

1 **BILL NO. 2015-40**

2 **ORDINANCE NO. 6437**

3 AN ORDINANCE TO UPDATE LVMC CHAPTER 11.10 AND RELATED PROVISIONS  
4 PERTAINING TO THE PROCESSING AND DISPOSITION OF PARKING VIOLATIONS, AND TO  
PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: William Arent, Director of  
6 Economic and Urban Development

Summary: Updates LVMC Chapter 11.10 and  
related provisions pertaining to the processing  
and disposition of parking violations.

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

9 SECTION 1: Title 11, Chapter 10, Section 10, of the Municipal Code of the City of Las  
10 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **11.10.010:** (A) It is a civil infraction, for which both the registered owner and the operator of a  
12 vehicle are liable, for such vehicle to be parked or found in violation of any of the parking laws which are  
13 set forth in this Title.

14 (B) Nothing in this Title shall prohibit the parking of a vehicle, consistent with public  
15 safety, by a physically handicapped person, a disabled veteran or a person transporting a physically  
16 handicapped person or disabled veteran in compliance with NRS 484B.463.

17 (C) [Definitions.] For purposes of the provisions of this Title that pertain to the  
18 parking, stopping, standing or loading of vehicles, unless otherwise indicated:

19 (1) "Operator" means and includes every individual who operates a vehicle as  
20 the owner thereof, or as the agent, employee or permittee of the owner, or is in actual physical control of a  
21 vehicle.

22 (2) "Park" or "parking" means the standing, stopping or halting of a vehicle,  
23 whether occupied or not, upon a street, including temporarily for the purpose of, and while engaged in,  
24 receiving or discharging passengers or loading or unloading freight, cargo, merchandise or other goods, but  
25 not including in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle  
26 by reason of causes beyond the control of the operator of the vehicle.

1 (3) "Parking meter" means and includes any mechanical device or meter not  
2 inconsistent with this Title placed or erected for the regulation of parking by authority of this Title.

3 (4) "Parking meter space" means any space within a parking meter zone that is  
4 assigned to or governed by a parking meter, duly designated for the parking of a single vehicle, and marked  
5 as such by painted lines or other durable markings on the curb, street surface, or other location for the  
6 space.

7 (5) "Parking meter zone" includes any street upon which parking meters are  
8 installed and in operation, as well as any City-owned parking lot.

9 (6) "Registered owner" means a person whose name appears in the records of  
10 the Nevada Department of Motor Vehicles as the person to whom a vehicle is registered.

11 ~~[(6)]~~ (7) "Street" means any public street, avenue, road, alley, highway, lane, path  
12 or other public place located in the City and established for the conveyance of vehicular traffic.

13 ~~[(7)]~~ (8) "Vehicle" means any device in, upon or by which any person or property  
14 is or may be transported upon a highway, except a device which is operated upon rails or tracks.

15 (D) For purposes of this Chapter:

16 (1) "Level 1 appeal" means the initial process for appealing a Notice of  
17 Infraction under this Chapter, as described in LVMC 11.10.080.

18 (2) "Level 2 appeal" means the process for further appealing the decision  
19 made in a Level 1 appeal, as described in LVMC 11.10.100.

20 (3) "Parking Services Division" means the Parking Services Division of the  
21 Department of Economic and Urban Development.

22 (4) "Schedule of fines and penalties" means the schedule adopted pursuant to  
23 LVMC 11.10.140.

24 SECTION 2: Title 11, Chapter 10, Section 30, of the Municipal Code of the City of Las  
25 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **11.10.030:** (A) A Notice of Infraction issued under this Chapter must contain the following

1 information:

2 (1) The state and license number and the make of the vehicle which is parked  
3 in violation of the provisions of this Code;

4 (2) The location at which the violation occurred;

5 (3) The date and time of the violation;

6 (4) The [number of the applicable parking meter,] location and number of the  
7 parking space, if the vehicle is violating a parking regulation respecting the use of parking meters, as  
8 provided for in Chapter 11.54;

9 (5) The name of the person who issues the Notice of Infraction;

10 (6) The section of this Code which allegedly is being violated;

11 (7) Information which advises of the manner in which, and the time within  
12 which, the Notice of Infraction must be answered;

13 (8) Such other information as the Parking Services Division [of the  
14 Department of Economic and Urban Development] may prescribe.

15 (B) No error concerning or omission of any of the above-described information is  
16 grounds for the dismissal of an action relating to a Notice of Infraction unless the person requesting such a  
17 disposition demonstrates substantial prejudice therefrom by a preponderance of the evidence.

