

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.

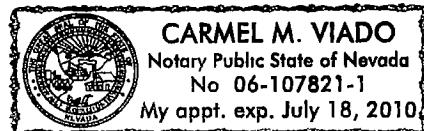
THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Clerk's Bulletin Board, City Hall Plaza, 2nd 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

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Paula Clark
SIGNATURE

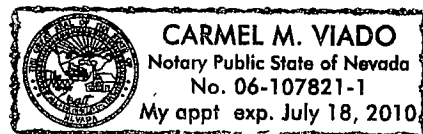
Carmel M. Vlach
NOTARY PUBLIC in and for said County and State



STATE OF NEVADA)
COUNTY OF CLARK) ss

Paula Clark
SIGNATURE

Carmel M. Viach
NOTARY PUBLIC in and for said County and State



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

SUBJECT:

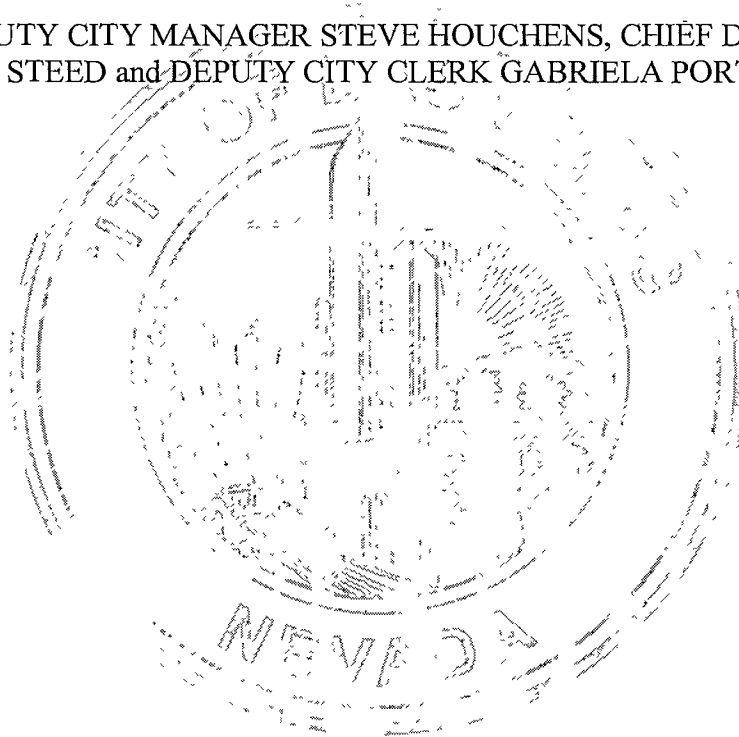
CALL TO ORDER

Minutes:

COUNCILWOMAN TARKANIAN called the meeting to order at 4:07 p.m.

PRESENT: COUNCILMEMBERS TARKANIAN and ROSS

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED and DEPUTY CITY CLERK GABRIELA PORTILLO-BRENNER



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006

DEPARTMENT: CITY CLERK

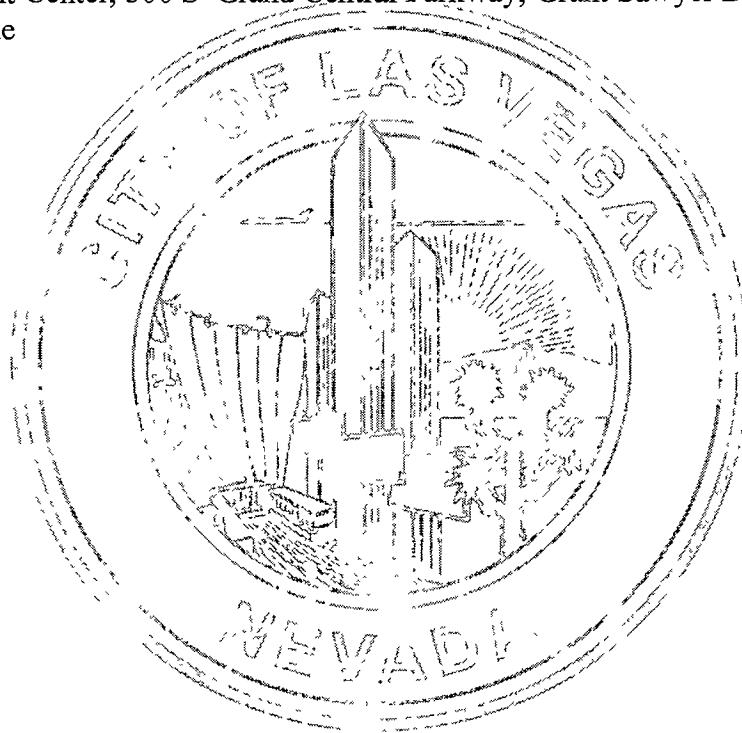
DIRECTOR: BARBARA JO RONEMUS

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

Minutes:

ANNOUNCEMENT MADE - Meeting noticed and posted at the following locations: City Clerk's Bulletin Board, City Hall Plaza, 2nd 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****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

Motion made by STEVEN D. ROSS to Approve as a Do Pass

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

LOIS TARKANIAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED indicated that MAYOR GOODMAN requested this bill to assist with enforcement of graffiti prohibitions. Municipal Court lacks jurisdiction over juveniles, but it does have jurisdiction over parents and guardians of juveniles. Therefore, this bill would allow the Criminal Division to use contributory neglect statute and ordinance to

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006

prosecute parents and guardians of juveniles who are caught doing graffiti. It also establishes the minimum penalties for a parent or guardian who is convicted of contributory delinquency or neglect related to graffiti or property damage.

LEE ROLLAND, Staff Attorney for the ACLU of Nevada, confirmed with CHIEF DEPUTY CITY ATTORNEY STEED that Section B (2) does not contemplate punishing someone who has not been tried. In addition, she noted that the ACLU previously submitted a memorandum regarding case law that suggests municipalities lack the authority to significantly increase penalties under State Statutes. Therefore, she suggested this bill be submitted for thorough legal review to ensure its constitutionality. CHIEF DEPUTY CITY ATTORNEY STEED indicated that the penalties are within prior authorization.

No one appeared in opposition.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.

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 NEGLECT RELATED TO GRAFFITI OR PROPERTY DAMAGE, AND
6 TO PROVIDE FOR OTHER RELATED MATTERS.

