

FIRST AMENDMENT

BILL NO. 85-25

Ordinance No. 3176

AN ORDINANCE RELATING TO VACANT LOTS AND PUBLIC RIGHTS-OF-WAY; AMENDING TITLE 10 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER, DESIGNATED AS CHAPTER 78, TO PROHIBIT THE DISPLAY AND SALE OF MOTOR VEHICLES OR MERCHANDISE ON VACANT LOTS, EXCEPT IN LIMITED CIRCUMSTANCES, TO PROVIDE A PENALTY FOR THE VIOLATION OF SUCH PROHIBITION, AND TO AUTHORIZE THE REMOVAL OF MOTOR VEHICLES IN VIOLATION HEREOF; AMENDING TITLE 13, CHAPTER 4, OF SAID CODE BY ADDING THERETO A NEW SECTION, DESIGNATED AS SECTION 70, TO PROHIBIT THE DISPLAY AND SALE OF MOTOR VEHICLES OR MERCHANDISE ON UNIMPROVED PORTIONS OF PUBLIC RIGHTS-OF-WAY AND TO AUTHORIZE THE REMOVAL OF MOTOR VEHICLES IN VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored By: Councilman Ron Lurie
Summary: Restricts the display and sale of motor vehicles or merchandise on vacant lots and prohibits the same on unimproved portions of public rights-of-way.

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

SECTION 1: Title 10 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 78, consisting of Sections 10 to 50, inclusive, reading as follows:

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

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

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

10.78.020: Except as otherwise provided in Section 10.78.030, it is unlawful for any person to sell or to display for the purpose of sale any motor vehicle or merchandise upon any vacant lot.

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

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

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

11 (2) the owner of such lot has consented in writing to
12 the activity; and

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

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

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

27 (2) obtained and posted a written consent to the activ-
28 ity in accordance with the requirements set forth in
29 Paragraphs (2) and (3) of Subsection (B) of this Section.

30 10.78.040: Members of the Las Vegas Metropolitan Police
31 Department and the Director of the Department of Building and
32 Safety, or his representative, are authorized to remove or

1 cause to be removed, to a designated garage or storage area,
2 any motor vehicle which is being displayed in violation of
3 this Chapter if said vehicle has not been removed, or
4 compliance with this Chapter achieved, within 24 hours after
5 a written notice to remove is attached to the vehicle. The
6 costs of removal and storage shall be borne by the owner of
7 the vehicle.

8 10.78.050: Any person who is convicted of violating Section
9 10.78.020 shall be punished by a fine of not less than
10 \$250.00 nor more than \$1,000.00 or by imprisonment for a term
11 of not more than six months, or by any combination of such
12 fine or imprisonment.

13 SECTION 2: Title 13, Chapter 4, of the Municipal
14 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby
15 amended by adding thereto a new section, designated as Section
16 70, reading as follows:

17 13.04.070: (A) It is unlawful for any person to sell or to
18 display for the purpose of sale any motor vehicle or merchan-
19 dise on or within any unimproved portion of a public right-
20 of-way. For purposes of this Section, "merchandise" means
21 goods or wares, including but not limited to produce, nursery
22 stock, ceramics and other similar items.

23 (B) Members of the Las Vegas Metropolitan Police
24 Department and the Traffic Engineer, or his representative,
25 are authorized to remove or cause to be removed, to a
26 designated garage or storage area, any motor vehicle which is
27 being displayed in violation of this Section if said vehicle
28 has not been removed within 48 hours after a written notice
29 to remove is attached to the vehicle. The costs of removal
30 and storage shall be borne by the owner of the vehicle.

31 (C) Nothing in this Section shall be deemed to
32 authorize any sale or display on any improved portion of a

1 public right-of-way except that which is otherwise expressly
2 permitted by this Code.

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

15 SECTION 4: All ordinances or parts of ordinances,
16 sections, subsections, phrases, sentences, clauses or paragraphs
17 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 7th day of August,
20 1985.

