

ORDINANCE NO. 1349

AN ORDINANCE TO AMEND TITLE X, CHAPTER 21 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY AMENDING SECTION 3 OF SAID TITLE AND CHAPTER TO PROVIDE FOR MANDATORY COURT APPEARANCE FOR CERTAIN TRAFFIC OFFENSES, AND TO PROVIDE FOR THE ESTABLISHMENT OF PRESCRIBED FINES IN CASES OF TRAFFIC OFFENSES NOT REQUIRING A COURT APPEARANCE; BY AMENDING SECTION 4 OF SAID TITLE AND CHAPTER TO PROVIDE AN EXCEPTION THERETO REQUIRED BY AFORESAID AMENDMENT OF SECTION 3; PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, DOES
ORDAIN AS FOLLOWS:

SECTION 1. Title X, Chapter 21, Section 3 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

10-21-3: WHEN PERSON CITED MUST APPEAR IN COURT:

- (A) Whenever a person is cited for a violation of any provision of this code punishable as a misdemeanor, and such person is not immediately taken before a magistrate as hereinbefore required, the officer shall prepare in quadruplicate written notice to appear in court containing the name and address of such person, the license number of his vehicle, if any, the offense charged and the time and place when and where such person shall appear in court; provided, however, that such person shall not be required to appear in court in such cases as are hereinafter provided in subsection (E).
- (B) The time specified in said notice to appear must be at least seven (7) days after such citation unless the person cited shall demand an earlier hearing.
- (C) In order to secure release as provided in this section, said person must give his written promise to appear in court by signing at least one (1) copy of the written notice prepared by the officer. The officer shall deliver a copy of the notice to the person promising to appear. Thereupon, said officer shall forthwith release the person.
- (D) Whenever any person is released as hereinabove provided, such person must appear in court on the date and time indicated on the face of the traffic complaint in any of the

following cases:

1. When the person desires to plead not guilty to the offense charged;
2. When the person is charged with the offense of reckless driving;
3. When the person is charged with the offense of driving on a suspended or revoked driver's license;
4. When the person is charged with the offense of fraudulent use of driver's license or motor vehicle license plates;
5. When the person is charged with the offense of exceeding the speed limit by twenty one (21) miles per hour or more;
6. When the person is charged with violation of pedestrian right-of-way;
7. When the person has been convicted of two (2) or more moving violations within twelve (12) months next preceding the date of the offense charged;
8. When the person is a juvenile, seventeen (17) years of age or younger, he must appear with his parent or guardian in Juvenile Court as indicated on the traffic complaint; or
9. When the person is charged with an offense as a result of an accident.

(E) Whenever any person is charged with a traffic violation not listed above in subsection (D) of this section or in Title 10, Chapter 21, Section 2, such person may pay a prescribed fine at the Traffic Violations Bureau without appearing in court, upon signing a statement printed on the reverse side of the original traffic complaint waiving right to trial, entering a plea of guilty to the offense described in the complaint, and consenting to judgment imposing the prescribed fine; provided, that payment of fine must be made not sooner than two (2) days (excluding Sunday, any holiday, or the day issued), after receiving the traffic complaint, and at least three (3) days (excluding Sunday or any holiday) before the court date indicated on the traffic complaint.

(F) The Magistrates of the Municipal Court shall immediately, upon passage and approval of this ordinance, establish prescribed fines for all traffic offenses for which a fine may be paid without a court appearance as provided in subsection (E) above. A copy of said prescribed fines shall be conspicuously posted in the Traffic Violations Bureau. The prescribed fine schedule may be revised from time to time at the discretion of the municipal Magistrates, provided that any revision in the fine schedule shall be conspicuously posted in the Traffic Violations Bureau at least ten (10) days prior to the effective date thereof.

SECTION 2. Title X, Chapter 21, Section 4 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

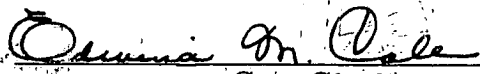
10-21-4: FAILURE TO OBEY CITATION: It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued, except when said person pays a prescribed fine prior to the date indicated on the traffic citation for court appearance, as hereinabove provided in subsection (E) of Title X, Chapter 21, Section 3.

SECTION 3. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the city jail for not more than six (6) months, or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 4. All ordinances or parts of ordinances, sections, subsections, phrases, clauses, sentences or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this 21st day of August, 1968.

