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BILL NO. 2005-60

ORDINANCE NO. 5802

AN ORDINANCE TO REVISE THE PROVISIONS GOVERNING ABANDONED VEHICLES ON CERTAIN TYPES OF PRIVATE PROPERTY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Gary Reese

Summary: Revises the provisions governing abandoned vehicles on certain types of private property.

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

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

11.24.020: It shall be unlawful for any person to:

(A) Abandon a vehicle upon public or private property within the City without the consent of the owner or person in control or management of the public or private property; or

(B) Leave a vehicle in a parking space in the parking lot of a multifamily residential development for more than [thirty] seven consecutive days if the vehicle:

(1) Is in an obviously mechanically inoperable condition; and

(2) Is visible from public property[.], including a street or alley.

SECTION 2: Title 11, Chapter 24, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.24.030: Any officer of the Metropolitan Police Department or any officer of the Department of Detention and Enforcement who has reasonable grounds to believe that a vehicle has been abandoned or has been parked in the same location in violation of LVMC 11.24.010 may affix a Notice of Infraction to the vehicle. An authorized employee of the Department of Neighborhood Services who has reasonable grounds to believe that a vehicle has been abandoned or parked on private property in violation of LVMC 11.24.020 may affix a Notice of Infraction to the vehicle. The officer or employee may also affix a warning notice advising that the vehicle is subject to tow because it is in violation, and may mark one or more tires of the vehicle to indicate the current date. Any such officer or employee is authorized to immediately remove or have such vehicle removed from any



1 street, highway, public thoroughfare, public or private property, for the purpose of storage or
2 disposition, to any garage within the City as designated by the officer if the vehicle:

3 (A) Has not been removed within seventy-two hours after the warning notice is
4 affixed.

5 (B) Has been parked for more than twenty-four hours while in violation of a parking
6 prohibition, restriction or time limitation.

7 (C) Is parked at a location or in a manner so as to constitute a traffic hazard or an
8 obstruction to the normal movement of traffic or pedestrians.

9 (D) Is parked within a fire lane, whether on public or private property, which has
10 been designated and posted as such pursuant to Sections 901 and 902 of the Fire Code, as adopted by
11 the City.

12 (E) Is parked within fifteen feet of a fire hydrant located on either public or private
13 property, whether or not:

14 (1) A sign has been posted to indicate "No Parking"; or

15 (2) The adjacent curb or road surface has been painted red.

16 (F) Has obviously been abandoned upon a street, highway, public thoroughfare or
17 on public property.

18 (G) Has been abandoned or parked in violation of LVMC 11.24.020, and has not
19 been removed within seventy-two hours after a warning notice has been affixed.

20 (H) Is parked upon a street, highway, public thoroughfare or public property and
21 is so disabled or in such a state of disrepair that its normal operation is impossible or impractical.

22 (I) Is parked upon a street, highway, public thoroughfare or public property and
23 displays no valid registration permit or license plate issued by the Nevada Department of Motor
24 Vehicles for that vehicle.

25 (J) Is parked on private property to which the public has access and has been
26 damaged or is in such a state of disrepair as to constitute a imminent hazard to the public.

27 SECTION 3: Title 9, Chapter 4, Section 10, of the Municipal Code of the City of Las
28 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **9.04.010:** As used in this Chapter, unless the context requires otherwise, the following terms shall
2 be defined as set forth in this Section.

3 "Authorized official" means an officer of the Las Vegas Metropolitan Police Department and
4 any person designated and empowered by ordinance, by the City Manager or by the District Health
5 Officer to enforce the provisions of Title 9.

6 "Chronic nuisance" means the existence of any of the following conditions:

7 (1) When three or more nuisance activities exist or have occurred during any
8 thirty-day period on a property;

9 (2) When a person associated with the property has engaged in three or more
10 nuisance activities during any thirty-day period on the property or within one hundred feet of the
11 property;

12 (3) When the property has been the subject of a search warrant based on probable
13 cause of continuous or repeated violations of NRS Chapter 459; or

14 (4) When a building or place is used for the purpose of unlawfully selling, serving,
15 storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor
16 as defined in NRS 453.086 or controlled substance analog as defined in NRS 453.043.

17 "Criminal activity" means any activity defined as a misdemeanor in the Las Vegas Municipal
18 Code or as a misdemeanor, gross misdemeanor or felony in NRS Title 15.

19 "Imminent hazard" means any condition associated with real property that places a person's
20 life, health or property in high risk of peril when such condition is immediate, impending, or on the
21 point of happening or menacing.

22 "Owner" means any person having a legal or equitable interest in real property within the City.

23 "Person associated with the property" means a person who, on the occasion of a nuisance
24 activity, has:

25 (1) Entered, patronized or visited;

26 (2) Attempted to enter, patronize or visit; or

27 (3) Waited to enter, patronize or visit, a property or a person present on the
28 property.

1 “Public nuisance” or nuisance activity means any of the following conditions:

2 (1) Attractive Nuisance. Any area, structure or object which by its nature, location
3 and/or character would tend to attract and endanger the safety of any minor person.

4 (2) Building Code Violation. Any violation of the Uniform Building Code, as
5 adopted and amended by Title 16 of this Code.

6 (3) Fire Code Violation. Any violation of the Uniform Fire Code, as adopted and
7 amended by Title 16 of this Code.

8 (4) Polluted Water. Any body of water which by its nature and/or location
9 constitutes an unhealthy or unsafe condition.

10 (5) Refuse and Waste. Any material, regardless of its market value, which, by
11 reason of its location and/or character, is unsightly or interferes with the reasonable use and enjoyment
12 of adjacent properties; or which has a detrimental effect upon adjacent property values; or which
13 would hamper or interfere with the containment of fire upon the premises.

