the issuance of a Notice of Violation. The Notice of Violation must contain, at a minimum, the following information:

(1) The name and address (if known) of the person or entity responsible for the violation;

(2) A brief description of the violation and a reference to the applicable ordinance or Code citation(s);

(3) The location, date and time of the violation;

(4) The name of the person issuing the Notice of Violation;

(5) The amount of the civil fine applicable to the violation;

(6) Information advising of the manner and time for responding to the

1 Notice of Violation; and

2 (7) Such other pertinent information as may be necessary or appropriate.

3 (B) No error concerning or omission of any of the above-described information is
4 grounds for the dismissal of an action relating to a Notice of Violation unless the person requesting
5 such a disposition demonstrates substantial prejudice therefrom by a preponderance of the evidence.

6 (C) Where the Notice of Violation data is entered into and stored in a computer or
7 similar device, any printout or other output readable by sight which accurately reflects such data is an
8 "original" Notice of Violation for purposes of a proceeding under LVMC 6.02.390. Any such
9 recording which is moved or copied into another computer or similar device and is intended to have
10 the same effect by the issuing officer is also an "original" Notice of Violation for purposes of a
11 proceeding under LVMC 6.02.390.

12 (D) Any Notice of Violation issued pursuant to this Section shall constitute a
13 declaration which is subject to the penalty of perjury.

14 **6.02.410:** The Notice of Violation may be issued by any peace officer or by any officer or
15 employee of the Department who is assigned to enforcement.

16 **6.02.420:** An original Notice of Violation, or a facsimile thereof, must be filed with and retained
17 by the Department and is deemed to be a public record of matters which are observed pursuant to a
18 duty which is imposed by law and is prima facie evidence of the facts which are alleged therein. An
19 original or duplicate of the Notice of Violation must be served on the person responsible for the
20 violation or, in the case of an entity, an officer of that entity.

21 **6.02.430:** (A) A person must respond to a Notice of Violation in one of the following ways:

22 (1) "Admit" responsibility for the commission of the violation and liability
23 for the civil fine imposed, and pay the amount of the fine applicable to the violation;

24 (2) Contact the Business Licensing Division, "admit" such responsibility
25 and liability, and arrange a schedule for payment of the fine; or

26 (3) Request a binding hearing, as provided for in Subsections (B) to (I),
27 inclusive, of this Section in order to dispute the propriety of the issuance of the Notice of Violation
28 or liability for the violation.

1 (B) A person may initiate a hearing pursuant to Paragraph (3) of Subsection (A) of
2 this Section by:

- 3 (1) Contacting the Business Licensing Division;
4 (2) Providing his/her name, current address and the Notice(s) of
5 Violation(s) which the person wishes to be the subject of the hearing; and
6 (3) Obtaining a date for the hearing.

7 (C) Any person initiating such a hearing in this manner (the "defendant") shall be
8 bound by the decision of the Hearing Officer concerning liability for the violation(s) and responsibility
9 for the fines related thereto. If a defendant scheduling a hearing before the Hearing Officer fails to
10 appear at the hearing without having first sought and obtained a continuance of the hearing, the
11 Hearing Officer may enter a decision against the defendant for the full amount of fines scheduled to
12 be reviewed. In connection with the request for a hearing, the defendant must acknowledge the
13 binding nature of the hearing and the Hearing Officer's authority in the event the defendant fails to
14 appear at a hearing. The acknowledgment shall be in substantially the following form:

15 I _____, hereby request a binding hearing before the Hearing Officer. My address is
16 _____. I request that this hearing involve Notice(s) of Violation(s)
17 Number _____. I understand that the Hearing Officer is an attorney and not an elected
18 or appointed judge.