18 (C) Where the Notice of Infraction data is entered into and stored in a computer or  
19 similar device, any printout or other output readable by sight which accurately reflects such data is an  
20 "original" Notice of Infraction for purposes of this Chapter. Any such recording which is moved or copied  
21 into another computer or similar device and is intended to have the same effect by the issuing officer is also  
22 an "original" Notice of Infraction for purposes of this Chapter.

23 (D) Any Notice of Infraction issued pursuant to this Chapter, shall constitute a  
24 declaration which is subject to the penalty of perjury.

25 SECTION 3: Title 11, Chapter 10, Section 70, of the Municipal Code of the City of Las  
26 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **11.10.070:** (A) The operator of a vehicle is liable for the civil fines and civil penalties which are  
2 imposed pursuant to this Chapter. The registered owner of the vehicle, even if not the operator thereof, is  
3 also liable for such civil fines and civil penalties unless the owner is able to demonstrate that the vehicle  
4 was used without permission, express or implied. A registered owner who pays any civil fine and/or civil  
5 penalty pursuant to this Chapter has the right to recover from the operator of the vehicle the civil fine  
6 and/or civil penalty so paid and has a cause of action in any court which has appropriate jurisdiction against  
7 the operator of the vehicle for the amount so paid.

8 (B) In order to hold the operator of a leased or rented vehicle primarily responsible for  
9 the issuance of the Notice of Infraction, the name, address and phone number of the person renting or  
10 leasing a vehicle found parked in violation of this Title must be provided by the rental or leasing agent or  
11 agency to the [Director of Finance and Business Services or his designee] Parking Services Division within  
12 thirty calendar days of receiving notice of such infraction. Nothing in this provision shall absolve the  
13 owner of responsibility for the issuance of the Notice of Infraction as provided in this Chapter.

14 SECTION 4: Title 11, Chapter 10, Sections 80 and 90, of the Municipal Code of the  
15 City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

16 SECTION 5: Title 11, Chapter 10, of the Municipal Code of the City of Las Vegas,  
17 Nevada, 1983 Edition, is hereby amended by adding thereto five new sections, designated respectively as  
18 Sections 80, 90, 100, 110 and 120, reading as follows:

19 **11.10.080:** (A) The owner or operator of a vehicle concerning which a Notice of Infraction has  
20 been issued and served in accordance with this Chapter must do one of the following:

21 (1) "Admit" responsibility for the commission of the infraction and liability  
22 for the penalty imposed and pay the appropriate civil fine and penalty;

23 (2) Contact the Parking Services Division, "admit" responsibility and liability  
24 for the commission of the infraction and any penalties thereon and arrange a schedule for the payment of  
25 such fines and penalties; or

26 (3) Appeal the Notice of Infraction, as provided for in Subsections (B) to (E),

1 inclusive, of this Section in order to disclaim responsibility as the owner or operator, or to dispute the  
2 propriety of the issuance of the Notice of Infraction and any penalties related thereto.

3 →The time periods within which such actions must be taken are set forth in LVMC 11.10.090.

4 (B) A person may initiate an appeal pursuant to Paragraph (3) of Subsection (A) of this  
5 Section (a Level 1 appeal) by submitting an appeal to the Parking Services Division. The appeal shall be  
6 submitted on a form provided by the Parking Services Division, which form shall require the person  
7 initiating the appeal (the "Level 1 appellant") to indicate, among other things, his or her name, current  
8 address, a reference to the Notice of Infraction appealed from and the associated penalties, and the grounds  
9 for appeal.

10 (C) The Level 1 appeal shall be decided administratively by the Parking Services  
11 Division based on a review of the Notice of Infraction, the circumstances surrounding its issuance, and any  
12 grounds or evidence provided by the appellant. The Parking Services Division may decide in favor of the  
13 Level 1 appellant by finding no liability, may find liability but impose a fine in an amount less than that set  
14 forth in this Title, or may waive late fees and penalties for any one or more of the following reasons:

15 (1) The owner of the vehicle is able to demonstrate that the vehicle had been  
16 stolen or was displaying stolen license plates at the time it was parked;

17 (2) In connection with an alleged violation of an ordinance pertaining to a  
18 meter, the meter was mechanically malfunctioning to the extent that its reliability was questionable;

19 (3) Compliance with the ordinance provision alleged to have been violated  
20 would have presented an imminent danger to persons or property;

21 (4) The area of the alleged violation was so inadequately marked or lit as to  
22 fail to give sufficient notice that access to the area was restricted or prohibited;

23 (5) A mechanical malfunction of the vehicle caused it to be parked in the area  
24 alleged and it was removed as soon as could be reasonably expected thereafter;

