

BILL NO. 2016-50

ORDINANCE NO. _____

AN ORDINANCE REGARDING THE USE OF NON-MOTORIZED VEHICLES ON CITY STREETS, INCLUDING ANIMAL-DRAWN VEHICLES, BY AMENDING LVMC TITLE SIX TO ADD A NEW SECTION TO PROVIDE BUSINESS LICENSING REGULATIONS FOR THE USE OF PEDICABS AND PEDALBUSES, BY AMENDING LVMC 11.39 TO REVISE AND CLARIFY THE RULES AND REGULATIONS FOR PEDICABS AND PEDALBUSES, BY AMENDING LVMC 6.44 FOR HORSE-DRAWN CARRIAGES, AND BY AMENDING LVMC 11.02 TO CLARIFY WHERE SUCH VEHICLES MAY OPERATE, AND FOR OTHER RELATED MATTERS.

Proposed by: Tom Perrigo, Planning Director

Summary: This ordinance amends LVMC Title Six to add a new section to provide business licensing regulations for the use of pedicabs and pedalbuses, amends LVMC 11.39 to revise and clarify the rules and regulations for pedicabs and pedalbuses, amends LVMC 6.44 for horse-drawn carriages and amends LVMC 11.02 to clarify where such vehicles may operate.

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

SECTION 1: Title 6, Chapter 44, Section 030, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.44.030: Prior to the issuance of any license by the Department, the applicant must:

(A) [Obtain pursuant to Chapter 11.30 the following regarding operations that are proposed for City streets and alleys:

(1) The approval of the City Council, upon the recommendation of the Traffic and Parking Commission, for all proposed operational routes, and

(2) The approval of the Traffic and Parking Commission for all proposed time schedules, parking areas and passenger loading and unloading areas;] Receive any and all approvals as required pursuant to LVMC Section 11.39;

(B) Obtain an Animal Inspection Certificate for each animal to be used in the operation of the business pursuant to Section 6.44.110 of this Chapter;

(C) Obtain and maintain a professional animal handler permit pursuant to Chapter

1 7.40; and

2 (D) Obtain the approval of all other State agencies, if any, which may have jurisdiction
3 over the operation of animal-drawn vehicles on public streets, including but not necessarily limited to, the
4 Transportation Services Authority.

5 SECTION 2: Title 6, of the Municipal Code of the City of Las Vegas, Nevada, 1983
6 Edition, is hereby amended by adding a new chapter, designated as Chapter 63, consisting of Sections 10 to
7 120 inclusive, to read as follows:

8 **6.63.010:** For purposes of this chapter, the following words shall have the meaning ascribed to them
9 as follows:

10 "Fare card" means a laminated document no larger than 8.5 by 11 inches, posted inside a human-powered
11 vehicle, that includes the following information: applicable fares, whether by distance, zone, or time of
12 operation, a picture of the operator and his or her name, the licensee's name, address, telephone number,
13 the City business license number and City-issued identification number for the human-powered vehicle.

14 "Human-powered vehicle" means a vehicle primarily moved by muscle power supplied by the operator, or
15 the passengers, or both operators and passengers. Supplemental power may be supplied by an electric
16 motor, provided that the electric motor is used only to augment the muscle power of the operator and/or
17 passengers. Such supplemental power may only be engaged as the sole means of propulsion in order to
18 start or park a human-powered vehicle.

19 "Operator" means any person operating or in actual physical control of a human-powered vehicle, or any
20 person sitting in the driver's seat of such vehicle with the intention of causing it to be moved.

21 "Pedicab" means a three-wheeled human-powered vehicle moved solely by the muscle power of the
22 operator, which is capable of carrying up to three passengers plus the operator.

23 "Pedalbus" means a human-powered vehicle that is capable of transporting four or more passengers, which
24 is steered by an operator that is not a passenger, and is powered by more than one individual, whether the
25 operator or passengers.

26 **6.63.020:** No person shall operate a pedicab or pedalbus, whether for fares, tips, donations or

1 gratuities or under contract to another business or organization, within the City without a valid business
2 license issued pursuant to this Chapter.

