

# City of Las Vegas

**RECOMMENDING COMMITTEE MEETING  
CITY HALL, 400 STEWART AVENUE  
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR  
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>  
NOVEMBER 14, 2006  
4:00 P.M.**

RECOMMENDING COMMITTEE: COUNCILWOMAN TARKANIAN AND COUNCILMAN ROSS

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Bill No. 2006-59 – Establishes certain minimum community service requirements as part of the punishment for contributory delinquency or contributory neglect related to graffiti or property damage. Sponsored by: Mayor Oscar B. Goodman
4. Bill No. 2006-60 – Updates sign standards and related approval processes for the Downtown Casino and Downtown Entertainment Overlay Districts. Sponsored by: Mayor Oscar B. Goodman
5. Bill No. 2006-61 – Requires the applicant for a General Plan Amendment to conduct a neighborhood meeting. Sponsored by: Councilman Gary Reese
6. Bill No. 2006-62 – Updates Title 11 of the Municipal Code, relating to the regulation of traffic and parking. Sponsored by: Councilman Steven D. Ross
7. Bill No. 2006-63 – Adopts a new Chapter 10.44A of the Municipal Code, relating to solicitation. Proposed by: Bradford R. Jerbic, City Attorney
8. Bill No. 2006-64 – Adopts a new Chapter 11.68A of the Municipal Code, relating to the City's Pedestrian Mall. Proposed by: Bradford R. Jerbic, City Attorney

# City of Las Vegas

9. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited

## 10. ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Clerk's Bulletin Board, City Hall Plaza, 2<sup>nd</sup> Floor Skybridge  
Bulletin Board, City Hall Plaza, (next door to Metro Records)  
Las Vegas Library, 833 Las Vegas Boulevard North  
Clark County Government Center, 500 S. Grand Central Parkway  
Grant Sawyer Building, 555 E. Washington Avenue

**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006**

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**DEPARTMENT: CITY CLERK**

**DIRECTOR: BARBARA JO RONEMUS**

**SUBJECT:**

**CALL TO ORDER**



**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006**

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**DEPARTMENT: CITY CLERK**

**DIRECTOR: BARBARA JO RONEMUS**

**SUBJECT:**

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006**

**DEPARTMENT:** CITY ATTORNEY

**DIRECTOR:** BRADFORD R. JERBIC

Consent  Discussion

**SUBJECT:**

NEW BILL:

Bill No. 2006-59 – Establishes certain minimum community service requirements as part of the punishment for contributory delinquency or contributory neglect related to graffiti or property damage. Sponsored by: Mayor Oscar B. Goodman

**Fiscal Impact**

**No Impact**

**Augmentation Required**

**Budget Funds Available**

**Dept./Division:**

**Amount:**

**Funding Source:**

**PURPOSE/BACKGROUND:**

It is believed that the current penalties associated with unlawful graffiti do not go far enough to deter such conduct. This bill would focus on the parents or guardians of minors who engage in this activity, establishing a minimum community service requirement for a parent or guardian as part of the punishment for contributory delinquency or contributory neglect related to graffiti or property damage.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2006-59

1 **BILL NO. 2006-59**

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

3 AN ORDINANCE TO ESTABLISH CERTAIN MINIMUM COMMUNITY SERVICE  
4 REQUIREMENTS AS PART OF THE PUNISHMENT FOR CONTRIBUTORY DELINQUENCY  
5 OR CONTRIBUTORY NEGLIGENCE RELATED TO GRAFFITI OR PROPERTY DAMAGE, AND  
6 TO PROVIDE FOR OTHER RELATED MATTERS.

7 Sponsored by: Mayor Oscar B. Goodman

8 Summary: Establishes certain minimum  
9 community service requirements as part of the  
10 punishment for contributory delinquency or  
11 contributory neglect related to graffiti or  
12 property damage.

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

15 SECTION 1: Title 10, Chapter 48, of the Municipal Code of the City of Las Vegas,  
16 Nevada, 1983 Edition, is hereby amended to add thereto a new section, designated as Section 105,  
17 reading as follows:

18 **10.48.105:** (A) In the case of a violation of NRS 201.110 where the act or omission:

19 (1) Is the proximate cause of unlawful graffiti or property damage;

20 (2) Fails to abate, prohibit or avoid unlawful graffiti or property damage;

21 or

22 (3) Fails to protect any property from such unlawful graffiti or property

23 damage,

24 ➔the offender's punishment shall include restitution for any property damage; community service  
25 of at least fifty, but not more than ninety-nine, hours; or both. This punishment shall be in addition  
26 to any other punishment for a misdemeanor that is deemed appropriate and is within the municipal  
27 court's authority, but the aggregate punishment may not exceed that permissible for a misdemeanor.

28 (B) The requirement for community service in Subsection (A) is satisfied where:

(1) A parent or legal guardian is the person convicted of a violation of

Subsection (A);

(2) The minor for whom the parent or legal guardian is responsible has been

ordered by a court of competent jurisdiction to perform community service; and

1 (3) The parent or legal guardian has been present during every hour of the  
2 minor's performance of community service.

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

11 SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases,  
12 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
13 1983 Edition, in conflict herewith are hereby repealed.

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

15 APPROVED:  
16  
17 By \_\_\_\_\_  
18 OSCAR B. GOODMAN, Mayor

19 ATTEST:  
20  
21 \_\_\_\_\_  
22 BARBARA JO RONEMUS, City Clerk

23 APPROVED AS TO FORM:  
24 \_\_\_\_\_  
25 Date

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27  
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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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12

APPROVED:

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

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ATTEST:

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BARBARA JO RONEMUS, City Clerk

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**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006**

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**DEPARTMENT:** CITY ATTORNEY

**DIRECTOR:** BRADFORD R. JERBIC

Consent  Discussion

**SUBJECT:**

NEW BILL:

Bill No. 2006-60 – Updates sign standards and related approval processes for the Downtown Casino and Downtown Entertainment Overlay Districts. Sponsored by: Mayor Oscar B. Goodman

**Fiscal Impact**

No Impact

Augmentation Required

Budget Funds Available

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

This bill will update the sign standards and related approval processes for the Downtown Casino and Downtown Entertainment Overlay Districts. Among the updates is a provision to allow freestanding signs within these districts if they form part of a wayfinding system or identity program related to the particular area. The bill will also provide a mechanism for obtaining waivers related to certain sign requirements.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2006-60

1 **BILL NO. 2006-60**

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

3 AN ORDINANCE TO UPDATE SIGN STANDARDS AND RELATED APPROVAL PROCESSES  
4 FOR THE DOWNTOWN CASINO AND DOWNTOWN ENTERTAINMENT OVERLAY  
DISTRICTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Sponsored by: Mayor Oscar B. Goodman                      Summary: Updates sign standards and related  
6 approval processes for the Downtown Casino  
and Downtown Entertainment Overlay Districts.

7 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

8 AS FOLLOWS:

9 SECTION 1: Title 19, Chapter 6, Section 100, Subsection (C), of the Municipal Code  
10 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 (C) Special Sign Standards.

12 (1) Signs on parcels within the Sub-district are exempt from the sign regulations contained  
13 in the Zoning Code (Chapter 19.14) to the extent that those regulations are inconsistent with the  
14 provisions of this Section 19.06.100. Provisions of Chapter 19.14 that are not inconsistent with the  
15 provisions of this Section shall continue to apply to signs within the District. Such provisions of  
16 Chapter 19.14 may be applied by the Director or be made applicable as part of the review and approval  
17 process set forth in this Section.

18 (2) Any sign existing in the District as of January 2, 2002, that conforms to the provisions  
19 of Chapter 19.14 or has been allowed to continue under nonconforming status may continue under the  
20 provisions of this Section as long as a current permit is maintained, the sign is structurally sound and  
21 in good working order, and the sign does not create a public nuisance or otherwise violate any  
22 ordinance, regulation or statute. Except as otherwise provided by ordinance, any such sign shall not  
23 be subject to removal or modification by reason of any amendment to Chapter 19.14.