19 I understand that I am bound by the decision of the Hearing Officer. I understand that if I fail
20 to appear for the scheduled hearing before the Hearing Officer without first obtaining a
21 continuance of such hearing, the Hearing Officer may enter a decision against me for the full
22 amount of the penalties scheduled to be reviewed. I understand and agree that if necessary due
23 to my lack of timely payment, the City of Las Vegas can and will use this binding decision to
24 have a formal civil judgment entered against me in the Las Vegas Municipal Court.

25 I understand that if a civil judgment is obtained, the City may seek and obtain a writ of
26 execution against me. I understand that if a writ of execution is obtained, my wages and/or
27 bank accounts may be garnished, and liens may be put on my property.

28 Knowing all of the above, I still wish to request a binding hearing before the Hearing Officer

1 on the above-described Notice(s) of Violation(s). I hereby acknowledge the above and further
2 acknowledge that at my request a hearing has been set for _____, 20____ at the
3 hour of _____ m.

4 _____
5 Defendant

6 (D) Any hearing conducted pursuant to this Section shall be presided over by a
7 Hearing Officer who shall be an attorney licensed to practice law in the State of Nevada. With respect
8 to any such hearing, a properly filed Notice of Violation shall constitute a claim of liability and a claim
9 for relief and no other such claim shall be required. Prima facie proof of the violation alleged shall
10 be established by the City providing the Hearing Officer with either a certified copy of the Notice of
11 Violation or the data stored in a computer or other device as described in LVMC 6.02.400. No formal
12 appearance by the City Attorney's Office is required. The hearings and dispositions of all such actions
13 shall be informal, with the Hearing Officer receiving witness statements or testimony and other
14 evidence for the sole purpose of dispensing fair and speedy justice between the parties. A defendant
15 may pay the amount of the civil fine in lieu of appearing before the Hearing Officer.

16 (E) The burden of proving any defense shall be upon the person raising such
17 defense.

18 (F) If the Hearing Officer finds that a violation did not occur or that the defendant
19 should not be held liable, the Hearing Officer shall enter a decision for the defendant.

20 (G) The defendant shall pay the total civil fines forthwith or at such times and on
21 such conditions as the Hearing Officer shall prescribe if it is found that the person has either failed to
22 appear or otherwise defend against the issuance of the Notice of Violation as agreed or that the
23 violation was committed and no applicable defense exists.

24 (H) Upon reaching a decision, the Hearing Officer shall as soon as practicable
25 thereafter, file a written decision substantially conforming to the following form:

26 ...

27 ...

28 ...

1 City of Las Vegas, Clark County, Nevada

2 City of Las Vegas, Plaintiff v. _____, Defendant. Before, _____,
3 Hearing Officer for the City of Las Vegas, Nevada, decision is entered in favor of
4 _____, (plaintiff or defendant) for \$ _____ (enter \$0.00 if judgment is for
5 the defendant), on the ____ day of _____, 20 _____. I certify that the foregoing is a
6 correct reflection of the decision entered in the action properly brought for my consideration
7 pursuant to LVMC 6.02.390 et seq.

8 _____
9 Hearing Officer

10 (I) The City Attorney may petition the Las Vegas Municipal Court for the entry
11 of a civil judgment against the defendant in an amount equal to that stated in the written decision of
12 the Hearing Officer if the City Attorney determines this action to be necessary to enforce the decision.
13 Service of such petition on the defendant must be made by certified mail, return receipt requested,
14 restricted delivery, addressed to the defendant at the defendant's last known address, or in any other
15 manner which is authorized by law. An affidavit or declaration of mailing, a signed, returned receipt,
16 or other evidence of service shall be filed upon such service of the petition. Once a petition for civil
17 judgment pursuant to this Subsection (I) has been filed with the Municipal Court, the assigned judge
18 has jurisdiction to grant or deny the relief prayed for therein.

19 **6.02.440:** (A) A response to a Notice of Violation, as provided in LVMC 6.02.430, must be
20 made within thirty calendar days after the date on which the Notice of Violation is served. If no
21 response is received during such thirty-day period, an additional civil penalty which is equal to the
22 amount of the original civil fine must be assessed.

