



Ordinance & Resolutions Transmittal Scanning & Separator Page

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Ordinance No: 6226<=>

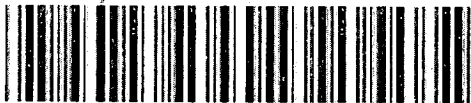
Date Read: 10/3/2012

Date Adopted: 12/5/2012

Ordinance Title: AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 13.36 OF THE MUNICIPAL CODE RELATING TO THE USE OF PARKS AND OTHER RECREATIONAL AND CULTURAL FACILITIES, AND TO PROVIDE FOR OTHER RELATED MATTERS. <=>

Ordinance Summary: Repeals and replaces Chapter 13.36 of the Municipal Code relating to the use of parks and other recreational and cultural facilities. <=>

Ordinance Sponsor: Councilman Steven D. Ross<=>



Prepared By: tdresser

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SECOND AMENDMENT

BILL NO. 2012-51

ORDINANCE NO. 6226

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 13.36 OF THE MUNICIPAL CODE RELATING TO THE USE OF PARKS AND OTHER RECREATIONAL AND CULTURAL FACILITIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Repeals and replaces Chapter 13.36 of the Municipal Code relating to the use of parks and other recreational and cultural facilities.

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

SECTION 1: Title 13, Chapter 36, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 2: Title 13 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 36 and consisting of Sections 10 to 150, inclusive, reading as follows:

13.36.010: As used in this Chapter:

“Camping or lodging” means an unpermitted lodging, dwelling, residence, shelter or other similar structure, or a settlement of possessions, that is kept or maintained in a defined area, or is kept or maintained under circumstances where the owners or occupants knew or should have known that the area would be viewed by park patrons, park security or law enforcement officers as intended for non-recreational use to the exclusion of other citizens, patrons or members of the public. The term includes without limitation any of the following activities:

- (A) Laying down bedding for the purpose of sleeping;
- (B) Using a tent, shelter or structure for the purpose of sleeping; or
- (C) Using a vehicle for purposes of sleeping.

“Department” means the Department of Parks, Recreation and Neighborhood Services or, for purposes of issuing permits, such other department or function of the City that the City Manager may designate.

1 “Director” means the Director of the Department, or the Director’s designee.

2 “Hours of closure,” with respect to a park or recreational facility, means the hours during
3 which that park or recreational facility is closed, either as indicated on signs that have been posted
4 pursuant to LVMC 13.36.110(B) or, as applicable, the prima facie hours of closure described in
5 LVMC 13.36.110(C).

6 “Indoor recreation center” means a building owned or operated by or on behalf of the City and
7 dedicated to public use for indoor recreational activities.

8 “Park” means an outdoor area owned or operated by or on behalf of the City and dedicated to
9 public use for recreational purposes.

10 “Public plaza” means:

- 11 (A) Boulder Plaza, located at Main Street and Boulder Avenue;
- 12 (B) Centennial Plaza, located at Fourth Street and Lewis Avenue; and
- 13 (C) Any other open outdoor area that is:
 - 14 (1) Owned or operated by or on behalf of the City;
 - 15 (2) Designed for use as a gathering place for the public or for public
16 enjoyment of cultural activities; and
 - 17 (3) Designated as a public plaza by resolution of the City Council.

18 “Recreational facility” means an outdoor facility, together with associated structures and
19 amenities, owned or operated by or on behalf of the City and dedicated to public use for recreational
20 purposes. The term includes a recreational trail and a trailhead.

21 “Recreational trail” means a paved or unpaved pathway with several entrance and exit points
22 that has been designated and dedicated for public use for recreational purposes.

23 “Trailhead” means the beginning point of a recreational trail, including any improvements or
24 amenities that have been established at that location for the benefit of users.

