

1 **THIRD AMENDMENT**

2 **Bill No. 98-52**

3 **Ordinance No. 5110**

4 AN ORDINANCE RELATING TO NEWS RACKS; AMENDING VARIOUS SECTIONS OF
5 TITLE 13, CHAPTER 24, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983
6 EDITION, TO REQUIRE THE DISPLAY OF NEWS RACK IDENTIFICATION NUMBERS, TO
7 PROHIBIT NEWS RACKS FROM BEING PERMANENTLY AFFIXED TO PUBLIC PROPERTY,
8 TO INCREASE INSURANCE REQUIREMENTS, TO PROHIBIT MATERIAL TO BE STORED
9 ON TOP OF NEWS RACKS, TO PROVIDE ADDITIONAL LOCATIONAL RESTRICTIONS,
AND TO PROVIDE A SYSTEM FOR ASSIGNING NEWS RACK LOCATIONS; PROVIDING
PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS
PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF
ORDINANCES IN CONFLICT HEREWITH.

10 Sponsored by:
Councilman Michael McDonald

Summary: Amends the Code provisions regarding news racks to require the display of news rack identification numbers, to impose additional restrictions on installation and display, and to establish a system for assigning news rack locations.

11
12
13 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
14 AS FOLLOWS:

15 SECTION 1: Title 13, Chapter 24, Section 10 of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **13.24.010:** For the purpose of this Chapter, certain words and phrases shall be construed herein as
18 set forth in this Section, unless it is apparent from the context that a different meaning is intended:

19 (A) ["Daily newspaper" means any newspaper printed, published or distributed five
20 or more days each week.] "Block" or "block face" means one side of a street between two consecutive
21 intersecting streets.

22 (B) "News rack" means any self-service or coin-operated box[, containers, storage
23 unit] or other dispenser installed, used, or maintained for the displaying or dispensing of newspapers,
24 news periodicals, magazines or other publications.

25 (C) "Parkway" means that area between the sidewalks and the curb of any street,
26 and where there is no sidewalk, that area between the edge of the roadway and the property line
27 adjacent thereto. "Parkway" also includes any area within a roadway which is not open to vehicular
28 travel.

1 (D) "Roadway" means that portion of a street improved, designed, or ordinarily
2 used for vehicular travel.

3 (E) "Sidewalk" means any surface provided for the exclusive use of pedestrians.

4 (F) "Street" means all that area dedicated to public use for public street purposes
5 and shall include, but not be limited to, roadways, parkways, alleys and sidewalks.

6 (G) "Zone A" means the area described in Section 13.24.150.

7 SECTION 2: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
8 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 15,
9 reading as follows:

10 **13.24.015:** The provisions of this Chapter do not apply to news racks within the boundaries of the
11 Fremont Street Experience pedestrian mall, as described in LVMC 11.68.040. The location and
12 design of news racks within the pedestrian mall, and the allocation of news rack locations, are
13 governed by the Fremont Street Experience Limited Liability Company in accordance with its news
14 rack plan.

15 SECTION 3: Title 13, Chapter 24, Section 20 of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

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

23 SECTION 4: Title 13, Chapter 24, Section 30 of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **13.24.030:** Every person or other entity which places or maintains a news rack on a public
26 sidewalk or parkway in the City shall provide and keep in force during the time that such news rack
27 is allowed to remain on public property, a policy of public liability insurance, naming the City as an
28 additional insured, in an amount not less than [one] two hundred thousand dollars combined single

1 limit for any injury to persons and/or damage to property for reason of the installation, use and
2 maintenance of such news [rack or] racks on public property. Said policy shall provide that the
3 insurance coverage shall not be canceled or reduced by the insurance carrier without the City having
4 been given thirty days prior written notice thereof by such carrier.

5 SECTION 5: Title 13, Chapter 24, Section 50 of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **13.24.050:** No person shall install, use or maintain any news rack which in whole or in part rests
8 upon, in or over any public sidewalk or parkway when:

9 (A) [such] Such installation, use or maintenance endangers the safety of persons
10 or property, or when such site or location is used for public utility purposes, public transportation
11 purposes, or other governmental use, or when such news rack unreasonably interferes with or impedes
12 the flow of pedestrian or vehicular traffic, including the ingress into or egress from any residence,
13 place of business, or any legally parked or stopped vehicle or interferes with the use, service or
14 maintenance of poles, posts, traffic signs or signals, hydrants, mailboxes, trash receptacles, or other
15 objects permitted at or near said location[.];

16 (B) The news rack has not been authorized by the issuance of an identification
17 number; or

18 (C) The news rack has been installed at a location other than that authorized for the
19 installation of that news rack, or is not in compliance with the assigned location information on file
20 with the Department.

21 SECTION 6: Title 13, Chapter 24, Section 70 of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **13.24.070:** No news rack shall exceed five feet in height, [thirty] thirty-two inches in width, or
24 [two feet in thickness.] eighteen inches in depth. No news rack shall weigh more than one hundred
25 twenty pounds, exclusive of contents.

26 SECTION 7: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
27 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 83,
28 reading as follows:

1 **13.24.083:** (A) Within ninety days after the effective date of this Ordinance, each publication,
2 person or other entity desiring to maintain one or more existing news racks, or to place one or more
3 new news racks, outside of Zone A shall file an application with the Director, indicating those
4 locations at which it desires to have news racks. The application shall be made on a form established
5 by the Director.

6 (B) In order to be considered complete, an application must include or be
7 accompanied by:

8 (1) Evidence that the insurance requirements of this Chapter will be met
9 regarding each news rack to be assigned to the applicant;

10 (2) Evidence that the owner of the news racks, and any publications to be
11 displayed in those news racks, have obtained business licenses to operate in the City, or are exempt
12 from licensing requirements; and

13 (3) A listing of all publications to be displayed in each news rack.

14 (C) Based upon the applications received and the standards and procedures set forth
15 in this Section, the Director shall assign specific news rack locations as follows:

16 (1) News racks which are existing as of October 14, 1998, and which are
17 in compliance with all requirements of this Chapter (other than the approval of locations and issuance
18 of identification numbers, and the block-face limitation contained in Subsection (A) of Section
19 13.24.090), or which were brought into compliance therewith within thirty days after the effective date
20 of this Ordinance, shall be allowed to remain until abandoned or removed by the owner or otherwise
21 removed in accordance with this Chapter. News racks for which applications for locations were on
22 file on October 14, 1998, may be assigned locations irrespective of the block-face limitation contained
23 in Subsection (A) of Section 13.24.090, provided they comply with all other requirements of this
24 Chapter.

25 (2) For each block face for which applications have been filed and for which
26 additional locations are still available after the ninety-day period referred to in Section 13.24.083, the
27 Director shall assign any remaining locations. For any block face concerning which the number of
28 applications for that block face do not exceed the available locations, the assignment of locations shall

1 be according to the order in which the applications were filed and deemed to be complete in
2 accordance with Subsection (B) of this Section.

3 (3) For any block face concerning which more locations are applied for than
4 are available, the Director shall assign remaining locations by placing into a container the names of
5 all publications competing for the location. Names shall be drawn from the container, one at a time,
6 until the remaining number of unassigned locations on the block face have been assigned. The
7 drawing shall be open to the public.

8 SECTION 8: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
9 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 85,
10 reading as follows:

11 **13.24.085:** The procedure for permitting locations for news racks outside of Zone A shall be
12 repeated annually on the second Thursday of February for those locations where there is competition
13 between publications seeking to locate on a particular block face. The Director shall establish such
14 submittal and deadline requirements as may be necessary in order to accomplish the purposes of this
15 Section each year.

16 SECTION 9: Title 13, Chapter 24, Section 90 of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **13.24.090:** [News racks may be placed next to each other provided there are not more than four
19 news racks placed together, with not more than six inches separating each news rack and further
20 providing that there is space of no less than four feet separating each group of news racks.]

21 (A) Except as otherwise provided in this Chapter, no more than six news racks may
22 occupy a single block face.

23 (B) No single publication may be made available in more than one news rack within
24 the same block face.

25 SECTION 10: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
26 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 95,
27 reading as follows:

28 **13.24.095:** (A) The placement of news racks within the City shall be under the direction of the

1 Director of Public Works. In the case of a news rack which has been approved pursuant to this
2 Chapter, if the owner or other person who is authorized to place the news rack fails to occupy that
3 location for a period of fifteen days after notice, the Director of Public Works may declare a forfeiture
4 of the approval and allow other persons to occupy the location with news racks. Notification shall be
5 deemed complete upon depositing same with the U.S. Mail Service using the address supplied to the
6 Department of Public Works by the person securing the location.

7 (B) Except as otherwise permitted in this Chapter, no person may place, remove
8 or stock a news rack unless that person is the owner of the news rack; the owner of a publication
9 authorized to be placed therein; a principal, employee of such owner; or a properly-licensed
10 independent contractor or other authorized agent of such owner.

11 SECTION 11: Title 13, Chapter 24, Section 100 of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **13.24.100:** News racks may not be chained together but may be bolted [, welded] or clamped to
14 one another, provided that:

15 (A) [no] No more than four news racks [may be] are joined together in this manner;
16 [, and]

17 (B) [a] A space of no less than four feet [shall separate] separates each group of
18 news racks[.]; and

19 (C) The owners of the affected news racks consent in writing to the joining and to
20 the manner thereof.

21 SECTION 12: Title 13, Chapter 24, Section 110 of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **13.24.110:** Notwithstanding [the provisions of Section 13.24.050,] any other provision of this
24 Chapter, no news racks shall be placed, installed, used or maintained:

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

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

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

- 1 (D) Within five feet of any driveway or alley;
- 2 (E) Within [five] twenty-five feet ahead of, and [twenty-five] five feet to the rear
- 3 of, any sign marking a designated bus stop;
- 4 (F) Within six feet of any bus bench;
- 5 (G) In such a manner as to impede or interfere with the reasonable use of a window
- 6 used for display purposes[.];
- 7 (H) In such a manner as to be permanently affixed to any sidewalk, street or other
- 8 City property;
- 9 (I) Within six feet of the boundary of the Fremont Street Experience pedestrian
- 10 mall, as described in LVMC 11.68.040; or
- 11 (J) Without displaying thereon the information and identification number described
- 12 in Section 13.24.020.

13 SECTION 13: Title 13, Chapter 24, Section 130 of the Municipal Code of the City of

14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **13.24.130:** (A) Each news rack shall be maintained in a clean, neat and attractive condition and

16 in good repair at all times[.], and shall be free from graffiti, rust, broken parts, litter, sharp edges, and

17 chipped or peeling surfaces.