25 (6) At the time of the issuance of the Notice of Infraction, the vehicle was  
26 parked consistent with and in compliance with NRS 484B.463 pertaining to persons with a disability or

1 handicap;

2 (7) The Level 1 appellant establishes by a preponderance of the evidence that,  
3 through no fault of himself or his agent, he or she failed to receive notice of the issuance of the Notice of  
4 Infraction as provided in this Chapter;

5 (8) The operator of the vehicle experienced a medical or other emergency;

6 (9) The Notice of Infraction was issued in error;

7 (10) The violation relates to the parking of a law enforcement vehicle while on  
8 official business;

9 (11) The existence of unclear transfer of ownership of a vehicle;

10 (12) Bankruptcy or death of an owner;

11 (13) Payment was made for the wrong parking space;

12 (14) The vehicle in question was registered even though the current registration  
13 was not displayed;

14 (15) The vehicle in question was eligible to park in a handicapped space even  
15 though placard not displayed;

16 (16) The vehicle in question was ineligible to park in a handicap access aisle  
17 but was eligible to park in a handicap space; or

18 (17) Financial hardship--living below federally designated poverty level.

19 (D) Notwithstanding any other provision of this Chapter, the Parking Services Division  
20 has the discretion, but is under no obligation, to decide in favor of a particular appellant by finding no  
21 liability, finding liability but imposing a fine less than that set forth in this Title, waiving late fees and  
22 penalties otherwise accruing, or converting a Notice of Infraction to a warning upon a determination that,  
23 considering all the circumstances, unfairness would otherwise result. Examples include the issuance of a  
24 Notice of Infraction:

25 (1) Under circumstances or in a manner contrary to one or more policies duly  
26 adopted by the Parking Services Division; or

1 (2) At a location concerning which motorists have been mistakenly led to  
2 believe that parking at that location and time is not subject to the parking restrictions otherwise in force.

3 →Any disposition under the authority of this Subsection (D) must be properly documented.

4 (E) Notice of the decision made by the Parking Services Division in connection with a  
5 Level 1 appeal shall be provided to the Level 1 appellant by:

6 (1) Mailing such notice to the appellant at the address provided by the Level 1  
7 appellant;

8 (2) Mailing such notice to the address of the Level 1 appellant on file with the  
9 Nevada Department of Motor Vehicles; or

10 (3) Sending such notice to the Level 1 appellant by electronic mail, if such  
11 appellant has requested communication by means of electronic mail.

12 (F) Within thirty days after notice of a decision has been provided pursuant to  
13 Subsection (E) of this Section, the Level 1 appellant must:

14 (1) Pay or cause to be paid in full all fines and penalties remaining to be paid  
15 regarding the Notice of Violation;

16 (2) Make arrangements with the City regarding a schedule for the payment of  
17 such fines and penalties; or

18 (3) Request an appeal hearing (a Level 2 appeal) in accordance with LVMC  
19 11.10.100.

20 **11.10.090:** (A) Subject to the provisions of Subsection (C), a response to a Notice of Infraction  
21 that is intended to admit liability, in accordance with LVMC 11.10.080(A)(1) or 11.10.080(A)(2), must be  
22 made within thirty calendar days after the date on which the Notice of Infraction is served. If no response  
23 is received during such thirty-day period, the Notice of Infraction is subject to an additional civil penalty as  
24 set forth in the schedule of fines and penalties, identified under the heading "Late 1".

25 (B) After the expiration of the thirty-day response period described in Subsection (A),  
26 the Parking Services Division must send a Notice of Delinquency by regular mail to the registered owner of

1 the vehicle at the registered owner's last known address, as indicated by the vehicle registration which is  
2 maintained by the Nevada Department of Motor Vehicles. The Notice of Delinquency must contain the  
3 date of the infraction, the amount of the civil fine and the amount of any penalty which is associated  
4 therewith. The registered owner will have fifteen calendar days after the date of the Notice of Delinquency  
5 in which to respond thereto in the manner which is provided in LVMC 11.10.080. If no response is made  
6 to the Notice of Delinquency within such additional fifteen-day period, an additional civil penalty will be  
7 assessed in an amount set forth in the schedule of fines and penalties, identified under the heading "Late 2".

8 (C) A person who wishes to appeal a Notice of Infraction in accordance with LVMC  
9 11.10.080(A)(3) must do so within ninety calendar days after the date on which the Notice is served. To  
10 the extent the appeal is filed after any of the response periods set forth in Subsections (A) and (B) of this  
11 Section, the additional civil penalties shall attach to the Notice of Infraction and the appeal will include  
12 those penalties in addition to the amount of the initial civil fine.

