

1 **FIRST AMENDMENT**

2 **BILL NO. 2011-5**

3 **ORDINANCE NO. 6138**

4 AN ORDINANCE RELATING TO NEWS RACKS; UPDATING PERMITTING AND  
5 IDENTIFICATION REQUIREMENTS, INCLUDING AUTHORIZATION FOR PERMIT STICKER  
6 FEES; AUTHORIZING THE BOLTING OF NEWS RACKS TO SIDEWALKS; AND PROVIDING  
7 FOR OTHER RELATED MATTERS.

8 Sponsored by: Councilman Steven D. Ross

Summary: Updates permitting, identification  
and securing requirements for news racks,  
including authorization for permit sticker fees.

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

11 SECTION 1: Title 13, Chapter 24, Section 20, of the Municipal Code of the City of  
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **13.24.020: (A)** Every person or other entity which places or maintains a news rack on a public  
14 sidewalk or parkway of the City shall: [have his or its name, address and telephone number affixed  
15 thereto in a place where such information may be easily seen, but such information shall not take up  
16 space on the rack in excess of six square inches. The City shall issue an identification number for each  
17 authorized news rack. The identification number shall be displayed upon each news rack so that it is  
18 prominent and readily visible.]

19 (1) Obtain from the City a permit sticker for that news rack in accordance  
20 with Subsection (B) of this Section;

21 (2) Affix to the news rack, in a prominent location so as to be readily visible  
22 from the adjacent roadway, the permit sticker referred to in Paragraph (1) above;

23 (3) Affix to the news rack, in a prominent location so as to be readily visible  
24 but limited to an area no greater than six square inches, the name, address and telephone number of  
25 the persons or entities responsible for the placement and maintenance of the news rack; and

26 (4) Maintain in place and in readable condition the permit sticker and other  
27 information affixed to the news rack in accordance with this Subsection (A).

28 (B) Permit stickers for authorized news racks will be issued by the City on an

1 annual basis, or as needed. In accordance with Section 13.24.025, the Director is authorized to charge  
2 a fee for each initial, renewal or replacement permit sticker, and the fee must be paid in order to obtain  
3 such a sticker. A permit sticker must be affixed to the news rack to which it pertains within thirty days  
4 after its issuance.

5 SECTION 2: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,  
6 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 25,  
7 reading as follows:

8 **13.24.025:** (A) The Director is authorized to charge the following fees under this Chapter:

9 (1) A nonrefundable permit sticker fee of fifty dollars for each initial,  
10 renewal or replacement permit sticker issued under Section 13.24.020.

11 (2) A nonrefundable application fee of two dollars for each application  
12 submitted under Section 13.24.085 or 13.24.210, or two dollars for each location applied for if the  
13 Director accepts multi-location applications.

14 (B) The fees authorized by this Section are intended, and may only be used, to  
15 partially offset the costs of processing applications, issuing permit stickers, and administering and  
16 enforcing this Chapter.

17 (C) Upon the request of an owner or operator with more than one hundred news  
18 racks, the Director may authorize the owner or operator to pay the sticker fees described in Subsection  
19 (A) in installments rather than requiring full payment before issuance. The authorization shall be in  
20 the form of a written agreement approved by the Director, which may contain provisions that provide  
21 a remedy in the event timely payments are not made. Such provisions may include without limitation  
22 provisions authorizing the suspension or revocation of permit stickers and the removal of news racks.

23 SECTION 3: Title 13, Chapter 24, Section 110, of the Municipal Code of the City of  
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **13.24.110:** Notwithstanding any other provision of this Chapter, no news racks shall be placed,  
26 installed, used or maintained:

27 (A) Within five feet of any marked crosswalk;

28 (B) Within seventeen feet of the curb return of any unmarked crosswalk;

1 (C) Within five feet of any fire hydrant, fire call box, police call box or other  
2 emergency facility;

3 (D) Within five feet of any driveway or alley;

4 (E) Within twenty-five feet ahead of, and five feet to the rear of, any sign marking  
5 a designated bus stop;

6 (F) Within six feet of any bus bench;

7 (G) In such a manner as to impede or interfere with the reasonable use of a window  
8 used for display purposes;

9 (H) In such a manner as to be [permanently] affixed to any sidewalk, street or other  
10 City property[;], except as provided in LVMC 13.24.115;

11 (I) Within six feet of the boundary of the Fremont Street Experience pedestrian  
12 mall, as described in LVMC 11.68.040; or

13 (J) Without displaying thereon the information and identification number described  
14 in Section 13.24.020.

