

FIRST AMENDMENT

BILL NO. 2000-98

ORDINANCE NO. 5286

AN ORDINANCE TO UPDATE THE CITY'S LICENSING REGULATIONS AND FEES FOR OUTDOOR PAY TELEPHONES, AND TO PROVIDE FOR OTHER RELATED MATTERS

Proposed by: Mark Vincent, Director of
Finance and Business Services

Summary: Updates the City's licensing
regulations and fees for outdoor pay
telephones.

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

SECTION 1: Title 6, Chapter 58, Section 20, of the Municipal Code of the City of
Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.58.020: It is unlawful for any person to install or maintain an outdoor pay telephone without
having obtained a license [that is issued for or includes the specific location of that telephone.] to do
so. An initial license application [or a supplementary document to add telephone locations] must
include the location of each outdoor pay telephone by street address and the telephone number for
each telephone, [. Unless otherwise provided by this Chapter, any installation which is prohibited by
Section 6.58.040 of this Chapter is ineligible for approval for licensure under this Section.] or such
other identifying information as will allow the City to implement the provisions of this Chapter. On
a quarterly basis, each licensee must provide to the Department a list of locations from which
telephones have been removed and new locations where telephones have been installed. Each list
must include the same identifying information as is required for an initial application.

SECTION 2: Title 6, Chapter 58, Section 30, of the Municipal Code of the City of
Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.58.030: The license fee for each person required to be licensed under this Chapter is a quarterly
fee of [four] one and one-half percent of the gross revenue attributable to the outdoor pay telephones
installed by that person within the City. The license fee is due on the fifteenth day of the second
month following the end of each calendar quarter.

SECTION 3: Title 6, Chapter 58, Section 40, of the Municipal Code of the City of

004371

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

2 **6.58.040:** It is unlawful for any person to install, construct or maintain an outdoor pay telephone:

3 (A) On any private property without written permission that has been obtained from
4 the property owner and filed with the Department.

5 (B) Within a public right-of-way or on any public property without obtaining from
6 the owner thereof, for that specific location, an appropriate encroachment permit or other approval in
7 the form of a permit, license, lease or similar arrangement;

8 (C) On any vacant property;

9 (D) On any property where there is an abandoned building;

10 (E) On residential property that is developed with fewer than eight dwelling units;

11 (F) At a location within one hundred feet of where the users of the telephone can
12 be heard from any single-family residential dwelling unit[;], unless the owner of the dwelling unit
13 consents in writing to the installation; or

14 (G) On any property or at any location which has been determined by Metro, the
15 Department of Finance and Business Services or the Department of Neighborhood Services to create
16 a nuisance under this Chapter based upon prior actual use. [; or

17 (H) Within five hundred feet of any other outdoor pay telephone, unless the
18 installation is approved as to location by the Department of Finance and Business Services. In a
19 nonresidential area, the five-hundred-foot limitation may be waived by the Department for the purpose
20 of allowing multiple telephones to be installed on the same structure.]

21 SECTION 4: Title 6, Chapter 58, Section 50, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.58.050:** The licensee's name[, address] and telephone number shall be prominently displayed
24 on each outdoor pay telephone. Each outdoor pay telephone shall be maintained by the licensee in
25 good repair and in a clean and safe condition at all times. In addition, each public outdoor pay
26 telephone shall be installed in accordance with any durability and design standards established by the
27 Department of Public Works.

28 SECTION 5: Title 6, Chapter 58, Section 60, of the Municipal Code of the City of

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

2 **6.58.060:** In the event a licensee fails or refuses to comply with the provisions of Section
3 6.58.050 of this Chapter in a manner that is satisfactory to the City, and further fails or refuses to take
4 corrective action within [forty-eight hours] ten days after it has received written notice from the City,
5 the City may, at its option, perform or cause to be performed any repair or maintenance on the outdoor
6 pay telephone that it deems necessary in order to bring the telephone into compliance. The licensee
7 shall pay the repair or maintenance costs to the City upon written demand. If the licensee fails to
8 pay the costs within thirty days after receipt of the written demand, the City may pursue any action
9 authorized by this Title or any other legal or equitable remedy, or any combination thereof.