3 **6.63.030:** Applications for a license to operate a pedicab or pedalbus shall be made to the Department
4 pursuant to the provisions of LVMC Section 6.02. In addition to the information required by Chapter 6.02,
5 the applicant shall furnish with the application the following information:

6 (A) The number of pedicabs or pedalbuses to be operated pursuant to the license, and
7 the seating capacity, manufacturer and a scale drawing or photograph of each pedicab or pedalbus;

8 (B) A schedule of the rates charged to passengers;

9 (C) A street map showing the areas to be used by the pedicabs or pedalbuses, which
10 must be in conformance with LVMC Section 11.39, including the sites to be used for off-street storage of
11 vehicles and the location of all areas used for pick-up and discharge of passengers and areas for operator
12 rest; and

13 (D) A schedule of the hours of operation, which must be in conformance with LVMC
14 Section 11.39.

15 **6.63.040:** Prior to the issuance of any license by the Department, the applicant must:

16 (A) Receive any and all approvals required pursuant to LVMC Section 11.39; and

17 (B) Obtain the approval of all other State agencies, if any, which may have jurisdiction
18 over the operation of pedicabs or pedalbuses on public streets, including but not necessarily limited to, the
19 Nevada Transportation Authority.

20 **6.63.050:** (A) Operators shall, at all times, display fare cards in a prominent and conspicuous
21 location within the vehicle in a font size easily readable to passengers. The look, size, and quality of such
22 fare cards, and the display location within the vehicle shall be approved by the Director. In addition,
23 operators shall produce fare cards to city code enforcement officers, parking enforcement officers, business
24 license officers, or law enforcement agents upon demand.

25 (B) At all times, operators shall display to passengers in the pedicab or pedalbus, a
26 map of the approved operating areas within the Central Traffic District. The look, size and quality of such

map, and its location in the pedicab or pedalbus shall be approved by the Director.

(C) Licensee must display in a conspicuous manner, on the rear, upper left corner area of each pedicab or pedalbus, the number of the business license associated with it and an identification number particular to that vehicle that has been provided by the Director. The display shall be of such color, size and placement that the identification number can be easily read at a distance of ten feet.

6.63.060: (A) The Director may, by written department policy, limit the number of approved pedicabs and/or pedalbuses within the City, but only after consultation with the Director of Public Works and a showing that the public interest and safety of passengers and operators might be compromised if the number of pedicabs and/or pedalbuses is not so limited in number. The Director's decision is final.

(B) The Director may limit the number of approved pedicabs or pedalbuses pursuant to an issued license.

6.63.070: Operators of pedicabs or pedalbuses shall not obstruct the movement of a person in any manner or follow any person, for the purpose of soliciting patronage.

6.63.080: All pedicabs or pedalbuses utilized by a licensee in the conduct of his business must comply with the following requirements:

(A) Each shall be equipped with operating brakes meeting the performance requirements of NRS 484D.255.

(B) Operating headlamps, tail lamps, brake lamps and turn signals shall be provided in conformance with NRS 484D.

(C) No person shall be allowed to ride anywhere other than on the vehicle's seats.

(D) Each shall comply with all applicable state statutes and regulations.

(E) Each shall be maintained in a clean and sanitary condition at all times.

6.63.090: No pedicab shall be larger in capacity than for transport of three passengers, not including the operator.

6.63.100: (A) Before any license required in this Chapter is issued, the applicant shall obtain and maintain, at its own expense during the existence of its license or the operation of its business, a

1 comprehensive general public liability insurance in the amount of one million dollars, combined single
2 limit, with an excess umbrella policy of five million dollars. Coverage under this policy shall include as a
3 minimum the following: premises/operation, independent contractors, bodily injury, property damage,
4 products/completed operation, contractual liability and operation of human-powered vehicles.

5 (B) Insurance coverage shall be issued by a carrier authorized to issue such coverage in
6 the State of Nevada and approved by the Director.

7 (C) A certificate of insurance shall be provided to the Department prior to the issuance
8 of a business license.

9 (D) Any coverage provided in this section shall also contain a provision that the
10 cancellation, or material change in the coverage, of the insurance provided under this section shall not
11 become effective until the City has been given thirty days prior written notification.

12 (E) The City shall be named as an additional insured party under this insurance.

13 **6.63.110:** The provisions of this Chapter shall apply to any pedicab or pedalbus business licensed or
14 otherwise permitted by any provision of this Code prior to the adoption of this Chapter. Any such existing
15 pedicab or pedalbus business shall apply for and receive all necessary Title 6 licenses and LVMC Section
16 11.39 approvals, if necessary, prior to midnight on September 1, 2016. After such date, any existing
17 business not otherwise licensed pursuant to this Chapter shall cease any and all operations.

