

1 **BILL NO. 2006-64**

2 **ORDINANCE NO. \_\_\_\_\_**

3 AN ORDINANCE TO ADOPT A NEW CHAPTER 11.68A OF THE MUNICIPAL CODE,  
4 RELATING TO THE CITY'S PEDESTRIAN MALL, AND TO PROVIDE FOR OTHER RELATED  
MATTERS.

5 Proposed by: Bradford R. Jerbic, City Attorney      Summary: Adopts a new Chapter 11.68A of the  
6 Municipal Code, relating to the City's Pedestrian  
Mall.

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

9 SECTION 1: Title 11 of the Municipal Code of the City of Las Vegas, Nevada, 1983  
10 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 11.68A, consisting  
11 of Sections 10 to 130, inclusive, reading as follows:

12 **11.68A.010:** The City Council finds that there has been a progressive decline in the economic  
13 growth and vitality of businesses located in the central business district of the City which is  
14 attributable to the decrease in tourists and other visitors to the central business district, that a special  
15 effort is needed on the part of the City to create new jobs, maintain existing employment opportunities,  
16 attract new businesses, tourists and visitors to the central business district and thereby restore the  
17 economic growth and vitality thereof and that the closure of certain streets or parts thereof to vehicular  
18 traffic and the creation of a Pedestrian Mall for the movement, safety, convenience, enjoyment,  
19 entertainment, recreation and relaxation of pedestrians is in the best interest of the City and beneficial  
20 to the owners of adjacent property and the businesses located in the central business district.

21 The City Council further finds that it is in the best interest of the public to select and  
22 contract with a private operating entity for the acquisition, construction, improvement, operation,  
23 management or maintenance of the Pedestrian Mall.

24 **11.68A.020:** As used in this chapter:

25 (A) "Celestial vault lightshow" is the display of computer-generated electronic  
26 images on the ceiling of the celestial vault constructed above Fremont Street and the various light and  
27 sound effect accompanying such images.

28 (B) "Display vehicles" are those vehicles brought into the Pedestrian Mall for

1 purposes of display to the public, and not for the primary purpose of transporting persons or property.

2 (C) "Emergency vehicles" are those motorized devices in, upon or by which any  
3 person or property is or may be transported or drawn upon a street or sidewalk, including, without  
4 limitation, automobiles, motorcycles and mopeds.

5 (D) "Exterior building improvements" means the building facades, marquees,  
6 overhangs, recessed entries, adjoining mall area paving materials, signage and graphics, adjoining  
7 landscaping, building illumination and audible effects or devices.

8 (E) "Motorized vehicles" are those motorized devices in, upon or by which any  
9 person or property is or may be transported or drawn upon a street or sidewalk, including, without  
10 limitation, automobiles, motorcycles and mopeds.

11 (F) "Maintenance vehicles" are those vehicles owned or operated by the City of Las  
12 Vegas, as well as vehicles owned and operated by utilities and other vehicles requiring access onto  
13 the Pedestrian Mall for the purpose of the repair and maintenance of the Pedestrian Mall or facilities  
14 and structures contained therein.

15 (G) "Management agreement" means that agreement executed between The  
16 Fremont Street Experience Limited Liability Company and the City of Las Vegas for the purpose of  
17 acquisition, construction, operation, management or maintenance of the Pedestrian Mall.

18 (H) "Parade" is a group of persons with or without animals or vehicles in a public  
19 procession or march and does not include a procession or march in connection with a special event  
20 or mall entertainment.

21 (I) "Pedestrian Mall Act" refers to NRS 268.810 through 268.823.

22 (J) "Special events" include festivals, sporting events, exhibitions, entertainment  
23 and similar activities which are not offered on a continuous basis, whether or not members of the  
24 public pay an admission or entrance fee to be spectators or participants.

25 (K) "Special permit vehicles" are those vehicles authorized by The Fremont Street  
26 Limited Experience Liability Company in accordance with Section 11.68A.080 to enter upon the  
27 Pedestrian Mall.

28 (L) "Mall advertising" includes all advertising within or in connection with the

1 Pedestrian Mall including, without limitation, any means of marketing or promoting the Pedestrian  
2 Mall, special events, or any other commercial activity, and the display of consumer goods, products,  
3 or services to the users of the Pedestrian Mall for the purpose of encouraging the sale and purchase  
4 thereof, including, without limitation, signs, pictures, or other displays.

5 (M) "Mall entertainment" is the conduct on the part of any person intended to  
6 provide entertainment, recreation, relaxation and enjoyment to the users of the Pedestrian Mall.