18 (B) All publications shall be contained within the enclosed container portion of a

19 news rack. No publication or other material shall be placed on top of or under the news rack or

20 fastened to the outside of the news rack in any manner. No more than one publication may be

21 displayed or made available within any news rack other than a multi-pocket news rack. Any violation

22 of this Subsection may be immediately corrected by the Director of Public Works or his agent.

23 SECTION 14: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,

24 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 135,

25 reading as follows:

26 **13.24.135:** It shall be the ongoing responsibility of the owner of each news rack to notify the

27 Director, in advance, of any change in the status or information described in Sections 13.24.083(B)

28 and 13.24.200(B). The Director may take appropriate action to withhold action, to deny or to rescind

1 previous approval action if the change in status or information would disqualify or prohibit the news
2 rack under the provisions of this Chapter or the allocation of news rack locations thereunder.

3 SECTION 15: Title 13, Chapter 24, Section 160 of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **13.24.160:** All news racks must be of similar design and appearance in accordance with the
6 standards on file in the Office of the Director of Public [Services] Works and approved by the [Board
7 of Commissioners] City Council by resolution.

8 SECTION 16: Title 13, Chapter 24, Section 170 of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **13.24.170:** All news racks must be installed on steel or other durable frames and in the manner as
11 set forth in the standards on file in the Office of the Director of Public [Services] Works approved by
12 the [Board of Commissioners] City Council by resolution.

13 SECTION 17: Title 13, Chapter 24, Section 180 of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

15 SECTION 18: Title 13, Chapter 24, Section 190 of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **13.24.190:** The Director of Public [Services] Works shall first be notified prior to the removal of
18 any news rack in Zone A. Any person removing a news rack shall also remove its base in such a
19 manner as to ensure that any remaining news racks will not be damaged or disturbed and that they will
20 have adequate support.

21 SECTION 19: Title 13, Chapter 24, Sections 200 and 210 of the Municipal Code of
22 the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

23 SECTION 20: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
24 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 200,
25 reading as follows:

26 **13.24.200:** (A) Within ninety days after the effective date of this Ordinance, each publication,
27 person or other entity desiring to maintain one or more existing news racks, or to place one or more
28 new news racks, within Zone A shall file an application with the Director, indicating those locations

1 at which it desires to have news racks. The application shall be made on a form established by the
2 Director.

3 (B) In order to be considered complete, an application must include or be
4 accompanied by:

5 (1) Evidence that the insurance requirements of this Chapter will be met
6 regarding each news rack to be assigned to the applicant;

7 (2) Evidence that the owner of the news racks, and any publications to be
8 displayed in those news racks, have obtained business licenses to operate in the City, or are exempt
9 from licensing requirements; and

10 (3) A listing of all publications to be displayed in each news rack.

11 SECTION 21: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
12 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 210,
13 reading as follows:

14 **13.24.210:** (A) In assigning news rack locations within Zone A, the Director shall follow the
15 procedures and criteria set forth in this Section.

16 (B) Based upon the applications received and the standards and procedures set forth
17 in this Section, the Director shall assign specific news rack locations as follows:

18 (1) News racks which are existing as of October 14, 1998, and which are
19 in compliance with all requirements of this Chapter (other than the approval of locations and issuance
20 of identification numbers, and the block-face limitation contained in Subsection (A) of Section
21 13.24.090), or which were brought into compliance therewith within thirty days after the effective date
22 of this Ordinance, shall be allowed to remain until abandoned or removed by the owner or otherwise
23 removed in accordance with this Chapter. News racks for which applications for locations were on
24 file on October 14, 1998, may be assigned locations irrespective of the block-face limitation contained
25 in Subsection (A) of Section 13.24.090, provided they comply with all other requirements of this
26 Chapter.

27 (2) For each block face for which applications have been filed and for which
28 additional locations are still available after the ninety-day period referred to in Section 13.24.200, the

1 Director shall assign any remaining locations. For any block face concerning which the number of
2 applications for that block face do not exceed the available locations, the assignment of locations shall
3 be according to the order in which the applications were filed and deemed to be complete in
4 accordance with Section 13.24.200.

5 (3) For any block face concerning which more locations are applied for than
6 are available, the Director shall assign remaining locations by placing into a container the names of
7 all publications competing for the location. Names shall be drawn from the container, one at a time,
8 until the remaining number of unassigned locations on the block face have been assigned. The
9 drawing shall be open to the public.

10 (C) The procedure for assigning locations shall be repeated on an annual basis, but
11 only with respect to locations on a block face concerning which competing applications have been
12 filed with the Director. The drawing, if any, shall be conducted annually on the second Tuesday of
13 February. The Director shall establish such submittal and deadline requirements as may be necessary
14 in order to accomplish the purposes of this Section each year.

15 SECTION 22: Title 13, Chapter 24, Section 230 of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **13.24.230:** Any news rack [constituting a dangerous condition or obstruction as defined in] which
18 is in violation of Subsection (A) or Subsection (B) of Section 13.24.050 may be summarily removed
19 by the Director of Public [Services] Works or his agent and processed as confiscated property under
20 the provisions of Chapter 4.16. Notice of the removal shall be promptly served upon the owner of the
21 news rack at his address shown on the news rack or at his address, if known to the Director of Public
22 [Services] Works, by certified mail, return receipt requested, which notice shall also inform the owner
23 of his right to appeal.

24 SECTION 23: Title 13, Chapter 24, Section 240 of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **13.24.240:** (A) Upon determination by the Director of Public [Services] Works that a news rack
27 has been installed, used or maintained in violation of the provisions of this Chapter, [with the
28 exception of Section 13.32.070,] an order to correct the offending condition shall be issued to the

1 owner of the news rack. Such order shall be served by mailing a copy of the order by certified mail,
2 return-receipt requested, to the address as shown on the news rack. If the offending news rack is not
3 properly identified as to owner under the provisions of Section 13.24.020, an order to correct the
4 offending condition shall be attached to the news rack. The order shall be effective immediately when
5 it is deposited in the United States mail or attached to the news rack. It shall specifically describe the
6 offending condition and suggest actions necessary to correct the condition.

7 (B) Failure to properly correct the offending condition or to serve notice of appeal
8 within ten days after the effective date of the order, or failure to prevail at a hearing on appeal to the
9 [Board of Commissioners] City Council, shall result in the offending news rack and its contents being
10 summarily removed and the news rack processed as confiscated property under the provisions of
11 Chapter 4.16.

12 SECTION 24: Title 13, Chapter 24, Section 250 of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **13.24.250:** [The contents of a news rack removed as provided in this Article, including
15 publications and money, shall be returned immediately to the owner upon his request. When a news
16 rack and its contents, if any, have been removed and processed as confiscated property, and prior to
17 the expiration of sixty days after the news rack has come into the possession of the City, the owner
18 of said news rack shall be charged a processing fee of fifty dollars before the news rack is released to
19 the owner.] Upon the showing of sufficient proof of ownership, a news rack removed as provided in
20 this Article, including the publications and money contained therein, if any, shall be returned to the
21 owner upon his request if it is made within sixty days after removal and accompanied by the payment
22 of a seventy-five dollar processing fee. Any news rack that is not claimed within sixty days after
23 removal shall be considered abandoned property and shall be processed in accordance with the
24 provisions contained in Chapter 4.16. However, if an owner makes a request for a news rack more
25 than sixty days after removal, the Director may return the news rack and its contents, if any, upon
26 payment of the seventy-five dollar processing fees plus any other costs incurred by the City in
27 processing the news rack as abandoned property under Chapter 4.16.

28 SECTION 25: Title 13, Chapter 24, Section 260 of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **13.24.260:** When a news rack has been removed for constituting a dangerous condition or
3 obstruction, the news rack owner may appeal the action of the Director of Public [Services] Works
4 or his agent by filing a written notice of appeal within twenty days after the news rack's removal. The
5 appeal shall be heard by the City Council within thirty days following the filing of the notice of
6 appeal. In the event the news rack owner prevails on appeal to the [Board] City Council, the news rack
7 shall be released and restored to him immediately without payment of the processing fee.

8 SECTION 26: Title 13, Chapter 24, Section 270 of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **13.24.270:** Any owner of a news rack who disputes an order to correct an offending condition may
11 appeal by filing a written notice of appeal with the Department of Public [Services] Works setting
12 forth the grounds for appeal within ten days following the effective date of the order. The appeal shall
13 be heard by the City Council within thirty days following the filing of the notice of appeal. The
14 Director of Public [Services] Works may not remove the news rack for failure to correct the condition
15 described in the order appealed from until the appeal has been heard by the [Board] City Council.

16 SECTION 27: Title 13, Chapter 24, Section 280 of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **13.24.280:** In the case of violations of this Chapter relative to restrictions upon attachments of
19 news racks to each other, or upon location of news racks, any City employee authorized by the
20 Director of Public [Services] Works may, as an alternative to removal under Section 13.24.230 et seq.,
21 remove such attachment and/or move such rack or racks in order to restore them to a legal condition.

22 SECTION 28: This Ordinance shall become effective upon its adoption and
23 publication. Except as otherwise provided in this Ordinance or as permitted by the Director, news
24 racks which are existing on the effective date hereof shall be brought into compliance with the
25 provisions of this Ordinance in connection with the approval of news rack locations as described in
26 this Chapter.

27 SECTION 29: Whenever in this ordinance any act is prohibited or is made or declared
28 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is

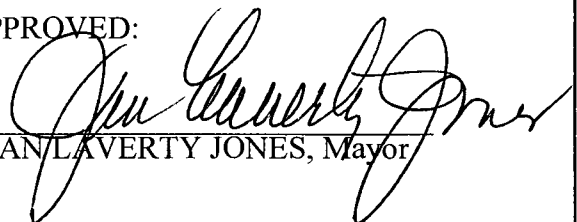
1 required or the failure to do any act is made or declared to be unlawful or an offense or a
2 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
3 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
4 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
5 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

6 SECTION 30: If any section, subsection, subdivision, paragraph, sentence, clause or
7 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
8 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
9 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
10 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
11 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
12 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
13 invalid or ineffective.