13 (D) In addition to and independent of any notice required by this Chapter, the Parking  
14 Services Division is authorized to provide supplementary notice of the existence of and duties regarding a  
15 Notice of Infraction, including without limitation an additional notice fourteen days after the issuance and  
16 service of a Notice of Infraction. Such supplementary notice is provided as a courtesy only, and any failure  
17 or irregularity regarding such supplementary notice provides no defense or recourse under this Chapter.

18 (E) If a person fails to respond to a Notice of Infraction or a Notice of Delinquency in  
19 accordance with this Chapter, the City is entitled to collect the amount of any fines and penalties by means  
20 of any remedy available under applicable law, including without limitation filing a notice of nonpayment  
21 with the Nevada Department of Motor Vehicles and referring the matter to a collection agency.

22 **11.10.100:** (A) A Level 2 appeal referred to in Paragraph (3) of Subsection (E) of LVMC  
23 11.10.080 is initiated by:

24 (1) Contacting the offices of the Parking Services Division within the thirty-  
25 day period referred to;

26 (2) Requesting a Level 2 appeal hearing; and

1 (3) Receiving a date for hearing the appeal.

2 (B) A Level 2 appeal may be filed by or on behalf of the registered owner of the  
3 vehicle that is subject of the Notice of Infraction.

4 (C) A person requesting a Level 2 hearing (a "Level 2 appellant") shall provide such  
5 information as the Parking Services Division may require. A Level 2 hearing shall be conducted by a  
6 Hearing Officer provided for by the City. A Level 2 appellant shall be bound by the decision of the Hearing  
7 Officer concerning liability for the infraction(s) and responsibility for the penalties thereon. It is expected  
8 that a Level 2 appellant will appear in person or by representative at a Level 2 hearing. However, at the  
9 Hearing Officer's discretion, a hearing may be held and the appeal decided without an appearance by the  
10 Level 2 appellant. If any Level 2 appellant scheduling a hearing before the Hearing Officer fails to appear  
11 at such hearing without having first sought and obtained a continuance of such hearing, the Hearing Officer  
12 may (but is not required to) enter a decision against the appellant for the full amount of fines and penalties  
13 scheduled to be reviewed. In connection with the request for a hearing, the Level 2 appellant must  
14 acknowledge the binding nature of the hearing and the Hearing Officer's authority in the event the  
15 appellant fails to appear at a hearing. The acknowledgment shall be in substantially the following form:

16 I \_\_\_\_\_, hereby request a binding hearing before the Hearing Officer. My address is  
17 \_\_\_\_\_ . I request that this hearing involve Notice(s) of Infraction(s) Number \_\_\_\_\_. I  
understand that the Hearing Officer is an attorney and not an elected or appointed judge.

18 I understand that I am bound by the decision of the Hearing Officer. I understand that I am expected  
19 to appear in person or by representative at the requested hearing, but that the hearing may be held and  
the appeal decided without such appearance. I understand that if I fail to appear for the scheduled  
20 hearing before the Hearing Officer without first obtaining a continuance of such hearing, the Hearing  
Officer may (but is not required to) enter a decision against me for the full amount and penalties  
21 scheduled to be reviewed. I understand and agree that if necessary due to my lack of timely payment,  
the City of Las Vegas can and will use this binding decision to have a formal civil judgment entered  
22 against me in the Las Vegas Municipal Court.

23 I understand that if a civil judgment is obtained, the City may seek and obtain a writ of execution  
against me. I understand that if a writ of execution is obtained, my wages and/or bank accounts may be  
24 garnished, liens may be put on my property and my vehicle(s) may be towed or immobilized. I also  
understand that my vehicle(s) may be immobilized without a writ of execution if:

25 1. I accumulate more than \$200.00 in unpaid civil fines, judgments and penalties for parking  
26 violations; and

1           2. At least two Notices of Infraction have been issued and served with respect to vehicles registered  
2 to me and have not been responded to within the time set forth in LVMC 11.10.090.

3           Knowing all of the above, I still wish to request a binding hearing before the Hearing Officer on the  
4 above-described Notice(s) of Infraction(s). I hereby acknowledge the above and further acknowledge  
5 that at my request a hearing has been set for \_\_\_\_\_, 20\_\_\_\_\_ at the hour of  
6 \_\_\_\_\_ m.

7  
8 \_\_\_\_\_  
9 Appellant

10           (D) Any Level 2 appeal hearing conducted pursuant to this Section shall be presided  
11 over by a Hearing Officer who shall be an attorney licensed to practice law in the State of Nevada.