18 **6.63.120:** A licensee shall pay an annual license fee of one hundred dollars for each pedicab operated
19 as a part of the business. For purposes of this subsection, operation means a use of a pedicab on more than
20 one occasion during any annual period.

21 **6.63.130:** A licensee shall pay an annual license fee of three hundred dollars for each pedalbus
22 operated as a part of the business. For purposes of this subsection, operation means a use of a pedalbus on
23 more than one occasion during any annual period.

24 SECTION 3: Title 11, Chapter 2, of the Municipal Code of the City of Las Vegas,
25 Nevada, 1983 Edition, is hereby amended by adding a new section, designated as Section 25 to read as
26 follows:

1 **11.02.025:** "Central Traffic District" means the entirety of discrete area that is defined below as the
2 Northern Sector and Southern Sector of Central Traffic District.

3 SECTION 4: Title 11, Chapter 2, of the Municipal Code of the City of Las Vegas,
4 Nevada, 1983 Edition, is hereby amended by adding a new section, designated as Section 35 to read as
5 follows:

6 **11.02.035:** "Central Traffic District, Northern Sector" means an area that includes all streets, to
7 include curb, gutter and sidewalk, and portions of streets within the area described as follows: that discrete
8 area bounded by Grand Central Parkway from City Parkway to Charleston Boulevard on the west,
9 Maryland Parkway from Stewart Avenue to Charleston Boulevard on the east, Ogden Avenue from City
10 Parkway to Main Street, then Stewart Avenue from Main Street to Maryland Parkway on the north, and the
11 northern curb line of Charleston Boulevard from Grand Central Parkway to Maryland Parkway on the
12 south.

13 SECTION 5: Title 11, Chapter 2, of the Municipal Code of the City of Las Vegas,
14 Nevada, 1983 Edition, is hereby amended by adding a new section, designated as Section 37 to read as
15 follows:

16 **11.02.037:** "Central Traffic District, Southern Sector" means an area that includes all streets and
17 portions of streets within the area described as follows: that discrete area bounded Commerce Street from
18 the southern curb line of Charleston Boulevard to Philadelphia Avenue on the west, Las Vegas Boulevard
19 from Charleston Boulevard to Oakey Boulevard on the east, Oakey Boulevard from Commerce Street to
20 Las Vegas Boulevard on the South and the southern curb line of Charleston Boulevard from Commerce
21 Street to Las Vegas Boulevard on the North.

22 SECTION 6: Title 11, Chapter 39, of the Municipal Code of the City of Las Vegas,
23 Nevada, 1983 Edition, is hereby amended to read as follows:

24 **11.39.010:** The City Council declares as a matter of legislative determination that:

25 (A) The growth of Las Vegas and the continuing expansion of hotels, casinos and other
26 businesses in downtown Las Vegas are drawing increasing numbers of pedestrians and vehicles to the

1 downtown area.

2 (B) Because of the influx of pedestrians and motor vehicles, the streets are becoming
3 more congested. In this context, the introduction of slower-moving vehicles such as animal-drawn vehicles,
4 [rickshaws and] pedicabs, and pedalbuses into downtown traffic poses unacceptable hazards to those
5 persons using the streets downtown.

6 (C) In hearings conducted regarding the use of such vehicles, the predecessor to the
7 Public Utilities Commission of Nevada acknowledged the authority of the City to regulate the use of its
8 streets for the public safety and welfare.

9 (D) The regulations contained in this Chapter are necessary for the public safety and
10 welfare.

11 **11.39.020:** Unless the context otherwise requires, the terms and words used in this chapter shall have
12 the meaning ascribed to them in Chapter 11.02 of this Title and in this Section:

13 (A) "Bicycle" means a device propelled by human power upon which a person may
14 ride, having two tandem wheels, either of which is over fourteen inches in diameter, or every such device
15 generally recognized as a bicycle, though equipped with two front or two rear wheels, except a moped.

16 [(B) "Pedicab" means a three-wheeled bicycle designed to carry one or more
17 passengers.

18 (C) "Rickshaw" means a two-wheeled vehicle designed to carry one or more
19 passengers that is pulled by one or more persons.]

20 (B) "Human-powered vehicle" means a vehicle primarily moved by muscle power
21 supplied by the operator, or the passengers, or both operators and passengers. Supplemental power may be
22 supplied by an electric motor, provided that the electric motor is used only to augment the muscle power of
23 the operator and/or passengers. Such supplemental power may only be engaged as the sole means of
24 propulsion in order to start or park a human-powered vehicle.