14 SECTION 31: 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 9th day of November, 1998.

18 APPROVED:

19 By 
20 JAN LAVERTY JONES, Mayor

21 ATTEST:

22 
23 BARBARA JO RONEMUS, City Clerk

24 APPROVED AS TO FORM:

25  11-5-98
26 _____ Date

27
28


1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 27th day of July, 1998 and referred to the following committee composed of the
3 Councilmen McDonald and Brown for recommendation; thereafter the said committee reported
4 favorably on said ordinance on the 9th day of November, 1998 which was a regular meeting
5 of said Council; that at said regular meeting, the proposed ordinance was read by title to the
6 City Council as amended and adopted by the following vote:

7 VOTING "AYE": Councilmen Adamsen, McDonald, Reese and Brown


8 VOTING "NAY": NONE

9 EXCUSED: Mayor Jones

10 APPROVED:

11 
12 _____
13 JAN LAVERTY JONES, Mayor

14 ATTEST:

15 
16 _____
17 BARBARA JO RONEMUS, City Clerk

1 **PROPOSED SECOND AMENDMENT**

2 **Bill No. 98-52**

3 **Ordinance No. ____**

4 AN ORDINANCE RELATING TO NEWS RACKS; AMENDING VARIOUS SECTIONS OF
5 TITLE 13, CHAPTER 24, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983
6 EDITION, TO REQUIRE THE DISPLAY OF NEWS RACK IDENTIFICATION NUMBERS, TO
7 PROHIBIT NEWS RACKS FROM BEING PERMANENTLY AFFIXED TO PUBLIC PROPERTY,
8 TO INCREASE INSURANCE REQUIREMENTS, TO PROHIBIT MATERIAL TO BE STORED
9 ON TOP OF NEWS RACKS, TO PROVIDE ADDITIONAL LOCATIONAL RESTRICTIONS,
10 AND TO PROVIDE A SYSTEM FOR ASSIGNING NEWS RACK LOCATIONS; PROVIDING
11 PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS
12 PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF
13 ORDINANCES IN CONFLICT HEREWITH.

14 Sponsored by:
15 Councilman Michael McDonald

Summary: Amends the Code provisions regarding news racks to require the display of news rack identification numbers, to impose additional restrictions on installation and display, and to establish a system for assigning news rack locations.

16 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

17 AS FOLLOWS:

18 SECTION 1: Title 13, Chapter 24, Section 10 of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **13.24.010:** For the purpose of this Chapter, certain words and phrases shall be construed herein as
21 set forth in this Section, unless it is apparent from the context that a different meaning is intended:

22 (A) ["Daily newspaper" means any newspaper printed, published or distributed five
23 or more days each week.] "Block" or "block face" means one side of a street between two consecutive
24 intersecting streets.

25 (B) "News rack" means any self-service or coin-operated box[, containers, storage
26 unit] or other dispenser installed, used, or maintained for the displaying or dispensing of newspapers,
27 news periodicals, magazines or other publications.

28 (C) "Parkway" means that area between the sidewalks and the curb of any street,
and where there is no sidewalk, that area between the edge of the roadway and the property line
adjacent thereto. "Parkway" also includes any area within a roadway which is not open to vehicular
travel.

1 (D) "Roadway" means that portion of a street improved, designed, or ordinarily
2 used for vehicular travel.

3 (E) "Sidewalk" means any surface provided for the exclusive use of pedestrians.

4 (F) "Street" means all that area dedicated to public use for public street purposes
5 and shall include, but not be limited to, roadways, parkways, alleys and sidewalks.

6 (G) "Zone A" means the area described in Section 13.24.150.

7 SECTION 2: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
8 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 15,
9 reading as follows:

10 **13.24.015:** The provisions of this Chapter do not apply to news racks within the boundaries of the
11 Fremont Street Experience pedestrian mall, as described in LVMC 11.68.040. The location and
12 design of news racks within the pedestrian mall, and the allocation of news rack locations, are
13 governed by the Fremont Street Experience Limited Liability Company in accordance with its news
14 rack plan.

15 SECTION 3: Title 13, Chapter 24, Section 20 of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

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

23 SECTION 4: Title 13, Chapter 24, Section 30 of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **13.24.030:** Every person or other entity which places or maintains a news rack on a public
26 sidewalk or parkway in the City shall provide and keep in force during the time that such news rack
27 is allowed to remain on public property, a policy of public liability insurance, naming the City as an
28 additional insured, in an amount not less than [one] two hundred thousand dollars combined single

1 limit for any injury to persons and/or damage to property for reason of the installation, use and
2 maintenance of such news [rack or] racks on public property. Said policy shall provide that the
3 insurance coverage shall not be canceled or reduced by the insurance carrier without the City having
4 been given thirty days prior written notice thereof by such carrier.

5 SECTION 5: Title 13, Chapter 24, Section 50 of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **13.24.050:** No person shall install, use or maintain any news rack which in whole or in part rests
8 upon, in or over any public sidewalk or parkway when:

9 (A) [such] Such installation, use or maintenance endangers the safety of persons
10 or property, or when such site or location is used for public utility purposes, public transportation
11 purposes, or other governmental use, or when such news rack unreasonably interferes with or impedes
12 the flow of pedestrian or vehicular traffic, including the ingress into or egress from any residence,
13 place of business, or any legally parked or stopped vehicle or interferes with the use, service or
14 maintenance of poles, posts, traffic signs or signals, hydrants, mailboxes, trash receptacles, or other
15 objects permitted at or near said location[.];

16 (B) The news rack has not been authorized by the issuance of an identification
17 number; or

18 (C) The news rack has been installed at a location other than that authorized for the
19 installation of that news rack, or is not in compliance with the assigned location information on file
20 with the Department.

21 SECTION 6: Title 13, Chapter 24, Section 70 of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **13.24.070:** No news rack shall exceed five feet in height, [thirty] thirty-two inches in width, or
24 [two feet in thickness.] eighteen inches in depth. No news rack shall weigh more than one hundred
25 twenty pounds, exclusive of contents.

26 SECTION 7: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
27 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 83,
28 reading as follows:

1 **13.24.083:** (A) Within ninety days after the effective date of this Ordinance, each publication,
2 person or other entity desiring to maintain one or more existing news racks, or to place one or more
3 new news racks, outside of Zone A shall file an application with the Director, indicating those
4 locations at which it desires to have news racks. The application shall be made on a form established
5 by the Director.

6 (B) In order to be considered complete, an application must include or be
7 accompanied by:

8 (1) Evidence that the insurance requirements of this Chapter will be met
9 regarding each news rack to be assigned to the applicant;

10 (2) Evidence that the owner of the news racks, and any publications to be
11 displayed in those news racks, have obtained business licenses to operate in the City, or are exempt
12 from licensing requirements; and

13 (3) A listing of all publications to be displayed in each news rack.

14 (C) Based upon the applications received and the standards and procedures set forth
15 in this Section, the Director shall assign specific news rack locations as follows:

16 (1) News racks which are existing as of October 14, 1998, and which are
17 in compliance with all requirements of this Chapter (other than the approval of locations and issuance
18 of identification numbers, and the block-face limitation contained in Subsection (A) of Section
19 13.24.090), or which were brought into compliance therewith within thirty days after the effective date
20 of this Ordinance, shall be allowed to remain until abandoned or removed by the owner or otherwise
21 removed in accordance with this Chapter. News racks for which applications for locations were on
22 file on October 14, 1998, may be assigned locations irrespective of the block-face limitation contained
23 in Subsection (A) of Section 13.24.090, provided they comply with all other requirements of this
24 Chapter.

25 (2) For each block face for which applications have been filed and for which
26 additional locations are still available after the ninety-day period referred to in Section 13.24.083, the
27 Director shall assign any remaining locations. For any block face concerning which the number of
28 applications for that block face do not exceed the available locations, the assignment of locations shall

1 be according to the order in which the applications were filed and deemed to be complete in
2 accordance with Subsection (B) of this Section.

3 (3) For any block face concerning which more locations are applied for than
4 are available, the Director shall assign remaining locations by placing into a container the names of
5 all publications competing for the location. Names shall be drawn from the container, one at a time,
6 until the remaining number of unassigned locations on the block face have been assigned. The
7 drawing shall be open to the public.

8 SECTION 8: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
9 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 85,
10 reading as follows:

11 **13.24.085:** The procedure for permitting locations for news racks outside of Zone A shall be
12 repeated annually on the second Thursday of February for those locations where there is competition
13 between publications seeking to locate on a particular block face. The Director shall establish such
14 submittal and deadline requirements as may be necessary in order to accomplish the purposes of this
15 Section each year.

16 SECTION 9: Title 13, Chapter 24, Section 90 of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **13.24.090:** [News racks may be placed next to each other provided there are not more than four
19 news racks placed together, with not more than six inches separating each news rack and further
20 providing that there is space of no less than four feet separating each group of news racks.]

21 (A) Except as otherwise provided in this Chapter, no more than six news racks may
22 occupy a single block face.

23 (B) No single publication may be made available in more than one news rack within
24 the same block face.

25 SECTION 10: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
26 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 95,
27 reading as follows:

28 **13.24.095:** (A) The placement of news racks within the City shall be under the direction of the

1 Director of Public Works. In the case of a news rack which has been approved pursuant to this
2 Chapter, if the owner or other person who is authorized to place the news rack fails to occupy that
3 location for a period of fifteen days after notice, the Director of Public may declare a forfeiture of the
4 approval and allow other persons to occupy the location with news racks. Notification shall be deemed
5 complete upon depositing same with the U.S. Mail Service using the address supplied to the
6 Department of Public Works by the person securing the location.

7 (B) Except as otherwise permitted in this Chapter, no person may place, remove
8 or stock a news rack unless that person is the owner of the news rack; the owner of a publication
9 authorized to be placed therein; a principal, employee of such owner; or a properly-licensed
10 independent contractor or other authorized agent of such owner.

11 SECTION 11: Title 13, Chapter 24, Section 100 of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **13.24.100:** News racks may not be chained together but may be bolted [, welded] or clamped to
14 one another, provided that:

15 (A) [no] No more than four news racks [may be] are joined together in this manner;
16 [, and]

17 (B) [a] A space of no less than four feet [shall separate] separates each group of
18 news racks[.]; and

19 (C) The owners of the affected news racks consent in writing to the joining and to
20 the manner thereof.

21 SECTION 12: Title 13, Chapter 24, Section 110 of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **13.24.110:** Notwithstanding [the provisions of Section 13.24.050,] any other provision of this
24 Chapter, no news racks shall be placed, installed, used or maintained:

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

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

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

- 1 (D) Within five feet of any driveway or alley;
- 2 (E) Within five feet ahead of, and twenty-five feet to the rear of, any sign marking
- 3 a designated bus stop;
- 4 (F) Within six feet of any bus bench;
- 5 (G) In such a manner as to impede or interfere with the reasonable use of a window
- 6 used for display purposes[.];
- 7 (H) In such a manner as to be permanently affixed to any sidewalk, street or other
- 8 City property;
- 9 (I) Within six feet of the boundary of the Fremont Street Experience pedestrian
- 10 mall, as described in LVMC 11.68.040; or
- 11 (J) Without displaying thereon the information and identification number described
- 12 in Section 13.24.020.