24 (3) The sign standards contained in this Section shall:

25 (a) Be interpreted and applied with reference to the background provisions set forth  
26 in Subsection (B) above;

27 (b) Apply to all property, development, expansion and renovation within the Sub-  
28 district except property located within the boundaries of the Pedestrian Mall, as described in LVMC

1 Chapter 11.68; and

2 (c) Apply to any building façade within one hundred twenty-five feet of the  
3 centerline of the streets that border the Sub-district (referred to hereafter as the “buffer area”). (See  
4 Illustration A)

5 (4) The development, construction, expansion, or renovation of freestanding signs within  
6 the Sub-district is prohibited, except signs that:

7 (a) Belong to or are within the Neon Museum collection; [or]

8 (b) Have been declared by the Las Vegas Historic Preservation Commission to be  
9 “historic” or [“contributing.”] “contributing”; or

10 (c) Are components of a wayfinding system or identity program for the Sub-district.

11 (5) Each wall-mounted sign within the Sub-district shall be a minimum of ten feet  
12 vertically above the height of the finished sidewalk along public rights-of-way and public pedestrian  
13 pathways. (See Illustration B) On-premise signs that do not exceed sixty-five square feet in size are  
14 exempt from this requirement, provided that there is a separation between such signs of at least fifty  
15 linear feet along the right-of-way or pathway.

16 (6) Of all signage to be placed along Fourth Street, or along any street that is adjacent and  
17 perpendicular to Fourth Street and is within one hundred twenty-five feet of the centerline of Fourth  
18 Street, at least seventy-five percent of the total sign surface areas must consist of neon signs or  
19 animated signs, or a combination thereof. (See Illustration C) Of all signage that is not within the  
20 areas described in the preceding sentence, the minimum percentage of neon or animated signage, or  
21 combination thereof, is fifty percent.

22 (7) Individual sign surface areas shall not exceed a total of one thousand five hundred  
23 square feet.

24 (8) For any one wall, the maximum wall coverage for the composite total of all sign  
25 surface areas shall not exceed fifty percent of the eligible wall signage area, as depicted in Illustration  
26 D. This limitation does not apply to roof signs located above the roofline of the building façade nor  
27 to transparent “building wrap” signage.

28 (9) The minimum separation distance between off-premise signs shall be five feet.

1 (10) The total sign surface area of each wall mounted, roof mounted, or parapet mounted  
2 sign shall not exceed one thousand five hundred square feet, and no such sign shall extend vertically  
3 more than twenty feet above the height of the parapet.

4 (11) Animated signs must be fully operational and continuously animated twenty-four hours  
5 a day. Changes to the image or other animation feature must occur no less frequently than every thirty  
6 seconds, except when required maintenance or change of message dictates otherwise.

7 (12) Each off-premise sign with at least two rotating or changing messages, images or  
8 contents, must change at least once every thirty seconds, and the sign must be framed by a decorative  
9 faceplate or frame that is at least eighteen inches in width and that includes at least one band of  
10 illuminated neon tubing completely surrounding the sign.

11 (13) At least seventy-five percent of off-premise signs are encouraged to be used to  
12 advertise places, products, goods, services, ideas or statements whose subject is available or located  
13 within the District.

14 (14) It is recommended that all signs be fully illuminated from at least one hour before dusk  
15 until one hour after dawn. Signs may be fully illuminated during daylight hours also.

16 (15) Signs may not encroach into any public right-of-way, or any intersection more than  
17 eight feet perpendicular to the building wall to which the sign is attached. (See Illustration E)  
18 Marquee signage along Fourth Street is exempt from this limitation. The City does not encourage  
19 encroachment of signage into public rights-of-way, and the applicant or sign owner must obtain all  
20 necessary encroachment approvals before the installation of any sign.

21 (16) The owner and operator of each sign is responsible for ensuring that appropriate sign  
22 maintenance occurs and that repairs of damaged signs are accomplished promptly.

23 SECTION 2: Title 19, Chapter 6, Section 100, Subsection (D), of the Municipal Code  
24 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 (D) Special Sign Standards--Review and Approval Procedures.

26 (1) Design Review Committee. There is hereby created a Design Review Committee  
27 (DRC) for the review of signs proposed to be located within the Sub-district and buffer area. The  
28 DRC shall be composed of: two members of the Planning Commission, two representatives of the

1 Department designated by the Director, and one representative of the City's Office of Business  
2 Development. The DRC shall have the authority to review and approve applications for all signs,  
3 subject to the provisions of this Section.

4 (2) Application Process. Sign applications shall be submitted to the Department. The  
5 Department shall forward the application to the DRC for review and action. The DRC shall review  
6 the application and shall approve, approve with conditions, or deny the application.

7 (3) Design Review Provisions. The following design review procedures shall apply:

8 (a) The DRC may approve a sign application for single or multiple uses if it  
9 determines that each sign is compatible with the theme and overall character to be achieved in the  
10 area. The DRC shall base its assessment of compatibility on the following criteria:

11 i. The application's compliance with the standards identified in this  
12 Section.

13 ii. The relationship of the scale and placement of the sign to the building  
14 or premises upon which it is to be displayed.

15 iii. The relationship of colors of the sign to the colors of adjacent buildings  
16 and nearby street graphics.

17 iv. The similarity or dissimilarity of a sign's size and shape to the size and  
18 shape of other signs in the area.

19 v. The similarity or dissimilarity of the style of lettering on the sign to the  
20 style of lettering of nearby street graphics.

21 vi. The compatibility of the type of illumination, if any, with the type of  
22 illumination in the area.

23 vii. The compatibility of the materials used in the construction of the sign  
24 with the material used in the construction of other signs in the area.

25 viii. The aesthetic and architectural compatibility of the proposed sign with  
26 the building upon which the sign is suspended, including its signage, and with the surrounding  
27 buildings and their signage.

28 ix. The sign's use of high quality, durable materials such as hardwoods,

1 painted wood, metal, stainless steel, painted steel, brass or glass.

2 (b) Applications for the design review of signs shall be processed as follows:

3 i. An application shall include: a complete set of plans which contain  
4 visual representations of the lettering, illumination, color, area and height of graphics, and may also  
5 indicate the areas and building where they may be placed and located; photographic or drawn  
6 elevations of a minimum of two hundred sixty-six feet of frontage, with proposed signs superimposed,  
7 to show the context and perspective of the proposed signs; a drawing of each sign at one-half-inch to  
8 one-inch scale; and any other items required by the Director or the DRC.

9 ii. Applications shall be forwarded to the DRC by the Department at least  
10 two weeks prior to the regularly scheduled DRC meeting.

11 iii. Approval or denial of an application by the DRC shall be made in  
12 writing with reasons for approval, denial, or approval with conditions, within fifteen days following  
13 each DRC meeting. In the event written notification of the action is not provided within that period,  
14 the application shall be deemed to have been denied. Decisions of the DRC may be appealed to City  
15 Council in accordance with the provisions of [subsection (d)] Paragraph (5) below.

16 (4) Waivers. The DRC is authorized to waive any of the sign standards set forth in  
17 Subsection (C), other than the prohibitions contained in Paragraph (4) thereof, if:

18 (a) The applicant establishes that a waiver is warranted based upon conditions  
19 specific to the parcel; and

20 (b) The DRC determines that the waiver:

21 i. Will not compromise the design objectives of the sign standards; and

22 ii. Will further the City's redevelopment efforts.

23 [(4)] (5) Appeals. The applicant may appeal [the] a decision of the DRC to the City Council.  
24 An appeal must be in written form and must be filed in the office of the City Clerk, with a copy to be  
25 filed in the office of the Department. The appeal must be filed within ten days after notification of  
26 the administrative decision has been given (or within ten days after the deadline for notification has  
27 passed), and shall specifically describe the decision at issue and the basis for the appeal. The appeal  
28 shall be considered on the next available agenda of the City Council.