25 (C) "Pedicab" means a three-wheeled human-powered vehicle moved solely by the
26 muscle power of the operator, which is capable of carrying up to three passengers plus the operator.

1 (D) “Pedalbus” means a human-powered vehicle that is capable of transporting four or
2 more passengers, which is steered by an operator that is not a passenger, and is powered by more than one
3 individual, whether the operator or passengers.

4 **11.39.030:** It is unlawful for any person, unless exempted by Section 11.39.040 or by
5 specific action of the City Council, to operate, drive or propel an animal-drawn vehicle, pedicab or
6 [rickshaw on public streets in that area of the City bounded by Main Street on the west, Stewart Avenue on
7 the north, Seventh Street on the east, and Bridger Avenue on the south. The area described by this Section
8 shall include those portions of Main Street, Stewart Avenue, Seventh Street and Bridger Avenue that make
9 up the boundaries of the area.] pedalbus on public streets beyond the boundaries of the area designated as
10 the Central Traffic District.

11 **11.39.040:** The following persons are exempt from the restriction of Section 11.39.030:

- 12 (A) Persons riding bicycles and not carrying passengers for hire; and
13 (B) Persons operating, driving or propelling animal-drawn vehicles[, pedicabs or
14 rickshaws] in any parade for which a permit has been issued pursuant to this Title.

15 **11.39.050:** [Routes for the operation of rickshaws, pedicabs, and animal-drawn vehicles may be
16 established on public streets subject to the provisions of Section 11.39.030 of this Chapter and the
17 following restrictions:

18 (A) A vehicle subject to this Chapter shall be operated only upon the routes approved
19 by the City Council upon the recommendation of the Traffic and Parking Commission and pursuant to time
20 schedules approved by the Traffic and Parking Commission.

21 (B) The City Traffic Engineer may reject any proposed route or time schedule that
22 would present a hazard to the public health, safety or welfare, or interfere with the safe and efficient
23 operation of vehicular traffic on any public street.

24 (C) The Traffic and Parking Commission shall review annually all routes approved
25 pursuant to this Section in light of changed conditions on those routes that affect the public health, safety or
26 welfare, or the safe and efficient operation of vehicular traffic on the affected public streets.

1 (1) If the operating conditions on a given route have not changed so as to
2 adversely affect the public health, safety or welfare, or the safe and efficient operation of vehicular traffic
3 on the affected public streets, the Commission shall recommend that the City Council approve the
4 licensee's use of those routes for the following year.

5 (2) If the operating conditions on a given route have changed to as to
6 adversely affect the public health, safety or welfare, or the safe and efficient operation of vehicular traffic
7 on the affected public streets on a continuing basis, the Commission shall recommend that the City Council
8 prohibit the licensee's use of that portion of the route so affected.

9 (D) Any route or time schedule approved pursuant to this Chapter shall be subject to
10 the right of the City to prohibit or suspend the use of the City streets by the licensee when such operation
11 would pose an immediate hazard to the safety requirements of the public or interfere with special events
12 approved by the City.

13 (E) Modifications to the approved route and time schedule may be issued by the
14 Traffic Engineer to the licensee for special purposes for a period not to exceed ten days. Permanent
15 modifications to the approved route and time schedule must be approved by the Traffic and Parking
16 Commission. Said modifications shall be subject to approval by any other regulatory agency having
17 jurisdiction over the licensee, such as the Public Service Commission.]

18 A person may operate an animal-drawn vehicle, pedicab or pedibus on any public street within the Central
19 Traffic District, except as otherwise follows:

20 (A) Between the hours of three p.m. and six p.m., animal-drawn vehicles, pedicabs and
21 pedaluses are prohibited on the entire length of Main Street and 4th Street, or on Stewart Avenue between
22 4th Street and 6th Street, except on Saturdays, Sundays, and holidays.

23 (B) Animal-drawn vehicles, pedicabs and and pedaluses are prohibited on the entire
24 length of Las Vegas Boulevard, Maryland Parkway, and Charleston Boulevard, or on Casino Center
25 Boulevard south of Carson Avenue, notwithstanding the inclusion of these streets within the Central Traffic
26 District.

1 (C) Animal-drawn vehicles are not permitted on the entire length of Fremont Street.

