

Sections:

16.11.010 - Purpose.

The board finds that due to vehicle congestion, long delays and increasing costs, it has become increasingly more attractive for residents and visitors to use the public sidewalks on Las Vegas Boulevard South (the Strip) rather than to drive or to ride. Since, traditionally, the major emphasis along the Strip has been on automobile transportation and not on pedestrians, the existing pedestrian environment is inadequate as a transportation system and lacking in many safety features. Moreover, a great number of persons are engaged in uses of the public sidewalks which create undue obstruction, hindrance, blockage, hampering, and interference with pedestrian travel. Large numbers of pedestrians are walking in the streets when the public sidewalks become congested and many pedestrians are crossing against the traffic signal indications. In recognition of the need for improvement of the pedestrian environment and the need for accessible public sidewalks, it is necessary to enact the following regulations.

(Ord. 1617 § 1 (part), 1994)

16.11.020 - General definitions.

(a) "Pedestrian travel" includes nonvehicular travel by persons on foot, as well as vehicular travel by persons with disabilities in wheelchairs or similar devices.

- (b) "Level of service" or "LOS" means a series of measures that define the relative degree of convenience for different pedestrian traffic volumes and densities, as determined by methodology set forth in Chapter 13 of the Highway Capacity Manual and the Las Vegas Boulevard South Pedestrian Walkway Study. Both documents are on file in the office of the clerk of Clark County, Nevada.
- (c) "Crosswalk" means any above or below grade structure or surface portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs, lines or other markings on the surface.
- (d) "Public sidewalk" means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians, and shall also include crosswalks, medians and traffic islands. For the purposes of this chapter, "public sidewalk" shall include private property upon which a limited easement of public access has been granted. However, no provision of this chapter shall be construed to limit any right of the private property owner to restrict or limit the use of that private property.
- (e) "Obstructive use" means:
 - (1) Placing, erecting or maintaining an unpermitted table, chair, booth or other structure upon the public sidewalk, if the placing, erecting, or maintaining of the table, chair, or booth is not protected by the **First Amendment** or if the placing, erecting, or maintaining of the table, chair, or booth is **protected by the First Amendment** but is actually obstructive;
 - (2) Forming a cordon or line of persons across the public sidewalk;
 - (3) Carrying banners or signs, upon the public sidewalk which actually causes an obstruction on the sidewalk;
 - (4) Placing or storing equipment, materials, parcels, containers, packages, bundles or other property upon the public sidewalk which actually causes an obstruction on the sidewalk;
 - (5) Placing, erecting or maintaining an unpermitted fixed sign upon the public sidewalk;

- (6) Sleeping upon the public sidewalk;
 - (7) Obstructing, delaying, hindering, blocking, hampering or interfering with pedestrian passage, including passage to or from private property; or
 - (8) Any use of the public sidewalk that causes the LOS for the public sidewalk to decline below LOS C, as determined by the methodology used in Chapter 13 of the Highway Capacity Manual and Las Vegas Boulevard South Pedestrian Walkway Study.
- (f) "LOS C" means a pedestrian flow on a sidewalk of less than or equal to ten pedestrians per minute per foot as specified and defined in the Highway Capacity Manual, Special Report 209, a copy of which is filed with the office of the county clerk.
- (g) "Permitted obstructive use" means:
- (1) Any obstructive use of the public sidewalk by public safety equipment, including but not limited to, street signs, traffic signals, fire hydrants, utility poles and street and sidewalk lighting; and
 - (2) Any obstructive use of the public sidewalk for purposes of construction, maintenance or repair of the public safety equipment, right-of-way (or equipment therein) or adjoining private property, conducted by or pursuant to a valid construction permit issued by the Clark County department of public works, Clark County building department or Nevada Department of Transportation;
 - (3) Any obstructive use of the public sidewalk resulting from:
 - (A) An encroachment or structure constructed pursuant to the ordinances, rules, regulations or laws of the United States, the state of Nevada or Clark County, or
 - (B) The construction, modification, addition or attraction upon abutting private property occurring or in place before May 1, 1994;
 - (4) Any newsrack licensed pursuant to Clark County Code Chapter 16.08 unless such newsrack causes a degradation of the LOS to LOS C or less as provided in Section 16.11.040(e);
 - (5) Any conduct "arguably protected" by the National Labor Relations Act until or unless such conduct is determined to be unprotected pursuant to a decision of the National Labor Relations Board;
- (h) "Arguably protected" as used in subsection (g)(5) of this section has the same meaning as in San Diego Building Trades Council v. Garmon, 359 U.S. 236, 79 S. Ct. 773 (1959).
- (i) "Street performer" is a member of the general public who engages in any performing act or the playing of any musical instrument, singing or vocalizing, with or without musical accompaniment, and whose performance is not an official part of a sponsored event.

(Ord. 3626 § 1, 2008; Ord. 1617 § 1 (part), 1994)

(Ord. No. 3916, § 1, 11-16-2010; Ord. No. 3986, § 9, 10-4-2011)

16.11.030 - Establishment of the resort district.

For purposes of this chapter a resort district is established as Sections 9, 10, 15, 16, 17, 18, 20, 21, 22, 27, 28, and 29 of Township 21 South, Range 61 East, Mount Diablo Meridian, Clark County, Nevada.

