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BILL NO. 2019-22

ORDINANCE NO. 6695

AN ORDINANCE RELATING TO IMPACTS ON PUBLIC RIGHTS-OF WAY; AMENDING LVMC CHAPTER 10.48 TO ESTABLISH PROHIBITIONS REGARDING THE ATTACHING OF CERTAIN ITEMS TO TREES, POLES, STRUCTURES, AMENITIES, WALLS AND FENCES WITHIN OR NEAR PUBLIC RIGHTS-OF-WAY, ALONG WITH ASSOCIATED AUTHORITY TO REMOVE SUCH ITEMS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Cedric Crear

Summary: Amends LVMC Chapter 10.48 to establish prohibitions regarding the attaching of certain items to trees, poles, structures, amenities, walls and fences within or near public rights-of-way, along with associated authority to remove such items.

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

SECTION 1: Title 10, Chapter 48, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto four new sections, designated respectively as Sections 23, 25, 27 and 29, reading as follows:

10.48.023: (A) Except as otherwise provided in Subsection (B), it is unlawful to attach, affix or connect to any tree located on a public sidewalk or within public right-of-way, or to any structural component associated with such a tree, any rope, cord or similar item or device for the purpose of providing:

- (1) Support for a shelter or other similar structure or facility; or
- (2) A means of hanging clothing or other personal items.

(B) The provisions of Subsection (A) do not apply to any action that is:

- (1) Authorized by a permit or other written approval issued by the Department of Public Works; or
- (2) Taken by or on behalf of a government agency.

(C) A law enforcement officer or an officer or employee of the City assigned to the enforcement or implementation of City ordinances may remove any item affixed in violation of Subsection

(A). Subject to the provisions of Subsection (D), the officer or employee may dispose of the item as he or

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1 she sees fit.

2 (D) The officer or employee shall return any item removed pursuant to this Section,
3 along with any personal property being supported or used in connection therewith, to its owner if the owner
4 is known and can reasonably be located.

5 **10.48.025:** (A) Except as otherwise provided in Subsection (B), it is unlawful to attach, affix or
6 connect to any pole or other structure that is located on a sidewalk or within public right-of-way and that is
7 part of a utility system or a traffic control or management system any rope, cord or similar item or device for
8 the purpose of providing:

9 (1) Support for a shelter or other similar structure or facility; or

10 (2) A means of hanging clothing or other personal items.

11 (B) The provisions of Subsection (A) do not apply to any action that is:

12 (1) Authorized by a permit or other written approval issued by the Department
13 of Public Works; or

14 (2) Taken by or on behalf of a government agency.

15 (C) A law enforcement officer or an officer or employee of the City assigned to the
16 enforcement or implementation of City ordinances may remove any item affixed in violation of Subsection
17 (A). Subject to the provisions of Subsection (D), the officer or employee may dispose of the item as he or
18 she sees fit.

19 (D) The officer or employee shall return any item removed pursuant to this Section,
20 along with any personal property being supported or used in connection therewith, to its owner if the owner
21 is known and can reasonably be located.

22 **10.48.027:** (A) Except as otherwise provided in Subsection (B), it is unlawful to attach, affix or
23 connect to any structure or amenity that is located on a sidewalk or within public right-of-way and that is part
24 of a sidewalk or right-of-way maintenance program (such as a trash receptacle) any rope, cord or similar item
25 or device for the purpose of providing:

26 (1) Support for a shelter or other similar structure or facility; or

1 (2) A means of hanging clothing or other personal items.

2 (B) The provisions of Subsection (A) do not apply to any action that is:

3 (1) Authorized by a permit or other written approval issued by the Department

4 of Public Works; or

5 (2) Taken by or on behalf of a government agency.

6 (C) A law enforcement officer or an officer or employee of the City assigned to the

7 enforcement or implementation of City ordinances may remove any item affixed in violation of Subsection

8 (A). Subject to the provisions of Subsection (D), the officer or employee may dispose of the item as he or

9 she sees fit.

10 (D) The officer or employee shall return any item removed pursuant to this Section,

11 along with any personal property being supported or used in connection therewith, to its owner if the owner

12 is known and can reasonably be located.

13 **10.48.029:** (A) It is unlawful to attach or affix to any fence or wall that abuts or is adjacent to a

14 public sidewalk or other public right-of-way any rope, cord or similar item or device for the purpose of

15 providing:

16 (1) Support for a shelter or other similar structure or facility that will encroach

17 upon or hang over the public sidewalk or public right-of-way; or

18 (2) A means of hanging clothing or other personal items that will encroach upon

19 or hang over the public sidewalk or public right-of-way.