7 (N) "Mall vending" is the distribution, display or sale, or any combination thereof,  
8 of consumer goods or services (including food, drink or merchandise) from a pushcart, concession  
9 stand, kiosk or other similar structure designed for such purpose.

10 **11.68A.030:** There is established in the downtown area of the City of Las Vegas a Pedestrian Mall,  
11 the boundaries of which are described in Section 11.68A.040. The surface of all areas designated  
12 therein as a part of the Pedestrian Mall shall be, after the completion of the construction thereon as  
13 evidenced by the issuance of a certificate of completion therefor by the City, limited to the use of  
14 pedestrians. Except for wheelchairs used to transport the physically disabled, emergency vehicles,  
15 maintenance vehicles, special access vehicles, display vehicles, or vehicles granted access to the  
16 Pedestrian Mall by the private operating entity, no motorized vehicle shall be permitted in the area  
17 designated under Section 11.68A.040 as the Pedestrian Mall.

18 **11.68A.040:** (A) The following area constituting and comprising the Pedestrian Mall is legally  
19 described in Exhibit A attached to Ordinance No. 3941, which is codified in this Chapter and adopted  
20 herein as a part of this Chapter.

21 (B) The area legally described in Subsection (A) of this Section is indicated on the  
22 map attached as Exhibit B to Ordinance No. 3941, which is codified in this Chapter and adopted  
23 herein as a part of this Chapter.

24 **11.68A.050:** Notwithstanding the prohibition contained in Section 11.68A.030, vehicular traffic  
25 traveling along Casino Center Boulevard and Fourth Street shall be permitted to cross the Pedestrian  
26 Mall as those street intersect with Fremont Street except during the celestial vault lightshow in which  
27 case such street may be closed to through traffic and as otherwise approved in accordance with Section  
28 11.68A.130.

1 **11.68A.060:** In accordance with the provisions of the Pedestrian Mall Act, the City Council  
2 designates The Fremont Street Experience Limited Liability Company as the private operating entity  
3 for purposes of acquiring, constructing, improving, operating, managing and maintaining the  
4 Pedestrian Mall.

5           Subject to the other provisions of this Chapter and the management agreement, The  
6 Fremont Street Experience Limited Liability Company may determine the uses of the Pedestrian Mall  
7 for any purpose that will enhance the movement, safety, convenience, enjoyment, entertainment,  
8 recreation or relaxation of pedestrians, and other purposes necessary or appropriate to carry out the  
9 provisions of the Pedestrian Mall Act, including, without limitation, seating, merchandising,  
10 exhibiting, advertising and any other use, activity or special event which in the judgment of The  
11 Fremont Street Experience Limited Liability Company will accomplish any of those purposes. The  
12 authority delegated herein to The Fremont Street Experience Limited Liability Company to determine  
13 the uses of the Pedestrian Mall shall not be construed so as to permit any use which is not permitted  
14 in a C-2 Zone.

15 **11.68A.070:** Notwithstanding any other provisions of the Las Vegas Municipal Code, and in  
16 accordance with the provisions of the Pedestrian Mall Act, the City Council delegates to The Fremont  
17 Street Experience Limited Liability Company authority to control and regulate within the Pedestrian  
18 Mall the following:

19           (A)    The distribution and location of movable furniture, sculpture, devices to control  
20 pedestrian traffic, landscaping and other facilities that are incidental to the Pedestrian Mall;

21           (B)    The uses to be permitted or restricted on the Pedestrian Mall by occupants of  
22 abutting property, utilities (provided such is not in conflict with the rights granted under any franchise  
23 agreement) concessionaires, vendors, newspaper vending machines and others to serve the  
24 convenience and enjoyment of pedestrians and the location of such uses;

25           (C)    The raising of revenue through the imposition of a fee for the use of all or a  
26 portion of the Pedestrian Mall for special events or activities to offset the cost of operating and  
27 maintaining the Pedestrian Mall;

28           (D)    The use of the Pedestrian Mall for advertising purposes and the charging of a

1 fee in connection therewith;

2 (E) The operation of any lighting, heating or other facilities in the Pedestrian Mall;

3 (F) The replacement of any landscaping and maintenance of the furniture and  
4 facilities in the Pedestrian Mall;

5 (G) The access to the Pedestrian Mall by the public and closure of the Pedestrian  
6 Mall to the public for purposes of special events or activities for limited periods of time;

7 (H) Other activities, actions or conduct to promote the best interests of the public  
8 and carry out the provision of the Pedestrian Mall Act.

9 The authority delegated herein shall be subject to the City's police power, the provisions of the  
10 management agreement and the other provisions of this Chapter and shall not be construed in  
11 derogation of the constitutional or statutory rights of any person.