1     ~~[(5)]~~ (6) Rules and Regulations. The DRC shall have the authority to adopt rules and  
2 regulations concerning its administrative procedures.

3             SECTION 3: Title 19, Chapter 6, Section 120, Subsection (E), of the Municipal Code  
4 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 (E) Review and Approval Procedures (General).

6             (1) General Procedures. Except as otherwise provided in this Paragraph (1), [Any] any  
7 application for development within the Downtown Entertainment Overlay District [, including without  
8 limitation an application for a new building, the remodeling of a building, a Site Plan Review or a  
9 Special Use Permit, shall be processed in accordance with the procedures described in this Subsection  
10 (E). The procedures set forth in this Subsection (E) are not intended to take the place of any General  
11 Plan Amendment, Rezoning or Special Use Permit requirement that may apply, but otherwise will  
12 replace] shall be processed in accordance with the normal review and approval processes set forth in  
13 Chapter 19.18. Any application for new signage or façade improvements, and any application for Site  
14 Development Plan Review, shall be processed in accordance with the procedures described in this  
15 Subsection (E).

16             (2) Design Review Committee. There is hereby created a Design Review Committee for  
17 the Downtown Entertainment Overlay District (DEOD-DRC). The DEOD-DRC shall be composed  
18 of:

19                 (a) Two members from the Planning Commission, to be designated by the Planning  
20 Commission;

21                 (b) Two members from the Planning and Development Department;

22                 (c) One member from the Office of Business Development who is assigned to the  
23 City of Las Vegas Redevelopment Agency; and

24                 (d) Two members from an owners' association that is representative of the owners  
25 of property located within the District, to be designated by the governing board thereof.

26             (3) Authority. [Authority is hereby expressly granted to the DEOD-DRC to review and  
27 approve applications for all designs, subject to the specific provisions of this Section 19.06.120 that  
28 are applicable to the Downtown Entertainment Overlay District.] The DEOD-DRC shall have the

1 authority to review and approve all applications for new signage or façade improvements, and to  
2 review and make recommendations concerning applications for Site Development Plan Review. Such  
3 actions shall be subject to all applicable provisions of this Section and Section 19.06.100.

4 (4) Submittals. Applications shall be submitted to the Planning and Development  
5 Department. The Department shall forward the application to the DEOD-DRC for its review and  
6 action. [The DEOD-DRC shall review the application and shall approve, approve with conditions, or  
7 deny the application.]

8 (5) Design Review Standards. The following design review standards shall apply:

9 (a) The DEOD-DRC may approve an application for single or multiple uses. The  
10 DEOD-DRC shall base its assessment of compatibility on the following criteria:

11 (i) The compliance of the application with the site planning and  
12 architectural design standards applicable to the Downtown Overlay District, as identified in LVMC  
13 19.06.060, and with any applicable guidelines that might subsequently be adopted by the City Council.

14 (ii) The compliance of the application with the signage standards and  
15 requirements applicable to the Special Signage Sub-district of the Downtown Casino Overlay District,  
16 as identified in LVMC 19.06.100.

17 (iii) The relationship of the scale and placement of the building to the block  
18 upon which it is to be built or remodeled.

19 (iv) The relationship of colors to the colors of adjacent buildings and nearby  
20 street graphics.

21 (v) The similarity or dissimilarity of the building's size and shape to the size  
22 and shape of others in the area.

23 (vi) The compatibility of the type of illumination with the type of  
24 illumination in the area.

25 (vii) The compatibility of the materials used in the construction of the  
26 building with the material used in the construction of other buildings in the area.

27 (viii) The use of high quality, durable materials and exciting, imaginative  
28 designs.

1           (6)    Processing of Applications. Applications for design review shall be processed as  
2 follows:

3                   (a)    An application shall be forwarded to the DEOD-DRC by the Planning and  
4 Development Department at least [two weeks] five days prior to the regularly scheduled DEOD-DRC  
5 meeting.

6                   (b)    [Approval or denial of] Action on the application by the DEOD-DRC shall be  
7 made and set forth in writing, with reasons for [approval, denial, or approval with conditions,] the  
8 action taken, within fifteen days following each DEOD-DRC meeting. In the event a written  
9 notification is not made within said fifteen days, the application shall be deemed to have been denied.  
10 Decisions of the DEOD-DRC may be appealed to City Council in accordance with the provisions of  
11 Paragraph [(7)] (8) below.

12                   (c)    A complete set of plans shall be submitted, which shall contain visual  
13 representations of the building, illumination, color, materials and signs.

14                   (d)    Photographic or drawn elevations of the building frontage shall be submitted  
15 as well.

16                   (e)    The application shall also include or address any additional materials or  
17 representations as may be mandated by the Planning and Development Department or the DEOD-  
18 DRC.

19           (7)    Waivers. The DEOD-DRC is authorized to waive any of the sign standards and façade  
20 design requirements referred to in Paragraph (5), other than the prohibition of any sign or use, if:

21                   (a)    The applicant establishes that a waiver is warranted based upon conditions  
22 specific to the parcel; and

23                   (b)    The DEOD-DRC determines that the waiver:  
24                            i.    Will not compromise the design objectives of the standards and  
25 requirements; and

26                            ii.   Will further the City's redevelopment efforts.

27           [(7)] (8)   Appeals. An applicant may appeal [the] a decision of the DEOD-DRC to the City  
28 Council. An appeal must be in written form and must be filed in the office of the City Clerk, with a

1 copy to be filed in the office of the Planning and Development Department. The appeal must be filed  
2 within ten days after the decision is made and shall specifically describe the decision at issue and the  
3 basis for the appeal. The appeal shall be considered on the next available agenda of the City Council.

4 [(8)] (9) Rules and Regulations. The DEOD-DRC shall have the authority to adopt rules and  
5 regulations concerning its administrative procedures.

6 SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.06.100  
7 and 19.06.120 are deemed to be subchapters rather than sections.

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

16 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,  
17 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
18 1983 Edition, in conflict herewith are hereby repealed.

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

20 APPROVED:

21  
22 By \_\_\_\_\_  
23 OSCAR B. GOODMAN, Mayor

24 ATTEST:  
25 \_\_\_\_\_  
26 BARBARA JO RONEMUS, City Clerk

27 APPROVED AS TO FORM:  
28 Val Steed 10-18-06  
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

**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006**

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**DEPARTMENT:** CITY ATTORNEY

**DIRECTOR:** BRADFORD R. JERBIC

Consent  Discussion

**SUBJECT:**

**NEW BILL:**

Bill No. 2006-61 – Requires the applicant for a General Plan Amendment to conduct a neighborhood meeting. Sponsored by: Councilman Gary Reese

**Fiscal Impact**

**No Impact**

**Augmentation Required**

**Budget Funds Available**

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

This bill will follow up State legislation adopted last session to require the applicant for a General Plan Amendment to conduct a neighborhood meeting before the proposal is heard before the Planning Commission. The bill specifies the type of notification required and the means of documenting the notification provided.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2006-61

1 **BILL NO. 2006-61**

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

3 AN ORDINANCE TO REQUIRE THE APPLICANT FOR A GENERAL PLAN AMENDMENT TO  
4 CONDUCT A NEIGHBORHOOD MEETING, AND TO PROVIDE FOR OTHER RELATED  
MATTERS.

5 Sponsored by: Councilman Gary Reese

Summary: Requires the applicant for a General  
Plan Amendment to conduct a neighborhood  
meeting.