2 (D) Upon the request of the Traffic Engineer, the Traffic and Parking Commission
3 shall review the boundaries of the Central Traffic District, the prohibited streets, the restricted streets, and
4 hours of restriction in light of changed conditions on those routes that affect the public health, safety or
5 welfare, or the safe and efficient operation of vehicular traffic on the affected public streets. If the
6 operating conditions within the Central Traffic District have changed as to adversely affect the public
7 health, safety or welfare, or the safe and efficient operation of vehicular traffic on a continuing basis, the
8 Commission shall recommend to the City Council modifications to the Central Traffic District boundaries,
9 the prohibited streets, the restricted streets, or hours of restriction.

10 (E) The City may prohibit or suspend the use of the public streets by an operator of an
11 animal-drawn vehicle, pedicab or pedibus when such operation would pose a hazard to the public or
12 interfere with special events approved by the City. Except for emergency declarations, the Traffic Engineer
13 shall endeavor to provide seventy-two hours notice of a prohibition or suspension to such operators, and
14 such prohibition or modification shall not exceed sixty days without another notice of prohibition or
15 suspension from the Traffic Engineer.

16 **11.39.060:** [Rickshaws, pedicabs] Pedicabs, pedalbuses and animal-drawn vehicles may be operated
17 [on approved routes,] within the Central Traffic District, subject to the following restrictions:

18 (A) Animal-drawn vehicles. The vehicles shall pick up, [and] discharge passengers
19 and park only at designated stands approved by the Traffic [and Parking Commission.

20 (B) The vehicles shall park only in designated stands approved by the Traffic and
21 Parking Commission.] Engineer and the Parking Services Manager, and the operator shall receive approval
22 of such designated areas prior to receiving a Title 6 business license to operate. If the operator chooses to
23 utilize a spot on a public street to park, the operator must enter into a space rental agreement or other
24 agreement, as applicable, with the CLV Parking Services division prior to receiving a Title 6 business
25 license to operate.

26 (B) Pedicabs.

1 (1) Loading and unloading passengers. A pedicab shall only remain standing
2 upon a public street provided that such pedicab is located within a legal, metered parking space or a
3 designated loading zone, and only for the time required to load or unload passengers not to exceed three
4 minutes, or if parked in conformance with this Section as provided herein. Notwithstanding any provision
5 of the Code to the contrary, if the operator of a pedicab is actively loading or unloading passengers as
6 provided above within a legal, metered parking space, activation of the parking meter for such space
7 pursuant to LVMC Section 11.54 not required.

8 (2) Parking.

9 (a) If a pedicab is standing in a legal, metered parking space, but not
10 actively loading or unloading passengers, the operator of that pedicab shall immediately activate the meter
11 for such space as required by LVMC Section 11.54, unless that specific pedicab is the subject of a space
12 rental agreement with the City of Las Vegas Parking Service Department for that specified parking space.

13 (b) A provided by subsection (B)(1) above, a pedicab may only stand
14 in a designated loading zone for the time required to load or unload passengers, not to exceed three
15 minutes, and shall not park in such loading zone for any reason.

16 (c) Notwithstanding subsection (2)(a), above, a pedicab is prohibited
17 from parking or standing for any amount of time in specially-designated spaces by the City, such as
18 designated spaces for animal-drawn carriages, taxicabs, busses, and handicapped individuals, except and
19 unless the pedicab operator has executed a space rental agreement designating a specific parking space or
20 spaces for specified pedicabs with the City of Las Vegas Parking Service Department.

21 (C) Pedalbuses. Pedalbuses shall not park or remain standing upon any public street
22 for any reason, unless the pedibus is wholly-contained within an activated, metered parking space or
23 spaces, or is parking or standing in a parking space that is the subject of a space rental agreement with the
24 City of Las Vegas Parking Service division for that specified pedibus.

25 (D) Except when making left turns, [the] such vehicles shall be operated only in the
26 traffic lane nearest the curb on any public street and the [driver] operator shall obey all applicable State and

1 local traffic laws, ordinances and regulations.

2 SECTION 6: Title 11, Chapter 39, Section 070 of the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, is hereby deleted in its entirety.

4 SECTION 7: 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 City
8 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
9 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
10 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

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

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1 SECTION 9: 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, 1983
3 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this ____ day of _____, 2016.

5 APPROVED:

6
7 By _____
CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 _____
10 LUANN D. HOLMES, MMC
City Clerk

11 APPROVED AS TO FORM:

12 _____
13 James B. Lewis,
Deputy City Attorney

6/1/16
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____
2 day of _____, 2016, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2016, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk