

1 Bill No. 85-44

2 Ordinance No. 3195

3 AN ORDINANCE RELATING TO LITTER ABATEMENT; REPEALING THAT PORTION
4 OF TITLE 9, CHAPTER 12, SECTION 100 OF THE MUNICIPAL CODE OF
5 THE CITY OF LAS VEGAS, 1983 EDITION, PROVIDING FOR THE BILLING
6 OF PROPERTY OWNERS FOR LITTER ABATEMENT COSTS AND RECORDING OF
7 A LIEN; REPEALING TITLE 9, CHAPTER 12, SECTION 110 OF SAID CODE;
8 AMENDING TITLE 9, CHAPTER 12 OF SAID CODE BY ADDING THERETO
9 SECTIONS 110 TO 170, INCLUSIVE, PROVIDING FOR A HEARING BY THE
10 CITY COUNCIL ON LITTER ABATEMENT CHARGES AND THE FILING OF A LIEN
11 OF ASSESSMENT FOR THOSE CHARGES; AMENDING SAID TITLE AND CHAPTER
12 BY ADDING THERETO SECTION 180, PROVIDING FOR CRIMINAL PENALTIES;
13 PROVIDING FOR OTHER MATTERS RELATED THERETO; AND REPEALING ALL
14 ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

9 Sponsored by:
10 Councilman Al Levy

Summary: Permits City to recover
costs of litter abatement in the
same manner as it recovers the costs
of dangerous building abatement.

12 SECTION 1: Title 9, Chapter 12, Section 100 of the
13 Municipal Code of the City of Las Vegas, 1983 Edition, is hereby
14 amended to read as follows:

15 9.12.100: In the event the owner fails to comply with the order
16 and correct the conditions specified therein, the Direc-
17 tor of Building and Safety is authorized and empowered
18 to cause or employ City personnel and equipment or other
19 persons and equipment to enter upon the premises and
20 correct the offending condition. [The actual costs
21 thereof shall be charged against the owner. Where the
22 full amount due the City is not paid by such owner with-
23 in sixty days after the disposal of such litter, as
24 provided for in Sections 9.12.080 and 9.12.090, then,
25 and in that case, the Director of Building and Safety
26 shall cause to be recorded in the office of the County
27 Recorder a sworn statement by the Director of Building
28 and Safety showing the cost and expense incurred for
29 the work, the date the work was done and the location
30 of the property on which said work was done. The record-
31 ation of such sworn statement shall constitute a lien
32 and privilege on the property, and shall remain

1 in full force and effect for the amount due in principal
2 and interest, accrued at the rate of six percent per
3 year, plus costs of court, if any, for collection,
4 until final payment has been made.]

5 SECTION 2: Title 9, Chapter 12, Section 110 of the
6 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition,
7 is hereby repealed in its entirety.

8 SECTION 3: Title 9, Chapter 12 of the Municipal Code
9 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended
10 by adding thereto Sections 110 to 180, inclusive, reading as
11 follows:

12 9.12.110: The Director of Building and Safety shall keep an
13 itemized account of the expense incurred by the City
14 pursuant to Section 9.12.100. The director shall file
15 with the City Clerk a report specifying the work done
16 pursuant to Section 9.12.100, the itemized and total
17 cost of the work, a description of the real property
18 upon which the work was done, and the date on which the
19 work was done.

20 9.12.120: The City Clerk shall present the report described in
21 Section 9.12.110 to the City Council for consideration.
22 The City Council shall fix a time, date, and place for
23 hearing that report and any protests or objections to
24 it. The City Clerk shall cause notice of the hearing
25 to be posted upon the property involved, published
26 once in a newspaper of general circulation in the City,
27 and served by certified mail, postage prepaid, addressed
28 to the owner of the property as shown by the records of
29 the Clark County Assessor. Such notice shall be given
30 at least 10 days before the date set for hearing and
31 shall specify the day, hour and place where the City
32 Council will hear and pass upon the director's report,

1 together with any objections or protests which may be
2 filed as provided by this Chapter by any person
3 interested in or affected by the proposed charge.