10 SECTION 6: Title 6, Chapter 58, Section 70, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.58.070:** (A) The City, through its Department of Finance and Business Services or its
13 Department of Neighborhood Services, is authorized to remove any private or public outdoor pay
14 telephone which [is not authorized by a current license or] has been installed or maintained in
15 violation of this Chapter. The City shall send a written notice to the owner, operator or licensee at
16 least seven days prior to removal stating that the outdoor pay telephone is subject to removal unless
17 the owner, operator or licensee provides evidence of compliance with this Chapter[.] or requests a
18 hearing before the Director of Finance and Business Services, or the Director's designee. Unless the
19 Director determines that the installation jeopardizes the public health, safety or welfare, the action to
20 remove the telephone shall be stayed pending resolution of any hearing that has been requested. The
21 decision by the Director or the Director's designee following the hearing shall be final.

22 (B) Any outdoor pay telephone removed by the City may be reclaimed by the owner
23 within thirty days after removal upon reimbursement to the City for removal and storage costs. Any
24 outdoor pay telephone not so reclaimed may be disposed of as unclaimed property or destroyed.

25 SECTION 7: Title 6, Chapter 58, Section 80, of the Municipal Code of the City of
26 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 **6.58.080:** (A) In order to combat drug trafficking, loitering, street gangs, illegal activities,
28 unsightly graffiti or conduct detrimental to the tranquility of the neighborhood, the City may

1 [condition its approval of the installation of an outdoor pay telephone at a particular location, or
2 condition its approval of the continued operation of an outdoor pay telephone at a particular location,
3 upon a requirement that the licensee:] request the licensee of a particular outdoor pay telephone to:

4 (1) Install lighting adequate to provide security and discourage criminal
5 activity;

6 (2) Equip the telephone so that it provides one-way service only (outgoing
7 service);

8 (3) Limit the telephone's capacity to accept coin authorized calls during
9 certain hours, so that during those hours only credit card, third number, collect, 911 or repair and
10 information calls can be placed;

11 (4) Limit or disable the telephone's capacity to input data other than the
12 phone number called so that it cannot transmit messages to pagers or other devices; or

13 (5) Take such other measures as are deemed necessary and appropriate by
14 the City.

15 (B) If the licensee fails to take the action requested pursuant to Section (A) of this
16 Section, the City may proceed in accordance with Section 6.58.090.

17 SECTION 8: Title 6, Chapter 58, Section 90, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.58.090:** [The] If the City, through its Department of Finance and Business Services or its
20 Department of Neighborhood Services, [may require the removal of an outdoor pay telephone at a
21 particular location if it] determines that the continued operation of [that] a particular outdoor pay
22 telephone contributes to ongoing drug trafficking, loitering, street gangs, illegal activities, unsightly
23 graffiti or conduct detrimental to the tranquility of the neighborhood, or [constitutes a nuisance that]
24 has a deleterious impact upon the surrounding neighborhood or upon the public health, safety and
25 welfare[. After such a determination is made, the City shall] , it may declare the telephone a nuisance
26 and notify the licensee, [and the licensee] who shall remove the outdoor pay telephone within [seven]
27 fourteen days, or such other time as specified by the notice.. Any outdoor pay telephone not so
28 removed may be abated or removed by the City in accordance with the abatement procedure set forth

1 in LVMC Chapter 9.04, to the extent not inconsistent with this Section. After the City removes the
2 outdoor pay telephone, the City shall notify the owner, installer or other responsible person of the
3 removal if such person or persons are known to or reasonably can be determined by the City. Such
4 notice shall be given within five days after removal of the outdoor pay telephone or within such
5 additional time as may be necessary to locate and identify such person or persons. The City must
6 [keep] not dispose of the outdoor pay telephone for thirty days following its removal. The owner may
7 reclaim the outdoor pay telephone within thirty days after removal upon reimbursement to the City
8 for removal and storage costs. Any outdoor pay telephone not so reclaimed may be disposed of as
9 unclaimed property or destroyed.