7 Sponsored by: Mayor Oscar B. Goodman

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

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

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

14 **10.48.105:** (A) In the case of a violation of NRS 201.110 where the act or omission:

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

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

17 or

18 (3) Fails to protect any property from such unlawful graffiti or property
19 damage,

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

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

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

26 Subsection (A);

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

28 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 BARBARA JO RONEMUS, City Clerk

22 APPROVED AS TO FORM:

23 _____
24 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: _____

11

12 APPROVED:

13

14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17

18 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2006-60 – 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 way-finding 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

Motion made by STEVEN D. ROSS to Approve as a Do Pass

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

LOIS TARKANIAN, STEVEN D. ROSS; (Against-None), (Abstain-None), (Did Not Vote-None), (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

MARGO WHEELER, Director of Planning and Development, commented that this bill makes changes to the sign standards to allow freestanding signs that were not previously allowed, specifically, in the Downtown Casino and Entertainment Overlay Districts. Staff recommends

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006

approval.

No one appeared in opposition

COUNCILWOMAN TARKANIAN declared the Public Hearing closed

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**
5 **DISTRICTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.**

6 Sponsored by: Mayor Oscar B. Goodman

Summary: Updates sign standards and related
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

Chapter 11.68; and

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

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

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

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

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

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

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

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

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

(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 BARBARA JO RONEMUS, City Clerk

26 APPROVED AS TO FORM:

27 Val Steed 10-18-06
28 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: _____

11

12

APPROVED:

13

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By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

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

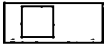
Fiscal Impact



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

Motion made by STEVEN D ROSS to Approve as a Do Pass with a First Amendment

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

LOIS TARKANIAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

MARGO WHEELER, Director of Planning and Development, stated that this bill resulted from the desire to codify the current practice with regard to general plan amendment meetings and to set the time standards. Originally, an affidavit was required to be filed by the applicants. However, several members of the Council felt City staff should be responsible for mailing the notices to ensure accuracy of the information and the timelines. CHIEF DEPUTY CITY

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006

ATTORNEY STEED suggested the following language be added as a First Amendment to the end of the language under new Section A: The Department is authorized to establish a procedure by which the applicant may elect to have the Department provide the notice required by this Paragraph. The Department shall develop and use an appropriate form by which the election may be made, and is authorized to charge a fee to provide the required notification.

COUNCILWOMAN TARKANIAN confirmed with CHIEF DEPUTY CITY ATTORNEY STEED that the applicant would be paying for the mailing. CHIEF DEPUTY CITY ATTORNEY STEED added that State law imposes the notification burden on the applicant, and that cannot be changed. But, if staff convinces the applicant that it is better for the City to be responsible for the mailing of the notification, the applicant can sign a waiver to assume the cost for the City to handle the notification.

COUNCILMAN ROSS commented that this bill will help streamline the process and ensure that the neighborhoods are notified. COUNCILWOMAN TARKANIAN interjected that it will also ensure consistency.

No one appeared in opposition.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.

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

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: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

New Bill

Bill No 2006-62 – 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

Motion made by STEVEN D. ROSS to Approve as a Do Pass

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

LOIS TARKANIAN, STEVEN D. ROSS; (Against-None), (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

DOUG TOWNER, Detention and Enforcement, reported that this bill resulted from staff's review of Title 11. It contains general language clean-up, incorporates new technology and brings parking ordinances in line with current management needs.

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006

COUNCILMAN ROSS expressed his appreciation to Detention and Enforcement staff for being progressive.

No one appeared in opposition.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.

BILL NO. 2006-62

ORDINANCE NO. _____

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

Sponsored by: Councilman Steven D. Ross

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

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

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

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

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

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

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

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

Subsection (B) of this Section applies; or

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

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

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

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

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

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

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

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

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

(1) The registered owner of the vehicle has accumulated more than \$500.00 in unpaid civil fines, judgments and penalties, or at least five Notices of Infraction have been issued and served with respect to that vehicle and have not been responded to within the time set forth in 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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1 SECTION 31: 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 _____, 2006.

5 APPROVED:

6
7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 _____
11 BARBARA JO RONEMUS, City Clerk

12 APPROVED AS TO FORM:

13 Val Steed 10-17-06
14 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: _____

11

12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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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

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
3. Submitted at meeting - letter dated 11/14/2006 for Items 7 and 8 by Richard Williams for Southwest Regional Council of Carpenters
4. Combined Verbatim Transcript

Motion made by STEVEN D. ROSS to Approve as a Do Pass

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

LOIS TARKANIAN, STEVEN D. ROSS; (Against-None); (Abstain-None), (Did Not Vote-None); (Excused-None)

Minutes:

A combined Verbatim Transcript of Items 7 and 8 is made a part of the Final Minutes under Item 7.

COUNCILWOMAN TARKANIAN declared the Public Hearing open for Items 7 and 8

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006

APPEARANCES:

LOIS TARKANIAN, Councilwoman

BRAD JERBIC, City Attorney

JEFF VICTOR, President and General Manager of the Fremont Street Experience

RICHARD WILLIAMS, representative, Carpenters Union, 501 N. Lamb Boulevard

STEVEN ROSS, Councilman

LEE ROLLAND, Staff Attorney for the ACLU of Nevada

PAT RILEY, Attorney for the Fremont Street Experience

VAL STEED, Chief Deputy City Attorney

CITY ATTORNEY JERBIC requested the City Clerk incorporate in this record all records made with respect to 10.44 and 11.68 at the Recommending Committee and City Council meetings since the ordinances were first introduced.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed for Items 7 and 8.

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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1 SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared
2 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
3 required or the failure to do any act is made or declared to be unlawful or an offense or a
4 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
5 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
6 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
7 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

8 PASSED, ADOPTED and APPROVED this ____ day of _____, 2006.

9 APPROVED:

10 By _____
11 OSCAR B. GOODMAN, Mayor

12 ATTEST:

13
14 BARBARA JO RONEMUS, City Clerk

15 APPROVED AS TO FORM:

16 *Val Head* 10-24-06
17 _____
18 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: _____

11

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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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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



SOUTHWEST REGIONAL COUNCIL OF CARPENTERS

Representing Carpenters in Southern California, Nevada, Arizona and Utah

Mike McCarron, Executive Secretary Treasurer

Jackie Barnett Sr.

