

1 **BILL NO. 2005-61**

2 **ORDINANCE NO. 5803**

3 **AN ORDINANCE TO INCLUDE UNOCCUPIED LOTS IN THE GENERAL PROHIBITION ON**  
4 **THE DISPLAY OR SALE OF MOTOR VEHICLES ON PARKING LOTS AND VACANT LOTS,**  
5 **AND TO PROVIDE FOR OTHER RELATED MATTERS.**

6 Sponsored by: Councilman Gary Reese

7 Summary: Includes unoccupied lots in the  
8 general prohibition on the display or sale of  
9 motor vehicles on parking lots and vacant lots.

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

12 SECTION 1: Title 10, Chapter 78, Section 10, of the Municipal Code of the City of  
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **10.78.010:** Unless the context otherwise requires, the following terms, when used in this Chapter,  
15 shall have the meanings ascribed to them, as follows:

16 "Merchandise" means goods or wares, including, but not limited to, produce, nursery stock,  
17 ceramics and other similar items.

18 "Parking lot" means an area which is provided for the parking of motor vehicles in connection  
19 with a commercial or noncommercial establishment or a multi-family residential development.

20 "Unoccupied lot" means an improved lot or parcel of real property containing one or more  
21 structures that are not presently being occupied in connection with a lawful residential or  
22 nonresidential use.

23 "Vacant lot" means a lot or parcel of real property which is unimproved.

24 SECTION 2: Title 10, Chapter 78, Section 20, of the Municipal Code of the City of  
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **10.78.020:** Except as otherwise provided in Section 10.78.030, it is unlawful for any person to sell  
27 or to display for the purpose of sale any vehicle or merchandise in or upon any parking lot, [or] vacant  
28 lot[.] or unoccupied lot. A violation of this Section may be enforced either by means of a criminal  
proceeding or as a civil violation under LVMC Chapter 11.10.

SECTION 3: Title 10, Chapter 78, Section 30, of the Municipal Code of the City of  
Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:



1 **10.78.030:** (A) The prohibitions contained in Section 10.78.020 do not apply to any sale or  
2 display on a vacant lot or unoccupied lot by the owner of such lot, or in a parking lot by the owner or  
3 operator of such lot, if the activity is authorized by and in accordance with the zoning regulations  
4 which are applicable to such lot.

5 (B) The prohibitions contained in Section 10.78.020 do not apply to any sale or  
6 display on a vacant lot or unoccupied lot by a person other than the owner of such lot, or in a parking  
7 lot by a person other than the owner or operator of such lot, if:

8 (1) The activity is authorized by and in accordance with the zoning  
9 regulations which are applicable to such lot;

10 (2) The owner, or, if applicable, the operator of such lot has consented in  
11 writing to the activity; and

12 (3) The written consent is posted in a conspicuous, readily-visible place at  
13 the location of the sale or display or, in the case of a motor vehicle which is equipped with a  
14 windshield, on the inside surface of the windshield, facing outward. The written consent must be  
15 signed by the owner or, if applicable, the operator of the lot, the name and address of such owner or  
16 operator, the name and address of the person or organization for whose benefit the consent is given,  
17 the type of display or sale to be permitted and the period for which the consent is given.

18 (C) The prohibitions contained in Section 10.78.020 do not apply to any temporary  
19 sale or display by a nonprofit organization which has:

20 (1) Obtained a charitable solicitation permit for the activity pursuant to  
21 Chapter 6.22; and

22 (2) Obtained and posted a written consent to the activity in accordance with  
23 the requirements set forth in paragraphs (2) and (3) of Subsection (B) of this Section.

24 (D) The provisions of Section 10.78.020 do not prohibit the operator of a motor  
25 vehicle which is being advertised for sale from parking the vehicle in a parking lot if the circumstances  
26 indicate that the vehicle is being parked in connection with the use of the establishment or  
27 development to which the parking lot pertains, and not for the purpose of displaying the vehicle for  
28 sale.

1 SECTION 4: Title 10, Chapter 78, Section 40, of the Municipal Code of the City of  
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **10.78.040:** Members of the Las Vegas Metropolitan Police Department, [and the Director of the  
4 Department of Building and Safety, or his representative,] the Department of Neighborhood Services,  
5 and the Department of Detention and Enforcement are authorized to remove or cause to be removed,  
6 to a designated garage or storage area, any motor vehicle which is being displayed in violation of this  
7 Chapter if the vehicle has not been removed, or compliance with this Chapter achieved, within  
8 twenty-four hours after a written notice to remove is attached to the vehicle. The costs of removal and  
9 storage shall be borne by the owner of the vehicle.

10 SECTION 5: Title 10, Chapter 78, Section 50, of the Municipal Code of the City of  
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **10.78.050:** (A) [Except as provided herein,] In the case of a criminal prosecution for a violation  
13 of Section 10.78.020, any person who is convicted of [violating Section 10.78.020] a violation thereof  
14 shall be punished by a fine of not less than two hundred fifty dollars nor more than one thousand  
15 dollars or by imprisonment for a term of not more than six months, or by any combination of such fine  
16 or punishment.

17 (B) [Any] In the case of a civil proceeding for a violation of Section 10.78.020, any  
18 person [who violates Section 10.78.020 by selling or displaying a vehicle on a vacant lot or in a  
19 parking lot] in violation thereof shall be deemed to have committed a civil infraction, for which the  
20 registered owner and the operator of the vehicle shall be liable. Such civil infraction shall be in the  
21 amount of one hundred dollars and shall be subject to the rules and procedures contained in LVMC  
22 Chapter 11.10. Members of the Las Vegas Metropolitan Police Department and the [Director of the]  
23 Department of Detention and Enforcement[, or his or her representatives,] are authorized to  
24 immobilize a motor vehicle displayed in violation of this Chapter through the use of a motor vehicle  
25 immobilizer, sometimes referred to as a "French boot" or "Denver boot," if such motor vehicle does  
26 not have current license plates and its vehicle identification number is not plainly visible from outside  
27 such motor vehicle. A fee of fifty dollars shall be recovered from the owner or operator of a motor  
28 vehicle prior to the removal of such motor vehicle immobilizer.

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

9 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared  
10 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is  
11 required or the failure to do any act is made or declared to be unlawful or an offense or a  
12 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall  
13 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than  
14 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such  
15 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

16 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,  
17 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
18 1983 Edition, in conflict herewith are hereby repealed.

19 PASSED, ADOPTED and APPROVED this 2<sup>nd</sup> day of NOVEMBER, 2005.

20 APPROVED:

21 By   
22 OSCAR B. GOODMAN, Mayor

23 ATTEST:

24   
25 BARBARA JO RONEMUS, City Clerk

26 APPROVED AS TO FORM:

27 Val Steed 9-21-05  
28 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council  
2 on the 5<sup>th</sup> day of October, 2005, and referred to a committee for recommendation;  
3 thereafter the committee reported favorably on said ordinance on the 2<sup>nd</sup> day of November,  
4 2005, which was a regular meeting of said Council; that at said regular meeting, the  
5 proposed ordinance was read by title to the City Council as amended and adopted by the  
6 following vote:

7 VOTING "AYE": Mayor Goodman  
8 Councilmembers: Reese, Brown, Weekly, Wolfson, Tarkanian and  
9 Ross

10 VOTING "NAY": None

11 EXCUSED: None

12 ABSTAINED: None

13 APPROVED:

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

17 ATTEST:

18   
19 \_\_\_\_\_  
20 BARBARA JO RONEMUS, City Clerk  
21  
22  
23  
24  
25  
26

**BUSINESS IMPACT STATEMENT  
BILL NO. 2005-61**

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2005-61, that will include unoccupied lots in the general prohibition on the display or sale of motor vehicles on parking lots and vacant lots.

**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:**

Assist property owners with property maintenance

**Direct effects:**

None

**Indirect effects:**

Assist property owners with property maintenance

**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  
4314892

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

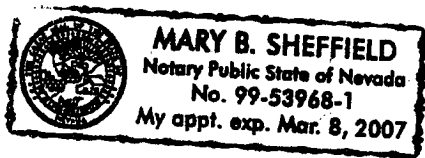
Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 25

day of October 2005

Mary B. Sheffield

Notary Public



**BILL NO. 2005-61**

AN ORDINANCE TO INCLUDE UNOCCUPIED LOTS IN THE GENERAL PROHIBITION ON THE DISPLAY OR SALE OF MOTOR VEHICLES ON PARKING LOTS AND VACANT LOTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Gary Reese  
Summary: Includes unoccupied lots in the general prohibition on the display or sale of motor vehicles on parking lots and vacant lots.

At the City Council meeting of OCTOBER 5, 2005 BILL NO. 2005-61 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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AFFP DISTRICT COURT  
Clark County, Nevada  
AFFIDAVIT OF PUBLICATION

2005 NOV 15 A 10:59

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  
4342727

2296311LV

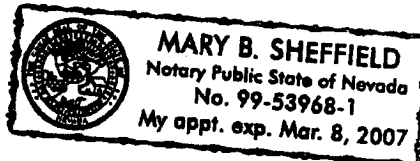
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/05/2005 to 11/05/2005, on the following days: NOV. 5, 2005

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 9

day of November 2005

Mary B. Sheffield  
Notary Public



BILL NO. 2005-61  
Ordinance No. 5803  
AN ORDINANCE TO INCLUDE UNOCCUPIED LOTS IN THE GENERAL PROHIBITION ON THE DISPLAY OR SALE OF MOTOR VEHICLES ON PARKING LOTS AND VACANT LOTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.  
Sponsored by: Councilman Gary Reese  
Summary: Includes unoccupied lots in the general prohibition on the display or sale of motor vehicles on parking lots and vacant lots.  
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 City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:  
VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown, Weekly, Wolfson, Tarkanian, and Ross  
VOTING "NAY": NONE  
EXCUSED: NONE  
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB: November 5, 2005  
LV Review-Journal