21 APPROVED:

22
23 *William H. Briare*
24 By WILLIAM H. BRIARE, MAYOR

25 ATTEST:

26 *Carol Ann Hawley*
27 CAROL ANN HAWLEY, CITY CLERK

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 3rd day of July, 1985, and referred to the following committee composed of Councilmen Lurie and Nolen _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the 7th day of August, 1985, 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" Councilmen: Bunker, Levy, Lurie, Nolen and Mayor Briare
VOTING "NAY" Councilmen: NONE
ABSENT: NONE

APPROVED:

William H. Briare
WILLIAM H. BRIARE, MAYOR

ATTEST:

Carol Ann Hawley
CAROL ANN HAWLEY, CITY CLERK

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BILL NO. 85-25

Ordinance No. _____

AN ORDINANCE RELATING TO VACANT LOTS AND PUBLIC RIGHTS-OF-WAY; AMENDING TITLE 10 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER, DESIGNATED AS CHAPTER 78, TO PROHIBIT THE DISPLAY AND SALE OF MOTOR VEHICLES OR MERCHANDISE ON VACANT LOTS, EXCEPT IN LIMITED CIRCUMSTANCES, AND TO AUTHORIZE THE REMOVAL OF MOTOR VEHICLES IN VIOLATION HEREOF; AMENDING TITLE 13, CHAPTER 4, OF SAID CODE BY ADDING THERETO A NEW SECTION, DESIGNATED AS SECTION 70, TO PROHIBIT THE DISPLAY AND SALE OF MOTOR VEHICLES OR MERCHANDISE ON UNIMPROVED PORTIONS OF PUBLIC RIGHTS-OF-WAY AND TO AUTHORIZE THE REMOVAL OF MOTOR VEHICLES IN VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR VIOLATIONS HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored By: Councilman Ron Lurie
Summary: Restricts the display and sale of motor vehicles or merchandise on vacant lots and prohibits the same on unimproved portions of public rights-of-way.

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

SECTION 1: Title 10 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 78, consisting of Sections 10 to 40, inclusive, reading as follows:

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

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

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

10.78.020: Except as otherwise provided in Section 10.78.030, it is unlawful for any person to sell or to display for the purpose of sale any motor vehicle or merchandise upon any vacant lot.

10.78.030: (A) The prohibitions contained in Section 10.78.020

1 do not apply to any sale or display on a vacant lot by the owner
2 of such lot if the activity is authorized by and in accordance
3 with the zoning regulations which are applicable to such lot.

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

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

9 (2) the owner of such lot has consented in writing to
10 the activity; and

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

20 (C) The prohibitions contained in Section 10.78.020 do not
21 apply to any temporary sale or display by a non-profit organiza-
22 tion which has:

23 (1) obtained a charitable solicitation permit for the
24 activity pursuant to Chapter 6.22, and

25 (2) obtained and posted a written consent to the activ-
26 ity in accordance with the requirements set forth in Paragraphs
27 (2) and (3) of Subsection (B) of this Section.

28 10.78.040: Members of the Las Vegas Metropolitan Police
29 Department and the Director of the Department of Building and
30 Safety, or his representative, are authorized to remove or cause
31 to be removed, to a designated garage or storage area, any motor
32 vehicle which is being displayed in violation of this Chapter if

1 said vehicle has not been removed, or compliance with this
2 Chapter achieved, within 48 hours after a written notice to
3 remove is attached to the vehicle. The costs of removal and
4 storage shall be borne by the owner of the vehicle.

5 SECTION 2: Title 13, Chapter 4, of the Municipal
6 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby
7 amended by adding thereto a new section, designated as Section
8 70, reading as follows:

9 13.04.070: (A) It is unlawful for any person to sell or to
10 display for the purpose of sale any motor vehicle or merchandise
11 on or within any unimproved portion of a public right-of-way.
12 For purposes of this Section, "merchandise" means goods or wares,
13 including but not limited to produce, nursery stock, ceramics and
14 other similar items.

