

BILL NO. 76-35

ORDINANCE NO. 1837

AN ORDINANCE TO AMEND TITLE X OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY CREATING A NEW CHAPTER TO BE DESIGNATED 21(A) AND ENTITLED "PARKING (NON-MOVING) CITATIONS AND ENFORCEMENT," CONSISTING OF 9 SUBSECTIONS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

SECTION 1. TITLE X of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

CHAPTER 21(A)

PARKING (NON-MOVING) CITATIONS AND ENFORCEMENT

10-21(A)-1: FORMS AND RECORDS OF PARKING (NON-MOVING) CITATIONS:

(A) The Director of the Department of License and Revenue shall provide books of citation forms for non-moving parking violations for notifying alleged violators to appear and answer to charges of violating the parking laws and regulations in the Municipal Court of the City of Las Vegas. The citation books shall include serially numbered sets of citations in duplicate in the form prescribed and approved by the Director of the Department of License and Revenue and containing the information required by section 10-21(A)-2.

(B) The Director of the Department of License and Revenue shall be responsible for the issuance of books of citation forms for non-moving parking violations to the employees of such Department charged with the duty of enforcing the parking laws and regulations, and shall maintain a record of every book so issued and shall require a written receipt for each book.

10-21(A)-2: CONTENTS OF CITATION FORMS: Parking citation forms shall contain the following information in addition to any other information prescribed by the Director of the Department of License and Revenue:

(A) The state and license number of the vehicle parked in violation of the provisions of this Code.

(B) The location at which the violation occurred.

(C) The date and time of the violation.

(D) If the vehicle is violating a parking regulation respecting the usage of parking meters provided for in Chapter 3 of Title 10 of this Code, the number of the parking meter to which such parked vehicle was adjacent.

(E) The name of the officer issuing the violation.

(F) The section(s) of the Municipal Code of the City of Las Vegas allegedly being violated.

10-21(A)-3: ISSUANCE OF CITATION; RESPONDING TO CITATION: Whenever any vehicle is found in violation of the parking (non-moving traffic) laws and regulations of this Code by any employee of the Department of License and Revenue charged with enforcing such laws, such employee shall affix a parking citation to such vehicle in a conspicuous place. Any person charged with a parking violation shall answer the citation against him within thirty (30) days of the issuance thereof by appearing at the Department of License and Revenue of the City of Las Vegas, 400 E. Stewart, Las Vegas, Nevada, within such period, posting bail in an amount provided by the bail schedule in section 10-21(A)-4, and entering a plea of guilty or not guilty to the citation. Upon the plea of not guilty, bail must be paid in cash and a trial date will be scheduled; the failure to appear at trial will result in the forfeiture of bail. Upon entering the plea of guilty, the person shall sign a statement on the citation waiving the right to trial, admitting guilt to the charge, and voluntarily agreeing to forfeit bail. The forfeiture of bail is equivalent to the payment of a fine for the citation. Whenever a person charged with a parking violation desires to enter the plea of guilty, in lieu of appearing at the Department of License and Revenue, such person may sign a statement of guilt on the citation, enclose the applicable amount of bail to be forfeited in

an envelope accompanying the citation, and either deposit such envelope in the U.S. Mail (with proper postage affixed), or by depositing it in any of the several boxes maintained by the City of Las Vegas for the receipt of forfeited bail.

10-21(A)-4: BAIL SCHEDULE: The following bail schedule is established for violations of the parking (non-moving traffic) laws and regulations of this Code:

(A) For parking a vehicle (1) in an area posted with a parking time limit or in a space equipped with a parking meter longer than the prescribed time, or (2) in any space equipped with a parking meter while said meter is displaying a signal indicating that the vehicle in such parking space has already been parked beyond the prescribed time, bail is two dollars (\$2.00) if paid on or before the tenth day after the citation is issued, bail is four dollars (\$4.00) if paid after the tenth day and before the twenty-first day, bail is six dollars (\$6.00) if paid on the twenty-first day or thereafter.

(B) For parking a vehicle in an area posted with a "No Parking" sign or in a space the curb adjacent to which has been painted red, bail is ten dollars (\$10.00) if paid on or before the tenth day after the citation is issued, bail is fifteen dollars (\$15.00) if paid after the tenth day.

(C) For other parking (non-moving) violations of the provisions of this Code, bail is four dollars (\$4.00) if paid on or before the tenth day after the citation is issued, bail is eight dollars (\$8.00) if paid after the tenth day and before the twenty-first day, bail is twelve dollars (\$12.00) if paid on the twenty-first day or thereafter.

