

Agenda Item #



**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 4, 2018**

DEPARTMENT: CITY ATTORNEY  
DIRECTOR: BRADFORD R. JERBE

Consent  Discussion

**SUBJECT:**

Bill No. 2018-40 - Possible action - Amends LVMC 13.32.020 regarding obstructions on public rights-of-way to include additional means by which obstructions may be permitted and to clarify that the term obstruction includes certain conveyances made available for use commercially. Proposed by: Bradford R. Jerbe, City Attorney

**Fiscal Impact**

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

**PURPOSE/BACKGROUND:**

This bill will amend LVMC 13.32.020 regarding obstructions on public rights-of-way to include additional means by which obstructions may be permitted. The amendments are intended to reflect current practice and were developed as part of a larger update of Title 13 that will be processed in the near future. The bill will also clarify that the term obstruction includes certain conveyances made available for use commercially, such as bicycles and scooters.

**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. 2018-40

Motion made by MICHELE FIORE to Approve as Do Pass

Passed For: 2; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

STAVROS S. ANTHONY, MICHELE FIORE; (Against-BOB COFFIN); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

By way of reading the item, COUNCILMAN ANTHONY declared the Public Hearing open.

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CHIEF DEPUTY CITY ATTORNEY VAL STEED stated CITY ATTORNEY BRAD JERBIC requested this bill, the main focus of which is to include within the definition of obstruction

scooters and bicycles which can end up on public rights-of-way. Because they are a mobile device, it is not clear in the existing code that they could be considered an obstruction.

A lot of communities in other cities have experienced these conveyances being rented and then left in the right-of-way. To avoid this happening in Las Vegas, staff would like to establish and have in place the proposed regulatory or franchise framework. The proposal would add these kinds of conveyances to the definition of obstruction. It also conforms the obstruction code to align with the actual practices of the Department of Public Works and Building and Safety. Staff recommended approval.

COUNCILMAN ANTHONY asked for confirmation that what was being proposed did not authorize the approval of bicycles and scooters in a certain area. MR. STEED explained the proposed ordinance stated those things that are left and end up burdening the rights-of-way will be considered an obstruction and after public notice is given can be removed and held for someone to pick up.

COUNCILMAN COFFIN asked if the proposed ordinance approved the use of bicycles and scooters on the right-of-way. MR. STEED clarified the ordinance only references things that are abandoned. The Councilman noted the problem with determining when something was abandoned.

COUNCILWOMAN FIORE commented CHIEF OPERATIONS AND DEVELOPMENT OFFICER JORGE CERVANTES worked on this, and she deferred to him. She understood what COUNCILMAN COFFIN was saying, but indicated she would be supporting staff.

MR. CERVANTES stated the ordinance creates the definition of what an obstruction is so that if an obstruction is left in the right-of-way, the City has the ability to remove it either by giving notice or through staff. He noted concurrently, the City is working on a three-month pilot program with Lime that the Council will be briefed on. The proposed ordinance is needed in order to be able to enforce the regulations so that if a bicycle or scooter is left in the way of pedestrians, the City has the ability to move it.

COUNCILMAN COFFIN stated he visited with the Lime representatives and informed them he did not want scooters downtown in Ward 3 because they will be abandoned. He wondered what the definition of abandoned was and if notice had to be given in writing. MR. CERVANTES explained the City is entering into a contract with Lime for the pilot period, and in that contract it specifies the timeframes. If there is no response within that timeframe, the City can confiscate it and take it away. The Councilman asked who was entering into the contract City staff or the Council. MR. CERVANTES responded it is a contract between the vendor and the City, and the Council would be briefed later in the day.

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COUNCILMAN ANTHONY stated this bill would be heard at the September 5, 2018 City Council meeting.

By way of calling for the motion, COUNCILMAN ANTHONY declared the Public Hearing closed.