10 SECTION 9: 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 10: Whenever in this ordinance any act is prohibited or is made or declared
19 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
20 required or the failure to do any act is made or declared to be unlawful or an offense or a
21 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
22 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
23 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
24 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

25 SECTION 11: All ordinances or parts of ordinances or sections, subsections, phrases,

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27 ...

28 ...

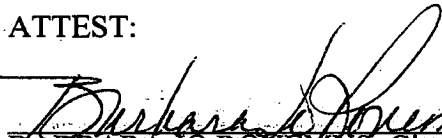
1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this 17th day of January, 2001.

4 APPROVED:

5 By 
6 OSCAR B. GOODMAN, Mayor

7 ATTEST:

8 
9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 Val Stead 1-3-01
12 Date

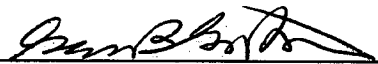
1 The above and foregoing ordinance was first proposed and read by title to the City
2 Council on the 20th day of December, 2000 and referred to the following committee composed
3 of the Councilmembers Weekly and L.B. McDonald for recommendation; thereafter the said
4 committee reported favorably on said ordinance on the 17th day of January, 2001 which was a
5 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read
6 by title to the City Council as amended and adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Reese, M. McDonald, Brown,
8 L. B. McDonald, Weekly and Mack

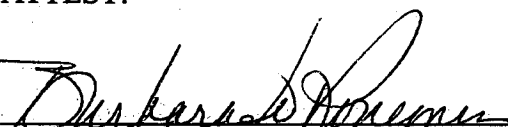
9 VOTING "NAY": NONE

10 EXCUSED: NONE

11 APPROVED:

12
13 
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 
17 BARBARA JO RONEMUS, City Clerk

BILL NO. 2000-98

ORDINANCE NO. _____

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5 the owner thereof, for that specific location, an appropriate encroachment permit or other approval in
6 the form of a permit, license, lease or similar arrangement;

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9 (E) On residential property that is developed with fewer than eight dwelling units;

10 (F) At a location within one hundred feet of where the users of the telephone can
11 be heard from any single-family residential dwelling unit[;], unless the owner of the dwelling unit
12 consents in writing to the installation; or

13 (G) On any property or at any location which has been determined by Metro, the
14 Department of Finance and Business Services or the Department of Neighborhood Services to create
15 a nuisance under this Chapter based upon prior actual use, [; or

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18 Director determines that the installation jeopardizes the public health, safety or welfare, the action to
19 remove the telephone shall be stayed pending resolution of any hearing that has been requested. The
20 decision by the Director or the Director's designee following the hearing shall be final.

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condition its approval of the continued operation of an outdoor pay telephone at a particular location, upon a requirement that the licensee:] request the licensee of a particular outdoor pay telephone to:

(1) Install lighting adequate to provide security and discourage criminal activity;

(2) Equip the telephone so that it provides one-way service only (outgoing service);

(3) Limit the telephone's capacity to accept coin authorized calls during certain hours, so that during those hours only credit card, third number, collect, 911 or repair and information calls can be placed;

(4) Limit or disable the telephone's capacity to input data other than the phone number called so that it cannot transmit messages to pagers or other devices; or

(5) Take such other measures as are deemed necessary and appropriate by the City.

(B) If the licensee fails to take the action requested pursuant to Section (A) of this Section, the City may proceed in accordance with Section 6.58.090.