4 9.12.130: Any person interested in or affected by the proposed
5 charge may file written protests or objections with the
6 City Clerk at any time before the time set for the
7 hearing on the report. Each such protest or objection
8 must contain a description of the property in which the
9 signer is interested and the grounds of the protest
10 or objection. The City Clerk shall endorse on every
11 such protest or objection the date it was received, and
12 shall present such protests or objections to the City
13 Council at the time set for the hearing.

14 9.12.140: At the hearing, the City Council shall hear and pass
15 upon the report of the director, together with any
16 objections or protests. The City Council may make
17 such revision, correction or modification in the report
18 or the charge as it may deem just. When it is
19 satisfied with the correctness of the charge, the City
20 Council shall confirm or reject the report (as submitted
21 or as revised, corrected or modified) together with the
22 charge. The decision of the City Council on the report
23 and the charge, and on all protests or objections,
24 shall be final and conclusive.

25 9.12.150: The charge as confirmed by the City Council pursuant
26 to Section 9.12.140 shall be a special assessment and
27 a lien on the property involved. The lien shall be
28 perfected by filing with the County Recorder a state-
29 ment by the City Clerk regarding the amount of the
30 expenses that are due and unpaid and describing the
31 property subject to the lien. The lien, which shall
32 be prior to and superior to all liens, claims, encum-

1 brances and titles, other than liens of assessments
2 and general taxes, shall continue until the assessment
3 is paid.

4 9.12.160: After confirmation of the report, certified copies
5 of the assessment shall be given to the County Treasurer,
6 who shall add the amount of the assessment to the next
7 regular tax bill levied against the parcel for municipal
8 purposes.

9 9.12.170: The amount of the assessment shall be collected at
10 the same time and in the same manner as ordinary
11 taxes are collected, and shall be subject to the same
12 penalties and procedure and sale in case of delinquency
13 as provided for ordinary property taxes. All laws
14 applicable to levy, collection and enforcement of
15 property taxes shall be applicable to such assessment.

16 9.12.180: Any person violating any of the provisions of Sections
17 9.12.050, 9.12.060, or 9.12.070 of this Chapter shall
18 upon conviction be punished by a fine of not less than
19 fifty dollars nor more than five hundred dollars,
20 imprisonment in the City Jail for not less than thirty
21 days or more than six months, or both. Every day of
22 such violation constitutes a separate offense.

23 SECTION 4: If any section, subsection, subdivision,
24 paragraph, sentence, clause or phrase in this ordinance or any
25 part thereof is for any reason held to be unconstitutional
26 or invalid or ineffective by any court of competent jurisdiction,
27 such decision shall not affect the validity or effectiveness of
28 the remaining portions of this ordinance or any part thereof.
29 The City Council of the City of Las Vegas, Nevada, hereby declares
30 that it would have passed each section, subsection, subdivision,
31 paragraph, sentence, clause or phrase thereof irrespective of
32 the fact that any one or more sections, subsections, subdivisions,

1 paragraphs, sentences, clauses or phrases be declared unconstitu-
2 tional, invalid or ineffective.

3 SECTION 5: All ordinances or parts of ordinances,
4 sections, subsections, phrases, sentences, clauses or paragraphs
5 contained in the Municipal Code of the City of Las Vegas, Nevada,
6 1983 Edition, in conflict herewith are hereby repealed.

7 PASSED, ADOPTED and APPROVED THIS 2nd day of October,
8 1985.

9 APPROVED:

10
11 By William H. Briare
12 WILLIAM H. BRIARE, MAYOR

13 ATTEST:

14 Carol Ann Hawley
15 Carol Ann Hawley, City Clerk
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1 The above and foregoing ordinance was first proposed and read by
2 title to the City Council on the 4th day of September,
3 1985, and referred to the following committee composed of
4 Councilmen Levy and Nolen
5 for recommendation; thereafter the said committee reported
6 favorably on said ordinance on the 2nd day of October,
7 1985, which was a regular meeting of said Council;
8 that at said regular meeting, the proposed ordinance
9 was read by title to the City Council as first introduced and
10 adopted by the following vote:

11
12 VOTING "AYE" Councilmen: Bunker, Levy, Lurie, Nolen and Mayor Briare

13 VOTING "NAY" Councilmen: NONE

14 ABSENT: NONE

15 APPROVED:

16
17 BY William H. Briare
18 WILLIAM H. BRIARE, Mayor

19 ATTEST:

20
21 Carol G. Hawley
22 CAROL ANN HAWLEY, City Clerk

BILL NO. 85-44
 AN ORDINANCE, REPEALING THAT PORTION OF TITLE 9, CHAPTER 12, SECTION 100 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983 EDITION, PROVIDING FOR THE BILLING OF PROPERTY OWNERS FOR LITTER ABATEMENT COSTS AND RECORDING OF A LIEN; REPEALING TITLE 9, CHAPTER 12, SECTION 110 OF SAID CODE; AMENDING TITLE 9, CHAPTER 12 OF SAID CODE BY ADDING THERETO SECTIONS 110 TO 170, INCLUSIVE, PROVIDING FOR A HEARING BY THE CITY COUNCIL ON LITTER ABATEMENT CHARGES AND THE FILING OF A LIEN OF ASSESSMENT FOR THOSE CHARGES; AMENDING SAID TITLE AND CHAPTER BY ADDING THERETO SECTION 180, PROVIDING FOR CRIMINAL PENALTIES; PROVIDING FOR OTHER MATTERS RELATED THERETO; AND TO REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.
 Sponsored by: Councilman Al Levy
 Summary: Permits City to recover costs of litter abatement in the same manner as it recovers the costs of dangerous building abatement.
 At a City Council meeting on September 4, 1985
 BILL NO. 85-44 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: COUNCILMEN Levy and Nolan
 COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
 PUB: September 19, 1985
 Las Vegas SUN

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
 COUNTY OF CLARK

{ ss.

Carol Black

RECEIVED
 Sep 23 10 57 AM '85
 CITY CLERK

, being first duly sworn,

deposes and says: That he is Legal Clerk of the
 LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
 at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
 continuously published in said newspaper for a period of 1 time.

from September 19, 1985 to September 19, 1985

inclusive, being the issues of said newspaper for the following dates, to-wit:

September 19, 1985

That said newspaper was regularly issued and circulated on each of the dates
 above named.

Signed Carol Black

Subscribed and sworn to before me this 19th
 day of September, 1985

Ruthe V. Deskin

My Commission Expires



Notary Public in and for Clark County, Nevada
 RUTHE V. DESKIN
 Notary Public - State of Nevada
 CLARK COUNTY

My Appointment Expires Apr. 14, 1989

AFFIDAVIT OF PUBLICATION

RECEIVED

OCT 9 1 2 PM '85

CITY CLERK

STATE OF NEVADA, { ss.
COUNTY OF CLARK

Carol Black, being first duly sworn,

deposes and says: That he is Legal Clerk of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of 1 time.

from October 5, 1985 to October 5, 1985

inclusive, being the issues of said newspaper for the following dates, to-wit:

October 5, 1985.

That said newspaper was regularly issued and circulated on each of the dates
above named.

Signed Carol Black

Subscribed and sworn to before me this 5th
day of October, 1985

Ruth L. Washburn
Notary Public in and for Clark County, Nevada

My Commission Expires

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ORDINANCE NO. 3195
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Levy and Nolen for recommendation;
thereafter the said committee reported
favorably on said ordinance on the 2nd
day of October, 1985, which was a reg-
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said regular meeting, the proposed or-
dinance was read by title to the City
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by the following vote:
VOTING "AYE" Councilmen: Bunker,
Levy, Lurie, Nolen and Mayor Briare
VOTING "NAY" Councilmen: NONE
ABSENT: NONE
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400 EAST STEWART AVENUE
LAS VEGAS, NEVADA.
PUB: October 5, 1985
Las Vegas SUN