President

Marc Furman

Sr. Admin Assistant

Hal Jensen

Admin Assistant

November 14, 2006

Representing
Local Unions in
Southern California,
Nevada, Arizona
and Utah

To: Recommending Committee
Councilwoman Lois Tarkanian
Councilman Steve Ross

150 Camarillo
184 Salt Lake City
209 Sylmar
408 Phoenix
409 Los Angeles
440L Santa Ana
547 San Diego
630 Long Beach
721 Whittier
743 Bakersfield
803 Orange
897 Bullhead City
944 San Bernardino
971 Reno
1062 Santa Barbara
1498 Provo
1506 Los Angeles
1507 Salt Lake City
1553 Hawthorne
1607 Los Angeles
1780 Las Vegas
1800 Arroyo Grande
1827 Las Vegas
1914 Phoenix
1977 Las Vegas
2007 Orange
2093 Phoenix
2361 Orange
2375 Wilmington

The Nevada Carpenters Union is requesting that the hearing on agenda item #'s 7 & 8 concerning the solicitation issue on the Recommending Committee Meeting agenda dated November 14, 2006, be continued to a future date. The Carpenters Union does not feel there is adequate time to review the proposed ordinance. We come to this determination based on the fact that an adoption vote is scheduled within 24 hours of today at the Las Vegas City Council meeting on November 15, 2006.

The Carpenters Union feels that the impact of such an ordinance needs to be examined to determine if the rights of working people in Nevada are being infringed upon, with regards to free speech, and the right to demonstrate within the Fremont Street Experience.

We feel that working people of Nevada have a right to express their views within the Fremont Street Experience.

For these reasons, we are asking the Recommending Committee to table these agenda items so that these concerns could be further addressed with adequate time, before being voted on at the November 15, 2006 Las Vegas City Council Meeting.

Thank you for your consideration.



Richard J. Williams
Representative

CC:

Mayor Oscar Goodman
Mayor Pro-Tem Gary Reese
Councilman Larry Brown
Council Lawrence Weekly
Councilman Steve Wolfson



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11/14/06 Release
Hans T.A.C.

**RECOMMENDING COMMITTEE MEETING OF
November 14, 2006**

**COMBINED VERBATIM TRANSCRIPT – ITEM 7 – BILL NO. 2006-63 AND ITEM 8 –
2006-64**

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

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

5
6 APPEARANCE LIST:

7 LOIS TARKANIAN, Councilwoman

8 BRAD JERBIC, City Attorney

9 JEFF VICTOR, President and General Manager of the Fremont Street Experience

10 RICHARD WILLIAMS, representative, Carpenters Union, 501 North Lamb Boulevard

11 STEVEN ROSS, Councilman

12 LEE ROLLAND, Staff Attorney for the ACLU of Nevada

13 PAT RILEY, Attorney for the Fremont Street Experience

14 VAL STEED, Chief Deputy City Attorney

15
16 30 minutes

17 Typed by: Angela Crolli

18 Proofed by: Carmel Viado

RECOMMENDING COMMITTEE MEETING OF
November 14, 2006

COMBINED VERBATIM TRANSCRIPT – ITEM 7 – BILL NO. 2006-63 AND ITEM 8 –
2006-64

19 **COUNCILWOMAN TARKANIAN**

20 Moving on to Agenda Item Number 7, Bill 2006 dash 63, adopts a new Chapter, 10-point, 4-4A
21 of the Municipal Code relating to solicitation, proposed by Brad Jerbic, City Attorney.

22

23 **BRAD JERBIC**

24 Councilwoman, members of the Recommending Committee, I'll be glad to handle this one and
25 the item that follows. As you're probably aware through briefings and certainly through the
26 newspaper articles, the Ninth Circuit Court of Appeals ruled a couple of weeks ago on the
27 Fremont Street Experience case wherein the ACLU and others have raised challenges to Las
28 Vegas Municipal Code 10-point, 4-4, which relates to solicitation and 10 point, or excuse me,
29 11-point, 6-8, which relates to regulations within the pedestrian mall. This first Bill that you're
30 considering now, 206, 2006 dash 63 addresses only solicitation. I know that others would have
31 comments that they'd like to make on it. I'd like to make a bit of a record here We have made a
32 change to the definition of solicitation. I know the Circuit had problems with it. We have
33 changed it to remove some language and require that the kind of solicitation that we're talking
34 about now be a solicitation for something immediately. That word immediate may sound like a
35 small change, but it's a very significant change Solicitation in the past encompassed a lot of
36 activity, including the solicitation for, maybe, business in the future; come to my show next week
37 and you get a discount. That could have been a solicitation, other things of that nature.
38 Right now solicitation, and let me read this for the record, means the act for solicitation,
39 including asking, begging, soliciting or pleading for the purpose of immediately obtaining

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40 money, charity, business or patronage or gifts or items of value for oneself or for another person
41 or organization.

42 The second major change to this particular ordinance is a removal of a prohibition against
43 solicitation in the pedestrian mall. Turning your attention to Page 2, 10-point, 4-4A, point O-3-
44 O, used to have a Subsection F which prohibited solicitation in the pedestrian mall. That
45 prohibition against solicitation under the new definition is now contained in the next Bill that
46 you're gonna consider, but it is removed from the Bill that you're considering at this point in
47 time.

48 Another thing that we have done is, as you can see, this is 10-point 4-4A. It's a whole new
49 Chapter to the Las Vegas Municipal Code. We are not recommending at this point in time that
50 we override or modify 10-point 44. We still have some outstanding appellate issues and we don't
51 want to moot them out by erasing them or changing them or deleting that provision in the
52 Municipal Code. If this item rec, gets a do pass today from the Recommending Committee and is
53 passed by the Council tomorrow, it becomes law, we will not enforce 10-point 44, but we will
54 begin enforcement of 10-point 4-4A. With that, I'll be glad to answer any questions or let others
55 make any comments they wanna to make.

56

57 **COUNCILWOMAN TARKANIAN**

58 Yes, from the audience. Please state your name first.

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**COMBINED VERBATIM TRANSCRIPT – ITEM 7 – BILL NO. 2006-63 AND ITEM 8 –
2006-64**

59 **JEFF VICTOR**

60 Yes. Good afternoon. My name is Jeff Victor. I'm the President and General Manager of the
61 Fremont Street Experience, LLC. I'm here today on behalf of the company and each of its
62 members, speaking in support of proposed ordinance two thousand and six dash 64. As the
63 Council is aware, the Fremont Street Experience has been in operation since its creation in 1995.
64 It was originally envisioned to be a truly unique, one of a kind destination intended to attract
65 millions of tourists every year and help to drive capital investment to the heart of downtown Las
66 Vegas. Through the years between, the Fremont Street Experience has delivered on that intent. In
67 fact, the LVCVA reported that the visitation to downtown in two thousand and five exceeded 17
68 point seven million people. To put that visitation number in perspective, according to the trade
69 publication "Amusement Business", the two best attended amusement parks in the world in two
70 thousand and five, were Disneyland's Magic Kingdom in Orlando and Disneyland in Southern
71 California. The publication reported that these two parks attracted 16 point one million and 14
72 point five million visitors, respectfully, during the same year.