25 **13.36.020:** (A) The following are prohibited within any City park, recreational facility or public
26 plaza, including any parking area that serves the park, facility or plaza:

- 27 (1) Glass beverage containers;
- 28 (2) Remote control airplanes;

1 (3) Remote control boats, except that battery-powered remote control boats
2 may be used in any area that has been designated and posted to allow that activity;

3 (4) Camping or lodging, except as otherwise permitted pursuant to
4 Subsection (C);

5 (5) Fires, except in barbecue facilities established in a park for that purpose;

6 (6) Firearms, archery equipment or other weapons of any kind, except as
7 otherwise provided in Subsection (D);

8 (7) The hitting of golf balls, except at facilities specifically designed for that
9 activity;

10 (8) The use of park amenities for other than their intended uses, including
11 without limitation washing clothes, bathing or showering (except in connection with the use of a
12 swimming pool); and

13 (9) The driving or parking of vehicles in areas other than those established
14 for such use, or in a manner that violates any applicable law or ordinance pertaining to moving and
15 non-moving violations.

16 (B) Smoking in any form is prohibited at any of the following locations within a
17 park:

18 (1) In or upon any area that has been designated and posted as a children's
19 play area, or within fifty feet of any such area;

20 (2) Upon or within fifty feet of any bleachers that are being occupied for
21 purposes of observing sporting events or recreational activities; and

22 (3) In or upon any sports field or within fifty feet of the sideline, perimeter
23 fence, or other outer boundary or perimeter of a sports field that is marked as such.

24 (C) On a case-by-case basis, the Director may permit overnight camping activities
25 within a park or recreational facility if those activities are sponsored by the City or by a duly-
26 recognized nonprofit youth development organization.

27 (D) The prohibition set forth in Paragraph (6) of Subsection (A) shall not apply to:

28 (1) Activities specifically approved under this Chapter in connection with

1 a particular event;

2 (2) The possession of firearms that is otherwise permitted by State law; or

3 (3) The possession of a concealed weapon by a person who holds a valid
4 permit to do so that has been issued under, or is recognized pursuant to, the provisions of NRS
5 202.3653 to 202.369.

6 **13.36.030:** The following are prohibited within any City park, recreational facility or public plaza,
7 except where specifically authorized by means of a license, permit or other written authorization, or
8 at a location specifically designated and posted for that use by the Director:

9 (A) Fireworks;

10 (B) Music that is audible from a distance of fifty feet;

11 (C) Off-highway vehicles;

12 (D) Alcoholic beverages;

13 (E) The sale of goods or services, or any other commercial use;

14 (F) Noise disturbances that are in violation of Chapter 9.16; or

15 (G) Digging or staking, unless specifically approved under this Chapter in
16 connection with a particular event using tents, bounce houses, or hot air balloons.

17 **13.36.040:** The Director, after such consultation with the Parks and Recreation Advisory
18 Commission as deemed appropriate, may recommend to the City Council, and the City Council may
19 adopt in accordance with LVMC 13.36.050:

20 (A) Additional rules and regulations for the use by the public of the City's parks,
21 recreational facilities and public plazas;

22 (B) Rules and regulations for the use by the public of the City's indoor recreation
23 centers; and

24 (C) A schedule of fees to be paid for certain uses of parks, recreational facilities,
25 public plazas, and indoor recreation centers, and for certain services offered or provided to the public
26 by the Department.

27 **13.36.050:** By resolution, the City Council may:

28 (A) Adopt rules, regulations and fee schedules described in LVMC 13.36.040; and

1 (B) As deemed appropriate, delegate to the Director the authority to adjust one or
2 more types of fees chargeable by the Department.

3 **13.36.060:** (A) Any rules and regulations and any schedule of fees adopted pursuant to LVMC
4 13.36.050 shall be:

5 (1) Maintained in the office of the City Clerk for review by the public upon
6 request; and.

7 (2) Posted at each park, recreational facility, public plaza or indoor
8 recreation center to which they apply. The posting of rules and regulations shall be done, at a
9 minimum, at the following locations within such park, recreational facility, public plaza or indoor
10 recreation center as applicable:

11 (a) Each main entrance;

12 (b) The center thereof; or

13 (c) A combination thereof.

14 (B) The prohibitions set forth in LVMC 13.36.020 and 13.36.030 shall be posted
15 at each City park and recreational facility to which they apply. Such posting shall be done, at a
16 minimum, at the following locations within such park, recreational facility or public plaza as
17 applicable:

18 (1) Each main entrance;

19 (2) The center thereof; or

20 (3) A combination thereof.

