

FIRST AMENDMENT

BILL NO. 2010-31

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE REGULATIONS GOVERNING CERTAIN COMMERCIAL, ENTERTAINMENT AND SOLICITATION ACTIVITIES WITHIN THE PEDESTRIAN MALL, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Bradford R. Jerbic, City Attorney
Councilman Gary Reese

Summary: Updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall.

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

SECTION 1: Title 10, Chapter 44, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10.44.010: For purposes of this Chapter:

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

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

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

(a) Imminent bodily injury, or

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

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

(3) Block, either individually or as part of a group of persons, the passage of a solicited person[;] including by means of the use of physical objects; or

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

SECTION 2: Title 11, Chapter 68, Section 20, of the Municipal Code of the City of

Submitted after final agenda

Date 8/13/2010 Item 69

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

2 **11.68.020:** As used in this Chapter:

3 [(A)] "Celestial vault lightshow" is the display of computer-generated electronic images on
4 the ceiling of the celestial vault constructed above Fremont Street and the various light and sound
5 effect accompanying such images.

6 [(B)] "Display vehicles" are those vehicles brought into the Pedestrian Mall for purposes of
7 display to the public, and not for the primary purpose of transporting persons or property.

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

11 [(D)] "Exterior building improvements" means the building facades, marquees, overhangs,
12 recessed entries, adjoining mall area paving materials, signage and graphics, adjoining landscaping,
13 building illumination and audible effects or devices.

14 "Free expression zones" means those areas within the Pedestrian Mall that have been
15 specifically designated by the City of Las Vegas to be used for solicitation and mall entertainment in
16 accordance with LVMC 11.68.103. The boundaries of the free expression zones shall be as set forth
17 in Exhibit A of this Ordinance (Ordinance No. _____), which ordinance is codified in this Chapter and
18 Exhibit A of which is adopted herein by this reference.

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

22 [(F)] "Maintenance vehicles" are those vehicles owned or operated by the City of Las Vegas,
23 as well as vehicles owned and operated by utilities and other vehicles requiring access onto the
24 Pedestrian Mall for the purpose of the repair and maintenance of the Pedestrian Mall or facilities and
25 structures contained therein.

26 "Mall advertising" includes all advertising within or in connection with the Pedestrian
27 Mall including, without limitation, any means of marketing or promoting the Pedestrian Mall, special
28 events, or any other commercial activity, and the display of consumer goods, products, or services to

1 the users of the Pedestrian Mall for the purpose of encouraging the sale and purchase thereof,
2 including, without limitation, signs, pictures, or other displays.

3 “Mall entertainment” is the conduct on the part of any person intended to provide
4 entertainment, recreation, relaxation or enjoyment to the users of the Pedestrian Mall.

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

8 [(G)] “Management agreement” means that agreement executed between The Fremont Street
9 Experience Limited Liability Company and the City of Las Vegas for the purpose of acquisition,
10 construction, operation, management or maintenance of the Pedestrian Mall.

11 [(H)] “Parade” is a group of persons with or without animals or vehicles in a public
12 procession or march and does not include a procession or march in connection with a special event
13 or mall entertainment.

14 [(I)] “Pedestrian Mall Act” refers to NRS 268.810 through 268.823.

15 [(J)] “Special events” include festivals, sporting events, exhibitions, entertainment and
16 similar activities which are not offered on a continuous basis, whether or not members of the public
17 pay an admission or entrance fee to be spectators or participants.

18 [(K)] “Special permit vehicles” are those vehicles authorized by The Fremont Street Limited
19 Experience Liability Company in accordance with Section 11.68.080 to enter upon the Pedestrian
20 Mall.

21 [(L)] “Mall advertising” includes all advertising within or in connection with the Pedestrian
22 Mall including, without limitation, any means of marketing or promoting the Pedestrian Mall, special
23 events, or any other commercial activity, and the display of consumer goods, products, or services to
24 the users of the Pedestrian Mall for the purpose of encouraging the sale and purchase thereof,
25 including, without limitation, signs, pictures, or other displays.

26 (M) “Mall entertainment” is the conduct on the part of any person intended to provide
27 entertainment, recreation, relaxation and enjoyment to the users of the Pedestrian Mall.

28 (N) “Mall vending” is the distribution, display or sale, or any combination thereof, of

1 consumer goods or services (including food, drink or merchandise) from a pushcart, concession stand,
2 kiosk or other similar structure designed for such purpose.]

3 SECTION 3: Title 11, Chapter 68, Section 100, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **11.68.100:** The following are prohibited within the Pedestrian Mall:

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

9 (B) Mall vending, mall advertising, [mall entertainment] special events or other
10 commercial activities unless such activities are conducted or authorized by The Fremont Street
11 Experience Limited Liability Company[;] or consist of expressive conduct taking place in a free
12 expression zone pursuant to LVMC 11.68.103;

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
20 Vegas Municipal Code;]

21 (H) Notwithstanding LVMC 11.68.103, [The] the placement of any table, rack,
22 chair, box, cloth, stand, booth, container, structure or other object within the Pedestrian Mall, [for
23 purposes of solicitation,] except;

24 (1) As [as] necessary for emergency purposes, or the maintenance or repair
25 of the Pedestrian Mall; [, or as authorized]

26 (2) As authorized by The Fremont Street Experience Limited Liability
27 Company for special events, mall advertising, mall entertainment or mall vending or other commercial
28 and entertainment activities; or

1 (3) In connection with expressive conduct described in LVMC 11.68.103.

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

5 (J) Feeding birds; [and]

6 (K) Amplified sound which originates from within the Pedestrian Mall or from
7 properties or businesses abutting the boundaries of the Pedestrian Mall, except where expressly
8 approved by The Fremont Street Experience Limited Liability Company in conjunction with special
9 events, mall entertainment or venue rental;

10 (L) The launching or throwing of projectiles or other objects into or through the air,
11 except in connection with special events and mall entertainment conducted or authorized by The
12 Fremont Street Experience Limited Liability Company;

13 (M) The twirling of hoops (such as hula hoops) around the human body or portions
14 thereof, or the use of such hoops for recreation or entertainment, except in connection with special
15 events and mall entertainment conducted or authorized by The Fremont Street Experience Limited
16 Liability Company; and

17 [(K)] (N) Except as otherwise permitted by LVMC 11.68.103, [Solicitation, as defined
18 in LVMC 10.44.010.] solicitation (as defined in LVMC 10.44.010) and mall entertainment.

19 SECTION 4: Title 11, Chapter 68, of the Municipal Code of the City of Las Vegas,
20 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 103,
21 reading as follows:

22 **11.68.103:** (A) Within the Pedestrian Mall, the following expressive conduct is permitted only
23 in a free expression zone:

24 (1) Solicitation, as defined in LVMC 10.44.010; and

25 (2) Mall entertainment.

26 (B) If any person or organization wishes to use a table in conjunction with activity
27 described in Subsection (A), such table must be provided by The Fremont Street Experience Limited
28 Liability Company. Tables will be provided on a first-come-first-serve basis and subject to available

1 space within the free expression zones.

2 SECTION 5: Title 11, Chapter 68, of the Municipal Code of the City of Las Vegas,
3 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 140,
4 reading as follows:

5 **11.68.140:** By virtue of its standing and authority under LVMC 11.68.060 and 11.68.070, The
6 Fremont Street Limited Liability Company may commence a civil action to enforce any of the
7 provisions contained in LVMC 11.68.100. This remedy shall supplement, and exist in addition to,
8 those contained in LVMC 11.68.130.

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

17 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared
18 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
19 required or the failure to do any act is made or declared to be unlawful or an offense or a
20 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
21 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
22 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
23 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

24 ...

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1 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

5 APPROVED:

6
7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 BEVERLY K. BRIDGES, MMC
11 City Clerk

12 APPROVED AS TO FORM:

13 Val Heed 8-5-10
14 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2010, 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 _____, 2010, 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 amended 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:

BEVERLY K. BRIDGES, MMC
City Clerk

100'

100'

12'

15'

20'

13'

20'

3rd Street

Fremont Street

View looking North

View looking North