13 SECTION 13: Title 13, Chapter 24, Section 130 of the Municipal Code of the City of

14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **13.24.130:** (A) Each news rack shall be maintained in a clean, neat and attractive condition and

16 in good repair at all times[.], and shall be free from graffiti, rust, broken parts, litter, sharp edges, and

17 chipped or peeling surfaces.

18 (B) All publications shall be contained within the enclosed container portion of a

19 news rack. No publication or other material shall be placed on top of or under the news rack or

20 fastened to the outside of the news rack in any manner. No more than one publication may be

21 displayed or made available within any news rack other than a multi-pocket news rack. Any violation

22 of this Subsection may be immediately corrected by the Director of Public Works or his agent.

23 SECTION 14: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,

24 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 135,

25 reading as follows:

26 **13.24.135:** It shall be the ongoing responsibility of the owner of each news rack to notify the

27 Director, in advance, of any change in the status or information described in Sections 13.24.083(B)

28 and 13.24.200(B). The Director may take appropriate action to withhold action, to deny or to rescind

1 previous approval action if the change in status or information would disqualify or prohibit the news
2 rack under the provisions of this Chapter or the allocation of news rack locations thereunder.

3 SECTION 15: Title 13, Chapter 24, Section 160 of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **13.24.160:** All news racks must be of similar design and appearance in accordance with the
6 standards on file in the Office of the Director of Public [Services] Works and approved by the [Board
7 of Commissioners] City Council by resolution.

8 SECTION 16: Title 13, Chapter 24, Section 170 of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **13.24.170:** All news racks must be installed on steel or other durable frames and in the manner as
11 set forth in the standards on file in the Office of the Director of Public [Services] Works approved by
12 the [Board of Commissioners] City Council by resolution.

13 SECTION 17: Title 13, Chapter 24, Section 180 of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

15 SECTION 18: Title 13, Chapter 24, Section 190 of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **13.24.190:** The Director of Public [Services] Works shall first be notified prior to the removal of
18 any news rack in Zone A. Any person removing a news rack shall also remove its base in such a
19 manner as to ensure that any remaining news racks will not be damaged or disturbed and that they will
20 have adequate support.

21 SECTION 19: Title 13, Chapter 24, Sections 200 and 210 of the Municipal Code of
22 the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

23 SECTION 20: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
24 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 200,
25 reading as follows:

26 **13.24.200:** (A) Within ninety days after the effective date of this Ordinance, each publication,
27 person or other entity desiring to maintain one or more existing news racks, or to place one or more
28 new news racks, within Zone A shall file an application with the Director, indicating those locations

1 at which it desires to have news racks. The application shall be made on a form established by the
2 Director.

3 (B) In order to be considered complete, an application must include or be
4 accompanied by:

5 (1) Evidence that the insurance requirements of this Chapter will be met
6 regarding each news rack to be assigned to the applicant;

7 (2) Evidence that the owner of the news racks, and any publications to be
8 displayed in those news racks, have obtained business licenses to operate in the City, or are exempt
9 from licensing requirements; and

10 (3) A listing of all publications to be displayed in each news rack.

11 SECTION 21: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
12 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 210,
13 reading as follows:

14 **13.24.210:** (A) In assigning news rack locations within Zone A, the Director shall follow the
15 procedures and criteria set forth in this Section.

16 (B) Based upon the applications received and the standards and procedures set forth
17 in this Section, the Director shall assign specific news rack locations as follows:

18 (1) News racks which are existing as of October 14, 1998, and which are
19 in compliance with all requirements of this Chapter (other than the approval of locations and issuance
20 of identification numbers, and the block-face limitation contained in Subsection (A) of Section
21 13.24.090), or which were brought into compliance therewith within thirty days after the effective date
22 of this Ordinance, shall be allowed to remain until abandoned or removed by the owner or otherwise
23 removed in accordance with this Chapter. News racks for which applications for locations were on
24 file on October 14, 1998, may be assigned locations irrespective of the block-face limitation contained
25 in Subsection (A) of Section 13.24.090, provided they comply with all other requirements of this
26 Chapter.

27 (2) For each block face for which applications have been filed and for which
28 additional locations are still available after the ninety-day period referred to in Section 13.24.200, the

1 Director shall assign any remaining locations. For any block face concerning which the number of
2 applications for that block face do not exceed the available locations, the assignment of locations shall
3 be according to the order in which the applications were filed and deemed to be complete in
4 accordance with Section 13.24.200.

5 (3) For any block face concerning which more locations are applied for than
6 are available, the Director shall assign remaining locations by placing into a container the names of
7 all publications competing for the location. Names shall be drawn from the container, one at a time,
8 until the remaining number of unassigned locations on the block face have been assigned. The
9 drawing shall be open to the public.

10 (C) The procedure for assigning locations shall be repeated on an annual basis, but
11 only with respect to locations on a block face concerning which competing applications have been
12 filed with the Director. The drawing, if any, shall be conducted annually on the second Tuesday of
13 February. The Director shall establish such submittal and deadline requirements as may be necessary
14 in order to accomplish the purposes of this Section each year.

15 SECTION 22: Title 13, Chapter 24, Section 230 of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **13.24.230:** Any news rack [constituting a dangerous condition or obstruction as defined in] which
18 is in violation of Subsection (A) or Subsection (B) of Section 13.24.050 may be summarily removed
19 by the Director of Public [Services] Works or his agent and processed as confiscated property under
20 the provisions of Chapter 4.16. Notice of the removal shall be promptly served upon the owner of the
21 news rack at his address shown on the news rack or at his address, if known to the Director of Public
22 [Services] Works, by certified mail, return receipt requested, which notice shall also inform the owner
23 of his right to appeal.

24 SECTION 23: Title 13, Chapter 24, Section 240 of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **13.24.240:** (A) Upon determination by the Director of Public [Services] Works that a news rack
27 has been installed, used or maintained in violation of the provisions of this Chapter, [with the
28 exception of Section 13.32.070,] an order to correct the offending condition shall be issued to the

1 owner of the news rack. Such order shall be served by mailing a copy of the order by certified mail,
2 return-receipt requested, to the address as shown on the news rack. If the offending news rack is not
3 properly identified as to owner under the provisions of Section 13.24.020, an order to correct the
4 offending condition shall be attached to the news rack. The order shall be effective immediately when
5 it is deposited in the United States mail or attached to the news rack. It shall specifically describe the
6 offending condition and suggest actions necessary to correct the condition.

7 (B) Failure to properly correct the offending condition or to serve notice of appeal
8 within [ten] seven days after the effective date of the order, or failure to prevail at a hearing on appeal
9 to the [Board of Commissioners] City Council, shall result in the offending news rack and its contents
10 being summarily removed and the news rack processed as confiscated property under the provisions
11 of Chapter 4.16.

12 SECTION 24: Title 13, Chapter 24, Section 250 of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **13.24.250:** [The contents of a news rack removed as provided in this Article, including
15 publications and money, shall be returned immediately to the owner upon his request. When a news
16 rack and its contents, if any, have been removed and processed as confiscated property, and prior to
17 the expiration of sixty days after the news rack has come into the possession of the City, the owner
18 of said news rack shall be charged a processing fee of fifty dollars before the news rack is released to
19 the owner.] Upon the showing of sufficient proof of ownership, a news rack removed as provided in
20 this Article, including the publications and money contained therein, if any, shall be returned to the
21 owner upon his request if it is made within sixty days after removal and accompanied by the payment
22 of a seventy-five dollar processing fee. Any news rack that is not claimed within sixty days after
23 removal shall be considered abandoned property and shall be processed in accordance with the
24 provisions contained in Chapter 4.16. However, if an owner makes a request for a news rack more
25 than sixty days after removal, the Director may return the news rack and its contents, if any, upon
26 payment of the seventy-five dollar processing fees plus any other costs incurred by the City in
27 processing the news rack as abandoned property under Chapter 4.16.

28 SECTION 25: Title 13, Chapter 24, Section 260 of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **13.24.260:** When a news rack has been removed for constituting a dangerous condition or
3 obstruction, the news rack owner may appeal the action of the Director of Public [Services] Works
4 or his agent by filing a written notice of appeal within twenty days after the news rack's removal. The
5 appeal shall be heard by the City Council within thirty days following the filing of the notice of
6 appeal. In the event the news rack owner prevails on appeal to the [Board] City Council, the news rack
7 shall be released and restored to him immediately without payment of the processing fee.

8 SECTION 26: Title 13, Chapter 24, Section 270 of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **13.24.270:** Any owner of a news rack who disputes an order to correct an offending condition may
11 appeal by filing a written notice of appeal with the Department of Public [Services] Works setting
12 forth the grounds for appeal within ten days following the effective date of the order. The appeal shall
13 be heard by the City Council within thirty days following the filing of the notice of appeal. The
14 Director of Public [Services] Works may not remove the news rack for failure to correct the condition
15 described in the order appealed from until the appeal has been heard by the [Board] City Council.

16 SECTION 27: Title 13, Chapter 24, Section 280 of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **13.24.280:** In the case of violations of this Chapter relative to restrictions upon attachments of
19 news racks to each other, or upon location of news racks, any City employee authorized by the
20 Director of Public [Services] Works may, as an alternative to removal under Section 13.24.230 et seq.,
21 remove such attachment and/or move such rack or racks in order to restore them to a legal condition.

22 SECTION 28: This Ordinance shall become effective upon its adoption and
23 publication. Except as otherwise provided in this Ordinance or as permitted by the Director, news
24 racks which are existing on the effective date hereof shall be brought into compliance with the
25 provisions of this Ordinance in connection with the approval of news rack locations as described in
26 this Chapter.

27 SECTION 29: Whenever in this ordinance any act is prohibited or is made or declared
28 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is

1 required or the failure to do any act is made or declared to be unlawful or an offense or a
2 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
3 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
4 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
5 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

6 SECTION 30: If any section, subsection, subdivision, paragraph, sentence, clause or
7 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
8 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
9 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
10 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
11 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
12 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
13 invalid or ineffective.

14 SECTION 31: 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 ____ day of _____, 1998.

18 APPROVED:
19
20 By _____
JAN LAVERTY JONES, Mayor

21 ATTEST:
22 _____
23 BARBARA JO RONEMUS, City Clerk

24 APPROVED AS TO FORM:
25
26 _____
Date

27
28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 1998, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 1998, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
JAN LAVERTY JONES, Mayor

14 ATTEST:
15 _____
16 BARBARA JO RONEMUS, City Clerk

17
18
19
20
21
22
23
24
25
26
27
28

FIRST AMENDMENT

Bill No. 98-52

Ordinance No. _____

AN ORDINANCE RELATING TO NEWS RACKS; AMENDING VARIOUS SECTIONS OF TITLE 13, CHAPTER 24, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983 EDITION, TO REQUIRE THE DISPLAY OF NEWS RACK IDENTIFICATION NUMBERS, TO PROHIBIT NEWS RACKS FROM BEING PERMANENTLY AFFIXED TO PUBLIC PROPERTY, TO INCREASE INSURANCE REQUIREMENTS, TO PROHIBIT MATERIAL TO BE STORED ON TOP OF NEWS RACKS, TO PROVIDE ADDITIONAL LOCATIONAL RESTRICTIONS, AND TO PROVIDE A SYSTEM FOR ASSIGNING NEWS RACK LOCATIONS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Councilman Michael McDonald

Summary: Amends the Code provisions regarding news racks to require the display of news rack identification numbers, to impose additional restrictions on installation and display, and to establish a system for assigning news rack locations.

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

SECTION 1: Title 13, Chapter 24, Section 10 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13.24.010: For the purpose of this Chapter, certain words and phrases shall be construed herein as set forth in this Section, unless it is apparent from the context that a different meaning is intended:

(A) "Block" or "block face" means one side of a street between two consecutive intersecting streets.

[(A)] (B) "Daily [newspaper] publication" means any [newspaper] publication printed, published or distributed five or more days each week.

(C) "Publication class," means one of three types of publications as classified for purposes of this Chapter, namely:

(1) "Class A," being any daily publication, without regard to content, which distributes more than 100,000 copies per week within the Las Vegas metropolitan area and which produces and distributes at least 250 distinct and separate issues per calendar year.

(2) "Class B," being any weekly publication, without regard to content,

1 which distributes more than 5,000 copies per week within the Las Vegas metropolitan area and which
2 produces and distributes at least 52 distinct and separate issues per calendar year.

3 (3) “Class C.” being any other publication, without regard to content.

4 (D) “Multi-pocket news rack” means a news rack which is designed to dispense
5 more than one publication from separate compartments.

6 [B] (E) "News rack" means any self-service or coin-operated box[, containers, storage unit]
7 or other dispenser installed, used, or maintained for the displaying or dispensing of newspapers, news
8 periodicals, magazines or other publications.

9 [(C)] (F) "Parkway" means that area between the sidewalks and the curb of any street, and
10 where there is no sidewalk, that area between the edge of the roadway and the property line adjacent
11 thereto. "Parkway" also includes any area within a roadway which is not open to vehicular travel.

12 [(D)] (G) "Roadway" means that portion of a street improved, designed, or ordinarily used
13 for vehicular travel.

14 [(E)] (H) "Sidewalk" means any surface provided for the exclusive use of pedestrians.

15 [(F)] (I) "Street" means all that area dedicated to public use for public street purposes and
16 shall include, but not be limited to, roadways, parkways, alleys and sidewalks.

17 (J) “Zone A” means the area described in Section 13.24.150.

18 SECTION 2: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
19 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 15,
20 reading as follows:

21 **13.24.015:** The provisions of this Chapter do not apply to news racks within the boundaries of the
22 Fremont Street Experience pedestrian mall, as described in LVMC 11.68.040. The location and
23 design of news racks within the pedestrian mall, and the allocation of news rack locations, are
24 governed by the Fremont Street Experience Limited Liability Company in accordance with its news
25 rack plan.

26 SECTION 3: Title 13, Chapter 24, Section 20 of the Municipal Code of the City of
27 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 **13.24.020:** Every person or other entity which places or maintains a news rack on a public

1 sidewalk or parkway of the City shall have his or its name, address and telephone number affixed
2 thereto in a place where such information may be easily seen, but such information shall not take up
3 space on the rack in excess of six square inches. The City shall issue an identification number for each
4 authorized news rack. The identification number shall be displayed upon each news rack so that it is
5 prominent and readily visible.

6 SECTION 4: Title 13, Chapter 24, Section 30 of the Municipal Code of the City of
7 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **13:24.030:** Every person or other entity which places or maintains a news rack on a public
9 sidewalk or parkway in the City shall provide and keep in force during the time that such news rack
10 is allowed to remain on public property, a policy of public liability insurance, naming the City as an
11 additional insured, in an amount not less than one [hundred thousand] million dollars combined single
12 limit for any injury to persons and/or damage to property for reason of the installation, use and
13 maintenance of such news [rack or] racks on public property[.] or in such lesser amount as may be
14 approved by the Director of Public Works. Said policy shall provide that the insurance coverage shall
15 not be canceled or reduced by the insurance carrier without the City having been given thirty days
16 prior written notice thereof by such carrier.

17 SECTION 5: Title 13, Chapter 24, Section 50 of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **13.24.050:** No person shall install, use or maintain any news rack which in whole or in part rests
20 upon, in or over any public sidewalk or parkway when:

21 (A) [such] Such installation, use or maintenance endangers the safety of persons
22 or property, or when such site or location is used for public utility purposes, public transportation
23 purposes, or other governmental use, or when such news rack unreasonably interferes with or impedes
24 the flow of pedestrian or vehicular traffic, including the ingress into or egress from any residence,
25 place of business, or any legally parked or stopped vehicle or interferes with the use, service or
26 maintenance of poles, posts, traffic signs or signals, hydrants, mailboxes, trash receptacles, or other
27 objects permitted at or near said location[.];

28 (B) The news rack has not been authorized by the issuance of an identification

1 number; or

2 (C) The news rack has been installed at a location other than that authorized for the
3 installation of that news rack, or is not in compliance with the assigned location information on file
4 with the Department.

5 SECTION 6: Title 13, Chapter 24, Section 70 of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **13.24.070:** No news rack shall exceed five feet in height, [thirty] thirty-two inches in width, or
8 [two feet in thickness.] eighteen inches in depth. No news rack shall weigh more than one hundred
9 twenty pounds, exclusive of contents.

10 SECTION 7: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
11 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 83,
12 reading as follows:

13 **13.24.083:** (A) Following the adoption of this Ordinance, the Director shall classify all
14 publications currently having news racks outside of Zone A into three classes, Class A, Class B and
15 Class C. Within ninety days after the effective date of this Ordinance, each publication, person or
16 other entity desiring to maintain one or more existing news racks, or to place one or more new news
17 racks, outside of Zone A shall file an application with the Director, indicating those locations at which
18 it desires to have news racks and the priority according to which it desires those locations. The
19 application shall be made on a form established by the Director.

20 (B) In order to be considered complete, an application must include or be
21 accompanied by:

22 (1) Evidence that the insurance requirements of this Chapter will be met
23 regarding each news rack to be assigned to the applicant;

24 (2) Evidence that the owner of the news racks, and any publications to be
25 displayed in those news racks, have obtained business licenses to operate in the City, or are exempt
26 from licensing requirements; and

27 (3) A listing of all publications to be displayed in each news rack, along
28 with information sufficient to enable a determination of the publication class to which each

1 publication belongs.

2 (C) Based upon the applications received and the standards and procedures set forth
3 in this Section and Section 13.24.085, the Director shall assign specific news rack locations as
4 follows:

5 (1) The Director shall assign two locations on each block face for each
6 publication class if there is no competition among a particular class for a particular location;

7 (2) If there is competition between publications of the same class seeking
8 priority at the same location and there are insufficient locations available to accommodate the
9 competing publications, the Director shall assign locations by placing into a container the names of
10 all publications within a particular class competing for the location. Names shall be drawn from the
11 container, one at a time, until the remaining number of unassigned locations on the block face have
12 been assigned. The drawing shall be open to the public.

13 SECTION 8: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
14 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 85,
15 reading as follows:

16 **13.24.085:** (A) It is intended to make available to each of the three publication classes two
17 news rack locations for each block face outside of Zone A. The actual number of locations permitted
18 for each publication class may be adjusted by the Director:

19 (1) To reflect a written agreement among the interested applicants, if the
20 agreed-upon locations otherwise comply with the requirements of this Chapter.

21 (2) In the event one of the publication classes does not use its allocation;
22 or

23 (3) In accordance with the provisions of Section 13.24.090(B).

24 (B) The procedure for permitting locations for news racks outside of Zone A shall
25 be repeated annually on the second Thursday of February for those locations where there is
26 competition between publications in the same class seeking priority to locate on a particular block
27 face. The Director shall establish such submittal and deadline requirements as may be necessary in
28 order to accomplish the purposes of this Section each year.

1 SECTION 9: Title 13, Chapter 24, Section 90 of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **13.24.090:** [News racks may be placed next to each other provided there are not more than four
4 news racks placed together, with not more than six inches separating each news rack and further
5 providing that there is space of no less than four feet separating each group of news racks.]

6 (A) Except as otherwise provided in this Chapter, no more than six news racks may
7 occupy a single block face. No single publication may be made available in more than one news rack
8 within the same block face.

9 (B) Except for any location within Zone A, the Director may permit one additional
10 news rack within a block face for each publication class if:

11 (1) Publications within at least two publication classes request an additional
12 news rack for that block face; and

13 (2) The total number of additional news racks permitted has not exceeded
14 five percent of the total number of block faces outside of Zone A for which permits have been issued.

15 SECTION 10: 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 95,
17 reading as follows:

18 **13.24.095:** (A) The placement of news racks within the City shall be under the direction of the
19 Director of Public Works. In the case of a news rack which has been approved pursuant to this
20 Chapter, if the owner or other person who is authorized to place the news rack fails to occupy that
21 location for a period of fifteen days after notice, the Director of Public may declare a forfeiture of the
22 approval and allow other persons to occupy the location with news racks. Notification shall be deemed
23 complete upon depositing same with the U.S. Mail Service using the address supplied to the
24 Department of Public Works by the person securing the location.

25 (B) Except as otherwise permitted in this Chapter, no person may place, remove
26 or stock a news rack unless that person is the owner of the news rack; the owner of a publication
27 authorized to be placed therein; a principal, employee of such owner; or a properly-licensed
28 independent contractor or other authorized agent of such owner.

1 SECTION 11: Title 13, Chapter 24, Section 100 of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **13.24.100:** News racks may not be chained together but may be bolted [, welded] or clamped to
4 one another, provided that:

5 (A) [no] No more than four news racks [may be] are joined together in this manner;
6 [, and]

7 (B) [a] A space of no less than four feet [shall separate] separates each group of
8 news racks[.]; and

9 (C) The owners of the affected news racks consent in writing to the joining and to
10 the manner thereof.