20 (B) A law enforcement officer or an officer or employee of the City assigned to the

21 enforcement or implementation of City ordinances may remove any item affixed in violation of Subsection

22 (A). Subject to the provisions of Subsection (C), the officer or employee may dispose of the item as he or

23 she sees fit.

24 (C) The officer or employee shall return any item removed pursuant to this Section,

25 along with any personal property being supported or used in connection therewith, to its owner if the owner

26 is known and can reasonably be located.

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

8 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared to
9 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
10 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
11 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
12 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
13 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
14 of this ordinance shall constitute a separate offense.

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SECTION 4: 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 1st day of July, 2019.

APPROVED:

By 
CAROLYN G. GOODMAN, Mayor

ATTEST:


 LUANN D. HOLMES, MMC
 City Clerk

APPROVED AS TO FORM:

Val Steed, Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 19th day of June, 2019, and referred to a committee for recommendation; hereafter
3 the committee reported favorably on said ordinance on the 17th day of July, 2019, which as
4 a regular meeting of said Council; that at said regular meeting, the proposed ordinance was
5 read by title to the City Council and adopted by the following vote:

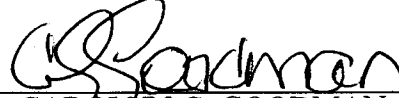
6 VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Fiore, Crear, Diaz
7 Knudsen and Seaman

8 VOTING "NAY": None

9 EXCUSED: None

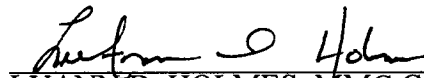
10 ABSTAINED: None

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13 APPROVED:

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15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 

18 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 0001057874**

RECEIVED
CITY CLERK

2019 JUL 10 A 11: 23

Leslie McCormick, 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 07/03/2019 to 07/03/2019, on the following days:

07 / 03 / 19

BILL NO. 2019-22

AN ORDINANCE RELATING TO IMPACTS ON PUBLIC RIGHTS-OF-WAY; AMENDING LVMC CHAPTER 10.48 TO ESTABLISH PROHIBITIONS REGARDING THE ATTACHING OF CERTAIN ITEMS TO TREES, POLES, STRUCTURES, AMENITIES, WALLS AND FENCES WITHIN OR NEAR PUBLIC RIGHTS-OF-WAY, ALONG WITH ASSOCIATED AUTHORITY TO REMOVE SUCH ITEMS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman
Cedric Crear

Summary: Amends LVMC Chapter 10.48 to establish prohibitions regarding the attaching of certain items to trees, poles, structures, amenities, walls and fences within or near public rights-of-way, along with associated authority to remove such items.

At the City Council meeting of
June 19, 2019

BILL NO. 2019-22 WAS READ BY
TITLE AND REFERRED TO A
RECOMMENDING COMMITTEE

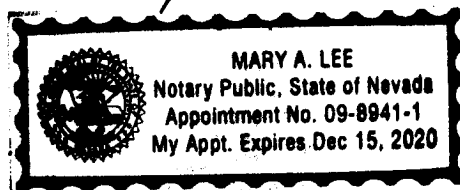
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE
OFFICE OF THE CITY CLERK, 2ND
FLOOR, 495 SOUTH MAIN
STREET, LAS VEGAS, NEVADA

PUB: July 3, 2019
LV Review-Journal

[Signature]
/s/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 3rd day of July, 2019

Notary *[Signature]*



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2019 JUL 29 A 10:43

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001060180

Leslie McCormick, 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 07/20/2019 to 07/20/2019, on the following days:

07 / 20 / 19

BILL NO. 2019-22
ORDINANCE NO. 6695

AN ORDINANCE RELATING TO IMPACTS ON PUBLIC RIGHTS-OF-WAY; AMENDING LVMC CHAPTER 10.48 TO ESTABLISH PROHIBITIONS REGARDING THE ATTACHING OF CERTAIN ITEMS TO TREES, POLES, STRUCTURES, AMENITIES, WALLS AND FENCES WITHIN OR NEAR PUBLIC RIGHTS-OF-WAY, ALONG WITH ASSOCIATED AUTHORITY TO REMOVE SUCH ITEMS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Cedric Crear

Summary: Amends LVMC Chapter 10.48 to establish prohibitions regarding the attaching of certain items to trees, poles, structures, amenities, walls and fences within or near public rights-of-way, along with associated authority to remove such items.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of June, 2019, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 17th day of July, 2019, 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 first introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Flora, Anthony, Crear, Knudsen, Seaman and Diaz
VOTING "NAY": NONE
EXCUSED: NONE

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: July 20, 2019
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 22nd day of July, 2019

Notary 