SECTION 8: Title 6, Chapter 58, Section 90, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.58.090: [The] If the City, through its Department of Finance and Business Services or its Department of Neighborhood Services, [may require the removal of an outdoor pay telephone at a particular location if it] determines that the continued operation of [that] a particular outdoor pay telephone contributes to ongoing drug trafficking, loitering, street gangs, illegal activities, unsightly graffiti or conduct detrimental to the tranquility of the neighborhood, or [constitutes a nuisance that] has a deleterious impact upon the surrounding neighborhood or upon the public health, safety and welfare[. After such a determination is made, the City shall] , it may declare the telephone a nuisance and notify the licensee, [and the licensee] who shall remove the outdoor pay telephone within [seven] fourteen days, or such other time as specified by the notice. Any outdoor pay telephone not so removed may be abated or removed by the City in accordance with the abatement procedure set forth in LVMC Chapter 9.04, to the extent not inconsistent with this Section. After the City removes the

1 outdoor pay telephone, the City shall notify the owner, installer or other responsible person of the
2 removal if such person or persons are known to or reasonably can be determined by the City. Such
3 notice shall be given within five days after removal of the outdoor pay telephone or within such
4 additional time as may be necessary to locate and identify such person or persons. The City must
5 [keep] not dispose of the outdoor pay telephone for thirty days following its removal. The owner may
6 reclaim the outdoor pay telephone within thirty days after removal upon reimbursement to the City
7 for removal and storage costs. Any outdoor pay telephone not so reclaimed may be disposed of as
8 unclaimed property or destroyed.

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

17 SECTION 10: Whenever in this ordinance any act is prohibited or is made or declared
18 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
19 required or the failure to do any act is made or declared to be unlawful or an offense or a
20 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
21 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
22 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
23 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

24 SECTION 11: All ordinances or parts of ordinances or sections, subsections, phrases,

25 ...

26 ...

27 ...

28 ...

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this _____ day of _____, 2001.

4 APPROVED:

5
6 By _____
OSCAR B. GOODMAN, Mayor

7 ATTEST:

8
9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 Val Steel 12-6-2000
12 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of ____, 2000, 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 ____, 2001, 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 _____
OSCAR B. GOODMAN, Mayor

14 ATTEST:

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16 BARBARA JO RONEMUS, City Clerk
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RECEIVED
CITY CLERK

2001 JAN 16 A 11:03

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
1549164

2296311LV

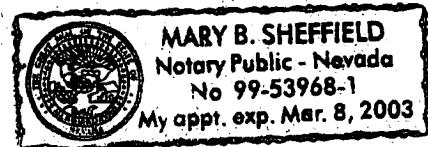
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/06/01 to 01/06/2001, on the following days: JANUARY 6, 2001

Signed: _____

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

day of _____ 2001

Notary Public



FIRST AMENDMENT
BILL NO. 2000-98

AN ORDINANCE TO UPDATE THE CITY'S LICENSING REGULATIONS AND FEES FOR OUTDOOR PAY TELEPHONES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director of Finance and Business Services
Summary: Updates the City's licensing regulations and fees for outdoor pay telephones.

At a City Council meeting DECEMBER 20, 2000, BILL NO. 2000-98 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE. Councilmembers Weekly and L. B. McDonald.

COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 STEWART AVENUE, LAS VEGAS, NEVADA. PUB: January 6, 2001 LV Review-Journal

RECEIVED
CITY CLERK

2001 FEB -2 A 10: 53

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
1566616

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/20/01 to 01/20/2001, on the following days: JANUARY 20, 2001

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 20th day of December, 2000, and referred to the following committee composed of Councilmembers Weekly and L.B. McDonald for recommendation; thereafter the said committee reported favorably on said ordinance on the 17TH day of January, 2001, 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": Mayor Goodman and Councilmembers Reese, M. McDonald, Brown, L.B. McDonald, Weekly and Mack
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: January 20, 2001
LV Review-Journal

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 22

day of January 2001

Mary B. Sheffield

Notary Public

