

[Bracketed] material is that portion being deleted
Underlined material is that portion being added

BILL NO. _____

SUMMARY – An Ordinance to amend Title 16, Sections 16.08.060, 16.08.130, and 16.08.170 of the Clark County Code to amend the newsrack impound procedures; and providing for other matters properly relating thereto.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE AMENDING TITLE 16, SECTIONS 16.08.060, 16.08.130 AND 16.08.170 OF THE CLARK COUNTY CODE TO AMEND THE NEWSRACK IMPOUND PROCEDURES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 16.08.060 of the Clark County Code is hereby amended by the addition of 16.08.060(a)(6) as follows:

(6) May impound any newsrack if it is determined that the newsrack is abandoned.

SECTION 2. Title 16, Chapter 16.08, Section 16.06.130(3) of the Clark County Code is hereby amended as follows:

16.08.130(3) The department of public works shall inspect the newsracks located in the areas where permits are required. If this inspection reveals abandoned or non-used locations for which newsrack permits have been issued, the department of public works shall notify the holders of those permits by certified mail sent to the permittee's address

of record that their right to maintain a newsrack at this location will be terminated if the newsrack and publication are not present at the permitted location within the next seven days. A newsrack shall be deemed abandoned if upon inspection the newsrack is not physically present at the location for which a permit has been issued, or if there are not publications present in the location for a period of five consecutive working days.

Should the permittee desire to contest a termination under this paragraph, the permittee may request a hearing within fourteen working days of receipt of a certified notice sent to the permittee's address of record. Certified mail that is sent to the permittee's address of record and returned to the county undeliverable will be considered received by the permittee for notice purposes, which shall be conducted as provided under Section 16.08.090. Following the termination provided for in this paragraph, the department of public works will make available a new permit for any vacant newsrack location thereby created at the next random drawing. Neither the current permit holder nor a representative from the same publication may reapply for the same newsrack location for one year following a termination.

SECTION 3. Title 16, Chapter 16.08, Section 16.08.170 of the Clark County Code is hereby amended by the addition of 16.08.170(e) as follows:

(e) Newsracks may not remain empty for extended periods of time. A newsrack shall be deemed abandoned if, upon inspection by the director of public works or his designee, there are no publications in the newsrack for five consecutive working days. Whenever the director of public works or his designee has reasonable grounds to believe that a newsrack is abandoned, a notice advising that the newsrack is considered abandoned may be affixed to the newsrack.

If after five consecutive days the newsrack remains empty and the newsrack owner has not notified the director of public works that publications have been placed in the newsrack, the director of public works may impound the abandoned newsrack. Notice of the impounding shall be mailed to the owner of record of the newsrack by certified mail within five working days of the impounding. Certified mail that is sent to the owner's address of record and returned to the county as undeliverable will be considered received by the owner for notice purposes.

SECTION 4. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 5. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the ____ day of _____, 2014.

PROPOSED BY: _____

PASSED on the ____ day of _____ 2014.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____
STEVE SISOLAK, Chairman

ATTEST:

DIANA ALBA, County Clerk

This ordinance shall be in force and effect from and after the _____ day of _____
_____ 2014.