15 SECTION 4: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,  
16 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 115,  
17 reading as follows:

18 **13.24.115:** (A) A news rack may be affixed to a sidewalk by bolts or other similar means if:

19 (1) The means of doing so is approved by the Director or is in accordance  
20 with a standard established by the Director; and

21 (2) The installation is performed in a manner that does not disturb the  
22 integrity of the sidewalk and that will allow the news rack to be removed without damage to the  
23 sidewalk.

24 (B) The person responsible for the placement of a news rack under this Section shall  
25 be responsible for any damage to the sidewalk that may remain after the news rack is removed and  
26 shall ensure that the sidewalk is restored to a safe and serviceable condition.

27 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or  
28 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or

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

7 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared  
8 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is  
9 required or the failure to do any act is made or declared to be unlawful or an offense or a  
10 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall  
11 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than  
12 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such  
13 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

14 SECTION 7: 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 6<sup>TH</sup> day of April, 2011.

18 APPROVED:

19 By   
20 OSCAR B. GOODMAN, Mayor

21 ATTEST:  
22   
23 BEVERLY K. BRIDGES, MMC  
City Clerk

24 APPROVED AS TO FORM:  
25 Val Steed 4-6-11  
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council  
2 on the 2<sup>nd</sup> day of February, 2011, and referred to a committee for recommendation;  
3 thereafter the said committee reported favorably on said ordinance on the 6<sup>th</sup> day of April,  
4 2011, which was a regular meeting of said Council; that at said regular meeting, the  
5 proposed ordinance was read by title to the City Council as amended and adopted by the  
6 following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Reese, Wolfson, Tarkanian,  
Ross, Barlow and Anthony  
8 VOTING "NAY": None  
9 EXCUSED: None  
10 ABSTAINED: None  
11 DID NOT VOTE: None

12 APPROVED:

13  
14   
15 \_\_\_\_\_  
16 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16   
17 \_\_\_\_\_  
18 BEVERLY K. BRIDGES, MMC City Clerk  
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AFFP DISTRICT COURT  
Clark County, Nevada

RECEIVED  
CITY CLERK

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

2011 FEB 28 A 11: 38

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 6993269

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/17/2011 to 02/17/2011, on the following days:

02/17/2011

BILL NO. 2011-5

AN ORDINANCE RELATING TO NEWS RACKS; UPDATING PERMITTING AND IDENTIFICATION REQUIREMENTS, INCLUDING AUTHORIZATION FOR PERMIT STICKER FEES; AUTHORIZING THE BOLTING OF NEWS RACKS TO SIDEWALKS; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross  
Summary: Updates permitting, identification and securing requirements for news racks, including authorization for permit sticker fees.

At the City Council meeting of FEBRUARY 2, 2011  
BILL NO. 2011-5 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA

PUB: February 17, 2011  
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE 17th day of Feb, 2011.

Emily Gonzalez  
Notary Public



AFFP DISTRICT COURT  
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 7108392

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 04/09/2011 to 04/09/2011, on the following days:

04/09/2011

FIRST AMENDMENT  
BILL NO. 2011-5  
ORDINANCE NO. 6138

AN ORDINANCE RELATING TO NEWS RACKS; UPDATING PERMITTING AND IDENTIFICATION REQUIREMENTS, INCLUDING AUTHORIZATION FOR PERMIT STICKER FEES; AUTHORIZING THE BOLTING OF NEWS RACKS TO SIDEWALKS; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Updates permitting, identification and securing requirements for news racks, including authorization for permit sticker fees.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 2nd day of February 2011 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 6th day of April 2011, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, Wolfson, Tarkanian, Ross, Barlow and Anthony  
VOTING "NAY": NONE  
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA

PUB: April 9, 2011  
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE  
11 day of April, 2011.

Emily Gonzalez  
Notary Public