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

9 SECTION 1: Title 19, Chapter 18, Section 30, Subsection (C), of the Municipal Code  
10 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new  
11 paragraph, designated as Paragraph (8), reading as follows:

12 (8) Neighborhood Meeting. Before the Planning Commission may conduct a public hearing on  
13 a General Plan Amendment, the applicant must hold a neighborhood meeting to provide an  
14 explanation of the proposed amendment. Notice of such a meeting must be given by the applicant to:

15 (a) Each owner, as listed on the county assessor's records, of real property located within  
16 a radius of seven hundred fifty feet of the area to which the proposed amendment pertains;

17 (b) The owner, as listed on the county assessor's records, of each of the thirty separately  
18 owned parcels nearest to the area to which the proposed amendment pertains, to the extent this notice  
19 does not duplicate the notice given pursuant to paragraph (a);

20 (c) Each tenant of a mobile home park if that park is located within a radius of seven  
21 hundred fifty feet of the area to which the proposed amendment pertains; and

22 (d) The president or head of each local neighborhood organization that is registered with  
23 the City for notification purposes and whose organization boundaries are located within one mile of  
24 the area to which the proposed amendment pertains.

25 ➡ The notice must be sent by mail at least ten days before the neighborhood meeting and include the  
26 date, time, place and purpose of the meeting. No later than seventy-two hours before the meeting, the  
27 applicant must complete and file with the Department a notarized affidavit indicating the time and date  
28 of the meeting, the date the notice was mailed, a copy of the notice, and a listing of the names and

1 addresses to which the notice was mailed.

2 SECTION 2: For purposes of Section 2.100(3) of the City Charter, LVMC 19.18.030  
3 is deemed to be a subchapter rather than a section.

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

12 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,  
13 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
14 1983 Edition, in conflict herewith are hereby repealed.

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

16 APPROVED:

17  
18 By \_\_\_\_\_  
19 OSCAR B. GOODMAN, Mayor

20 ATTEST:

21 \_\_\_\_\_  
22 BARBARA JO RONEMUS, City Clerk

23 APPROVED AS TO FORM:

24 Val Steed 10-18-06  
25 Date

26  
27  
28

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

**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006**

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**DEPARTMENT:** CITY ATTORNEY

**DIRECTOR:** BRADFORD R. JERBIC

Consent  Discussion

**SUBJECT:**

New Bill:

Bill No. 2006-62 – Updates Title 11 of the Municipal Code, relating to the regulation of traffic and parking. Sponsored by: Councilman Steven D. Ross

**Fiscal Impact**

**No Impact**

**Augmentation Required**

**Budget Funds Available**

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

This bill will update Title 11 of the Municipal Code, relating to the regulation of traffic and parking. Most of the updates are minor and clarifying in nature. The bill does include an increase in the fine amounts for parking a vehicle in certain prohibited locations, and adjusts the provisions relating to parking exemption permits.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

1. Bill No. 2006-62
2. Business Impact Statement

1 **BILL NO. 2006-62**

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

3 AN ORDINANCE TO UPDATE TITLE 11 OF THE MUNICIPAL CODE, RELATING TO THE  
4 REGULATION OF TRAFFIC AND PARKING, AND TO PROVIDE FOR OTHER RELATED  
MATTERS.

5 Sponsored by: Councilman Steven D. Ross

Summary: Updates Title 11 of the Municipal  
Code, relating to the regulation of traffic and  
parking.

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

9 SECTION 1: Title 11, Chapter 2, Section 70, of the Municipal Code of the City of  
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **11.02.070:** "Taxicab" means a motor vehicle which is properly licensed under State and local law  
12 to provide taxicab service for a charge or fee. [In addition, the term includes any other motor vehicle  
13 which is properly licensed under State and local law to provide transportation services for up to ten  
14 person, including the driver, for a charge or fee.]

15 SECTION 2: Title 11, Chapter 4, Section 40, of the Municipal Code of the City of  
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **11.04.040:** It is the duty of the officers of the Las Vegas Metropolitan Police Department and such  
18 other officers as are assigned by the Sheriff to enforce, and officers of the [Park Ranger Unit of the  
19 Department of Detention and Enforcement] City's Deputy City Marshal Unit are authorized to  
20 enforce, all street traffic laws of the City and all of the State vehicle laws applicable to street traffic  
21 in the City.

22 SECTION 3: Title 11, Chapter 4, Section 50, of the Municipal Code of the City of  
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **11.04.050:** Officers of the Las Vegas Metropolitan Police Department and such officers as are  
25 assigned by the Sheriff, and officers of the [Park Ranger Unit of the Department of Detention and  
26 Enforcement,] City's Deputy Marshal Unit, are authorized to direct all traffic by voice, hand or signal  
27 in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite  
28 traffic or to safeguard pedestrians, such officers may direct traffic as conditions may require,

1 notwithstanding the provisions of the traffic laws.

2 SECTION 4: Title 11, Chapter 6, Section 30, of the Municipal Code of the City of  
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **11.06.030:** No person shall wilfully fail or refuse to comply with any lawful order or direction of  
5 [a Police Officer, Department of Fire Services official or Traffic Engineering Division official.] any  
6 officer or official who is authorized to enforce the provisions of this Chapter.

7 SECTION 5: Title 11, Chapter 10, Section 20, of the Municipal Code of the City of  
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **11.10.020:** Whenever any vehicle is found in violation of the parking laws which are set forth in  
10 this Title, a Notice of Infraction [must be issued.] may be issued in accordance with this Chapter.

11 SECTION 6: Title 11, Chapter 10, Section 30, of the Municipal Code of the City of  
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **11.10.030:** (A) [The] A Notice of Infraction issued under this Chapter must contain the  
14 following information:

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

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

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

19 (4) The number of the applicable parking meter, [which is adjacent to the  
20 vehicle,] if the vehicle is violating a parking regulation respecting the use of parking meters, as  
21 provided for in Chapter [54 of Title 11 of this Code;] 11.54;

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

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

24 (7) The names of the operator and/or the registered owner of the vehicle,  
25 if they are known to the person who issues the Notice of Infraction;

26 (8) Information which advises of the manner in which, and the time within  
27 which, the Notice of Infraction must be answered;

28 (9) Any other reasonable information which is prescribed by the Department

1 of Detention and Enforcement or Department of Business Activity.

2 (B) [Error] No error concerning or omission of any of the above-described  
3 information is [not] grounds for the dismissal of an action relating to a Notice of Infraction unless the  
4 person requesting such a disposition demonstrates substantial prejudice therefrom by a preponderance  
5 of the evidence.

6 (C) Where the Notice of Infraction data is [stored into] entered into and stored in  
7 a computer or similar device, any printout or other output readable by sight which accurately reflects  
8 such data is an “original” Notice of Infraction for purposes of this Chapter. Any such recording which  
9 is moved or copied into another computer or similar device and is intended to have the same effect  
10 by the issuing officer is also an “original” Notice of Infraction for purposes of this Chapter.

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

13 SECTION 7: Title 11, Chapter 10, Section 50, of the Municipal Code of the City of  
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **11.10.050:** An original Notice of Infraction, or a facsimile thereof, must be filed with the  
16 Department of [Business Activity] Finance and Business Services and retained by that Department,  
17 and is deemed to be a public record of matters which are observed pursuant to a duty which is imposed  
18 by law and is prima facie evidence of the facts which are alleged therein. An original or duplicate of  
19 the Notice of Infraction must be served on the person to whom it is issued as provided in Section  
20 11.10.060.

21 SECTION 8: Title 11, Chapter 10, Section 70, of the Municipal Code of the City of  
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **11.10.070:** (A) The operator of a vehicle is liable for the civil fines and civil penalties which  
24 are imposed pursuant to this Chapter. The registered owner of the vehicle, even if he is not the  
25 operator thereof, is also liable for such civil fines and civil penalties unless he is able to demonstrate  
26 that the vehicle was used without his permission, express or implied. A registered owner who pays  
27 any civil fine and/or civil penalty pursuant to this Chapter has the right to recover from the operator  
28 of the vehicle the civil fine and/or civil penalty so paid and has a cause of action in any court which

1 has appropriate jurisdiction against the operator of the vehicle for the amount so paid.