11 SECTION 12: Title 13, Chapter 24, Section 110 of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **13.24.110:** Notwithstanding [the provisions of Section 13.24.050,] any other provision of this
14 Chapter, no news racks shall be placed, installed, used or maintained:

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

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

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

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

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

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

23 (G) In such a manner as to impede or interfere with the reasonable use of a window
24 used for display purposes[.];

25 (H) In such a manner as to be permanently affixed to any sidewalk, street or other
26 City property;

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

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

3 SECTION 13: Title 13, Chapter 24, Section 130 of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **13.24.130:** (A) Each news rack shall be maintained in a clean, neat and attractive condition and
6 in good repair at all times[.], and shall be free from graffiti, rust, broken parts, litter, sharp edges, and
7 chipped or peeling surfaces.

8 (B) All publications shall be contained within the enclosed container portion of a
9 news rack. No publication or other material shall be placed on top of or under the news rack or
10 fastened to the outside of the news rack in any manner. No more than one publication may be
11 displayed or made available within any news rack other than a multi-pocket news rack. Any violation
12 of this Subsection may be immediately corrected by the Director of Public Works or his agent.

13 SECTION 14: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
14 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 135,
15 reading as follows:

16 **13.24.135:** It shall be the ongoing responsibility of the owner of each news rack to notify the
17 Director, in advance, of any change in the status or information described in Sections 13.24.083(B)
18 and 13.24.200(B). The Director may take appropriate action to withhold action, to deny or to rescind
19 previous approval action if the change in status or information would disqualify or prohibit the news
20 rack under the provisions of this Chapter or the allocation of news rack locations thereunder.

21 SECTION 15: Title 13, Chapter 24, Section 160 of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **13.24.160:** (A) All news racks must be of similar design and appearance in accordance with
24 the standards on file in the Office of the Director of Public [Services] Works and approved by the
25 [Board of Commissioners] City Council by resolution.

26 (B) No more than ten multi-pocket news racks for each publication class may be
27 located within Zone A.

28 SECTION 16: Title 13, Chapter 24, Section 170 of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **13.24.170:** All news racks must be installed on steel or other durable frames and in the manner as
3 set forth in the standards on file in the Office of the Director of Public [Services] Works approved by
4 the [Board of Commissioners] City Council by resolution.

5 SECTION 17: Title 13, Chapter 24, Section 180 of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

7 SECTION 18: Title 13, Chapter 24, Section 190 of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **13.24.190:** The Director of Public [Services] Works shall first be notified prior to the removal of
10 any news rack in Zone A. Any person removing a news rack shall also remove its base in such a
11 manner as to ensure that any remaining news racks will not be damaged or disturbed and that they will
12 have adequate support.

13 SECTION 19: Title 13, Chapter 24, Sections 200 and 210 of the Municipal Code of
14 the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

15 SECTION 20: 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 200,
17 reading as follows:

18 **13.24.200:** (A) Following the adoption of this Ordinance, the Director shall classify all
19 publications currently having news racks in Zone A into three classes, Class A, Class B and Class C.
20 Within ninety days after the effective date of this Ordinance, each publication, person or other entity
21 desiring to maintain one or more existing news racks, or to place one or more new news racks, within
22 Zone A shall file an application with the Director, indicating those locations at which it desires to have
23 news racks. The application shall be made on a form established by the Director.

24 (B) In order to be considered complete, an application must include or be
25 accompanied by:

26 (1) Evidence that the insurance requirements of this Chapter will be met
27 regarding each news rack to be assigned to the applicant;

28 (2) Evidence that the owner of the news racks, and any publications to be

1 displayed in those news racks, have obtained business licenses to operate in the City, or are exempt
2 from licensing requirements; and

3 (3) A listing of all publications to be displayed in each news rack, along
4 with information sufficient to enable a determination of the publication class to which each
5 publication belongs.

6 SECTION 21: Title 13, Chapter 24, of the Municipal Code of the City of Las Vegas,
7 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 210,
8 reading as follows:

9 **13.24.210:** (A) It is intended to make available to each of the three publication classes a
10 minimum of one hundred news rack locations within Zone A.

11 (B) In assigning news rack locations within Zone A, the Director shall follow the
12 procedures and criteria set forth in this Section.

13 (C) The publication class regarding which the fewest number of news rack locations
14 have been requested shall be assigned one hundred locations for the entire class. Individual
15 publications within that class, or the applicant for locations on behalf of those publications, shall
16 receive a ranking by a drawing conducted by the Director with regard to that class.

17 (D) The publication class regarding which the next fewest number of news rack
18 locations have been requested shall be assigned one hundred locations for the entire class. Individual
19 publications within that class, or the applicant for locations on behalf of those publications, shall
20 receive a ranking by a drawing conducted by the Director with regard to that class.

21 (E) The publication class regarding which the greatest number of news rack
22 locations have been requested shall be assigned one hundred locations for the entire class. Individual
23 publications within that class, or the applicant for locations on behalf of those publications, shall
24 receive a ranking by a drawing conducted by the Director with regard to that class.

25 (F) Based upon the applications received and the standards and procedures set forth
26 in this Section and Section 13.24.200, the Director shall assign specific news rack locations for each
27 publication class at a drawing which is open to the public. In order for any publication to be eligible
28 to receive one or more location assignments, the publication must be represented at the drawing in

1 person. The assignment of locations shall be as follows:

2 (1) The Director shall assign locations by placing into a container the names
3 of all publications within a particular publication class who are represented in person at the drawing.
4 Names shall be drawn from the container, one at a time, and shall be assigned a number in the order
5 drawn from the container. After all publications represented in person have been assigned a number,
6 the representative of the publication assigned the number "1" will be allowed to pick a news rack
7 location within Zone A. Each publication in the class shall pick a location thereafter in the order of
8 the numbers previously assigned.

9 (2) After all publications assigned a number have been allowed to pick one
10 location, each such publication will be allowed to choose a second location in the order previously
11 assigned, and successively for additional locations until all locations are allotted or there are no more
12 publications within the class desiring a location.

13 (G) Any remaining locations for news racks shall be assigned in accordance with
14 the procedures and criteria established in this Section.

15 (H) The procedure for assigning locations shall be repeated on an annual basis, but
16 only with respect to locations on a block face concerning which competing applications among a
17 particular publication class have been filed with the Director. The drawing, if any, shall be conducted
18 annually on the second Tuesday of February. The Director shall establish such submittal and deadline
19 requirements as may be necessary in order to accomplish the purposes of this Section each year.

20 SECTION 22: Title 13, Chapter 24, Section 230 of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **13.24.230:** Any news rack [constituting a dangerous condition or obstruction as defined in] which
23 is in violation of Subsection (A) or Subsection (B) of Section 13.24.050 may be summarily removed
24 by the Director of Public [Services] Works or his agent and processed as confiscated property under
25 the provisions of Chapter 4.16. Notice of the removal shall be promptly served upon the owner of the
26 news rack at his address shown on the news rack or at his address, if known to the Director of Public
27 [Services] Works, by certified mail, return receipt requested, which notice shall also inform the owner
28 of his right to appeal.

1 SECTION 23: Title 13, Chapter 24, Section 240 of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **13.24.240:** (A) Upon determination by the Director of Public [Services] Works that a news rack
4 has been installed, used or maintained in violation of the provisions of this Chapter, [with the
5 exception of Section 13.32.070,] an order to correct the offending condition shall be issued to the
6 owner of the news rack. Such order shall be served by mailing a copy of the order by certified mail,
7 return-receipt requested, to the address as shown on the news rack. If the offending news rack is not
8 properly identified as to owner under the provisions of Section 13.24.020, an order to correct the
9 offending condition shall be attached to the news rack. The order shall be effective immediately when
10 it is deposited in the United States mail or attached to the news rack. It shall specifically describe the
11 offending condition and suggest actions necessary to correct the condition.

12 (B) Failure to properly correct the offending condition or to serve notice of appeal
13 within [ten] seven days after the effective date of the order, or failure to prevail at a hearing on appeal
14 to the [Board of Commissioners] City Council, shall result in the offending news rack and its contents
15 being summarily removed and the news rack processed as confiscated property under the provisions
16 of Chapter 4.16.

17 SECTION 24: Title 13, Chapter 24, Section 250 of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **13.24.250:** [The contents of a news rack removed as provided in this Article, including
20 publications and money, shall be returned immediately to the owner upon his request. When a news
21 rack and its contents, if any, have been removed and processed as confiscated property, and prior to
22 the expiration of sixty days after the news rack has come into the possession of the City, the owner
23 of said news rack shall be charged a processing fee of fifty dollars before the news rack is released to
24 the owner.] Upon the showing of sufficient proof of ownership, a news rack removed as provided in
25 this Article, including the publications and money contained therein, if any, shall be returned to the
26 owner upon his request if it is made within sixty days after removal and accompanied by the payment
27 of a seventy-five dollar processing fee. Any news rack that is not claimed within sixty days after
28 removal shall be considered abandoned property and shall be processed in accordance with the

1 provisions contained in Chapter 4.16. However, if an owner makes a request for a news rack more
2 than sixty days after removal, the Director may return the news rack and its contents, if any, upon
3 payment of the seventy-five dollar processing fees plus any other costs incurred by the City in
4 processing the news rack as abandoned property under Chapter 4.16.

5 SECTION 25: Title 13, Chapter 24, Section 260 of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **13.24.260:** When a news rack has been removed for constituting a dangerous condition or
8 obstruction, the news rack owner may appeal the action of the Director of Public [Services] Works
9 or his agent by filing a written notice of appeal within twenty days after the news rack's removal. The
10 appeal shall be heard by the City Council within thirty days following the filing of the notice of
11 appeal. In the event the news rack owner prevails on appeal to the [Board] City Council, the news rack
12 shall be released and restored to him immediately without payment of the processing fee.

13 SECTION 26: Title 13, Chapter 24, Section 270 of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **13.24.270:** Any owner of a news rack who disputes an order to correct an offending condition may
16 appeal by filing a written notice of appeal with the Department of Public [Services] Works setting
17 forth the grounds for appeal within ten days following the effective date of the order. The appeal shall
18 be heard by the City Council within thirty days following the filing of the notice of appeal. The
19 Director of Public [Services] Works may not remove the news rack for failure to correct the condition
20 described in the order appealed from until the appeal has been heard by the [Board] City Council.

21 SECTION 27: Title 13, Chapter 24, Section 280 of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **13.24.280:** In the case of violations of this Chapter relative to restrictions upon attachments of
24 news racks to each other, or upon location of news racks, any City employee authorized by the
25 Director of Public [Services] Works may, as an alternative to removal under Section 13.24.230 et seq.,
26 remove such attachment and/or move such rack or racks in order to restore them to a legal condition.