12           (E) The Hearing Officer may decide in favor of the Level 2 appellant by finding no  
13 liability, may find liability but impose a fine in an amount less than that set forth in this Title, or may waive  
14 late fees and penalties for any one or more of the reasons set forth in Subsection (C) or Subsection (D) of  
15 LVMC 11.10.080.

16           (F) The appellant shall pay the total civil fines and penalties forthwith or at such times  
17 and on such conditions as the Hearing Officer shall prescribe if it is found that the person has either failed  
18 to appear or otherwise defend against the issuance of the infraction, or that the infraction has been  
19 committed and no applicable defense exists. If the appellant fails to pay in accordance with the times and  
20 conditions of the Hearing Officer's decision and any amount due remains unpaid thirty days after the date  
21 due, all amounts outstanding shall be deemed delinquent, including unpaid portions of the original fine  
22 amount and associated penalties. The City shall have the right to collect such amounts by any means set  
23 forth in this Chapter or otherwise available under law.

24           (G) Upon reaching a decision, the Hearing Officer shall, as soon as practicable  
25 thereafter, file a written decision substantially conforming to the following form:

26           \_\_\_\_\_, Appellant vs. City of Las Vegas, Nevada, Parking Services Division,  
Respondent. Before, \_\_\_\_\_, Hearing Officer for the City of Las Vegas, decision is entered in  
favor of \_\_\_\_\_, (appellant or City Parking Services Division) for \$\_\_\_\_\_ (enter \$0.00  
if judgment is for the appellant), on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. I certify that  
the foregoing is a correct reflection of the decision entered in the action properly brought for my  
consideration pursuant to LVMC Chapter 11.10.



1 Parking Services Division is authorized to charge an administrative fee in the amount of twenty-five dollars  
2 for the establishment of such a schedule. The fee is non-refundable.

3 (B) If a person who has arranged a payment schedule pursuant to this Chapter fails to  
4 pay in accordance with the terms and conditions of the schedule and any amount due remains unpaid fifteen  
5 days after the date due, all amounts outstanding shall be deemed delinquent, including unpaid portions of  
6 the original fine amount and associated penalties. The City shall have the right to collect such amounts by  
7 any means set forth in this Chapter or otherwise available under law.

8 SECTION 6: Title 11, Chapter 10, Section 130, of the Municipal Code of the City of  
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **11.10.130:** (A) Subject to the provisions of Subsection (B), whenever in this Title an act relating  
11 to the stopping, standing or parking of a vehicle is prohibited or limited, or the violation of such a  
12 prohibition or limitation is made or declared to be unlawful or an offense or a misdemeanor, the sanction  
13 therefor is civil in nature in the monetary amount which is set forth in [LVMC 11.10.150 to 11.10.180,  
14 inclusive.] the schedule of fines and penalties.

15 (B) With respect to any particular violation of the following types, the City may  
16 proceed either by means of a criminal prosecution or by means of the civil infraction process set forth in  
17 this Chapter 11.10:

- 18 (1) A violation of LVMC 11.54.205, 11.65.110 or 11.66.080;
- 19 (2) A violation of any other provision of Title 11 pertaining to the stopping,  
20 standing or parking of a vehicle where the violation relates to the misuse of equipment, or involves fraud,  
21 deceit or misrepresentation, or where the language of the provision demonstrates a specific intent for a  
22 criminal rather than civil sanction to be applied.

23 SECTION 7: Title 11, Chapter 10, Section 140, of the Municipal Code of the City of  
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **11.10.140:** (A) [The schedule of civil fines which is contained in LVMC 11.10.150 to 11.10.180,  
26 inclusive, is established] There is hereby adopted a schedule of fines and penalties for infractions of the

1 parking laws and regulations which are set forth in this [Code.] Title, as well as infractions processed under  
2 this Chapter as civil violations pursuant to LVMC 10.78.020 or 13.04.070(A). The schedule is set forth as  
3 Subsection (D) of this Section. In the case of any violation that is not specifically identified in the  
4 schedule, the fine shall be twenty dollars, with the penalties to be determined as in the case of a violation  
5 specifically listed with a fine amount of twenty dollars.

6 (B) The owner and/or operator shall be liable for an additional collection fee where the  
7 collection of the fines and penalties provided for herein is referred for collection to a private collection  
8 agency. The amount of such fee may not exceed twenty-five percent of the outstanding indebtedness or  
9 two hundred fifty dollars, whichever is less. The amount of any such collection fee shall accrue and  
10 become due and payable at the time the indebtedness is referred for collection to the collection agency, and  
11 that amount may be added by the collection agency or the Parking Services Division [of the Department of  
12 Economic and Urban Development] to the amount sought to be collected. Any judgment or amended  
13 judgment entered under this Chapter may include the amount of the collection fee authorized by this  
14 Subsection (B).