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

9 SECTION 9: Title 11, Chapter 10, Section 150, of the Municipal Code of the City of  
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **11.10.150:** For parking a vehicle [(1) in the area which is posted with a parking time limit or in  
12 a space which is equipped with a parking meter for a period which is longer than the prescribed time,  
13 or (2) in any space which is equipped with a parking meter while said meter is displaying a signal  
14 which indicates that the vehicle in such parking space has already been parked beyond the prescribed  
15 time,] in any of the following locations, under the circumstances indicated, the civil fine is twenty  
16 dollars[.]:

17 (A) In any area posted with a parking time limit for a period longer than the  
18 prescribed time; or

19 (B) In any space equipped with a parking meter while the meter displays a signal  
20 indicating that the vehicle has already been parked in that space beyond the prescribed time.

21 SECTION 10: Title 11, Chapter 10, Section 160, of the Municipal Code of the City of  
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **11.10.160:** (A) For parking a vehicle in any of the following locations, the civil fine is [thirty]  
24 thirty-five dollars:

25 (1) An area posted so as to limit parking to tour buses, shuttle buses or  
26 limos;

27 (2) Adjacent to a drop box for U.S. mail;

28 (3) Adjacent to a curb or road surface which is painted red, unless

1 Subsection (B) of this Section applies; or

2 (4) At a parking meter space with a parking meter that has been [hooded  
3 for another person's, company's, contractor's or agency's use or that has been hooded due to the  
4 malfunction of the parking meter pursuant to LVMC 11.54.230.] posted as reserved or out of service,  
5 either for use by another person, company, contractor or agency pursuant to Section 11.54.230, or  
6 because of a malfunction of the parking meter.

7 (B) For parking a vehicle at any of the following locations, the civil fine is [one  
8 hundred] two hundred fifty dollars:

9 (1) Adjacent to any curb or road surface which is painted red and is posted  
10 with signage indicating "NO STOPPING, STANDING OR PARKING"; "EMERGENCY VEHICLES  
11 ONLY"; or "ARMORED CARS ONLY";

12 (2) Within a fire lane, whether on public or private property, which has been  
13 designated and posted as such pursuant to [Sections 901 and 902 of the Fire Code, as adopted by the  
14 City;] the applicable provisions of the City's Fire Code, as adopted under Chapter 16.16; or

15 (3) Within fifteen feet of a fire hydrant located on either public or private  
16 property, whether or not:

17 (a) A sign has been posted to indicate "No Parking[.]" or

18 (b) The adjacent curb or road surface has been painted red.

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

21 **11.10.240:** (A) The City is authorized to attach an immobilizing device to a vehicle that is  
22 parked on any public right-of-way or City-owned or -operated lot if the vehicle is included on an  
23 immobilization eligibility list. A vehicle may be included on an immobilization eligibility list only  
24 if:

25 (1) The registered owner of the vehicle has accumulated more than \$500.00  
26 in unpaid civil fines, judgments and penalties, or at least five Notices of Infraction have been issued  
27 and served with respect to that vehicle and have not been responded to within the time set forth in  
28 Section 11.10.090; and

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

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

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

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

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

15 (1) The registered owner pays all fines, judgments, penalties and applicable  
16 immobilization, towing and storage fees;

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

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

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

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

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

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

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

3 (E) The City may (but is not obligated to) cause to be towed and stored any vehicle  
4 which has been immobilized if, within twenty-four hours after immobilization, no arrangements have  
5 been made for the vehicle's release. An unregistered vehicle that is immobilized may be towed and  
6 stored immediately. Within ten days after an immobilized vehicle is towed, the City shall send a  
7 notice advising that the vehicle has been immobilized and towed. The notice shall be provided by  
8 means of certified mail, return receipt requested, mailed to the registered owner at the address last  
9 known to the City or on file with the Department of Motor Vehicles. The notice shall state that the  
10 registered owner is entitled to request a hearing pursuant to Subsection (H) of this Section to  
11 determine the validity of the immobilization.

12 (F) An immobilization fee of fifty dollars shall be paid by or on behalf of the  
13 registered owner of the vehicle prior to the removal of an immobilizing device.

14 (G) Release of an immobilized vehicle may be obtained by:

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

17 (2) In connection with the request of a hearing to determine the validity of  
18 the immobilization of the vehicle, the posting of a bond or other sufficient undertaking in an amount  
19 which will satisfy all fines, judgments, penalties and applicable immobilization, towing and storage  
20 fees.

21 (H) The registered owner of a vehicle may request a hearing regarding the  
22 immobilization of the owner's vehicle. The request for hearing must be made within ten days after  
23 the date of the notice described in Subsection (D) or Subsection (E) of this Section. The hearing shall  
24 be held before the Hearing Officer and shall be limited to a determination of whether there was a  
25 factual and legal basis for the immobilization. Failure to request or attend a hearing shall be deemed  
26 a waiver of the right to a hearing. If the Hearing Officer determines that there was a factual and legal  
27 basis for the immobilization, the bond or undertaking shall be forfeited. If the hearing officer  
28 determines that there was an insufficient factual and legal basis for the immobilization, the bond or

1 undertaking shall be exonerated.

2 SECTION 12: Title 11, Chapter 44, Section 60, of the Municipal Code of the City of  
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **11.44.060:** Upon those streets or highways or parts of streets or highways described in Schedule  
5 18-V, a copy of which shall be maintained for public inspection in the offices of the City Clerk and  
6 the City Traffic Engineer, which may be amended from time to time by written finding of the City  
7 Traffic Engineer, no person shall stop, stand or park a vehicle for any purpose or length of time other  
8 than for the expeditious and continuous loading and delivery or pickup and loading of heavy or  
9 voluminous freight, cargo or other goods in any place marked as a commercial loading zone during  
10 hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading  
11 and unloading of materials exceed thirty minutes, day or night. [Any vehicle, other than a vehicle with  
12 commercial markings evidencing its commercial use, while parked in a commercial loading zone,  
13 must prominently display a commercially printed sign, no less than eight inches in width and ten  
14 inches in height which identifies the commercial use of the vehicle parked. This provision shall not  
15 apply to one who has obtained a loading permit under LVMC 11.52.090.] The use of a commercial  
16 loading zone under this Section is limited to:

17 (A) Commercial vehicles whose commercial nature is evident from the type of  
18 vehicle; or

19 (B) Vehicles which have commercially-printed markings on the exterior of the  
20 vehicle clearly identifying the commercial use of the vehicle.

21 SECTION 13: Title 11, Chapter 52, Section 180, of the Municipal Code of the City of  
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **11.52.180:** (A) When signs are posted giving notice thereof, no person shall stop, stand or park  
24 a vehicle[, other than a vehicle with commercial markings evidencing its commercial use or a vehicle  
25 prominently displaying a commercially printed sign, no less than eight inches in width and ten inches  
26 in height which identifies the commercial use of the vehicle parked actually engaged in loading or  
27 unloading heavy or voluminous freight, cargo or other goods, in an alley described in Schedule 17-I,  
28 a copy of which is to be maintained for public inspection in the office of the City Clerk and the City

1 Traffic Engineer, and such other alleys as may be added to said schedule by written finding of the City  
2 Traffic Engineer. The prohibition contained in this Subsection shall not apply to a person who has  
3 obtained a loading permit under LVMC 11.52.090.] in an alley described in Schedule 17-I, a copy of  
4 which is to be maintained for public inspection in the office of the City Clerk and the City Traffic  
5 Engineer, and such other alleys as may be added to the schedule by written finding of the City Traffic  
6 Engineer, except for the following vehicles, while actually engaged in loading or unloading heavy or  
7 voluminous freight, cargo or other goods:

8 (1) Commercial vehicles whose commercial nature is evident from the type  
9 of vehicle; or

10 (2) Vehicles which have commercially-printed markings on the exterior of  
11 the vehicle clearly identifying the commercial use of the vehicle.

12 (B) When signs are posted giving notice thereof, no person shall park a vehicle at  
13 any time in alleys or portions thereof described in Schedule 17-II, a copy of which is to be maintained  
14 for public inspection in the office of the City Clerk and the City Traffic Engineer, and such other alleys  
15 as may be added to [said Schedule] the schedule by written finding of the City Traffic Engineer.