73 Attracting attendance numbers like that doesn't happen by accident. To do so requires enormous
74 capital investment, exceptionally inventive entertainment offerings, on-going management,
75 constant promotion and the promise of delivering a clean, safe and enjoyable environment.
76 In 1995 the City of Las Vegas delegated the authority to manage the Fremont Street Experience
77 to the company that I now preside over. Today and every day, for the past eleven years, our
78 office has successfully managed security, maintenance, cleanliness promotions, advertising, live
79 entertainment, light show programming and special events that continue to define the Fremont
80 Street Experience as one of the greatest tourist destinations available anywhere. The Ninth

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81 Circuit's recent decision regarding solicitation threatens to change all of that. It might not be
82 widely understood that the company generates a significant portion of its revenues through the
83 mall is leased retail operations, corporate sponsorships, sale of advertising space, and through
84 hosting private events. The dollar – generated by those activities are in turn spent to create free
85 entertainment offerings, to pay for the electric bills and to pay for the labor and supplies
86 necessary to manage the cleanliness, security and maintenance of the mall. These activities
87 attract visitors who then spend the money through the various points of commerce, thus creating
88 jobs and tax revenues. This, rather, simple formula works very, very well. The key to that
89 formula is the company's ability to continue to manage the mall environment as it has done so for
90 the last eleven years.

91 Solicitation activities left on unbridled are fundamentally incompatible with the character and
92 function of the mall. Corporate sponsors will not be associated where, with – an environment
93 where panhandling is allowed to flourish. Advertisers will not pay to do so in an environment
94 where others are allowed to do so for free. No event organizer will pay to have a private function
95 in an environment where their clients would be exposed to intrusions from uncontrolled
96 solicitations. No retail cart will want to pay for a lease in an environment where others are
97 allowed to solicit their wares at will. Most significantly, I guess, the experience would be
98 compromised. Make no mistake about it, the Fremont Street Experience is not a place through
99 which people travel to get from point A to point B. It is a destination where millions of tourists
100 gather each and every year to be entertained, shop and consume. In fact, our office works very
101 hard to create experiences that encourage just that. When we douse the neon lights from the
102 buildings and illuminate the biggest screen on the planet, showing proprietary content only

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103 available at the Fremont Street Experience, guests stop and engage in a six to eight-minute
104 theatrical experience. When we host live concert events, guests stop and engage in the event for a
105 very long periods of time. They are a captive audience and as such are vulnerable to unwanted
106 solicitors. Their only escape from the solicitation would be exit the event.

107 Similarly, guests will be highly vulnerable as they shop. Stopped, engaged in a transaction,
108 wallets in hand, purses open, shoppers would be likely an easy target for solicitation. Diners at
109 the many outdoor eateries would also be targets. Captive in their seats, engaged in their
110 consumption, solicitors would take advantage of the opportunity. Stopped to get a soda from one
111 of the mall's twenty-eight vending machines, you're easy picking for solicitors.

112 In this light, visitors to the mall are just as vulnerable to solicitation as those getting money from
113 ATMs, waiting at bus stops, walking through parking garages or entering or exiting businesses,
114 the same types of places where solicitation is already banned. We ask that the same ban be
115 implemented at the Fremont Street Experience so the mall can continue its mission to preserve
116 and grow the downtown business corridor.

117 I would also like to note that I have reviewed the records submitted to the City Council that
118 supported the original ordinances, and I must add that the same market forces the citizens and
119 pressures that were facing downtown more than 10 years ago, are still facing us all. If anything,
120 the competition has only increased since that time. The ordinance that's before you seeks to
121 preserve the viability of the Fremont Street Experience as a world class commercial and
122 entertainment attraction. Thank you.

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2006-64**

123 **COUNCILWOMAN TARKANIAN**

124 Any other additional comments from the audience? Yes. Please, state your name first.

125

126 **RICHARD WILLIAMS**

127 Richard Williams, 501 North Lamb, representing the Carpenters Union of Nevada. I have three
128 copies of a letter here, if you'd like a couple of the copies. Have two other ones here. The Nevada
129 Carpenters Union is requesting that the hearing on Agenda Items Number 7 and 8 concerning the
130 solicitation issue on the Recommending Committee agenda dated November 14th, 2006, be
131 continued to a future date. The Carpenters Union does not feel that there is adequate time to
132 review the proposed ordinance. We come to this determination based on the fact that an adoption
133 vote is scheduled within 24 hours of today at the Las Vegas City Council meeting on November
134 15th, 2006. The Carpenters Union feels that the impact of such an ordinance needs to be
135 examined to determine if the rights of working people of Nevada are being infringed upon, with
136 regards to free speech and the right to demonstrate, excuse me, within the Fremont Street
137 Experience. We feel that working people in Nevada have a right to express their views within the
138 Fremont Street Experience. For those reasons, we are asking the Recommending Committee to
139 table these agenda items so that these concerns could be further addressed with adequate time
140 before being voted on at the November 15th, 2006, Las Vegas City Council meeting. Thank you
141 for your consideration.

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2006-64**

142 **COUNCILWOMAN TARKANIAN**

143 I – want you to know that after I received this letter, I did discuss it with Brad Jerbic to see if that
144 could be done because I could understand your concern about the lack of time.

145

146 **RICHARD WILLIAMS**

147 Sure.

148

149 **COUNCILWOMAN TARKANIAN**

150 However, there is a problem, that this would die, at, if we don't move it on to the Council. And

151 Mr. Jerbic, could you explain that, as a legal person, please

152

153 **BRAD JERBIC**

154 I'd be happy to, Councilwoman. What happened, the Circuit ruled a little over two weeks ago

155 and indicated in their decision that upon remand to the District Court these, they were to enjoin

156 with the City from enforcing the ordinances. That was a solicitation prohibition and the

157 pedestrian mall regulation. The, because we know its' coming, we feel that there's potential

158 liability for the City today in enforcing any of those ordinances. And so, upon receipt of the

159 Ninth Circuit's opinion, we suspended enforcement of both the solicitation ordinance, which, by

160 the way, applied City-wide, and the activity well outside the pedestrian mall and the pedestrian

161 mall ordinance. The, at the same time we did that, we recognized that that might let loose an

162 environment in the Fremont Street Experience that we meant to control with these ordinances the

163 first time around. The, as Mr. Victor just stated, the Fremont Street Experience funds itself

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164 through the sales of advertising, through the sales of carts, through other commercial advertising
165 in the mall and they control that entire environment and the payoff for the taxpayer is that the
166 operation and maintenance is solely upon the shoulders of the Fremont Street Experience. The
167 taxpayer doesn't pay for one kilowatt of electricity or replacement for one light bulb or to clean
168 up one stick of gum on the ground.