14 (a) Examples of refuse and waste, include, but are not limited to the
15 depositing and keeping of refuse and waste such as old lumber, tin, wire, cans, barrels, cartons, boxes,
16 rags, tires, inner tubes, brush, grass and hedge clippings, rocks, bricks, cinders, scrap iron, buckets,
17 tubs, windows, screens, glass, bottles, wastepaper, bedsprings, mattresses, discarded furniture and
18 appliances, cleaning and bedding from animal or fowl pens, and automobile parts.

19 (6) Sign Violation. Any sign which is in violation of Title 19 of this Code.

20 (7) Zoning Violation. Any violation of Title 19 of this Code other than a sign
21 violation.

22 (8) Nuisances in General. Any act or condition which, by reason of its nature,
23 character and/or location, interferes with the reasonable use and enjoyment of adjacent properties; or
24 which has a detrimental effect upon adjacent property values. Nuisances in general shall include, but
25 not be limited to, the following:

26 (a) Weeds and turf grass in plain view within the front yard on a developed
27 parcel or vacant parcel exceeding eight inches in height, with the exception for useful grasses and
28 pastures as set forth in Section 9.04.040;

1 (b) Graffiti, defined as the unauthorized spraying of paint, ink, chalk, dye
2 or other similar marking substances on public or private buildings, walls, fences or other structures
3 allowed to remain for more than twenty-four hours;

4 (c) Unpainted or painted buildings, walls, fences or other structures upon
5 which the condition of the structure has become so deteriorated as to permit decay, excessive cracking,
6 peeling, chalking, dry rot, warping or termite infestation;

7 (d) Any vehicle that has been abandoned, or any vehicle in an obviously
8 mechanically inoperable condition, that:

9 (i) Is parked within a multifamily residential parking lot, in a
10 location that is visible from public property[;], including a street or alley; and

11 (ii) Has been parked in the same location for more than [thirty]
12 seven consecutive days;

13 (e) Criminal activity on any lot or premises within the City.

14 "Responsible Party" means any tenant, occupant, lessor, lessee, manager, licensee or other
15 person having control over a structure or parcel of land in the City.

16 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
17 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
18 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
19 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
20 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
21 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
22 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
23 invalid or ineffective.

24 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared
25 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
26 required or the failure to do any act is made or declared to be unlawful or an offense or a
27 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
28 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than

1 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
2 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

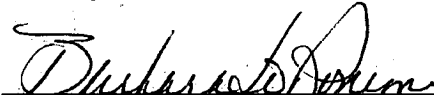
3 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
4 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
5 1983 Edition, in conflict herewith are hereby repealed.

6 PASSED, ADOPTED and APPROVED this 2nd day of NOVEMBER, 2005.

7 APPROVED:

8
9 By 
10 OSCAR B. GOODMAN, Mayor

11 ATTEST:

12 
13 BARBARA JO RONEMUS, City Clerk

14 APPROVED AS TO FORM:

15  9-21-05
16 Date

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 5th day of October, 2005, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 2nd day of November, 2005, which was a regular meeting of said Council; 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": Mayor Goodman
Councilmembers: Reese, Brown, Weekly, Wolfson, Tarkanian and Ross

VOTING "NAY": None

EXCUSED: None

ABSTAINED: None

APPROVED:


OSCAR B. GOODMAN, Mayor

ATTEST:


BARBARA JO RONEMUS, City Clerk

BUSINESS IMPACT STATEMENT
BILL NO. 2005-60

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2005-60, that will revise the provisions governing abandoned vehicles on certain types of private property, in particular, parking lots of multifamily residential developments and other property to which the public has access.

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

Not applicable

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

Adverse effects:

None

Beneficial effects:

Possible increase in safety to property owners and users

Direct effects:

None

Indirect effects:

Possible increase in safety to property owners and users

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

Not applicable

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

No additional cost

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

Not applicable

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

Not applicable

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

Not applicable

Date: September 22, 2005

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2005 NOV -1 A 10: 44

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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
4314876

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/21/2005 to 10/21/2005, on the following days: OCT. 21, 2005

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 25

day of October 2005

Mary B. Sheffield
Notary Public

BILL NO. 2005-60

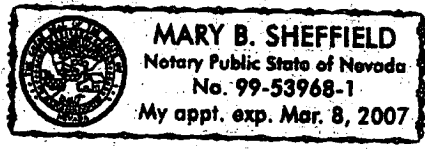
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Sponsored by: Councilman Gary Reese
Summary: Revises the provisions governing abandoned vehicles on certain types of private property.

At the City Council meeting of OCTOBER 5, 2005 BILL NO. 2005-60 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

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

PUB: Oct. 21, 2005
LV Review-Journal



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CITY CLERK

2005 NOV 16 A 10: 20

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

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COUNTY OF CLARK) SS:

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LV CITY CLERK
4348447

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/08/2005 to 11/08/2005, on the following days: NOV. 8, 2005

Signed: _____

Donna Stark

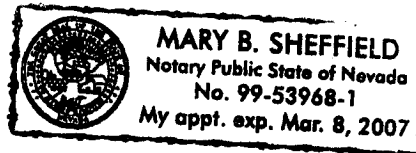
SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

11

day of _____ 2005

Mary B. Sheffield

Notary Public



**BILL NO. 2005-60
Ordinance No. 5802**

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VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown, Weekly, Wolfson, Tarkanian, and Ross
VOTING "NAY": NONE
EXCLUDED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: November 8, 2005
LV Review-Journal