

EMERGENCY ORDINANCE NO. 343

AN ORDINANCE REGULATING THE CONSTRUCTION AND MAINTENANCE OF BUSINESS, COMMERCIAL AND INDUSTRIAL DRIVEWAYS IN THE CITY OF LAS VEGAS; REQUIRING PERMITS THEREFOR AND PROVIDING FOR THE ISSUANCE THEREOF; FIXING AND IMPOSING THE FEES TO BE PAID UPON THE ISSUANCE OF PERMITS; CANCELLING AND REVOKING ALL PERMITS FOR SUCH DRIVEWAYS HERETOFORE ISSUED; PROVIDING FOR THE REVOCATION OF PERMITS ISSUED HEREUNDER; PRESCRIBING A PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS HEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, driveways, as hereinafter defined, within the City of Las Vegas have created an exceptional traffic hazzard and have unreasonably restricted the use of the streets insofar as the rights of the general public are concerned, and

WHEREAS, by reason thereof, an emergency exists immediately necessitating the adoption of measures for the further supervision of such driveways to preserve the public health, safety and welfare, now, therefore,

The Board of Commissioners of the City of Las Vegas do ordain as follows:

Section 1. The term "driveway" as used in this ordinance shall mean any driveway entering any street from private property and intended for use and used by the public to serve the business, commerce or industry located on said property.

Section 2. It shall be unlawful to construct or maintain any service driveway in the City of Las Vegas, or to continue the maintenance of any service driveway heretofore constructed, without first having secured a permit therefor and having paid the fee as herein provided.

Section 3. Application in writing for such permit shall be made to and upon forms furnished by the City Engineer and shall state the location of the proposed or existing driveway, its grade, type of construction, design and dimensions, its purpose, the nature of the property or business it is to serve or is serving, and such other information as may be required by the City Engineer, who shall issue a permit therefor if he finds upon investigation, taking into account the estimated amount of pedestrian and vehicular traffic on said driveway and on the adjacent street and sidewalk, and having due regard for the interests and convenience of the public and a reasonable use of the property served or to be served by such driveway, that the proposed or existing driveway will not substantially impair, endanger, interfere with, or be a menace to the public safety, provided, however, that no permit shall be issued without the approval of the Board of Commissioners for the construction of a driveway in excess of thirty-two (32) feet in length at the curb or lot line, nor unless a safety island space of at least ten (10) feet measured along the curb and lot line shall be provided between driveways on frontage in the same ownership, except that such permit may be issued without such approval of the Board of Commissioners first obtained for any existing driveway where the same has heretofore been constructed with the approval of the Building Inspector and is now in actual use, and all driveways, with curb

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and gutter returns, shall be located and constructed according to the specifications and under the direction of the City Engineer, and according to the ordinances and regulations of the City of Las Vegas.

Section 4. Upon the issuance of a permit and every successive renewal thereof, as herein provided, the City Engineer shall collect from the applicant therefor, and pay over to the City Treasurer, the fee of Fifty Cents (50¢) for each lineal foot or fraction thereof of authorized driveway, measured along the curb or lot line, whichever is greater, and no permit or renewal thereof shall be valid, nor shall any right, authority or privilege accrue thereunder to the holder thereof, unless and until said fee is paid. Said permit and every successive renewal thereof shall expire on March 31, June 30, September 30 or December 31, whichever next ensues the date of the issuance thereof. Upon the expiration of said permit or any renewal thereof, as herein provided, the City Engineer may grant renewals thereof for further successive quarter-yearly periods from the date of each such expiration upon application therefor by the holder of said permit and the payment of the fee, herein provided, for each such renewal.

Section 5. Without limiting the rights, powers and authority vested by law in the City of Las Vegas in respect to the suspension, revocation or cancellation of permits, and in addition to every remedy vested by law in said City in relation thereto, the acceptance of a permit or any renewal thereof under the provisions of this ordinance shall constitute an agreement on the part of the holder thereof, as a condition for the granting of the same, that:

(a) Said permit, or any renewal thereof, may be revoked by the Board of Commissioners at any time, in its sole discretion, with or without notice to the holder of the permit.

(b) Said permit, or any renewal thereof, may be revoked by the Board of Commissioners at any time for any violation of any of the provisions or conditions of said permit.

(c) Said permit, or any renewal thereof, may be revoked by the Board of Commissioners at any time for any violation of any of the regulations or ordinances of the City of Las Vegas by the holder of said permit, in connection with the maintenance or use of the driveway, or by any others using said driveway with the consent, express or implied, of the holder of said permit.

(d) Said permit, or any renewal thereof, may be revoked by the Board of Commissioners at any time upon the failure or refusal of the holder thereof to construct and continuously maintain the driveway according to the specifications of the City Engineer, or the Board of Commissioners as provided in Section 6 hereof, and under the direction of the City Engineer, and according to the ordinances and regulations of the City of Las Vegas, or upon his failure or refusal to maintain said driveway in good order and condition, or upon his failure or refusal to make such necessary repairs thereto as directed by the City Engineer, or if, in its sole discretion, the Board of Commissioners shall determine that said driveway for any reason whatever is or has become dangerous and a menace to the public safety, or for any reasons of public welfare.