169 Our concern was that without something to replace those ordinances, as soon as possible, that
170 that environment might suddenly become out of control, and might turn into a situation where, as
171 Mr. Victor noted, who would pay for a push cart if you can set one up for free? Who would stand
172 for a light show or for a concert if you are going to be solicited on the spot and scared out of the
173 mall or driven from the mall? The, so we put these ordinances together and I asked that they be
174 fast-tracked so that they'd eligible for adoption in a shortest time period as possible. What that
175 meant was some risk. It meant that we had to publish earlier than we would normally publish so
176 they'll be eligible as soon as possible date which is tomorrow. As a result of that decision, if they
177 are not adopted tomorrow, they'll die and we'd have to start the whole process over and will end
178 up in a position where the soonest you could consider probably these would be the middle of
179 December, maybe the end of December. And that, that's just the reality of the situation.

180 I – will state on the record, not that I'd expect this going to ally any concerns of union members
181 at this point in time, that the original ordinance regulating mall activity, under 11-point 6-8,
182 recognized that there are certain protections that unions have that exist under federal law above
183 and beyond that which the Constitution gives. The National Labor Relations Act, passed by
184 Congress many years ago, affords union members selected to do things on private property that
185 the average citizen couldn't do. In order words, gives you more protection under the Constitution.

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186 You can go into break rooms and give people brochures to solicit membership in – a union. You
187 can stand outside the doorways of a private property to get people to become a member of the
188 union and you can protest as well on those properties as rights given above and beyond that was,
189 that are in the Constitution.

190 I can state that we are very much aware of those rights and how they've been defined in the case
191 law and nothing in those ordinances is meant to in any way chip away at those – additional rights
192 that union have under the National Labor Relations Act. So your rights to organize and protest
193 and to do other things that are protected well above and beyond the Constitution are still intact
194 and – in my opinion, not impacted by either of these ordinances. I'll put that on the record if
195 that's some consolation.

196 I will also offer, of the Carpenters Union and any other union member this as well, if there are
197 concerns that I have not addressed or we have not addressed from this short period of time, we'll
198 be happy to meet with anybody and – if a problem can be identified, we'll be happy to put these
199 back on the agenda. But I think the, given the fact that I don't think there's a risk to anybody
200 conducting union activity in the mall as a result of these ordinances, I think there is a tremendous
201 (inaudible) that the mall may become a very unregulated environment in a very short order if we
202 don't get something on the books very soon. I – would still recommend a do pass on this
203 ordinance at this time.

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204 **COUNCILWOMAN TARKANIAN**

205 Do you have any more comments?

206

207 **RICHARD WILLIAMS**

208 I just had one question, just to clarify. If there was a labor dispute at a property, just, I don't want
209 to mention anybody by name, but just to say if there was a problem, you mentioned organizing
210 within the property. If we were to have a picket line on Fremont Street, outside the walls of the
211 property, would that, would this ordinance affect that in any way?

212

213 **BRAD JERBIC**

214 In our opinion, you could have done that under the old set of ordinances that were ruled on by
215 the Ninth Circuit. We never can regulate that activity and so you could have picketed under the
216 old ordinances, you could picket under the new ordinances.

217

218 **RICHARD WILLIAMS**

219 Okay. Thank you for clarifying that.

220

221 **COUNCILWOMAN TARKANIAN**

222 Is that, take care of your questions, then?

223

224 **RICHARD WILLIAMS**

225 Yes. Thank you.

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226 **COUNCILWOMAN TARKANIAN**

227 Thank you very much. Is there anybody else that wishes to speak?

228

229 **BRAD JERBIC**

230 If I could, before Lee Rolland speaks, I, we've been making kind of a mixed record here on Item
231 Number 7 and Item Number 8. Could I ask, of the Recommending Committee's permission, that
232 you read Item Number 8 into the record at this time as well, that way we can discuss them both
233 and add the same record that pertains to both items.

234

235 **COUNCILMAN ROSS**

236 I think that's a good idea since it's closely related.

237

238 **COUNCILWOMAN TARKANIAN**

239 So reading Item Number 8, Bill 2-0-0-6 dash 6-4 adopts a new Chapter 11-point 6-8A of the
240 Municipal Code relating to the City's Pedestrian Mall, proposed by Brad Jerbic, City Attorney.
241 And we're doing these two together in comments made because of the close association of the
242 two items.

243

244 **LEE ROLLAND**

245 Thank you. I think that is very sensible and efficient. My name is Lee Rolland. I'm the Staff
246 Attorney, the ACLU of Nevada, again for the record. I – I'm glad that Mr. Jerbic explained the
247 expedited schedule, 'cause that was certainly one of our concerns here too. So, with that in mind,

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248 obviously this is, we have a long history between the City and the ACLU on this issue. So, I
249 hope that I can say this frankly and honestly, which is that, we're here because we believe that's
250 still unconstitutional. We have an excellent track record; that's not by means of bragging. It's
251 simply to say that this is meaningful for us. I mean, if we really intended to go out and litigate,
252 we would do it. We don't see any value in that. We live here too. We would really prefer to have
253 a conversation about the ordinance and express our concerns. And because of the timeline, that's
254 obviously not possible here. So, I think, based on Mr. Jerbic's explanation, which is, certainly,
255 reasonable, nonetheless, we would say that, I would think that it would be better to have, I mean,
256 I don't think it would be anarchy, but to have a month of possible anarchy at the worst, in order
257 to create an ordinance that doesn't have the constitutional flaws that we believe this one still has.
258 I'm glad we did consolidate 7 and 8 because 7 includes the definition of solicitation which adds
259 the word immediately. It certainly does change things a bit. However, the Ninth Circuit has been
260 clear that in a public forum, which Fremont Street has been designated by the Ninth Circuit, that
261 when sales are included with protected expressive activity, such as a non-profit group selling T-
262 shirts or accepting donations; that is fully protected in a public forum. The name of that case is
263 Gaby v. Snay. I'm sorry that it is not in my memo. So, even though the word immediately may
264 change somewhat the way the Court looks at this, it's pretty clear under Ninth Circuit precedent
265 that the activities that are now expressively prohibited under Section 8, we don't think they're
266 going to be any more constitutional 'cause the Ninth Circuit case law makes pretty clear that that
267 is a dead-end. So, again, what we're looking at, it's the same three exact stipulations that were
268 struck down by the Ninth Circuit, with the addition of the word immediately. From our view of
269 the case law, that really doesn't change the analysis here because the Court has already looked