12 **11.68A.080:** Upon proper application therefor, The Fremont Street Experience Limited Liability  
13 Company shall issue permits authorizing the special permit vehicles to enter upon the Pedestrian Mall.  
14 These permits shall be issued to the owners and occupants of property adjoining the Pedestrian Mall,  
15 or their designees, whose property as a result of the adoption of the ordinance codified in this Chapter  
16 does not have sufficient access thereto and therefrom for the delivery or pickup of merchandise and  
17 materials, or for the improvement, maintenance or repair of such property. The permit will identify  
18 the hours of each day that the special access vehicles will be granted access in accordance with the  
19 plan submitted under Section 11.68A.120, and may be made effective for such period of time, not to  
20 exceed one year, as may be requested by the applicant.

21 **11.68A.090:** (A) The Fremont Street Experience Limited Liability Company shall allow access  
22 to pedestrians at all times along the entire length of Fremont Street in the Pedestrian Mall and along  
23 the entire length of the other streets therein except as otherwise approved in accordance with Section  
24 11.68A.120. This provision does not require that access along the entire length of the Pedestrian Mall  
25 always be at the same location but does require that access along the entire length of the Pedestrian  
26 Mall be allowed to pedestrians. For purposes of this Section, "pedestrian access" includes reasonable  
27 access for disabled persons in wheelchairs and similar devices. As a prerequisite to closure of the  
28 Pedestrian Mall, The Fremont Street Experience Limited Liability Company must obtain the review

1 and approval of the City's emergency service (police and fire) providers.

2 (B) Notwithstanding any other provision contained in Section 11.68A.070 and  
3 Subsection (A) of this Section, The Fremont Street Experience Limited Liability Company shall  
4 preserve and retain access for pedestrians to the businesses adjoining the Pedestrian Mall unless  
5 consent to the denial thereof has been obtained from the affected businesses.

6 **11.68A.100:** The following are prohibited within the Pedestrian Mall:

7 (A) Animals unless used in connection with a mall activity authorized by The  
8 Fremont Street Experience Limited Liability Company or used for the purpose of assisting the visually  
9 or aurally impaired;

10 (B) Mall vending, mall advertising, mall entertainment special events or other  
11 commercial activities unless conducted or authorized by The Fremont Street Experience Limited  
12 Liability Company;

13 (C) Parades;

14 (D) Unicycles, bicycles and other types of cycles, skateboards, roller skates, in-line  
15 skates and shopping carts except as authorized by The Fremont Street Experience Limited Liability  
16 Company in connection with special events and mall entertainment;

17 (E) Sleeping or camping;

18 (F) Littering;

19 (G) Sexually oriented businesses as described in Section 19.04.040 of the Las Vegas  
20 Municipal Code;

21 (H) The placement of any table, rack, chair, box, cloth, stand, booth, container,  
22 structure or other object within the Pedestrian Mall for purposes of solicitation, except as necessary  
23 for emergency purposes, or the maintenance or repair of the Pedestrian Mall, or as authorized by The  
24 Fremont Street Experience Limited Liability Company for special events, mall advertising, mall  
25 entertainment or mall vending or other commercial and entertainment activities;

26 (I) Glass and metal beverage containers including, but not limited to, bottles, jugs,  
27 drinking glasses, aluminum cans and steel cans, during the hours of ten a.m. to 11:59 p.m. on  
28 December 31st, and the hours of twelve a.m. to eight a.m. on January 1st of each year;

1 (J) Feeding birds; and

2 (K) Solicitation, as defined in LVMC 10.44A.010.

3 **11.68A.110:** Notwithstanding the requirements set forth in other provisions of the Las Vegas  
4 Municipal Code, The Fremont Street Experience Limited Liability Company shall be licensed with  
5 a miscellaneous service license and pay a license fee according to its gross sales as provided in Section  
6 6.04.050 of the Las Vegas Municipal Code. So long as such fee is paid, The Fremont Street  
7 Experience Limited Liability Company is exempt from the following provisions:

8 (A) The permit fees, licensing requirements and prohibitions contained in Chapters  
9 6.11, 6.19, 6.26, 6.28, 6.30, 6.32, 6.42, 6.54, 6.62, 6.73, 6.76, 6.78, 6.81, 6.84;

10 (B) With respect to special events, Sections 6.50.120 and 6.50.130, provided the  
11 requirements of Section 6.50.440, 6.50.450 and 6.50.460 have been satisfied;

12 (C) The special use permit and site plan development review requirements of Title  
13 19 that would otherwise apply;

14 (D) The special sign standards set forth in LVMC 19.06.100(C); and

15 (E) The off-site parking and loading requirements of LVMC Chapter 19.10 that  
16 would otherwise apply.