15 (C) When a notice of nonpayment of a civil fine imposed under this Chapter has been  
16 filed with the Nevada Department of Motor Vehicles pursuant to NRS 484B.527, the City is authorized to  
17 charge the party liable an administrative fee of [ten] fifteen dollars to cover the costs of the filing, handling  
18 and release of the notice of nonpayment. The administrative fee shall be paid at the time the fine is  
19 collected and the release authorized.

20 (D) (Schedule of fines and penalties appears here)

21 SECTION 8: Title 11, Chapter 10, Sections 150, 160, 170 and 180, of the Municipal  
22 Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

23 SECTION 9: Title 11, Chapter 10, Section 240, of the Municipal Code of the City of  
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **11.10.240:** (A) The City is authorized to attach an immobilizing device to a vehicle that is parked  
26 on any public right-of-way or City-owned or -operated lot if the vehicle is included on an immobilization

1 eligibility list. A vehicle may be included on an immobilization eligibility list only if:

2 (1) The registered owner of the vehicle has accumulated more than [\$500.00]  
3 \$200.00 in unpaid civil fines, judgments and penalties, [or] and at least [five] two Notices of Infraction  
4 have been issued and served with respect to that vehicle and have not been responded to within the time set  
5 forth in Section 11.10.090; and

6 (2) At least twenty-one days before including the vehicle on the list, the City  
7 provided notice of impending vehicle immobilization in accordance with Subsection (B) of this Section.

8 (B) Notice of impending vehicle immobilization shall be provided by mailing such  
9 notice to the registered owner of the vehicle at the address last known to the City or on file with the Nevada  
10 Department of Motor Vehicles. The notice shall include the dates and nature of the infractions which  
11 formed the basis for the civil fines, judgments and penalties; the numbers of the Notices of Infraction; and  
12 the amounts owing. The notice shall advise that the registered owner may challenge the validity of the  
13 notice by requesting a hearing. The hearing shall be held before the Hearing Officer for the sole purpose of  
14 allowing the registered owner to show that:

15 (1) The amounts in question have been paid; or

16 (2) The vehicle was not properly included on the immobilization eligibility list  
17 in accordance with the provisions of Subsection (A) of this Section.

18 (C) A vehicle shall be removed from the immobilization eligibility list if:

19 (1) The registered owner pays all fines, judgments, penalties and applicable  
20 immobilization[, towing and storage] fees;

21 (2) The registered owner executes an agreement to pay within a specified  
22 period of time all fines, judgments, penalties and applicable immobilization[, towing and storage] fees, with  
23 a condition that, for default on the payment obligation, the vehicle shall be subject to reinstatement on the  
24 immobilization list; or

25 (3) The Hearing Officer finds that the vehicle was not properly included on  
26 the immobilization eligibility list.

1 (D) In connection with the immobilization of a vehicle, a notice shall be attached to the  
2 vehicle in a conspicuous place advising:

3 (1) That the vehicle is immobilized and that any attempt to move the vehicle  
4 may result in its damage;

5 (2) That the unauthorized removal of or damage to the immobilizing device is  
6 a violation of law;

7 (3) How release of the immobilizing device may be obtained; and

8 (4) How a hearing may be obtained pursuant to Subsection (H).

9 (E) The City may (but is not obligated to) cause to be towed and stored any vehicle  
10 which has been immobilized if, within twenty-four hours after immobilization, no arrangements have been  
11 made for the vehicle's release. An unregistered vehicle that is immobilized may be towed and stored  
12 immediately. Within ten days after an immobilized vehicle is towed, the City shall send a notice advising  
13 that the vehicle has been immobilized and towed. The notice shall be provided by means of certified mail,  
14 return receipt requested, mailed to the registered owner at the address last known to the City or on file with  
15 the Department of Motor Vehicles. The notice shall state that the registered owner is entitled to request a  
16 hearing pursuant to Subsection (H) of this Section to determine the validity of the immobilization. If a  
17 vehicle is towed pursuant to this Subsection (E), the City (or a tow operator acting at the City's direction) is  
18 authorized to remove the immobilization device for purposes of transportation and reapply the device after  
19 the vehicle is stored at the location designated for storage by the City.

20 (F) An immobilization fee of [fifty] seventy-five dollars shall be paid by or on behalf  
21 of the registered owner of the vehicle prior to the removal of an immobilizing device.

22 (G) Release of an immobilized vehicle, either by the City or by an authorized tow  
23 operator who has been directed by the City to do so, may be obtained by:

24 (1) The payment of all fines, judgments, penalties and applicable  
25 immobilization, towing and storage fees; or

26 (2) In connection with the request of a hearing to determine the validity of the

1 immobilization of the vehicle, the posting of a bond or other sufficient undertaking in an amount which will  
2 satisfy all fines, judgments, penalties and applicable immobilization, towing and storage fees.

3 (H) The registered owner of a vehicle may request a hearing regarding the  
4 immobilization of the owner's vehicle. The request for hearing must be made within 10 days after the date  
5 of the notice described in Subsection (D) or Subsection (E) of this Section. The hearing shall be held  
6 before the Hearing Officer and shall be limited to a determination of whether there was a factual and legal  
7 basis for the immobilization. Failure to request or attend a hearing shall be deemed a waiver of the right to  
8 a hearing. If the Hearing Officer determines that there was a factual and legal basis for the immobilization,  
9 the bond or undertaking shall be forfeited. If the hearing officer determines that there was an insufficient  
10 factual and legal basis for the immobilization, the bond or undertaking shall be exonerated.

11 SECTION 10: Title 11, Section 52, Section 130, of the Municipal Code of the City of Las  
12 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **11.52.130:** (A) No person shall stop, stand or park a vehicle except when necessary to avoid  
14 conflict with other traffic in compliance with law or the directions of a police officer or a traffic control  
15 device, in any of the following places:

16 (1) Except as otherwise described in Paragraph (3) below, [At] at any place  
17 where official signs or the painting of curbs or road surfaces, or any combination thereof prohibit or restrict  
18 stopping, standing or parking for a period longer or purpose other than is permitted by such signs or  
19 painting;

20 (2) At any place or in any space adjacent to a curb which has been designated  
21 and posted as a fire lane pursuant to the City's Fire Code, whether the vehicle is attended or unattended and  
22 whether the location is on public or private property;

23 (3) At any location on a highway, street or public thoroughfare where official  
24 signs have been posted to prohibit or restrict stopping, standing or parking based upon a determination that  
25 such activity is dangerous or would unduly interfere with the free movement of traffic[.], including adjacent  
26 to any curb or road surface which is painted red and is posted with signage indicating "NO STOPPING,

1 STANDING OR PARKING”; “EMERGENCY VEHICLES ONLY”; or “ARMORED CARS ONLY”;

2 (4) Within the following distances of any fire hydrant, whether or not the  
3 location is posted with a sign, whether or not the adjacent curb or roadway surface is painted red, and  
4 whether the location is on public or private property:

5 (a) At a location where parallel parking is permitted, fifteen feet[.];

6 (b) At a location where angle parking is permitted or no parking is  
7 permitted, twenty feet;

8 (5) In front of any sidewalk elevator or chute or within a space of five feet on  
9 each side of such sidewalk elevator or chute;

10 (6) On or blocking a sidewalk;

11 (7) In front of or within five feet of a public or private driveway; provided,  
12 however, that this provision does not apply to the parking of a vehicle in or near a private driveway by a  
13 person who owns or is in control of that driveway, or who is a family member or invitee of the person so  
14 owning or controlling the driveway;

15 (8) Within fifty feet of the nearest rail of a railroad track;

16 (9) Within twenty feet of a driveway entrance to any fire station and, on the  
17 side of a public street or thoroughfare opposite the entrance to any fire station, within seventy-five feet of  
18 such station;

19 (10) On the street side of any vehicle which is stopped, standing or parked at  
20 the edge or curb of a highway (i.e., to “double park”);

21 (11) Within fifteen feet of an intersection;

22 (12) Within twenty feet of any marked crosswalk;

23 (13) Within thirty feet of any official traffic control signal or device located at  
24 the side of any roadway, highway, street or other public thoroughfare:

25 (14) On any traffic lane designated and posted as a bike lane;

26 (15) In such a manner as to create an undue obstruction to or interference with

1 traffic, a hazardous condition for pedestrians, or a visual obstruction for motorists; or

2 (16) Upon any bridge or other elevated structure or within any tunnel or  
3 underpass.

4 (B) The provisions of Paragraphs (1) and (7) of Subsection (A) of this Section do not  
5 apply to a United States Postal Service vehicle while it is being operated on official business.