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270 into that in San Francisco and said, if people are selling and it's expressive, they have the right to
271 do that in a public forum. Now, I can fully respect if people on the Council don't like that
272 opinion, but nonetheless, it is the law in this Circuit. It is how the Ninth Circuit has decided the
273 constitutionality of other issues; those are on the wharfs of San Francisco, which if anybody has
274 been there, it's a semi privatized environment that is intended as a tourist destination. There's no
275 indication that after having ruled that Fremont Street is a public forum, that it would be any
276 different in this situation.

277 Secondly, the specific section of the new ordinance, 64, adds section, I apologize, I believe it's
278 100K, oh, that, (inaudible) solicitation fine. This sections B and H are virtually, I -- believe,
279 completely unchanged, except for that in H it's says for purposes of solicitation. I'm assuming,
280 to give the benefit of the doubt, that that now includes the new definition as under K. But even
281 with that, as I said, they still have the problem. And I just wanna to note that the addition of a
282 paragraph in the law book says, you know, none of this is intended to abrogate the derogation of
283 the constitution statutory rights of any person. That's, that inadequate in federal law. The federal
284 courts look at what the plain meaning of the statute is. And right now, reading this statute, what's
285 clear is that solicitation is banned, setting up the table to solicit is banned, and while that may be
286 a laudable goal, it is clearly, exactly the activity that the Ninth Circuit just said you cannot
287 prohibit in its recent case.

288 So, I'm -- mindful of the changes that have been made. I -- certainly don't mean that any of this
289 has been done in bad faith, but nonetheless, we think this ordinance is just, still so close to the
290 other ordinance that it's literally kind of playing games with the Court. And to some degree, I
291 think the Ninth Circuit's decision deserves a little bit more reverence. And, as I said, we're here

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292 in the spirit of collegiality. We would love to give our input, and if that seems as self-
293 aggrandizing, I apologize. It's clearly because we believe that we have a great track record on the
294 First Amendment and we would prefer to be having a conversation rather than doing an
295 expensive litigation yet again on this ordinance which I can assure you, if it passes in this current
296 form and someone is cited under it, we would certainly consider. And that's not a threat at all
297 It's simply the truth. We still have the same concerns, and I'd be lying if I said otherwise. So in
298 the hopes of sparing some taxpayer dollars on an unnecessary lawsuit, we request the
299 opportunity to work with the City Attorney's Office. We're certainly willing to be reasonable and
300 see if there might be a middle ground that we can agree on that might, both, prevent a law suit
301 and ensure that Fremont Street is not the anarchy that you fear.

302 And while I understand the time press, I feel that during this case it may be a pennywise and a
303 pound foolish because you may have one month covered, but it certainly might mean another
304 eight-year litigation battle which I really don't think is in anybody's best interest. So, and again, I
305 – really mean those comments as positively as I can. We would love the opportunity to, you
306 know, speak about it before we end up in a legal battle. So that's certainly why I'm here. We, just
307 like the Carpenters Union and other unions that have contacted us, would really love the
308 opportunity to have more time to see if this can be worked out and see if a version can come
309 through that we can live with, that the City can live with. I think that will be in everyone's best
310 interest. And if the City isn't willing to do that, we certainly understand and thanks for the
311 opportunity.

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312 **COUNCILWOMAN TARKANIAN**

313 All right. Thank you for your words of collegiality and I understand your strong commitment
314 and, of course, the, there is of strong commitment on keeping, what we have in the Fremont
315 Street Experience as it is now. I believe that the Councilman wanted to make some comments.
316

317 **COUNCILMAN ROSS**

318 Thank you, Councilwoman I thank you very much for your presentation, as well as the
319 Carpenters and the Fremont Street Experience. In our role, in this position, and let me back up, in
320 your first respective roles and your positions with the ACLU, the Carpenters and the Fremont
321 Street Experience, this is what you're supposed to do here, if – you see something challenging
322 coming up The Councilwoman and I and the Council in general, needs to look at the big picture.
323 The economic viability and sustainability in the Fremont Street Experience is a priority of ours,
324 without a doubt. Jobs are on the line, without a doubt, protecting workers' rights to picket or to
325 increase their members by organizing efforts; absolutely important as well. This is a fairly union
326 town, at the same time protecting the civil rights of individuals. So, we need to look and examine
327 the big picture. I think, in regards to Mr. Jerbic's explanation of the time-sensitive issue of trying
328 to get this through quickly, I – understand that and I, absolutely accept that because of the
329 priority of keeping the Fremont Street Experience economically viable.
330 I've gotta share a personal experience with you. I've been solicited on Fremont Street. These
331 laws that we create don't always have great effect. So, if someone is going to solicit you and ask
332 you for a buck or ask you for a beer, they're going to solicit you, regardless if it's legal or not.
333 But I understand where the ACLU is coming from, as well as the labor organizations. I'm very

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334 in-tune with labor organizations and I haven't been contacted on this, which is surprising. If the
335 LVCAL felt that this was an issue, I'm sure my office would have been contacted And I may
336 have a message upstairs, I'm not sure. But this is a priority of mine also. Councilwoman, as we
337 review this and think about this, I think it's in the best interest, and I will get legal counsel on
338 this, if we pursue this, Mr. Jerbic, can this not be amended, can we not, our legal teams, enter
339 into conversations with the ACLU in regards to their concerns and – the adjustments of? Is this
340 not a living document or a living law that gosh, darn it. This is what we got on the books now?
341 We need to bring this back at the end of December to see if we can adjust this.

342

343 **BRAD JERBIC**

344 Absolutely. To anticipate the request, I would, first of all extend to – Lee and to members of the
345 ACLU, if somebody wants to come to us at any point in time and look through this document
346 and say, we recommend this change and this change, we may not agree at the end of the day, but
347 we'll always have that dialogue.