10-21(A)-5: NONPAYMENT OF BAIL WITHIN 30 DAYS; ISSUANCE OF SUMMONS: In the event bail is not posted within 30 days after the issuance of citation(s), upon receipt of such citation(s) sworn to by the issuing officer(s) and notarized, together with an affidavit by the Director of License and Revenue stating that bail has not been posted and the amount thereof required to be posted, the Municipal Court

shall order a summons to be issued to the registered owner of the vehicle to which such citation(s) were issued to appear in Court within 10 days from the date of such summons. The summons shall be personally served in accordance with Rule 4 of the Nevada Rules of Civil procedure.

10-21(A)-6: FAILURE TO OBEY SUMMONS: Any registered owner upon whom a summons has been served in accordance with Section 10-21(A)-5 of this Code, who fails or refuses to make an appearance in Court pursuant to such summons shall be guilty of a misdemeanor regardless of the disposition of the charge(s) for which the citation(s) and summons were originally issued, and the Municipal Court shall secure and issue a warrant for his arrest.

10-21(A)-7: PRESUMPTION THAT REGISTERED OWNER PARKED VEHICLE: In any prosecution charging a violation of any law or regulation governing the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of the violation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who placed or parked the vehicle at the point or location where, and at the time during which, such violation occurred.

10-21(A)-8: IMPOUNDING VEHICLES:

(A) Members of the Las Vegas Metropolitan Police Department or employees of the Department of License and Revenue are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the Las Vegas Metropolitan Police Department, or otherwise maintained by the City of Las Vegas under the circumstances hereinafter enumerated:

(1) When any vehicle is left unattended upon any bridge, viaduct or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.

(2) When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(3) When any vehicle is illegally parked in a parking space or location for over 24 hours or is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(4) Whenever impoundment is ordered by the Municipal Court after a show cause hearing conducted in connection with the immobilization of such vehicle as provided by Section 10-21(A)-9.

(B) Whenever a person removes a vehicle from a street as authorized in this Section and the person knows or is able to ascertain from the registration records in the vehicle or by other reasonable means the name and address of the owner thereof, such person shall immediately give or cause to be given notice in writing, and by telephone if possible, to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event that any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

(C) Whenever a person removes a vehicle from a street under this Section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event, the person shall immediately send or cause to be sent written report of such removal by mail to the State Department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from

which removed, the reasons for such removal and the name of the garage or place where the vehicle is stored.

10-21(A)-9: AUTOMOBILE IMMOBILIZERS AUTHORIZED:

(A) The use of automobile immobilizers, sometimes referred to as "Denver Boots" or "French Boots", is hereby authorized within the City of Las Vegas as an aid in the enforcement of the parking ordinances of the City of Las Vegas.

(B) Such automobile immobilizers shall be used only when the following conditions have been met:

(1) The registration of the vehicle on which such automobile immobilizer is to be placed is listed on parking citation(s) for which bail has not been deposited within thirty (30) days after issuance of the citation(s); and

(2) A summons has been issued by the Municipal Court to the registered owner of the vehicle as provided by section 10-21(A)-5, and personal service of said summons has been attempted with due diligence and not effected within five (5) days of issuance thereof.

(C) Once the aforementioned conditions of subsection (B) have been met, the following procedures shall be followed:

(1) Upon receipt of the affidavit of the Director of License and Revenue stating that paragraphs (1) and (2) of subsection (B) have been complied with and requesting the use of the immobilizer, the Municipal Court may issue an order to immobilize the vehicle whose registration is on the citation(s).

(2) The order to immobilize shall declare, among other things:

a. That the vehicle has been immobilized for failure to deposit cash bail on parking citation(s) within thirty (30) days of issuance.

b. That it is a misdemeanor for any unauthorized person to tamper with, deface, remove, or attempt to remove the immobilizer.

c. That the registered owner of the vehicle is afforded a hearing on the next regularly scheduled date of the Municipal Court at 9:00 A.M. to show cause why the vehicle should not be impounded. Each order shall contain the date of the next regularly scheduled court session.

d. That if the registered owner does not appear at the scheduled hearing, an order to impound the vehicle shall be issued.

(3) Once the immobilizer is placed on the vehicle and a copy of the order to immobilize is affixed thereto, the registered owner shall be afforded a hearing on the next regularly scheduled date of the Municipal Court to show cause why the vehicle should not be impounded. In no case shall a vehicle be immobilized on a day preceding a day when court is not scheduled.

(4) At the hearing, the registered owner may plead guilty or not guilty to the citation(s). The court may order the immobilizer removed if the owner pays a \$25.00 removal fee plus either the fine for the citation(s) upon a plea of guilty, or the applicable cash bail upon a plea of not guilty. In the event of a plea of not guilty and the posting of cash bail, a trial date for the citation(s) will be scheduled. In the event the registered owner does not appear, or does not pay the fine upon a plea of guilty, or does not post cash bail upon a plea of guilty the court may enter an order to impound the vehicle. In hardship cases, the court may allow the fine to be paid in installments.