21 **13.36.070:** No person other than a parent or guardian, babysitter, caretaker or other designee of
22 a parent or guardian having sole or joint supervisory responsibility over a child shall visit, frequent,
23 or be present in either of the following unless accompanying that child:

24 (A) Any park which has been designated by the City Council as a children's park
25 pursuant to LVMC 13.36.150; or

26 (B) Any area within a park or recreational facility which has been designated and
27 posted as a children's play area.

28 **13.36.080:** (A) Any person who desires to use any park, recreational facility or public plaza of

1 the City for any demonstration or other organized assemblage of seventy-five or more participants
2 shall first apply and obtain a permit from the Director. For purposes of this Subsection (A),
3 “participant” means any individual who, along with others, is gathered for a common purpose under
4 the direction, control or invitation of a person or group of people.

5 (B) Any person who desires to use any park, recreational facility or public plaza of
6 the City for any picnic, celebration, or similar event at which seventy-five or more persons are
7 reasonably expected to attend shall first apply and obtain a permit from the Director.

8 (C) In addition to the requirements of Subsections (A) and (B), the Department may
9 establish a permit requirement and associated policies for the purpose of allowing the reservation and
10 the reserved use of:

11 (1) Designated picnic or recreational areas, including park pavilions;

12 (2) Designated athletic fields or venues in connection with organized
13 athletic events sponsored or operated by the Department or other organizations; and

14 (3) Designated areas in connection with recreational activities made
15 available to the public in indoor recreation centers.

16 (D) An application for a permit under Subsections (A) and (B) must be filed with
17 the Department at least five working days in advance. Applications under Subsection (C) must be
18 filed at least two working days in advance. The Director may establish less restrictive deadlines or
19 waive deadlines regarding particular classes of activities that the Director may designate.

20 (E) In connection with a permit authorizing the reserved use of an area or facility
21 under Subsection (C), persons not part of the reserving group do not have the right to the use of that
22 area or facility and may be excluded therefrom.

23 (F) Subsections (A) and (B) of this Section do not apply to any event which is
24 sponsored by the City.

25 **13.36.090:** (A) The Director may deny or condition the issuance of any permit applied for
26 pursuant to LVMC 13.36.080 in order to:

27 (1) Protect the use and enjoyment of the park or facility for other members
28 of the public;

1 (2) Protect the health and safety of all persons who visit the park or facility;

2 (3) Ensure that there is adequate parking and sanitary facilities to
3 accommodate all persons who use the park or facility;

4 (4) Protect the grounds, equipment, vegetation, buildings, fences and other
5 amenities of the park or facility from damage, overuse or destruction;

6 (5) Provide that the park or facility and the surrounding area is kept clean
7 and free from debris;

8 (6) Ensure that the group use does not disturb persons who occupy land
9 which is nearby such park or facility.

10 (B) The Director may deny a permit if an application is incomplete or contains
11 inaccurate or misleading information.

12 (C) In connection with the approval of a permit, the Director may require the
13 applicant to:

14 (1) Pay the additional costs that the City incurs, in excess of those that it
15 incurs in connection with its normal maintenance of the park or facility in which the event is held, as
16 the direct result of the event for which such permit is issued. In connection with such requirement,
17 the City shall provide an estimate of such additional costs, which the applicant shall pay in advance
18 of the permit being issued. The additional costs for which the permittee shall be responsible shall
19 include without limitation the City's expenditures that are associated with the personnel and
20 equipment that it uses in preparing for, supervising and cleaning up after such event. Any of such
21 additional costs that exceeds the City's estimate thereof shall be enumerated in writing, and an invoice
22 therefor will be forwarded to the permittee for payment.

23 (2) Provide insurance coverage for the event in accordance with LVMC
24 13.36 100. Such insurance may be required whenever the risks associated with the event indicate that
25 insurance coverage should be required, including without limitation the following types of events:

26 (a) An event at which at least two hundred fifty persons are expected
27 to attend;

28 (b) An event open to the general public;

- 1 (c) An event where admission is charged;
2 (d) An event where alcoholic beverages are sold;
3 (e) An event at which goods or services are sold or other types of
4 commercial activity takes place; or
5 (f) An event at which any potentially hazardous activity takes place,
6 such as weapons, fireworks, mechanical rides, tents, bleachers, scaffolding or staging.