16 (C) A vehicle otherwise lawfully parked in an alley shall not park for a greater  
17 period than thirty minutes within any one-hour period.

18 SECTION 14: Title 11, Chapter 52, Section 305, of the Municipal Code of the City of  
19 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **11.52.305:** It is unlawful for a person to stand, park or store upon any residential street, a  
21 commercial vehicle, recreational vehicle, trailer, or any combination of vehicle and trailer having an  
22 overall length of twenty-four feet or more, except in front of]:

23 (A) The residence of the owner or driver thereof, and then only for a period not to  
24 exceed four hours; or

25 (B) In front of] property from which or to which goods or passengers are being  
26 picked up or delivered, and then only for that period of time during which goods or passengers are  
27 being expeditiously loaded or unloaded.

28 SECTION 15: Title 11, Chapter 52, Section 330, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **11.52.330:** (A) The [Board of Commissioners] City Council finds that the parking of a vehicle  
3 in violation of LVMC 11.52.320 is a public nuisance per se and a disruption of the effective use of  
4 City-owned and City-leased parking lots by those persons authorized to use them. The City Manager  
5 or his duly authorized representative shall have the authority to immobilize any vehicle or have any  
6 vehicle removed by towing and impounding from a City-owned or City-leased parking lot if such  
7 vehicle is found to be in violation of LVMC 11.52.320. All expenses incurred in the immobilization  
8 or towing and impounding of such vehicle found to be in violation shall be the responsibility of and  
9 charged to the registered owner of said vehicle and shall be paid prior to removal of the immobilizer  
10 or prior to release of the vehicle from impoundment. The fee for releasing any car immobilized or  
11 impounded under this [LVMC] Section is [twenty-five] fifty dollars.

12 (B) Citations issued for the violation of LVMC 11.52.320 shall be disposed of  
13 under normal procedures and need not be paid as a condition for the release of the vehicle from  
14 custody.

15 SECTION 16: Title 11, Chapter 54, Section 50, of the Municipal Code of the City of  
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **11.54.050:** In parking meter zones, the Traffic Engineer shall cause parking [meter posts] meters  
18 to be installed [upon the curb or sidewalk immediately adjacent to the parking spaces provided in this  
19 Chapter, such installation to be placed not more than two feet from the curb nor more than four feet  
20 from the front line of the parking space as indicated, and the] at the appropriate locations so as to  
21 control the metered parking spaces established under this Chapter. The Department of Detention and  
22 Enforcement shall be responsible for the enforcement, installation, operation, maintenance and use  
23 of parking meters. Each device shall be so set as to display a signal showing legal parking [upon the  
24 deposit of the appropriate coin, lawful money of the United States of America, for the period of time  
25 prescribed by this Chapter.] for the period of time established under this Chapter, upon the deposit of  
26 the appropriate coin in lawful money of the United States of America or upon the activation of an  
27 approved debit or credit payment. Each device shall be so arranged so that upon the expiration of the  
28 lawful time it will indicate by a proper visible signal that the lawful parking period has expired, and

1 in such cases the right of the vehicle to occupy such space shall cease and the operator, owner,  
2 possessor or manager thereof shall be subject to the penalties provided in this Title.

3 SECTION 17: Title 11, Chapter 54, Section 60, of the Municipal Code of the City of  
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **11.54.060:** (A) Except in a period of emergency determined by an officer of the Department  
6 of Fire and Rescue or the Metropolitan Police Department, or in compliance with the directions of a  
7 police officer or traffic-control sign or signal, when any vehicle shall be parked in any parking space  
8 [alongside or next to which a parking meter is located,] controlled by a parking meter, the operator  
9 of such vehicle shall, upon entering the parking meter space, immediately activate the meter in  
10 accordance with this Section. Failure to activate a meter in accordance with this Section is a violation  
11 of this Chapter.

12 (B) For purposes of this Section, activation of the meter consists of paying the  
13 amount required to set in operation the timing mechanism of the meter. Payment of the amount  
14 required for operation of the meter is accomplished by depositing the required amount in United States  
15 coin. In the case of meters which have been installed and approved by the City for use in connection  
16 with an authorized cashless payment system, payment may be made by [inserting a key or card which  
17 has been authorized for use with that system and which properly records payment by means of a debit  
18 or similar transaction.] means of either of the following methods which have been authorized for use  
19 with that system and which properly record payment by means of a debit or similar transaction:

20 (1) The insertion in the meter of a key or card; or

21 (2) The activation of the meter by other electronic means.

22 (C) Upon activation of the parking meter in accordance with this Section, the  
23 parking space may be lawfully occupied by such vehicle during the period of time which has been  
24 prescribed for the part of the street in which said parking space is located and for the period during  
25 which the parking meter is activated; provided, however, that any person [placing] parking a vehicle  
26 in a parking meter space [adjacent to] controlled by a meter which indicates that unused time remains  
27 on the meter shall not be required to make additional payment so long as [his] occupancy of [said] the  
28 space does not exceed the indicated unused parking time.

1 SECTION 18: Title 11, Chapter 54, Section 70, of the Municipal Code of the City of  
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **11.54.070:** If a vehicle shall remain parked in any parking space contemplated in LVMC 11.54.060  
4 beyond the parking time limit set for such parking space, and if the meter shall indicate such illegal  
5 parking, then, and in that event, such vehicle shall be considered as parking overtime and beyond the  
6 period of legal parking time, and such parking shall be deemed a violation of this Chapter. This  
7 provision regarding overtime parking shall not apply to any [person] vehicle lawfully displaying a  
8 special or temporary [handicapped] parking sticker, placard, permit or plate, and [parking such  
9 vehicle] parked in a space for a period of four hours or less as provided in [Chapter 484, Section 407  
10 of the Nevada Revised Statute.] NRS 484.407.

11 SECTION 19: Title 11, Chapter 54, of the Municipal Code of the City of Las Vegas,  
12 Nevada, 1983 Edition, is hereby amended by repealing in its entirety Section 90 thereof.

13 SECTION 20: Title 11, Chapter 54, of the Municipal Code of the City of Las Vegas,  
14 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 90,  
15 reading as follows:

16 **11.54.090:** (A) Subject to the provisions of Subsection (B), the hours of operation for any  
17 parking meter shall be those which are established by the Traffic Engineer.

18 (B) Any metered parking space may be occupied without activating the meter on  
19 the following days: January 1; the third Monday in January; the third Monday in February; the last  
20 Monday in May; July 4th; the first Monday in September; the last Friday in October; November 11;  
21 the fourth Thursday in November; the fourth Friday in November; December 25; and any general  
22 holiday declared by the President of the United States, the Governor of the State or the Mayor.

23 SECTION 21: Title 11, Chapter 54, Section 190, of the Municipal Code of the City of  
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **11.54.190:** (A) Parking exemption permits shall authorize the persons to whom they are issued  
26 to park, without violation[,] and without the payment of a meter fee, the vehicles to which the permits  
27 are affixed in any on-street parking space adjacent to any parking meter [other than a short-term  
28 parking meter (12, 15 and 30 minutes)] with a time limit of one hour or more, or in any space in a one-

1 hour time-limited parking zone, while actually engaged in field work, subject to the limitations in  
2 Subsection (C) of this Section.

3 (B) The following groups of persons shall be eligible for parking exemption permits  
4 upon application to the City Manager or his authorized designee:

5 (1) Members of news media whether involved in television, radio or  
6 newspaper news preparation or reporting, who are actually in the field preparing or reporting news  
7 stories for their employers;

8 (2) Public officers and employees of Federal, State or local governments  
9 who are required by their employers to use private automobiles while actually engaged in field work  
10 or business outside of their normal offices.

11 (C) No parking exemption permit shall be approved by the City Manager under this  
12 Section unless he receives a letter accompanying the application from the applicant's top  
13 administrative officer describing such applicant's job responsibilities and his need for an exempt  
14 parking permit and which shows to the City Manager's satisfaction that the employee qualifies for the  
15 permit.