(5) Upon issuance of an order to impound, the vehicle will be taken to the impound yard, impounded, and the immobilizer removed and returned to the Department of License and Revenue. Once impounded pursuant to this section, the vehicle will only be released by order of court and not until all charges for removal of the immobilizer and for towing and storage have been paid in full in addition to any fine for the citation(s) imposed by the court.

(D) Such automobile immobilizer may be implaced by members of the Las Vegas Metropolitan Police Department or employees of the Department of License and Revenue.

(E) It shall be unlawful for any unauthorized person or persons to deface, injure, tamper with, open, break, or destroy any automobile immobilizer, or impair the usefulness thereof, or attempt to do the same.

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

SECTION 3: All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

SECTION 4: Any person, firm, corporation or association 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, unless otherwise provided in this ordinance.

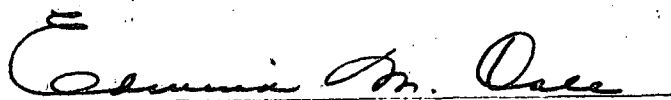
SECTION 5: If any section, paragraph, sentence, phrase, term, word or connotation of this ordinance, or portion thereof, is for any reason held invalid, inapplicable, or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining portions of this ordinance.

PASSED, ADOPTED AND APPROVED this 4th day of August,

1976.


WILLIAM H. BRIARE, MAYOR

ATTEST:


EDWINA M. COLE, CITY CLERK

(SEAL)

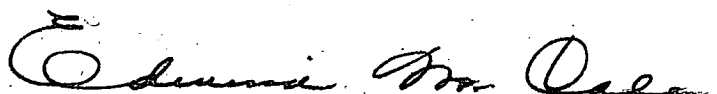
The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 21st day of July, 1976, and referred to the following committee composed of Commissioners Lurie and Woofter for recommendation; thereafter the said committee reported favorably on said ordinance on the 4th day of August, 1976, 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 amended and adopted by the following vote:

VOTING "AYE": COMMISSIONERS Christensen, Leavitt, Woofter, Lurie and Mayor
VOTING "NAY": COMMISSIONERS None ABSENT: None Briare

APPROVED:

WILLIAM H. BRIARE, Mayor

ATTEST:


EDWINA M. COLE, City Clerk

BILL NO. 76-35
 ORDINANCE NO. 1837
 AN ORDINANCE TO AMEND TITLE 2 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY CREATING A NEW CHAPTER TO BE DESIGNATED 21 (A) AND ENTITLED "PARKING (NON-MOVING) CITATIONS AND ENFORCEMENT, CONSISTING OF 9 SUBSECTIONS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 21st day of July, 1976, and referred to the following committee composed of Commissioners Lurie and Woolter, for recommendation; thereafter, the said committee reported favorably on said ordinance on the 4th day of August, 1976, 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 amended and adopted by the following vote:

VOTING "AYE": Commissioners Christensen, Leavitt, Woolter, Lurie and Mayor Briare.
 VOTING "NAY": 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 11, 1976

RECEIVED
 AUG 16 10 19 AM '76
 CITY CLERK

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, {
 COUNTY OF CLARK { ss.

ROBERT E. HUNTER, being first duly sworn,

deposes and says: That he is COMPOSING ROOM 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 1 TIME

from AUGUST 11, 1976 to

inclusive, being the issues of said newspaper for the following dates, to-wit:
AUGUST 11, 1976

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

Signed *Robert E. Hunter*

Subscribed and sworn to before me this 12TH
 day of AUGUST 1976

Robert V. Dierken



Notary Public in and for Clark County, Nevada
ROBERT V. DIERKEN
 Notary Public—State of Nevada
 COUNTY OF CLARK
 My Commission Expires April 14, 1977

My Commission Expires

RECEIVED
AUG 4 10 28 AM '76
CITY CLERK

BILL NO. 76-35
AN ORDINANCE TO AMEND TITLE X OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY CREATING A NEW CHAPTER TO BE DESIGNATED 21 (A) AND ENTITLED "PARKING (NON-MOVING) CITATIONS AND ENFORCEMENT," CONSISTING OF 9 SUBDIVISIONS, PROVIDING OTHER MATTERS, PROPERTY RELATING THERETO, PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 21st day of July, 1976, and referred to the following committee composed of Commissioners Turie and Weafter for recommendation. 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 28, 1976

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

ROBERT E. HUNTER, being first duly sworn,

deposes and says: That he is COMPOSING ROOM 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 1 TIME

from JULY 28, 1976 to

inclusive, being the issues of said newspaper for the following dates, to-wit:
JULY 28, 1976

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

Signed R. E. Hunter

Subscribed and sworn to before me this 2nd day of AUGUST 1976

Ruthie V. Deskin

My Commission Expires

Notary Public in and for Clark County, Nevada
RUTHIE V. DESKIN
Notary Public—State of Nevada
COUNTY OF CLARK
My Commission Expires April 14, 1977