15 (B) Members of the Las Vegas Metropolitan Police Department
16 and the Traffic Engineer, or his representative, are authorized
17 to remove or cause to be removed, to a designated garage or
18 storage area, any motor vehicle which is being displayed in
19 violation of this Section if said vehicle has not been removed
20 within 48 hours after a written notice to remove is attached to
21 the vehicle. The costs of removal and storage shall be borne by
22 the owner of the vehicle.

23 (C) Nothing in this Section shall be deemed to authorize any
24 sale or display on any improved portion of a public right-of-way
25 except that which is otherwise expressly permitted by this Code.

26 SECTION 3: If any section, subsection, subdivision,
27 paragraph, sentence, clause or phrase in this Chapter or any part
28 thereof, is for any reason held to be unconstitutional or invalid
29 or ineffective by any court of competent jurisdiction, such deci-
30 sion shall not affect the validity or effectiveness of the
31 remaining portions of this Chapter or any part thereof. The City
32 Council of the City of Las Vegas hereby declares that it would

1 have passed each section, subsection, subdivision, paragraph,
2 sentence, clause or phrase thereof irrespective of the fact that
3 any one or more sections, subsections, subdivisions, paragraphs,
4 sentences, clauses or phrases be declared unconstitutional, inva-
5 lid or ineffective.

6 SECTION 4: Whenever in this ordinance any act is
7 prohibited or is made or declared to be unlawful or an offense or
8 a misdemeanor, or whenever in this ordinance the doing of any act
9 is required or the failure to do any act is made or declared to
10 be unlawful or an offense or a misdemeanor, the doing of any such
11 prohibited act or the failure to do any such required act shall
12 constitute a misdemeanor and upon conviction thereof, shall be
13 punished by a fine of not more than \$1,000.00 or by imprisonment
14 for a term of not more than six (6) months, or by any combination
15 of such fine and imprisonment. Any day of any violation of this
16 ordinance shall constitute a separate offense.

17 SECTION 5: All ordinances or parts of ordinances,
18 sections, subsections, phrases, sentences, clauses or paragraphs
19 contained in the Municipal Code of the City of Las Vegas, Nevada,
20 1983 Edition, in conflict herewith are hereby repealed.

21 PASSED, ADOPTED AND APPROVED this ____ day of _____,
22 1985.

23 APPROVED:

24
25 By _____
26 WILLIAM H. BRIARE, MAYOR

27 ATTEST:

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29 _____
30 CAROL ANN HAWLEY, CITY CLERK
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1 The above and foregoing ordinance was first proposed and
2 read by title to the City Council on the _____ day of _____,
3 1985, and referred to the following committee composed of
4 Councilmen _____ and _____
5 _____ for recommendation; thereafter the
6 said committee reported favorably on said ordinance on the _____
7 day of _____, 1985, which was a _____ meeting of
8 said Council; that at said _____ meeting, the proposed
9 ordinance was read by title to the City Council as first intro-
10 duced and adopted by the following vote:

11 VOTING "AYE" Councilmen: _____

12 VOTING "NAY" Councilmen: _____

13 ABSENT: _____

14 APPROVED:

15 _____
16 WILLIAM H. BRIARE, MAYOR

17 ATTEST:
18 _____
19 CAROL ANN HAWLEY, CITY CLERK

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FIRST AMENDMENT

BILL NO. 85-25
Ordinance No. 3176

AN ORDINANCE RELATING TO VACANT LOTS AND PUBLIC RIGHTS-OF-WAY; AMENDING TITLE 10 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER, DESIGNATED AS CHAPTER 78, TO PROHIBIT THE DISPLAY AND SALE OF MOTOR VEHICLES OR MERCHANDISE ON VACANT LOTS, EXCEPT IN LIMITED CIRCUMSTANCES, TO PROVIDE A PENALTY FOR THE VIOLATION OF SUCH PROHIBITION, AND TO AUTHORIZE THE REMOVAL OF MOTOR VEHICLES IN VIOLATION HEREOF; AMENDING TITLE 13, CHAPTER 4, OF SAID CODE BY ADDING THERETO A NEW SECTION, DESIGNATED AS SECTION 70, TO PROHIBIT THE DISPLAY AND SALE OF MOTOR VEHICLES OR MERCHANDISE ON UNIMPROVED PORTIONS OF PUBLIC RIGHTS-OF-WAY AND TO AUTHORIZE THE REMOVAL OF MOTOR VEHICLES IN VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES

Sponsored by:

Councilman Ron Lurie

Summary: Restricts the display and sale of motor vehicles or merchandise on vacant lots and prohibits the same on unimproved portions of public rights-of-way.

The above and foregoing amended ordinance was first proposed and read by title to the City Council on the 3rd day of July, 1985, and referred to the following committee composed of Councilmen Lurie and Nolen, for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 7th day of August, 1985, which was a regular meeting of said City 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" Councilmen: Bunker, Levy, Lurie, Nolen and Mayor Briare
VOTING "NAY" Councilmen: NONE
ABSENT: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK
10TH FLOOR, CITY HALL
400 EAST STEWART AVENUE
LAS VEGAS, NEVADA

PUB: August 10, 1985
Las Vegas SUN

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

Carol Black

RECEIVED
16 10 55
CITY CLERK

, being first duly sworn,

deposes and says: That he is Legal Clerk 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 1 time.

from August 10, 1985 to August 10, 1985

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

August 10, 1985

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

Signed Carol Black

Subscribed and sworn to before me this 10th day of August, 1985

Ruth L. Deskin

Notary Public in and for Clark County, Nevada
RUTH V. DESKIN

Notary Public - State of Nevada
CLARK COUNTY



My Commission Expires

My Appointment Expires Apr. 14, 1989

AFFIDAVIT OF PUBLICATION

RECEIVED
JUL 19 10 AM '85
CITY CLERK

BILL NO. 85-25
FIRST AMENDMENT
AN ORDINANCE RELATING TO VACANT LOTS AND PUBLIC RIGHTS-OF-WAY; AMENDING TITLE 10 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER, DESIGNATED AS CHAPTER 78, TO PROHIBIT THE DISPLAY AND SALE OF MOTOR VEHICLES OR MERCHANDISE ON VACANT LOTS, EXCEPT IN LIMITED CIRCUMSTANCES, AND TO AUTHORIZE THE REMOVAL OF MOTOR VEHICLES IN VIOLATION HEREOF; AMENDING TITLE 13, CHAPTER 4, OF SAID CODE BY ADDING THERETO A NEW SECTION, DESIGNATED AS SECTION 70, TO PROHIBIT THE DISPLAY AND SALE OF MOTOR VEHICLES OR MERCHANDISE ON UNIMPROVED PORTIONS OF PUBLIC RIGHTS-OF-WAY AND TO AUTHORIZE THE REMOVAL OF MOTOR VEHICLES IN VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR VIOLATIONS HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored By: Councilman Ron Lurie
Summary: Restricts the display and sale of motor vehicles or merchandise on vacant lots and prohibits the same on unimproved portions of public rights-of-way.

At a City Council meeting
July 3, 1985
BILL NO. 85-25 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: COUNCILMEN Lurie and Nolen
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB: July 18, 1985
Las Vegas SUN

STATE OF NEVADA,
COUNTY OF CLARK

{ ss.

Carol Black, being first duly sworn,

deposes and says: That he is Legal Clerk 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 1 time.

from July 18, 1985 to July 18, 1985

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

July 18, 1985.

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

Signed Carol Black

Subscribed and sworn to before me this 18th day of July, 1985

Quentin L. Walker

Notary Public in and for Clark County, Nevada



Notary Public - State of Nevada
CLARK COUNTY

My Appointment Expires Apr. 14, 1989

My Commission Expires