6 SECTION 11: Title 11, Section 54, Section 240, of the Municipal Code of the City of Las  
7 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **11.54.240:** (A) The Traffic Engineer or the Parking Division of the Department of Economic and  
9 Urban Development may establish on a temporary basis one or more pilot programs pursuant to which  
10 persons licensed as mobile food vendors may occupy parking spaces located on selected public rights-of-  
11 way for the purpose of vending. Such programs may include one or more of the following elements:

12 (1) A lottery or other system under which interested vendors, by means of an  
13 application or similar process and the payment of a fee, may become eligible to participate in the pilot  
14 vending program.

15 (2) Payment by a mobile food vendor, by means of a parking meter, for the  
16 right to occupy and vend within designated parking spaces.

17 (3) A system of rotation or other method by which interested vendors may  
18 participate on an equitable basis with other vendors and by which the public can have access to a variety of  
19 dining categories and food products.

20 (B) The use of a parking space in accordance with a pilot program established under  
21 this Section is exempt from any prohibition on such use that otherwise would apply.

22 (C) It is unlawful to do any of the following:

23 (1) Park a vehicle that is eligible for the pilot program at the meter reserved  
24 for or assigned to that vehicle in excess of the time for which the meter was activated or without activating  
25 the meter.

26 (2) Park a vehicle that is eligible for the pilot program at a meter other than

1 one reserved for or assigned to that vehicle under that program.

2 (3) Park a vehicle that is ineligible for the pilot program at a meter assigned to  
3 be used in connection with the pilot program.

4 (D) The fines associated with a violation of Subsection (B) shall be as set forth in the  
5 schedule of fines and penalties adopted under LVMC 11.10.140.

6 SECTION 12: The schedule of fees and penalties that is attached to this Ordinance is  
7 hereby adopted as part of LVMC 11.10.140, and shall appear in the Municipal Code as Subsection (D) of  
8 that Section.

9 SECTION 13: 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 or  
11 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 City  
13 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,  
14 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,  
15 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

16 ...

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1 SECTION 14: All ordinances or parts of ordinances or sections, subsections, phrases,  
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983  
3 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 5<sup>th</sup> day of August, 2015.

5 APPROVED:

6 By   
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9   
10 LUANN D. HOLMES, MMC  
Acting City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 6-3-15  
13 Val Steed, Date  
Deputy City Attorney

26

1 The above and foregoing ordinance was first proposed and read by title to the City Council  
2 on the 17<sup>th</sup> day of June, 2015, and referred to a committee for recommendation; hereafter  
3 the committee reported favorably on said ordinance on the 5<sup>th</sup> day of August, 2015, which  
4 as a regular meeting of said Council; that at said regular meeting, the proposed ordinance  
5 was read by title to the City Council as first introduced and adopted by the following vote:

6 VOTING "AYE": Mayor Pro Tem Ross and Councilmembers Tarkaninan, Barlow,  
7 Anthony, Coffin and Beers

8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: None

11 DID NOT VOTE: Mayor Carolyn Goodman

12 APPROVED:

13 

14 CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16   
17 LUANN D. HOLMES, MMC City Clerk

**Affidavit of Publication**

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

LV CITY CLERK  
495 S MAIN ST  
LAS VEGAS NV 89101

Account # 22515  
Ad Number 0000574099

Eileen Gallagher, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 07/23/2015 to 07/23/2015, on the following days:

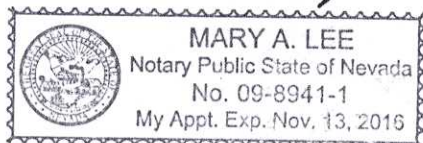
07 / 23 / 15



IS/ Eileen Gallagher  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of July, 2015

Notary Mary Lee



# Affidavit of Publication

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

LV CITY CLERK  
495 S MAIN ST  
LAS VEGAS NV 89101

Account # 22515  
Ad Number 0000590606

Eileen Gallagher, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/08/2015 to 08/08/2015, on the following days:

08 / 08 / 15

BILL NO. 2015-40  
ORDINANCE NO. 6437

AN ORDINANCE TO UPDATE LVMC CHAPTER 11.10 AND RELATED PROVISIONS PERTAINING TO THE PROCESSING AND DISPOSITION OF PARKING VIOLATIONS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: William Arent, Director of Economic and Urban Development

Summary: Updates LVMC Chapter 11.10 and related provisions pertaining to the processing and disposition of parking violations.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of June 2015 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 5th day of August 2015, 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 introduced and was adopted by the following vote:

VOTING "AYE": Councilmembers Ross, Tarkanian, Barlow, Anthony, Coffin and Beers  
VOTING "NAY": NONE  
DID NOT VOTE: Mayor Goodman  
EXCUSED: NONE  
PUB: August 8, 2015  
LV Review-Journal

151 Eileen Gallagher  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 10th day of August, 2015

Notary Mary Lee