7 (D) Any person who is aggrieved by the failure to issue such a permit or by a
8 condition which is placed upon such a permit may appeal the same to the City Manager or a designee
9 by written request filed with the Director. The Director shall forthwith provide a copy of the written
10 appeal to the City Manager or designee, who shall provide written notice of the decision to sustain or
11 deny the appeal within ten days after receipt of the written appeal.

12 (E) The following may revoke or condition a permit for good cause, including
13 without limitation that the activity or event authorized by the permit is being conducted in violation
14 of this Chapter or represents a nuisance or a threat to the public health or safety:

- 15 (1) The Director; or
16 (2) The Director of Detention and Enforcement or a designee.

17 **13.36.100:** For events regarding which the Director requires insurance coverage, evidence of such
18 coverage must be provided to the Director in advance of the issuance of a permit. Such evidence of
19 coverage must be in the form of one or more certificates of insurance. Such certificates must cover
20 all event activities, including all vendors that will be participating in the event, and must name the City
21 as an additional insured. Such certificates must include the proper endorsements and be issued by one
22 or more insurance companies authorized to do business in this State. Such certificates shall provide
23 coverage that is designated for the premises on which the event will take place and shall specify such
24 policy limits as shall be determined by the City, based upon the type of event, the number of
25 anticipated participants or attendees, or both, and the park or facility at which such event will take
26 place.

27 **13.36.110:** (A) For each park, recreational facility or public plaza, the Director is authorized
28 to establish hours during which the park, recreational facility or public plaza, or any individual

1 component or amenity thereof, is open to the public and closed to the public. Such hours may be
2 adjusted from time to time as deemed necessary, taking into account recreational needs, City
3 resources, the impacts of public use on the park, recreational facility or public plaza and its
4 surroundings, the character of the park or facility in relation to its surroundings, and other relevant
5 considerations.

6 (B) Except as otherwise provided in Subsection (C), the Director shall cause to be
7 posted in conspicuous places in or around the park, recreational facility or public plaza signs notifying
8 the general public of the hours that the park, facility or plaza is closed. Such posting shall be done,
9 at a minimum, at the entrance to each such park, facility or plaza.

10 (C) The prima facie hours of closure for a park that contains no posting with respect
11 to hours of closure shall be between eleven p.m. and seven a.m.

12 **13.36.120:** It is unlawful for any person wilfully or in a criminally negligent manner to:

13 (A) Violate any prohibition contained in LVMC 13.36.020 or 13.36.030 and posted
14 in accordance with LVMC 13.36.060.

15 (B) Violate any rule or regulation adopted pursuant to this Chapter and posted in
16 accordance with LVMC 13.36.060.

17 (C) Violate LVMC 13.36.070.

18 (D) Alter, deface, injure, knock down or remove any signs or other markings that
19 have been posted in accordance with LVMC 13.36.050, unless authorized by the City to do so.

20 (E) Damage, injure or deface any facilities or improvements located on the grounds
21 of a park, recreational facility, public plaza or indoor recreation center.

22 (F) Enter or remain in any park, recreational facility or public plaza during that
23 location's hours of closure, unless in connection with a duly authorized improvement or maintenance
24 activity or an activity that is specifically authorized by the Department.

25 (G) Without having been issued a permit under this Chapter, make use of a park,
26 recreational facility or public plaza, or portion thereof, in a manner that requires a permit under this
27 Chapter.

28 **13.36.130:** (A) Except as otherwise provided in Subsection (B), it is unlawful to bring or allow

1 into any City park, recreational facility or public plaza any animal or fowl of any kind.

2 (B) The following are allowed within a City park, recreational facility or public
3 plaza under the circumstances indicated:

4 (1) In any area designed as a dog park area, dogs that are not known to be
5 vicious or dangerous are allowed with or without a leash.

6 (2) Otherwise, dogs that are not known to be vicious or dangerous are
7 allowed within any area of a park, recreational facility or public plaza, other than children's play areas
8 or areas in use for athletic events, but only when on a leash not to exceed eight feet in length.