ATTEST:


City Clerk


ORAN K. GRAGSON
MAYOR

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 17th day of July, 1968, and referred to the following committee composed of Commissioners Stewart and Corey for recommendation; thereafter the said committee reported favorably on said ordinance on the 21st day of August, 1968, which was a Regular meeting of said Board; that at said Regular meeting the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:

VOTING "AYE": Commissioners Howery, Corey, Stewart and Mayor Gragson

VOTING "NAY": None ABSENT: Commissioner Mirabelli

APPROVED:

Oran K. Gragson
ORAN K. GRAGSON
MAYOR

ATTEST:

Odessa M. Cole
City Clerk

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X, CHAPTER 21 OF THE MUNICIPAL
CODE OF THE CITY OF LAS
VEGAS, NEVADA, 1960 EDITION,
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SECTION 1. Title X, Chapter 21,
Section 3 of the Municipal Code of
the City of Las Vegas, Nevada, 1960
Edition, is hereby amended to read
as follows:

10-21-3:

WHEN PERSON CITED MUST
APPEAR IN COURT:

(A) Whenever a person is cited for
a violation of any provision of
this code punishable as a misde-
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mediately taken before a magistrate
as heretofore required, the officer
shall prepare in quadruplicate writ-
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taining the name and address of
such person, the license number of
his vehicle, if any, the offense
charged and the time and place when
and where such person shall appear
in court; provided, however, that
such person shall not be required
to appear in court in such cases
as are hereinafter provided in sub-
section (E).

(B) The time specified in said
notice to appear must be at least
seven (7) days after such citation
unless the person cited shall de-
mand an earlier hearing.

(C) In order to secure release
as provided in this section, said
person must give his written prom-
ise to appear in court by signing
at least one (1) copy of the written
notice prepared by the officer. The
officer shall deliver a copy of the
notice to the person promising to
appear. Thereupon, said officer shall
forthwith release the person.

(D) Whenever any person is re-
leased as heretofore provided, such
person must appear in court on the
date and time indicated on the face
of the traffic complaint in any of
the following cases:

1. When the person desires to
plead not guilty to the offense
charged;
2. When the person is charged
with the offense of reckless
driving;
3. When the person is charged
with the offense of driving on a
suspended or revoked driver's
license;
4. When the person is charged
with the offense of fraudulent
use of driver's license or motor
vehicle license plates;
5. When the person is charged
with the offense of exceeding the

speed limit by twenty-one (21)
miles per hour or more;

6. When the person is charged
with violation of pedestrian right-
of-way;

7. When the person has been
convicted of two (2) or more
moving violations within twelve
(12) months next preceding the
date of the offense charged;

8. When the person is a juve-
nile, seventeen (17) years of age
or younger, he must appear with
his parent or guardian in Juve-
nile Court as indicated on the
traffic complaint; or

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
COUNTY OF CLARK

{ ss.

Robert E. Hunter

, being first duly sworn,

deposes and says: That he is Shop Foreman of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of 2 days

from Aug. 24, 1968 to Aug. 31, 1968

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

August 24, 1968 August 31, 1968

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

Signed

Subscribed and sworn to before me this 10th
day of September, 1968.

SEP 11 1968

CLERK

My Commission Expires

Notary Public in and for Clark County, Nevada

RODNE V. DESKIN

Notary Public - State of Nevada

My Commission Expires April 14, 1969

9. When the person is charged with an offense as a result of an accident.

(E) Whenever any person is charged with a traffic violation not listed above in subsection (D) of this section or in Title 10, Chapter 21, Section 2, such person may pay a prescribed fine of the Traffic Violations Bureau without appearing in court, upon signing a statement printed on the reverse side of the original traffic complaint waiving right to trial, entering a plea of guilty to the offense described in the complaint, and consenting to judgment imposing the prescribed fine; provided, that payment of fine must be made not sooner than two (2) days (excluding Sunday, any holiday, or the day issued), after receiving the traffic complaint, and at least three (3) days (excluding Sunday or any holiday) before the court date indicated on the traffic complaint.

(F) The Magistrates of the Municipal Court shall immediately, upon passage and approval of this ordinance, establish prescribed fines for all traffic offenses for which a fine may be paid without a court appearance as provided in subsection (E) above. A copy of said prescribed fines shall be conspicuously posted in the Traffic Violations Bureau. The prescribed fine schedule may be revised from time to time at the discretion of the municipal Magistrates, provided that any revision in the fine schedule shall be conspicuously posted in the Traffic Violations Bureau at least ten (10) days prior to the effective date thereof.

SECTION 2. Title X, Chapter 21, Section 4 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

10-21-4:

FAILURE TO OBEY CITATION:

It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued, except when said person pays a prescribed fine prior to the date indicated on the traffic citation for court appearance, as hereinabove provided in subsection (E) of Title X, Chapter 21, Section 3.

SECTION 3. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the city jail for not more than six (6) months, or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 4. All ordinances or parts of ordinances, sections, subsections, phrases, clauses, sentences or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this 21st day of August, 1968.

/s/ ORAN K. GRAGSON, Mayor

ATTEST:

/s/ EDWINA M. COLE, City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 17th day of July, 1968, and referred to the following committee composed of Commissioners Stewart and Corey for recommendation; thereafter the said committee reported favorably on said ordinance on the 21st day of August, 1968, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:

VOTING "AYE": Commissioners Hawery, Corey, Stewart and Mayor Gragson.

VOTING "NAY": None.

ABSENT: Commissioner Mirabelli.

APPROVED:

/s/ ORAN K. GRAGSON, Mayor

ATTEST:

/s/ EDWINA M. COLE, City Clerk

(SEAL)

Pub.: Aug. 24, 31, 1968.