27 SECTION 28: This Ordinance shall become effective upon its adoption and
28 publication. News racks which are existing on the effective date hereof shall bring the news racks into

1 compliance in connection with the approval of news rack locations as described in this Ordinance, or
2 within such other period of time as the Director may allow.

3 SECTION 29: Whenever in this ordinance any act is prohibited or is made or declared
4 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
5 required or the failure to do any act is made or declared to be unlawful or an offense or a
6 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
7 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
8 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
9 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

10 SECTION 30: If any section, subsection, subdivision, paragraph, sentence, clause or
11 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
12 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
13 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
14 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
15 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
16 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
17 invalid or ineffective.

18 SECTION 31: All ordinances or parts of ordinances or sections, subsections, phrases,
19 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
20 1983 Edition, in conflict herewith are hereby repealed.

21 PASSED, ADOPTED and APPROVED this ____ day of _____, 1998.

22 APPROVED:

23 By _____
24 JAN LAVERTY JONES, Mayor

25 ATTEST:

26 _____
27 BARBARA JO RONEMUS, City Clerk

28 APPROVED AS TO FORM:

Val Stead 10-5-98

Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 1998, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 1998, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
JAN LAVERTY JONES, Mayor

14 ATTEST:
15 _____
16 BARBARA JO RONEMUS, City Clerk

17
18
19
20
21
22
23
24
25
26
27
28

1 **Bill No. 98-52**

2 Ordinance No. _____

3 AN ORDINANCE RELATING TO NEWS RACKS; AMENDING VARIOUS SECTIONS OF
4 TITLE 13, CHAPTER 24, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983
5 EDITION, TO REQUIRE PERMIT IDENTIFICATION TAGS, IMPOSE PERMIT FEES, EXPAND
6 THE BOUNDARIES OF ZONE A AND PROHIBIT MATERIAL TO BE STORED ON TOP OF
NEWS RACKS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR
OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES
AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

7 Sponsored by:
8 Councilman Michael McDonald

Summary: Amends the Code provisions
regarding news racks to require permit
identification tags, impose permit fees and
adjust various locational restrictions.

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

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

14 **13.24.020:** Every person or other entity which places or maintains a news rack on a public
15 sidewalk or parkway of the City shall have his or its name, address and telephone number affixed
16 thereto in a place where such information may be easily seen, but such information shall not take up
17 space on the rack in excess of six square inches. The City shall issue a numbered permit identification
18 tag as approved by the Director of Public Works for each authorized news rack upon payment of the
19 administrative fee set forth in Section 13.24.135. The identification tag shall be attached to the upper
20 lefthand corner of each news rack window so that it is prominently displayed and readily visible.
21 Replacement permit identification tags may be obtained from the Department of Public Works for ten
22 dollars per tag.

23 SECTION 2: 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 the provisions of Section 13.24.050, 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]~~ ten feet of any driveway or alley;

4 (E) Within five feet ahead of, and twenty-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) Within six feet of or on any public area improved with lawn, flowers, shrubs,
10 trees or other landscaping;

11 (I) Within six hundred feet of any other news rack on the same side of the street
12 in the same block containing the same issue or edition of the same publication;

13 (J) In such a manner that a news rack is permanently affixed to any sidewalk, street
14 or other City property; or

15 (K) Without having affixed thereto a valid identification tag issued by the City's
16 Department of Public Works.

17 SECTION 3: Title 13, Chapter 24, Section 130 of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **13.24.130:** (A) Each news rack shall be maintained in a clean, neat and attractive condition and
20 in good repair at all times.

21 (B) All publications shall be contained within the enclosed container portion of a
22 news rack. No publication or other material shall be placed on top of or under the news rack or
23 fastened to the outside of the news rack in any manner. Any violation of this Subsection may be
24 immediately corrected by the Director of Public Works or his agent.

25 SECTION 4: Title 13, Chapter 24 of the Municipal Code of the City of Las Vegas,
26 Nevada, 1983 Edition, is hereby amended by adding thereto a new Section 135 to read as follows:

27 **13.24.135:** An initial permit fee of twenty-five dollars shall accompany each request for a news
28 rack location. Thereafter, there shall be a permit fee of twenty-five dollars per year per news rack

1 space. All fees shall be paid on a yearly basis from the period of July 1st to June 30th. Any fees
2 which accompany an application that is not granted shall be returned to the applicant. All fees shall
3 be used exclusively to administer, police and enforce this Chapter.

4 SECTION 5: Title 13, Chapter 24, Section 150 of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **13.24.150:** [The area of the City included in the boundary beginning at the center point of the
7 intersection of the centerline of 7th Street with the projected line of the North side of the sidewalk area
8 of the North side of Stewart Avenue and proceeding West down the North side of the sidewalk area
9 on the North side of said Stewart Avenue to its projected intersection with the West side of the
10 sidewalk area on the West side of Main Street, thence South to a point where the South side of the
11 sidewalk area on the south side of Carson Avenue projected intersects with the West side of the
12 sidewalk area on the West side of South Main Street, thence East down the South side of the sidewalk
13 area on the South side of Carson Avenue to the West side of the sidewalk area on the West side of Las
14 Vegas Boulevard South, thence South to a point where the center of Sahara Avenue intersects with
15 the projected line of the West side of the sidewalk area on the West side of Las Vegas Boulevard
16 South, thence proceeding East down the center of said Sahara Avenue to the East side of the sidewalk
17 area on the East side of Las Vegas Boulevard South, thence North to a point where the East side of
18 the sidewalk area on the East of Las Vegas Boulevard South intersects with the South side of the
19 sidewalk area on the South side of Carson Avenue, thence East to a point where the South side of the
20 sidewalk area on the South side of Carson Avenue projected intersects with the center of South 7th
21 Street, thence North to the point of beginning.]

22 The area of the City included in the boundary beginning at the center point of the centerline of
23 Interstate 515 and the East right-of-way line of Ninth Street and proceeding South down the East right
24 of way line to the projected intersection with the North right-of-way line of Fremont Street, thence
25 East along the North right-of-way line of Fremont Street to the projected intersection with the East
26 right-of-way line of Thirteenth Street, thence South along the East right-of-way line of Thirteenth
27 Street to the projected intersection with the South right-of-way line of Charleston Boulevard, thence
28 West along the South right-of-way line of Charleston Boulevard to the projected intersection with the

1 East right-of-way line of Las Vegas Boulevard , thence South along the East right-of-way line of Las
2 Vegas Boulevard to the projected intersection with the North right-of-way line of Oakey Boulevard,
3 thence East along the North right-of-way line of Oakey Boulevard to the projected intersection with
4 the East right-of-way line of Santa Paula Drive, thence South along the East right-of-way line of Santa
5 Paula Drive to the projected intersection with the South right-of-way line of Weldon Place, thence
6 West along the South right-of-way line of Weldon Place to the projected intersection with the East
7 right-of-way line of Paradise Road, thence South along the East right-of-way line of Paradise Road
8 to the projected intersection with the centerline of Sahara Avenue, thence West along the centerline
9 of Sahara Avenue to the projected intersection with the centerline of Interstate 15, thence North along
10 the centerline of Interstate 15 to the projected intersection with the centerline of Interstate 515, thence
11 East to the point of beginning.

12 SECTION 6: Title 13, Chapter 24, Section 160 of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **13.24.160:** All news racks must be of similar design and appearance in accordance with the
15 standards on file in the Office of the Director of Public [Services] Works and approved by the [Board
16 of Commissioners] City Council by resolution.

17 SECTION 7: Title 13, Chapter 24, Section 170 of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **13.24.170:** All news racks must be installed on steel frames and in the manner as set forth in the
20 standards on file in the Office of the Director of Public [Services] Works approved by the [Board of
21 Commissioners] City Council by resolution.

22 SECTION 8: Title 13, Chapter 24, Section 190 of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **13.24.190:** The Director of Public [Services] Works shall first be notified prior to the removal of
25 any news rack in Zone A. Any person removing a news rack shall also remove its base in such a
26 manner as to ensure that any remaining news racks will not be damaged or disturbed and that they will
27 have adequate support.

28 SECTION 9: Title 13, Chapter 24, Section 200 of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **13.24.200:** The order of placement of news racks in Zone A shall be under the direction of the
3 Director of Public [Services] Works. If a person requests a designated place to locate a news rack, but
4 thereafter fails to occupy that location for a period of fifteen days after notice, then the Director of
5 Public [Services] Works may declare a forfeiture of the designation and allow other persons to occupy
6 the location with news racks. Notification shall be deemed complete upon depositing same with the
7 U.S. Mail Service using the address supplied to the Department of Public [Services] Works by the
8 person securing the location.

9 SECTION 10: Title 13, Chapter 24, Section 210 of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **13.24.210:** [In directing the placement of news racks in Zone A, the Director of Public Services
12 shall proceed as follows:

13 (A) Immediately following the effective date of the 1977 ordinance codified, in part,
14 in this Article, the Director shall classify all publications having news racks in Zone A on the effective
15 date of the 1977 ordinance codified, in part, in this Article into three classes:

16 Class A shall consist of those daily publications having a circulation within the
17 City of twenty-five thousand or more;

18 Class B shall consist of other daily publications;

19 Class C shall consist of all other publications.

20 (B) The Director shall notify in writing each publication in each class that by a date
21 certain its representative is to notify him of those street corners or other general locations at which it
22 desires to have news racks and as to whether the publication desires its news rack to occupy any
23 particular position, such as that position nearest the corner, or nearest a particular building entrance
24 within the general location requested. Based upon the notifications received from the publications the
25 Director shall assign fixed news rack locations for each publication, giving first priority to
26 publications in Class A, second priority to publications in Class B, and third priority to publications
27 in Class C. In assigning locations the Director shall accommodate every publication desiring to
28 display a news rack at any given street corner or other general location, if possible, and shall employ

1 the described classification system primarily to determine which publication shall be entitled to exact
2 positions within the general location.

3 (C) The priority of locations among publications in the same class shall be resolved
4 either by agreement among the publications or by a random drawing conducted by the Director of
5 Public Services or his agent.

6 (D) After the initial assignment of locations, any publication desiring an additional
7 news rack location in Zone A or any] Any publication desiring a news rack location in Zone A [for
8 the first time] shall be assigned a location on a first-come, first-serve basis.

9 SECTION 11: Title 13, Chapter 24, Section 230 of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **13.24.230:** Any news rack constituting a dangerous condition or obstruction as defined in Section
12 13.24.050 may be summarily removed by the Director of Public [Services] Works or his agent and
13 processed as confiscated property under the provisions of Chapter 4.16. Notice of the removal shall
14 be promptly served upon the owner of the news rack at his address shown on the news rack or at his
15 address, if known to the Director of Public [Services] Works, by certified mail, return receipt
16 requested, which notice shall also inform the owner of his right to appeal.