17 The exemptions granted in this section apply to The Fremont Street Experience Limited Liability  
18 Company and its employees in connection with the acquisition construction, improvement, operation,  
19 management and maintenance of the Pedestrian Mall.

20 **11.68A.120:** (A) Prior to completion of construction of the Pedestrian Mall, The Fremont Street  
21 Experience Limited Liability Company shall submit to the City Council for review and approval a plan  
22 or plans which shall include the following:

23 (1) The architectural theme and design standards which are proposed to be  
24 in effect for new exterior building improvements adjoining and facing the Pedestrian Mall and for the  
25 mall floorscape lying therein;

26 (2) The time and days of operation of the celestial vault lightshow;

27 (3) The location of any traffic control devices (pedestrian or vehicular)  
28 within the Pedestrian Mall;

1 (4) The manner in which access shall be preserved to businesses during the  
2 occurrence of any special events requiring the closure of a portion of the Pedestrian Mall to the public  
3 to the extent that such information can be provided as a part of the plan;

4 (5) The manner in which access will be assured into and onto the Pedestrian  
5 Mall by emergency vehicles;

6 (6) The days and hours on which special permit vehicles will be allowed  
7 access into and onto the Pedestrian Mall;

8 (7) The days and times in which Casino Center Boulevard or Fourth Street,  
9 or both, may be closed to vehicular traffic for special events; and

10 (8) The manner and times in which a portion of the Pedestrian Mall may  
11 be closed to pedestrian access for special events and other activities.

12 (B) For purposes of Subsection (A)(1) of this Section, the architectural theme and  
13 design standards in effect for new exterior building improvements adjoining and facing the Pedestrian  
14 Mall are contained in that document entitled, "Fremont Street Experience Design Criteria Manual,"  
15 three copies of which shall be on file with the City Clerk. The requirements for Subsections (A)(2)  
16 through (A)(8) of this Section shall be as set forth in that document entitled, "The Fremont Street  
17 Experience Traffic and Pedestrian Safety Plan," three copies of which shall be on file with the City  
18 Clerk. Subsequent to approval by the City Council, The Fremont Street Experience Limited Liability  
19 Company shall be responsible for implementing and complying with these plans, and the construction  
20 of new building exterior improvements adjoining or facing the Pedestrian Mall shall comply with the  
21 architectural theme and design standards contained in the Fremont Street Experience Design Criteria  
22 Manual.

23 (C) Any amendments proposed to these plans by The Fremont Street Experience  
24 Limited Liability Company may be made with the approval of the City Manager; except, however, that  
25 any amendment to the Fremont Street Design Criteria Manual shall require approval by the City  
26 Council.

27 (D) Except with respect to site development plan review pursuant to LVMC  
28 19.18.050, any approval given by The Fremont Street Experience Limited Liability Company shall

1 not relieve a property owner who intends to construct new exterior building improvements from  
2 obtaining appropriate approvals and permits from the City which would be required regardless of any  
3 review and approval by the Fremont Street Experience Limited Liability Company. Review and  
4 approval of exterior building improvements by the Fremont Street Experience Limited Liability  
5 Company shall relieve the property owner from compliance with the site development plan review  
6 pursuant to LVMC 19.18.050; provided, however, that any owner aggrieved by the decision of The  
7 Fremont Street Experience Limited Liability Company may seek a determination from the City by  
8 means of the site development plan review pursuant to LVMC 19.18.050.

9 **11.68A.130:** Any person violating the provisions of Sections 11.68A.030, 11.68A.080 and  
10 11.68A.100 shall be guilty of a misdemeanor.

11 SECTION 2: Nothing in this Ordinance is intended to repeal, replace, modify or  
12 amend any other Chapters of the Las Vegas Municipal Code, including Chapters 10.44 or 11.68. All  
13 other provisions of the Code shall remain in force and effect.

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

9 PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

10 APPROVED:

11  
12 By \_\_\_\_\_  
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 \_\_\_\_\_  
16 BARBARA JO RONEMUS, City Clerk

17 APPROVED AS TO FORM:

18 Val Steed 10-24-06  
19 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_ day of \_\_\_\_\_, 2006, and referred to the following committee composed of  
3 \_\_\_\_\_ and \_\_\_\_\_ for recommendation;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_ day of  
5 \_\_\_\_\_, 2006, which was a \_\_\_\_\_ meeting of said Council; that at said  
6 \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City Council  
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

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APPROVED:

By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk