

1 **BILL NO. 95-66**

2 **ORDINANCE NO. 3934**

3 AN ORDINANCE RELATING TO THE SALE AND DISPLAY OF MERCHANDISE AND
4 MOTOR VEHICLES IN PARKING LOTS; AMENDING TITLE 10, CHAPTER 78, SECTION
5 10, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION,
6 TO PROVIDE A DEFINITION OF "PARKING LOT"; AMENDING SECTIONS 20 AND 30
7 OF SAID TITLE AND CHAPTER TO PROHIBIT THE SALE OR DISPLAY OF
8 MERCHANDISE OR MOTOR VEHICLES IN PARKING LOTS EXCEPT UNDER CERTAIN
9 CIRCUMSTANCES; PROVIDING PENALTIES FOR THE VIOLATION HEREOF;
10 PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND
11 REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT
12 HEREWITH.

13 Sponsored by:

Summary: Prohibits the sale or display of
merchandise or motor vehicles in parking
lots.

14 Councilman Gary Reese

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

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

19 10.78.010: Unless the context otherwise requires, the following terms, when used in this
20 Chapter, shall have the meanings ascribed to them, as follows:

21 (A) "Merchandise" means goods or wares, including, but not limited to,
22 produce, nursery stock, ceramics and other similar items.

23 (B) "Parking lot" means an area which is provided for the parking of
24 motor vehicles in connection with a commercial or noncommercial establishment or a multi-family
25 residential development.

26 (C) "Vacant lot" means a lot or parcel of real property which is
unimproved.

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

10.78.020: Except as otherwise provided in Section 10.78.030, it is unlawful for any person

1 to sell or to display for the purpose of sale any motor vehicle or merchandise in or upon any
2 parking lot or vacant lot.

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

5 10.78.030: (A) The prohibitions contained in Section 10.78.020 do not apply to any sale or
6 display on a vacant lot by the owner of such lot, or in a parking lot by the owner or operator of
7 such lot, if the activity is authorized by and in accordance with the zoning regulations which are
8 applicable to such lot.

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

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

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

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

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

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

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

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

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

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

25 SECTION 6: All ordinances or parts of ordinances, sections, subsections,
26 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las

1 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

2 PASSED, ADOPTED and APPROVED this 18th day of October, 1995.

3 APPROVED:

4
5 By JAN LAVERTY JONES, Mayor

Approved as to form:

6 ATTEST:

7
8 KATHLEEN M. TIGHE, City Clerk

Val Steed 10-23-95

Date

9 The above and foregoing ordinance was first proposed and read by title to
10 the City Council on the 20th day of September, 1995, and referred to the following committee
11 composed of Councilmen Reese and McDonald for recommendation; thereafter the said
12 committee reported favorably on said ordinance on the 18th day of October, 1995, which was a
13 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read
14 by title to the City Council as first introduced and adopted by the following vote:

15 VOTING "AYE": Councilmen Adamsen, Callister, McDonald, Reese Mayor Jones

16 VOTING "NAY": NONE

17 ABSENT: NONE

18
19 APPROVED:

20
21 By JAN LAVERTY JONES, Mayor

22
23 ATTEST:

Approved as to form:

24
25 KATHLEEN M. TIGHE, City Clerk

Val Steed 10-23-95

Date

AFFIDAVIT OF PUBLICATION

OCT 27 3 46 PM '95

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BILL NO. 95-66
ORDINANCE NO. 3934

AN ORDINANCE RELATING TO THE SALE AND DISPLAY OF MERCHANDISE AND MOTOR VEHICLES IN PARKING LOTS; AMENDING TITLE 10, CHAPTER 78, SECTION 10, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO PROVIDE A DEFINITION OF "PARKING LOT"; AMENDING SECTIONS 20 AND 30 OF SAID TITLE AND CHAPTER TO PROHIBIT THE SALE OR DISPLAY OF MERCHANDISE OR MOTOR VEHICLES IN PARKING LOTS EXCEPT UNDER CERTAIN CIRCUMSTANCES; 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 Gary Reese
SUMMARY: Prohibits the sale or

display of merchandise or motor vehicles in parking lots.
The above and foregoing ordinance was first proposed and read by title to the City Council on the 20th day of September, 1995, and referred to the following committee composed of Councilmen Reese and McDonald; for recommendation; thereafter the said committee reported favorably on said ordinance on the 18th day of October, 1995, which was a regular meeting of said City Council; and that of 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" Councilmen Adamson, Callister, McDonald, Reese and Mayor Jones
VOTING "NAY" NONE
ABSENT NONE
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: October 21, 1995
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

BARBARA CARR

, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of OCTOBER 21, 1995 to OCTOBER 21, 1995, on the following days:

OCTOBER 21, 1995

Signed:

Subscribed and sworn to before me this

24 day of OCT, 19 95

Peggy D. Barron

Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998

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SPONSORED BY:
Councilman Gary Reese
SUMMARY: Prohibits the sale or display of merchandise or motor vehicles in parking lots.
At a City Council meeting
SEPTEMBER 20, 1995
BILL NO. 95-66 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:
Councilmen Reese and McDonald
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: October 5, 1995
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

BARBARA CARR, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of OCTOBER 5, 1995 to OCTOBER 5, 1995, on the following days:

OCTOBER 5, 1995

Signed: Barbara Carr

Subscribed and sworn to before me this 6 day of Oct, 1995

Peggy D. Barron
Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998

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VOTING "NAY" NONE
ABSENT NONE
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB: October 21, 1995
Las Vegas Review-Journal

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Signed

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Peggy D. Barron
Notary Public



PEGGY D. BARRON
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SPONSORED BY:
Councilman Gary Reese
SUMMARY: Prohibits the sale or display of merchandise or motor vehicles in parking lots.
At a City Council meeting SEPTEMBER 20, 1995
BILL NO. 95-66 WAS READ BY TITLE AND REFERRED TO RECORDING COMMITTEE.
Councilmen Reese and McDonald COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
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