23 (B) After the expiration of the thirty-day response period, the Director, or an
24 authorized designee, must send a Notice of Delinquency by mail to the registered owner or operator
25 of the business at the owner's last known address, as indicated by the records of the Business
26 Licensing Division. The Notice of Delinquency must contain the date of the violation, the amount of
27 the civil fine and the amount of any penalty which is associated therewith. The owner has fifteen
28 calendar days after the date of the Notice of Delinquency in which to respond to the Business

1 Licensing Division. If no response is made to the Notice of Delinquency within such additional
2 fifteen-day period, a civil penalty must be assessed equal to two times the original civil fine amount,
3 in addition to the original civil fine.

4 (C) If a person fails to respond to a Notice of Violation or a Notice of Delinquency
5 in accordance with this Chapter, the City is entitled to collect the amount of any fines and penalties
6 by means of any remedy available under applicable law, including without limitation referring the
7 matter to a collection agency.

8 **6.02.450:** (A) The schedule of civil fines contained in LVMC 6.02.460 is hereby established
9 for the violations described therein.

10 (B) In addition to the fines and penalties provided for in LVMC 6.02.390 to
11 6.02.460, inclusive, the person responsible for any violation shall be liable for an additional collection
12 fee where the collection of the penalties provided for herein is referred for collection to a private
13 collection agency. The amount of such fee shall be twenty-five percent of the outstanding
14 indebtedness or two hundred fifty dollars, whichever is less. The amount of any such collection fee
15 shall accrue and become due and payable at the time the indebtedness is referred for collection to the
16 collection agency, and that amount may be added by the collection agency to the amount sought to be
17 collected. Any judgment or amended judgment entered under this Chapter may include the amount
18 of the collection fee authorized by this Subsection (B).

19 **6.02.460:** (A) The civil fines for violations that are processed under the provisions of LVMC
20 6.02.390 to 6.02.460, inclusive, are as follows:

21 (1) For a first offense, two hundred fifty dollars.

22 (2) For a subsequent offense, five hundred dollars.

23 (B) In connection with any violation sustained or confirmed by judgment of a
24 Hearing Officer, a separate fine may be assessed for each day the violation occurred or continued to
25 the extent the violation on that day was alleged in the Notice of Violation.

26 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or
27 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
28 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

1 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
2 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
3 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
4 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
5 invalid or ineffective.

6 SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
8 1983 Edition, in conflict herewith are hereby repealed.

9 PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

10 APPROVED:

11 By _____
12 CAROLYN G. GOODMAN, Mayor

13 ATTEST:

14 _____
15 BEVERLY K. BRIDGES, MMC
City Clerk

16 APPROVED AS TO FORM:

17 Val Steed 2-4-13

18 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

13

14

By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16

17 BEVERLY K. BRIDGES, MMC
18 City Clerk

19

20

21

22

23

24

25

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BUSINESS IMPACT STATEMENT

BILL NO. 2013-9

(Authorizes the City to treat licensing violations under LVMC Title 6 as civil violations subject to a civil penalty rather than proceeding by means of a misdemeanor prosecution, and establishes procedures for the processing and disposition of Notices of Violation)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2013-9, that would authorize the City to treat licensing violations under LVMC Title 6 as civil violations subject to a civil penalty rather than proceeding by means of a misdemeanor prosecution, and establish procedures for the processing and disposition of Notices of Violation.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Notification of the proposal (including an invitation to respond) was sent to 7 representative business organizations and published in the newspaper. No written comments or responses were received.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None identified

Beneficial effects:

None identified

Direct effects:

None identified

Indirect effects:

None

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: February 4, 2013

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MARCH 5, 2013

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE. NO SUBJECT MAY BE ACTED UPON BY THE COMMITTEE UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MARCH 5, 2013

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

☐ Consent ☒ Discussion

SUBJECT:
ADJOURNMENT