9 (3) Horses are allowed on any roads, paths or trails designated for such use.

10 (4) Other animals are allowed only as authorized by written permit.

11 (C) Any person having custody or control of any dog or other animal within a City
12 park, recreational facility or public plaza shall:

13 (1) Carry at all times a suitable container or other suitable instrument for
14 the removal and disposal of animal feces; and

15 (2) Immediately remove and properly dispose of any feces deposited by that
16 animal.

17 **13.36.140:** The issuance of a license, permit or other written authorization for an activity or event
18 under this Chapter does not affect the applicability of any licensing requirement or regulation
19 contained in Title 6.

20 **13.36.150:** (A) The following are designated as children's parks that are intended for the use
21 of children twelve years and under, along with the children's parents, guardians or other persons
22 responsible for and accompanying such children:

23 (1) Heritage Park.

24 (2) Fitzgerald Tot Lot.

25 (3) Ethel Pearson Park.

26 (4) That portion of James Gay Park located south of the easterly extension
27 of the centerline of West Van Buren Avenue.

28 (B) The City Council, by resolution, may from time to time designate other parks

1 as children's parks.

2 SECTION 3: Sections 2 to 7, inclusive, of this Ordinance shall become effective at
3 12:00:01 a.m. on the day following publication.

4 SECTION 4: Section 1 of this Ordinance shall become effective at 12:00:02 a.m. on
5 the day following publication, the intent being for there to be no gap between the repealer contained
6 in Section 1 and the adoption of the replacement chapter contained in Section 2.

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

15 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared
16 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
17 required or the failure to do any act is made or declared to be unlawful or an offense or a
18 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
19 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
20 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
21 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this 5th day of December, 2012.

APPROVED:

By 
CAROLYN G. GOODMAN, Mayor

ATTEST:


BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

 12-6-12
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 3rd day of October, 2012, and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 5th day of
4 December, 2012, which was a regular meeting of said Council; that at said regular
5 meeting, the proposed ordinance was read by title to the City Council as amended and
6 adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Tarkanian, Ross, Barlow,
Coffin and Beers

8 VOTING "NAY": None

9 EXCUSED: Councilmember Anthony

10 ABSTAINED: None

11 DID NOT VOTE: None

12 APPROVED:

13 
14 CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 BEVERLY K. BRIDGES, MMC City Clerk

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AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, 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

2296311LV

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was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/21/2012 to 11/21/2012, on the following days:

11/21/2012

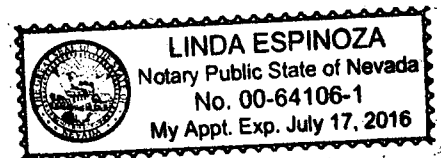
FIRST AMENDMENT
BILL NO. 2012-51
AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 13.36 OF THE MUNICIPAL CODE RELATING TO THE USE OF PARKS AND OTHER RECREATIONAL AND CULTURAL FACILITIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.
Proposed by: Councilman Steven D. Ross
Summary: Repeals and replaces Chapter 13.36 of the Municipal Code relating to the use of parks and other recreational and cultural facilities.
At the City Council meeting of October 3, 2012
BILL NO. 2012-51 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA.
PUB: November 21, 2012
LV Review-Journal

Signed:

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

21st day of November, 2012.

Notary Public



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, 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

2296311LV

8256008

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/08/2012 to 12/08/2012, on the following days:

12/08/2012

SECOND AMENDMENT
BILL NO. 2012-51
ORDINANCE NO. 6226

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 13.36 OF THE MUNICIPAL CODE RELATING TO THE USE OF PARKS AND OTHER RECREATIONAL AND CULTURAL FACILITIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Councilman Steven D. Ross
Summary: Repeals and replaces Chapter 13.36 of the Municipal Code relating to the use of parks and other recreational and cultural facilities.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 3rd day of October 2012 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 5th day of December, 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 was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Tarkanian, Ross, Barlow, Coffin, and Beers
VOTING "NAY": NONE
EXCUSED: Councilman Anthony

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2nd FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA.
PUB: December 8, 2012
LV Review-Journal

Signed:

Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

11th day of *December*, 2012.

Linda Espinoza
Notary Public