17 SECTION 12: Title 13, Chapter 24, Section 240 of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **13.24.240:** (A) Upon determination by the Director of Public [Services] Works that a news rack
20 has been installed, used or maintained in violation of the provisions of this Chapter, [with the
21 exception of Section 13.32.070,] an order to correct the offending condition shall be issued to the
22 owner of the news rack. Such order shall be served by mailing a copy of the order by certified mail,
23 return-receipt requested, to the address as shown on the news rack. If the offending news rack is not
24 properly identified as to owner under the provisions of Section 13.24.020, an order to correct the
25 offending condition shall be attached to the news rack. The order shall be effective immediately when
26 it is deposited in the United States mail or attached to the news rack. It shall specifically describe the
27 offending condition and suggest actions necessary to correct the condition.

28 (B) Failure to properly correct the offending condition or to serve notice of appeal

1 within [ten] seven days after the effective date of the order, or failure to prevail at a hearing on appeal
2 to the [Board of Commissioners] City Council, shall result in the offending news rack and its contents
3 being summarily removed and the news rack processed as confiscated property under the provisions
4 of Chapter 4.16.

5 SECTION 13: Title 13, Chapter 24, Section 250 of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **13.24.250:** [The contents of a news rack removed as provided in this Article, including
8 publications and money, shall be returned immediately to the owner upon his request. When a news
9 rack and its contents, if any, have been removed and processed as confiscated property, and prior to
10 the expiration of sixty days after the news rack has come into the possession of the City, the owner
11 of said news rack shall be charged a processing fee of fifty dollars before the news rack is released to
12 the owner.] Upon the showing of sufficient proof of ownership, a news rack removed as provided in
13 this Article, including the publications and money contained therein, if any, shall be returned to the
14 owner upon his request if it is made within sixty days after removal and accompanied by the payment
15 of a seventy-five dollar processing fee. Any news rack that is not claimed within sixty days after
16 removal shall be considered abandoned property and shall be processed in accordance with the
17 provisions contained in Chapter 4.16. However, if an owner makes a request for a news rack more
18 than sixty days after removal, the Director may return the news rack and its contents, if any, upon
19 payment of the seventy-five dollar processing fees plus any other costs incurred by the City in
20 processing the news rack as abandoned property under Chapter 4.16.

21 SECTION 14: Title 13, Chapter 24, Section 260 of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **13.24.260:** When a news rack has been removed for constituting a dangerous condition or
24 obstruction, the news rack owner may appeal the action of the Director of Public [Services] Works
25 or his agent by filing a written notice of appeal within twenty days after the news rack's removal. The
26 appeal shall be heard by the City Council within thirty days following the filing of the notice of
27 appeal. In the event the news rack owner prevails on appeal to the [Board] City Council, the news rack
28 shall be released and restored to him immediately without payment of the processing fee.

1 SECTION 15: Title 13, Chapter 24, Section 270 of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **13.24.270:** Any owner of a news rack who disputes an order to correct an offending condition may
4 appeal by filing a written notice of appeal with the Department of Public [Services] Works setting
5 forth the grounds for appeal within ten days following the effective date of the order. The appeal shall
6 be heard by the City Council within thirty days following the filing of the notice of appeal. The
7 Director of Public [Services] Works may not remove the news rack for failure to correct the condition
8 described in the order appealed from until the appeal has been heard by the [Board] City Council.

9 SECTION 16: Title 13, Chapter 24, Section 280 of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **13.24.280:** In the case of violations of this Chapter relative to restrictions upon attachments of
12 news racks to each other, or upon location of news racks, any City employee authorized by the
13 Director of Public [Services] Works may, as an alternative to removal under Section 13.24.230 et seq.,
14 remove such attachment and/or move such rack or racks in order to restore them to a legal condition.

15 SECTION 17: This ordinance shall become effective upon its adoption and publication.
16 Persons who are responsible for existing news racks on the effective date of this Ordinance shall
17 comply with the licensing and identification tag requirements and bring existing installations into
18 compliance with the provisions of this Ordinance within sixty days after its effective date.

19 SECTION 18: Whenever in this ordinance any act is prohibited or is made or declared
20 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
21 required or the failure to do any act is made or declared to be unlawful or an offense or a
22 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
23 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
24 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
25 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

26 SECTION 19: 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
28 or 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 20: 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 _____, 1998.

10 APPROVED:

11 By _____
12 JAN LAVERTY JONES, Mayor

13 ATTEST:

14 _____
15 BARBARA JO RONEMUS, City Clerk

16 APPROVED AS TO FORM:

17 _____ 7/16/98
18 Date

19
20
21
22
23
24
25
26
27
28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 1998, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 1998, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
JAN LAVERTY JONES, Mayor

14 ATTEST:
15 _____
16 BARBARA JO RONEMUS, City Clerk

17
18
19
20
21
22
23
24
25
26
27
28

RECEIVED
CITY CLERK

1998 OCT 23 A 11: 51

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, 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
475384

2296311LV

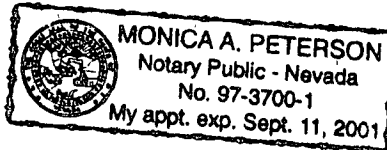
was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/15/98 to 10/15/1998, on the following days: OCTOBER 15, 1998

Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 15

day of Oct. 1998
Monica A. Peterson

Notary Public



FIRST AMENDMENT
BILL NO 98-52
AN ORDINANCE RELATING TO NEWS RACKS, AMENDING VARIOUS SECTIONS OF TITLE 13, CHAPTER 24, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983 EDITION, TO REQUIRE PERMIT IDENTIFICATION TAGS, IMPOSE PERMIT FEES, EXPAND THE BOUNDARIES OF ZONE A AND PROHIBIT MATERIAL TO BE STORED ON TOP OF NEWS RACKS, PROVIDING PENALTIES FOR THE VIOLATION HEREOF, PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH
SPONSORED BY Councilman Michael McDonald
SUMMARY Amends the Code provisions regarding news racks to require permit identification tags, impose permit fees and adjust various locational restrictions
At a City Council meeting
JULY 27, 1998
BILL NO 98-52 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE Councilmen McDonald and Brown
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB October 15, 1998
Las Vegas Review-Journal

RECEIVED
CITY CLERK

1998 NOV 23 P 4:41

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, 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
512780

2296311LV

was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/12/98 to 11/12/1998, on the following days: NOVEMBER 12, 1998

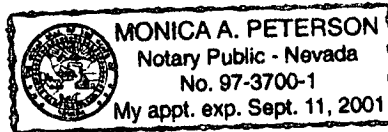
Signed:

Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE

day of Nov. 1998

Monica A. Peterson
Notary Public



THIRD AMENDMENT
BILL NO. 98-52
ORDINANCE NO. 5110

AN ORDINANCE RELATING TO NEWS RACKS; AMENDING VARIOUS SECTIONS OF TITLE 13, CHAPTER 24, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983 EDITION, TO REQUIRE PERMIT IDENTIFICATION TAGS, IMPOSE PERMIT FEES, EXPAND THE BOUNDARIES OF ZONE A AND PROHIBIT MATERIAL TO BE STORED ON TOP OF NEWS RACKS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Councilman
Michael McDonald

SUMMARY: Amends the Code provisions regarding news racks to require permit identification tags, impose permit fees and adjust various locational restrictions.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 27th day of July, 1998, and referred to the following committee composed of Councilmen McDonald and Brown for recommendation; thereafter the said committee reported favorably on said ordinance on the 9th day of November, 1998, 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 adopted by the following vote:

VOTING "AYE" Councilmen Adamsen, McDonald, Reese and Brown

VOTING "NAY" NONE

EXCUSED: Mayor Jonas

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

PUB: November 12, 1998
Las Vegas Review-Journal

RECEIVED
CITY CLERK

1998 OCT 23 A 11: 51

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, 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
475384

2296311LV

was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/15/98 to 10/15/1998, on the following days: OCTOBER 15, 1998

Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 15

day of Oct, 1998

Monica A. Peterson

Notary Public

MONICA A. PETERSON
Notary Public - Nevada
No. 97-3700-1
My appt. exp. Sept. 11, 2001

FIRST AMENDMENT
BILL NO. 98-52
AN ORDINANCE RELATING TO NEWS RACKS; AMENDING VARIOUS SECTIONS OF TITLE 13, CHAPTER 24, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983 EDITION, TO REQUIRE PERMIT IDENTIFICATION TAGS, IMPOSE PERMIT FEES, EXPAND THE BOUNDARIES OF ZONE A AND PROHIBIT MATERIAL TO BE STORED ON TOP OF NEWS RACKS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.
SPONSORED BY: Councilman Michael McDonald
SUMMARY: Amends the Code provisions regarding news racks to require permit identification tags, impose permit fees and adjust various locational restrictions.
At a City Council meeting
JULY 27, 1998
BILL NO. 98-52 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE. Councilmen McDonald and Brown
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: October 15, 1998
Las Vegas Review-Journal



086809

RECEIVED
CITY CLERK

1998 NOV 23 P 4:41

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, 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
512780

2296311LV

was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/12/98 to 11/12/1998, on the following days: NOVEMBER 12, 1998

Signed:

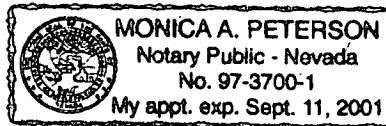
Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE

day of Nov. 1998

Notary Public

Monica A. Peterson



THIRD AMENDMENT
BILL NO. 98-52
ORDINANCE NO. 5110

AN ORDINANCE RELATING TO NEWS RACKS; AMENDING VARIOUS SECTIONS OF TITLE 13, CHAPTER 24, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983 EDITION, TO REQUIRE PERMIT IDENTIFICATION TAGS, IMPOSE PERMIT FEES, EXPAND THE BOUNDARIES OF ZONE A AND PROHIBIT MATERIAL TO BE STORED ON TOP OF NEWS RACKS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Councilman
Michael McDonald

SUMMARY: Amends the Code provisions regarding news racks to require permit identification tags, impose permit fees and adjust various locational restrictions.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 27th day of July, 1998, and referred to the following committee composed of Councilmen McDonald and Brown for recommendation; thereafter the said committee reported favorably on said ordinance on the 9th day of November, 1998, 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 adopted by the following vote:

VOTING "AYE" Councilmen Adamsen, McDonald, Reesa and Brown

VOTING "NAY" NONE

EXCUSED: Mayor Jones

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: November 12, 1998
Las Vegas Review-Journal



086789