348

349 **COUNCILMAN ROSS**

350 And that's okay, that's okay.

351

352 **BRAD JERBIC**

353 And any agreement they – one thing I can also point out though is that, as a big a body as the
354 ACLU is and as -- nationally visible as they are, when it comes to constitutional issues, in
355 particular First Amendment issues, I do have to point out the ACLU does not speak for every

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356 citizen of this country. They speak for the ACLU and you could reach, technically, agreement
357 with the ACLU a language that protects the mall and does not step on the constitutional rights
358 they think are – affected here And, which by the way, we disagree, but I need to put that on
359 record, the, you could have a federal agreement and still have a citizen out there say, you don't
360 speak for me, I don't like your ordinance. So, I don't know if there's any particular way that you
361 get bulletproof when you do an ordinance that does not face a number of restrictions when it
362 comes to the First Amendment conduct.

363

364 **COUNCILMAN ROSS**

365 Councilman (sic), if I may, I – think that's the great thing about the democratic process, not
366 everybody is gonna to be happy. But as long as we're sitting down on the table and talking about,
367 as long as we're protecting the rights of workers, as long as we're protecting the rights of the
368 individuals, and as long as we're protecting the rights of the businesses that we want to see be
369 successful, especially in the downtown corridor, you know, we're heading in the right direction I
370 don't think my – moving forward with this it's gonna to affect labor issues, because I'm going to
371 be the first one to holler and scream about that. And I, I'm sure you can work close with the
372 ACLU in regards to other issues when it comes to the constitutional law. That's your department,
373 that's certainly isn't ours. But we need to be proactive, think outside the box and think about the
374 big picture here.

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375 **COUNCILWOMAN TARKANIAN**

376 And I – think as, the things we discussed today pertaining to the union issues and from what I
377 was able to find out, it would not affect you adversely. And if you had any questions on that or
378 anybody in your organization, I'm sure you can come to Mr Jerbic and, but from we've been
379 able to ascertain, it would not affect you adversely. I think both of us would feel very strongly
380 about that.

381

382 **RICHARD WILLIAMS**

383 Absolutely.

384

385 **COUNCILWOMAN TARKANIAN**

386 And the other thing is, is that, you know, there is a balance there with ACLU and – with others
387 and how they feel. And these are things we need to work out and perhaps be able to have a win-
388 win balance, if at all possible. Now, I realize that we may end where you would need to take us
389 to court again and your record is admirable in that, you have done well in taking us to court in
390 that particular area. But, this is not taxpayers' money, as I've been told. This is money that's
391 coming from the Fremont Experience that's paying for it. So, it's not that we're saying, okay,
392 let's just go on, let's chase and let the taxpayers, you know, give up money for this This is not
393 the case. Every single penny of this, the expenses of ACLU, as well as the expenses that have
394 occurred otherwise, have been covered by the Fremont Experience So, I did want to mention
395 that.

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396 **BRAD JERBIC**

397 Let me clarify the record too. Mr. Henry, who's our Senior Litigation counsel, who isn't present,
398 and his litigation team, we are salaried employees of the City who will get the same salary
399 whether we're in court 24 hours a day or we're in our office 24 hours a day. So, the extent the
400 City is paying for our salaries, that – is an expense that the City is affording, but you're paying
401 that any way With respect to everything else, you said, correct, Councilwoman, the cost of
402 outside lawyers have been a hundred percent borne by the Fremont Street Experience and any
403 costs associated with the ACLU winning have also been borne by the Fremont Street Experience
404 I expect, that will continue to be the relationship

405

406 **COUNCILWOMAN TARKANIAN**

407 Any other comments from the audience?

408

409 **BRAD JERBIC**

410 I just have a couple of technical things I need to say for the record. First of all, with respect to
411 Item Number 8, that's Bill Number 20-0-6 dash 64, from our end intend to submit a First
412 Amendment to that Bill. It's just a very small particle change, but I noticed it today, 11-point 6-
413 8A point O-1-O, in this (inaudible) predicate for why we passed and why Council passed the
414 original ordinances in the 1990s, and it says, Council finds that there's been a progressive
415 decline in economic growth and vitality in businesses located in the center of the Casino District
416 And it goes to speak in the present tense.

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417 I intend to submit new language tomorrow that will say, when the, this ordinance was originally
418 considered in, whenever it was considered, the Council found that there was a progressive
419 decline. So, I wanna – put more in a temporal context. The second paragraph says that the City
420 Council further finds that it's in the public interest to select a contract with a private operative
421 entity. Language will say something in the effect of, the Council found in 19 whatever, and
422 continues to find today that it's in our interest to contract with a private contracting entity. So,
423 those are changes that will be coming your way tomorrow and they're very small. They don't
424 affect materially any of the changes that we submitted today for the ordinances
425 The second thing I would like to do at this point in time, is incorporate in the record all records
426 made with respect to 11-point 6-8 and M-point 4-4 that have been made either at the
427 Recommending Committee or the City Council meeting over the past several years, since these
428 ordinances were first introduced. We made a number of findings with respect to solicitation
429 within, near doorways, solicitation that's coercive, solicitation that is at a public transportation
430 facility. And the underlying facts this Council relied upon in passing those ordinances back then,
431 need to be incorporated in the record today so that when we eventually, if this certainly, if there
432 is litigation, that record exists for these ordinances as well. So, any record with respect to 11-
433 point 6-8 and M point 4-4 should also be incorporated into this record. With that, I don't have
434 any more comments.

435 Sitting next to me, I need to point out, is Pat Riley with Aron Lang, who is also counsel for the
436 Fremont Street Experience. He's been involved with the litigation. I don't know if Pat had
437 anything to add for the record. I wanted to introduce him and give him that opportunity.

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438 **PAT RILEY**

439 No. I think at this point, other than to say that, with regard to the new ordinances that have been
440 presented before you, the intent has been to comply with the Ninth Circuit decision and to create
441 a very practical framework and still satisfy the concerns that the Ninth Circuit had. There's – no
442 bad faith here. There's no attempt to crush anybody's viewpoints or free speech rights but simply
443 to do what the Ninth Circuit has told us that we could do. And we believe that we've followed
444 that road map here. Thank you.

445

446 **COUNCILWOMAN TARKANIAN**

447 You're welcome. Any other comments from the audience? Councilman?

448

449 **COUNCILMAN ROSS**

450 Councilwoman, in regards to Mr. Jerbic's comments on Agenda 7 and 8, I would, as I make the
451 motion, Mr. Jerbic, let's include the as amended portions in this meeting and you'll be prepared
452 for, I believe, Mr. Steed, we can do that, as amended and incorporate Mr. Jerbic's comments on
453 Agenda Item Number 7 in regards to the history of these – laws. Is that correct?

454

455 **VAL STEED**

456 Yes. And what you're saying is that you would, with respect to Item Number 8, you would
457 recommend that the First Amendment be presented tomorrow –

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458 **COUNCILMAN ROSS**

459 Yes.

460

461 **VAL STEED**

462 – with the changes to those two paragraphs that were indicated.

463

464 **COUNCILMAN ROSS**

465 Yes. That's what I was, you know what I meant. Okay. With that, Councilwoman, I'm prepared

466 to make a motion.

467

468 **COUNCILWOMAN TARKANIAN**

469 Proceed.

470

471 **COUNCILMAN ROSS**

472 On Agenda Item Number 7, Bill 2-0-0-6 dash 6-3, I would refer to Council with a Do Pass,

473 including Mr. Jerbic's comments on the history of these laws that were associated with.

474

475 **COUNCILWOMAN TARKANIAN**

476 All in favor?

477

478 **COUNCILMAN ROSS**

479 Aye.

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480 **COUNCILWOMAN TARKANIAN**

481 Aye.

482

483 **COUNCILMAN ROSS**

484 And on Agenda Item –

485

486 **COUNCILWOMAN TARKANIAN**

487 Item passes.

488

489 **COUNCILMAN ROSS**

490 On agenda Item Number 8, Bill Number 2-0-0-6 dash 6-4, I would also move to refer to

491 **Council with a Do Pass with the First Amendment Mr. Jerbic will present to Council**

492 **tomorrow.** And as I make that motion, Councilwoman, it's – important, as we discuss it here at

493 the Recommending Committee, it's very important to get all the Council's input and their

494 thoughts.

495

496 **COUNCILWOMAN TARKANIAN**

497 Right.

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498 **COUNCILMAN ROSS**

499 So, all of the parties who were here today, have an opportunity to – be at the Council meeting
500 tomorrow and voice their concerns and do the same thing in a public forum. And that's my
501 motion.

502

503 **COUNCILWOMAN TARKANIAN**

504 That's right And also I urge to discuss with Mr. Jerbic any suggestions they have.

505

506 **VAL STEED**

507 And you'd like to incorporate the history of –

508

509 **COUNCILMAN ROSS**

510 Yes.

511

512 **VAL STEED**

513 11-point 68 original –

514

515 **COUNCILMAN ROSS**

516 Yes.

517

518 **VAL STEED**

519 – record for this.

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520 **COUNCILMAN ROSS**

521 Yes. Thank you for that. That's my motion, Councilwoman.

522

523 **COUNCILWOMAN TARKANIAN**

524 All in favor?

525

526 **COUNCILMAN ROSS**

527 Aye.

528

529 **COUNCILWOMAN TARKANIAN**

530 Aye. Motion passes.

531

532 **(END OF DISCUSSION)**

533 /ac;cv

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

Motion made by STEVEN D. ROSS to Approve as a Do-Pass with a First Amendment to be presented at the 11/15/2006 Council meeting

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

LOIS TARKANIAN, STEVEN D ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

A combined Verbatim Transcript of Items 7 and 8 is made a part of the Final Minutes under Item 7. Also, see Item 7 for additional backup, a list of appearances and related discussion

BILL NO. 2006-64

ORDINANCE NO. _____

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

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Adopts a new Chapter 11.68A of the Municipal Code, relating to the City's Pedestrian Mall.

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

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

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

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

11.68A.020: As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 fee in connection therewith;

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

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

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

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

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

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

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

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

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

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

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

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

13 (C) Parades;

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

17 (E) Sleeping or camping;

18 (F) Littering;

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

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

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

1 (J) Feeding birds; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 PASSED, ADOPTED and APPROVED this ____ day of _____, 2006.

10 APPROVED:

11
12 By _____
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BARBARA JO RONEMUS, City Clerk

17 APPROVED AS TO FORM:

18 *Val Steed* 10-24-06
19 _____
20 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: _____

12 APPROVED:

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

17 BARBARA JO RONEMUS, City Clerk

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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

DEPARTMENT: CITY CLERK

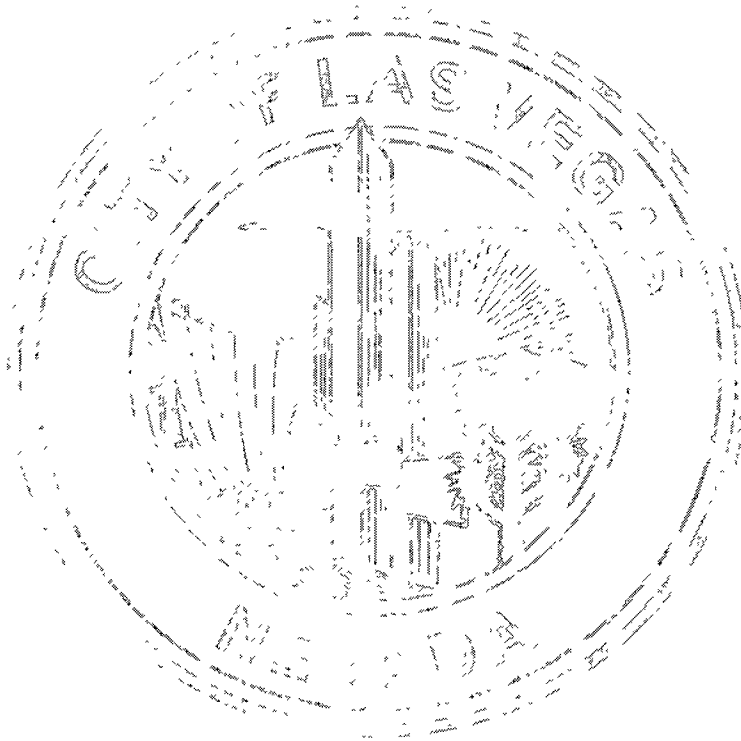
DIRECTOR: BARBARA JO RONEMUS

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

Minutes:

None.



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ Consent ☒ Discussion

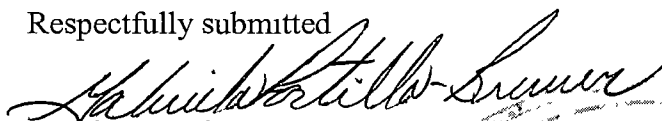
SUBJECT:

ADJOURNMENT

Minutes:

The meeting adjourned at 4:51 p.m.

Respectfully submitted



Gabriela Portillo-Brenner, Deputy City Clerk II

November 20, 2006