16 (D) A fee [of twenty-five dollars] shall be charged for each parking exemption  
17 permit issued, except as indicated in Subsection (G) of this Section. The fee for a media employee  
18 exemption permit shall be in the amount of twenty-five dollars. The fee for a governmental employee  
19 exemption permit shall be in the amount of five hundred dollars.

20 (E) Each parking exemption permit shall be valid for a period of one year. Once  
21 a parking exemption permit is issued to a qualified applicant, it shall be unlawful for such person to  
22 use the permit for other than official business, and in no case shall the permit authorize any vehicle  
23 to park in any space adjacent to any parking meter or in any space posted one-hour time-limited  
24 parking zone for more than two hours continuously.

25 (F) [Owners and operators of exempt-plated vehicles] Operators of City-owned  
26 vehicles with exempt plates issued pursuant to NRS 482.368 shall not be required to apply for,  
27 purchase or display parking exemption permits. Vehicles displaying such license plates shall be  
28 authorized to park, without violation and without the payment of a meter fee, in any space adjacent

1 to any parking meter [other than a short-term parking meter] with a time limit of one hour or more,  
2 or in any space posted as a one-hour or two-hour time-limited parking zone, for not more than two  
3 hours continuously.

4 (G) [Elected officers, the county manager, city managers and their respective deputy  
5 managers, and county and city department heads and their respective deputy department heads are  
6 exempt from paying the twenty-five dollar parking exemption permit fee.] The City Manager or his  
7 designee, upon request, may issue parking exemption permits, without charge, to the County Manager  
8 of Clark County, or the city manager of any incorporated city within Clark County, for the use of  
9 elected officials, citizen board members, or other government officials to whom those permits have  
10 been assigned by the respective manager. The maximum number of permits that may be issued  
11 without charge shall be as follows:

12 (1) For use by Clark County, a maximum of fifteen permits.

13 (2) For use by other cities, a maximum of seven permits per city.

14 SECTION 22: Title 11, Chapter 54, Section 200, of the Municipal Code of the City of  
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **11.54.200:** It shall be a violation of the provisions of this Chapter for any person:

17 (A) To cause, allow, permit or suffer any vehicle registered in the name of or  
18 operated by such person, contractor or agency to be parked overtime, or beyond the period of legal  
19 parking time established for any parking meter zone [as herein described, or to activate any parking  
20 meter for the purposes of parking beyond the maximum legal parking time for the particular parking  
21 meter zone.] established under this Chapter.

22 (B) To permit any vehicle to remain [or be placed] in any parking space adjacent  
23 to any parking meter while said meter is displaying a signal indicating that the vehicle [occupying such  
24 parking space] has already been parked beyond the period prescribed for such parking space or beyond  
25 the period for which the meter was activated.

26 (C) To park any vehicle across any line or marking of a parking meter space or in  
27 such position that the vehicle is not entirely within the area designated by such lines or markings.

28 (D) To park any vehicle for more than thirty minutes in a parking meter space that

1 has been posted as out of service because of malfunction.

2 (E) To park any vehicle in a parking meter space that has been posted as reserved  
3 for use by another person, company, contractor or agency pursuant to Section 11.54.230.

4 SECTION 23: Title 11, Chapter 54, Section 210, of the Municipal Code of the City of  
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **11.54.210:** Notices of Infractions [which are issued due to] whose issuance is based upon a  
7 malfunctioning parking meter[, and Notices of Infractions issued in error, with written notice thereof]  
8 or is otherwise in error may be referred by the issuing agency[,] to the [City Attorney] Parking  
9 Citations and Hearing Office for formal withdrawal of the Notice of Infraction and any Complaint  
10 and/or Summons or Affidavit of Complaint and Order previously filed.

11 SECTION 24: Title 11, Chapter 54, of the Municipal Code of the City of Las Vegas,  
12 Nevada, 1983 Edition, is hereby amended by repealing in its entirety Section 230 thereof.

13 SECTION 25: Title 11, Chapter 54, of the Municipal Code of the City of Las Vegas,  
14 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 230,  
15 reading as follows:

16 **11.54.230:** The Director of Detention and Enforcement, or the Director's designee, may issue to  
17 a person, company, contractor or agency, upon application therefor, a parking space occupancy permit  
18 authorizing the occupancy of one or more metered parking spaces for extended periods of time in  
19 order to provide supplies, materials, or services, on a temporary basis, in the immediate area of the  
20 parking spaces. Issuance of such an occupancy permit shall be in the discretion of the Director or the  
21 Director's designee. In connection with the issuance of an occupancy permit, the City is authorized  
22 to charge an occupancy permit fee, which shall be paid by the applicant before any permit is issued  
23 or space reserved for the applicant. The amount of the occupancy permit fee shall be determined by  
24 the Director and shall be in an amount that represents the sum of:

25 (A) The maximum parking meter revenue otherwise collectible for parking a vehicle  
26 or vehicles, for the period of time requested, in the metered parking spaces to be occupied under the  
27 occupancy permit; and

28 (B) An amount representing the costs of processing the application and occupancy

1 permit.

2 SECTION 26: Title 11, Chapter 60, Section 20, of the Municipal Code of the City of  
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **11.60.020:** No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other  
5 than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and  
6 appropriately signed, except that the driver of a passenger vehicle may temporarily stop in a taxi zone  
7 for the purpose of and while actually engaged in loading or unloading passengers and such stopping  
8 does not interfere with a taxicab waiting to enter or about to enter such zone.

9 SECTION 27: Title 11, Chapter 65, Section 10, of the Municipal Code of the City of  
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **11.65.010:** To provide clarification of terminology used herein the following definitions are  
12 provided:

13 (A) "Residential area" means a contiguous or nearly contiguous area containing  
14 public streets and highways or parts thereof where residents dwell.

15 (B) "Residential parking permit" means a sticker, decal or placard with a unique  
16 color [defining an area, a number and an expiration date] that:

17 (1) Defines an area or unique address to which it pertains;

18 (2) Is identified by a number;

19 (3) Includes an expiration date; and

20 (4) Is to be placed on a resident's vehicle to identify that vehicle as exempt  
21 from the [two-hour parking restriction.] parking restrictions contained in this Chapter.

22 (C) "Residential permit parking zone" means a residential area designated as herein  
23 provided where resident motor vehicles displaying a valid permit as described herein shall be exempt  
24 from parking time restrictions established pursuant to this [chapter.] Chapter.

25 (D) "Visitor parking permit" means a placard issued to a residence to be used in the  
26 vehicles of visitors to a residence to exempt that vehicle from the [two-hour parking restriction.]  
27 parking restrictions contained in this Chapter.

28 SECTION 28: Title 11, Chapter 65, Section 50, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **11.65.050:** (A) Once a residential permit parking zone has been approved by the City Council,  
3 the Traffic Engineering Division shall:

4 (1) Install parking signs on the streets designated as a residential permit  
5 parking zone. The signs shall indicate the times, locations and conditions under which parking shall  
6 be by permit only;

7 (2) Issue a maximum of three permanent residential parking permits and  
8 a maximum of two visitor placards per residence for a designated residential permit parking zone upon  
9 application and payment of the application fee by a person eligible for such permit.

10 (B) A person is eligible to apply for a residential parking permit if he/she owns or  
11 operates a motor vehicle and resides on property immediately adjacent to a street, avenue or other  
12 location within the residential permit parking zone. Proof of residency in the residential permit  
13 parking zone on a block designated for implementation must be presented at the time application is  
14 made.

15 (C) The application for a permit shall contain the name of the owner or operator of  
16 the motor vehicle; residential address; the make, model, registration and license plate number of the  
17 motor vehicle; and the number of the driver's license of the applicant. The motor vehicle registration  
18 and the driver's license of the applicant must be presented at the time of making said application in  
19 order to verify the contents thereof. The owner or operator of any motor vehicle applying for a  
20 residential parking permit shall have a valid Nevada motor vehicle license. The motor vehicle  
21 registration must show the applicant's present address.

22 [(D) The permit shall display a serial number, the zone color, the calendar year the  
23 permit is issued and be identified as a residential parking permit.]

24 SECTION 29: Title 11, Chapter 65, Section 70, of the Municipal Code of the City of  
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **11.65.070:** (A) Notwithstanding any provisions of this [chapter] Chapter to the contrary, the  
27 holder of a residential parking permit shall be permitted to stand or park a motor vehicle for which a  
28 permit has been issued[,] in the residential permit parking zone designated by the permit without being

1 subjected to the limitations imposed on vehicles lacking the permit; provided, however, that parking  
2 [is] at that location is otherwise permitted. While a vehicle for which a residential parking permit has  
3 been issued is so parked, such permit shall be displayed so as to be clearly visible [on the left side of  
4 the rear bumper or] either on the lower left hand corner of the rear window or hanging from the rear  
5 view mirror of the vehicle, [and such permit shall be permanently affixed.]

6 (B) A residential parking permit shall not authorize the holder thereof to stand or  
7 park a motor vehicle in such places, or during such times, as the stopping, standing, or parking of  
8 motor vehicles is prohibited or set aside for specific types of vehicles, and does not exempt the holder  
9 from the observance of any traffic regulation other than the parking time limit.

10 (C) A residential parking permit shall not guarantee or reserve to the holder thereof  
11 an on-street parking space within the designated residential permit parking area.

12 SECTION 30: If any section, subsection, subdivision, paragraph, sentence, clause or  
13 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or  
14 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
15 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the  
16 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,  
17 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,  
18 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,  
19 invalid or ineffective.

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SECTION 31: 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 \_\_\_\_\_ day of \_\_\_\_\_, 2006.

APPROVED:

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

ATTEST:

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

APPROVED AS TO FORM:

Val Steed      10-18-06  
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

**BUSINESS IMPACT STATEMENT  
BILL NO. 2006-62**

**(Updates Title 11 of the Municipal Code, relating to the regulation of traffic and parking)**

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2006-62, that will update Title 11 of the Municipal Code, relating to the regulation of traffic and parking.

**1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

Not applicable. Unable to identify particular businesses or types of businesses that might be affected

**2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:**

**Adverse effects:**

Possible higher costs associated with illegal parking

**Beneficial effects:**

Possible reduction in illegal parking activity that hinders the provision of public services

**Direct effects:**

None

**Indirect effects:**

See adverse effects and beneficial effects

**3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:**

Not applicable

**4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:**

No additional cost

**5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:**

Not applicable

**6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:**

Not applicable

**7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:**

Not applicable

Date: October 19, 2006

**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006**

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**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

Consent  Discussion

**SUBJECT:**

**NEW BILL:**

Bill No. 2006-63 – Adopts a new Chapter 10.44A of the Municipal Code, relating to solicitation.  
Proposed by: Bradford R. Jerbic, City Attorney

**Fiscal Impact**

**No Impact**

**Augmentation Required**

**Budget Funds Available**

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

This bill will adopt a new Chapter 10.44A of the Municipal Code, related to solicitation. The bill is in response to a recent decision by the Ninth Circuit Court of Appeals regarding the City's solicitation ordinance.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

1. Bill No. 2006-63
2. Business Impact Statement

1 **BILL NO. 2006-63**

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

3 AN ORDINANCE TO ADOPT A NEW CHAPTER 10.44A OF THE MUNICIPAL CODE,  
4 RELATING TO SOLICITATION, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: Bradford R. Jerbic, City Attorney      Summary: Adopts a new Chapter 10.44A of the  
6 Municipal Code, relating to solicitation.

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

9 **SECTION 1:** Title 10 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 10.44A, consisting  
11 of Sections 10 to 40, inclusive, reading as follows:

12 **10.44A.010:** For purposes of this Chapter:

13 (A) "Solicitation" means the act of solicitation, including asking, begging, soliciting  
14 or pleading, for the purpose of immediately obtaining money, charity, business or patronage, or gifts  
15 of items of value for oneself or another person or organization.

16 (B) "Coercion" means to wilfully and knowingly:

17 (1) Approach or speak to a person in such a manner as would cause a  
18 reasonable person to believe that the person is being threatened with:

19 (a) Imminent bodily injury, or

20 (b) The commission of a criminal act upon the person or another  
21 person, or upon property in the person's immediate possession;

22 (2) Persist in a solicitation after the person solicited has given a negative  
23 response;

24 (3) Block, either individually or as part of a group of persons, the passage  
25 of a solicited person; or

26 (4) Engage in conduct that would reasonably be construed as intended to  
27 compel or force a solicited person to accede to demands.

28 **10.44A.020:** Any individual who personally commits solicitation by coercion shall be guilty of a  
misdemeanor.

1 **10.44A.030:** Any individual who personally engages in solicitation at any of the following places  
2 shall be guilty of a misdemeanor:

- 3 (A) At any bus, taxi, limousine, trolley or train stop;
- 4 (B) In any public transportation vehicle or facility;
- 5 (C) At any enclosed parking structure;
- 6 (D) Within twenty feet of an Automatic Teller Machine (ATM); or
- 7 (E) Within ten feet of a point of entry to or exit from any building open to the  
8 public, including commercial establishments.

9 **10.44A.040:** If property is owned or controlled by a private owner or operator, nothing in this  
10 Chapter shall be construed as applying to the conduct or activity of a person on said property with the  
11 permission of the owner or operator of the property.

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

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

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SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Val Stead      10-24-06  
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

**BUSINESS IMPACT STATEMENT  
BILL NO. 2006-63**

**(Adopts a new Chapter 10.44A of the Municipal Code, relating to solicitation.)**

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2006-63, that will adopt a new Chapter 10.44A of the Municipal Code, relating to solicitation.

**1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

Not applicable. As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

**2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:**

**Adverse effects:**

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

**Beneficial effects:**

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

**Direct effects:**

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

**Indirect effects:**

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

**3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:**

Not applicable

**4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:**

No additional cost

**5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:**

Not applicable

**6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:**

Not applicable

**7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:**

Not applicable

Date: October 24, 2006

**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

Consent  Discussion

**SUBJECT:**

**NEW BILL:**

Bill No. 2006-64 – Adopts a new Chapter 11.68A of the Municipal Code, relating to the City’s Pedestrian Mall. Proposed by: Bradford R. Jerbic, City Attorney

**Fiscal Impact**

**No Impact**

**Augmentation Required**

**Budget Funds Available**

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

This bill will adopt a new Chapter 11.68A of the Municipal Code, related to the City’s Pedestrian Mall. The bill is in response to a recent decision by the Ninth Circuit Court of Appeals regarding the City’s pedestrian mall ordinance.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

1. Bill No. 2006-64
2. Business Impact Statement

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

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

APPROVED:

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

ATTEST:

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

APPROVED AS TO FORM:

Val Steed      10-24-06  
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

**BUSINESS IMPACT STATEMENT**  
**BILL NO. 2006-64**  
**(Adopts a new Chapter 10.44A of the Municipal Code,**  
**relating to the City's Pedestrian Mall)**

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2006-64, that will adopt a new Chapter 11.68A of the Municipal Code, relating to the City's Pedestrian Mall.

**1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

Not applicable. As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

**2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:**

**Adverse effects:**

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

**Beneficial effects:**

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

**Direct effects:**

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

**Indirect effects:**

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

**3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:**

Not applicable

**4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:**

No additional cost

**5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:**

Not applicable

**6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:**

Not applicable

**7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:**

Not applicable

Date: October 24, 2006

**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006**

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**DEPARTMENT: CITY CLERK**

**DIRECTOR: BARBARA JO RONEMUS**

**SUBJECT:**

**CITIZENS PARTICIPATION:** Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited



**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006**

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**DEPARTMENT: CITY CLERK**

**DIRECTOR: BARBARA JO RONEMUS**

Consent  Discussion

**SUBJECT:**

ADJOURNMENT