(e) Said permit, or any renewal thereof, may be revoked by the Board of Commissioners at any time upon the failure or refusal of the holder of said permit to complete the construction of the driveway within thirty (30) days after the curb has been broken or any other work has been commenced in the construction of said driveway.

(f) Said permit, or any renewal thereof, may be revoked by the Board of Commissioners at any time upon the abandonment or nonuse of said driveway for a reasonable time for the purposes for which the permit was granted, or the abandonment or nonuse for a reasonable time of the purposes of the property or business which said driveway was authorized to serve.

(g) The City of Las Vegas shall not be estopped for any reason whatever to suspend, revoke or cancel said permit or any renewal thereof as herein provided.

(h) Upon the termination of said permit, or any renewal thereof, by revocation, expiration, or otherwise, the rights, privileges and authority granted thereby shall thereupon cease and determine, and the driveway shall be removed, and the sidewalk, curb and other public property where said driveway shall have been located shall be restored to their original condition and location in accordance with the specifications and under the direction of the City Engineer, and according to the ordinances and regulations of the City of Las Vegas, so that said sidewalk, curb and other public property shall be safe for public travel, and said work shall be done at the sole expense of the holder of said permit and without cost or expense of any kind whatever to the City of Las Vegas, provided, that in the event of the failure, neglect or refusal on the part of the holder of said permit to remove the driveway and affect the restoration of the sidewalk, curb and other public property when directed in writing so to do by the City Engineer, the City of Las Vegas may proceed to remove the driveway and restore the sidewalk, curb and other public property and charge the expense thereof to the holder of said permit.

Section 6. In the event the City Engineer shall refuse to issue the permit herein provided, the applicant therefor may, within thirty (30) days from the date of such refusal, appeal to the Board of Commissioners for a review of the action of the City Engineer. If, upon such review, the Board of Commissioners shall find that the construction and maintenance of said driveway will not substantially impair, endanger, or interfere with the public safety, it may direct the issuance of a permit by the City Engineer for a driveway of such width, grade, type of construction, design and dimensions, and at such location as the Board of Commissioners shall consider proper in the furtherance of public safety, and said driveway, with curb and gutter returns, shall be located and constructed according to the specifications of the Board of Commissioners and under the direction of the City Engineer, and according to the ordinances and regulations of the City of Las Vegas.

Section 7. All permits heretofore issued by the City of Las Vegas for the construction and maintenance of driveways are hereby cancelled, revoked and annulled to take effect upon the expiration of ten (10) days from the date of the adoption of this ordinance. Where any such driveways now exist, new applications for permits shall be made in accordance with the provisions of this ordinance. Where no such application is made and no permit issued as herein provided, said driveways shall be removed and

the sidewalk, curb and other public property where said driveways shall be located shall be restored to their original condition and location as provided in Section 5 (h) hereof.

Section 8. Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Three Hundred Dollars (\$300.00), or by imprisonment in the City Jail for not more than one hundred fifty (150) days, or by both such fine and imprisonment.

Section 9. All ordinances and parts of ordinances in conflict with the provisions hereof are hereby repealed.

Section 10. This ordinance is declared to be and is hereby passed as an emergency ordinance and shall take effect immediately after its passage and publication.

Section 11. The City Clerk is hereby authorized and directed to have this ordinance published in the Las Vegas Evening Review Journal, a daily newspaper published in the City of Las Vegas, for a period of two weeks, that is to say: once each week.

I hereby certify that, by the unanimous consent of the whole Board of Commissioners of the City of Las Vegas, the foregoing Ordinance was read in full when first introduced at a regular meeting of said Board held on the 7th day of January, 1948, and was passed as an emergency ordinance upon said reading on said date, on the following vote:

Voting "Aye": Commissioners Barkin, Clark, Moore
Whipple, & His Honor Mayor Craig

Voting "No": None

Absent: None

ATTEST:

Allen Scott Reed
City Clerk

Erasmus
Mayor

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AFFADAVIT OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

Dick Lochrie, being first duly sworn,

deposes and says: That he is *J. J. Brennan* of the
LAS VEGAS EVENING REVIEW JOURNAL, a daily newspaper, of gen-
eral 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 *two weeks*
from *Jan 9th 1948 to Jan 16th 1948*

inclusive, being the issues of said newspaper for the following dates, to-wit:
Jan 9-16

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

Signed *Dick Lochrie*

Subscribed and sworn to before me this *16th*
day of *January 1948*

J. J. Mallan
Notary Public in and for Clark County, Nevada.

My Commission Expires
Jan 12, 1951

all driveways, with curb and gutter returns, shall be located and constructed according to the specifications and under the direction of the City Engineer, and according to the ordinances and regulations of the City of Las Vegas.

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(c) Said permit, or any renewal thereof, may be revoked by the Board of Commissioners at any time for any violation of any of the regulations or ordinances of the City of Las Vegas by the holder of said permit, in connection with the maintenance or use of the driveway, or by any others using said driveway with the consent, express or implied, of the holder of said permit.

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Voting "Aye": Commissioners Bas-kin, Clark, Moore, Whipple and His Honor Mayor Cragin.

Voting "No": None.

Absent: None.

E. W. CRAGIN, Mayor.

ATTEST:
Helen Scott Reed, City Clerk.
(SEAL)