(Ord. 3626 § 1, 2008; Ord. 1617 § 1 (part), 1994)

16.11.035 - County policy against obstructive uses of public sidewalks.

It is the policy of Clark County that no obstructive use, other than a permitted obstructive use, shall be permitted upon any public sidewalk of the resort district of the Las Vegas Valley if the obstructive use, if allowed to occur, would:

- (a) Cause the LOS for the sidewalk to decline below LOS C; or
- (b) Result in a significant threat to or degradation of the safety of pedestrians.

(Ord. 1617 § 1 (part), 1994)

16.11.038 - Notice relating to no obstruction zones in the resort district.

Signs shall be posted at least every quarter of a mile in the resort district.

(Ord. 1617 § 1 (part), 1994)

(Ord. No. 4440, § 1, 11-1-2016)

16.11.040 - Prohibition of obstructive uses.

No obstructive use shall be permitted on public sidewalks in the following areas, which areas shall be designated by the placement of pavement markings on the public sidewalks or signs designating the limits of the no obstruction zones, or plaques, monuments or medallions placed in the public sidewalks:

- (a) On or within any crosswalk, including but not limited to all portions of a public sidewalk located in or on a median, traffic island or other structure within, across or over or under a public street or roadway;
- (b) (1) In or within one hundred fifty feet of any mid-block crosswalk, as measured from the crosswalk parallel to the sidewalk curb toward the direction of approaching vehicular traffic, and
(2) In or within fifty feet of any mid-block crosswalk as measured from the crosswalk parallel to the sidewalk curb away from the direction of approaching vehicular traffic;
- (c) (1) In or within one hundred feet of any crosswalk located at an intersection of streets or highways, as measured parallel to the sidewalk curb in the direction of approaching vehicular traffic from the point of curvature of the curb or the marked edge of the crosswalk, whichever is less, and
(2) In or within fifty feet of a crosswalk located at an intersection of streets or highways, as measured parallel to the sidewalk curb away from the direction of approaching vehicular traffic from the point of curvature of the curb or the marked edge of the crosswalk, whichever is less;
- (d) In or within fifty feet of any driveway providing ingress into or egress from any private or non-public property, as measured parallel to the sidewalk curb outward from the point of the curb cut;
- (e) On or within any section of the public sidewalk which has been determined to have an average LOS of C or below, during the hours at which LOS declines below LOS C, as determined by a traffic study conducted by a registered professional engineer or the Clark County department of public works according to the methodology set forth in the Las Vegas Boulevard South Pedestrian Walkway Study.

(Ord. 1617 § 1 (part), 1994)

16.11.050 - Designation of no obstruction zones.

The board of county commissioners shall adopt a map, to be prepared by the Clark County department of public works, of the H-I zoning district which clearly sets forth those portions of the public sidewalks where obstructive uses, other than permitted obstructive uses, shall be prohibited based upon the factors set forth in Section 16.11.040, above.

- (a) These areas shall be designated as no obstruction zones and shall be clearly marked by the county by the pavement markings on the public sidewalks or signs designating the limits of the no obstruction zones, or monuments or medallions placed in the public sidewalks, by declaring same.
- (b) Pavement markings on the public sidewalk or signs designating the limits of the no obstruction zones, or plaques, monuments or medallions placed in the public sidewalk marking areas deemed to be no obstruction zones on the basis of LOS, as set forth in Section 16.11.020, shall also specify the hours during which the area is a no obstruction zone.
- (c) No person shall be in violation of this chapter for obstructive use of a no obstruction zone if the no obstruction zone is not designated.

(Ord. 1617 § 1 (part), 1994)

(Ord. No. 4440, § 2, 11-1-2016)

16.11.060 - Structures.

No person shall erect, place or maintain any building, booth, structure, table, chair or other object in whole or in part, upon any public sidewalk unless such use is a permitted obstructive use as set forth in this chapter.

(Ord. 1617 § 1 (part), 1994)

16.11.070 - Storing and unloading materials on public sidewalks.

(a) No equipment, materials, parcels, containers, coolers, packages, bundles or other property may be stored, placed or abandoned in or on the public sidewalk. This provision shall not apply to materials or property held or stored in a carry bag or pack which is actually carried by a pedestrian or items such as a musical instrument case or a backpack which is temporarily placed next to a street performer for that street performer's use unless said musical instrument case or backpack actually obstructs the sidewalk in violation of this chapter;

- (b) Except in designated loading zones, vehicles may not stop in traffic lanes to load or unload equipment, materials, parcels, containers, packages, bundles or other property onto the public sidewalk.

(Ord. 1617 § 1 (part), 1994)

(Ord. No. 3916, § 1, 11-16-2010; Ord. No. 4384, § 2, 4-19-2016)

16.11.080 - Removal of no obstruction zone designations.

No unauthorized person shall wilfully remove, alter, cover or otherwise harm a pavement marking, sign, plaque, monument or medallion marking a no obstruction zone.

(Ord. 1617 § 1 (part), 1994)

(Ord. No. 4440, § 3, 11-1-2016)

16.11.090 - Penalty for violation.

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed one thousand dollars, or by both such fine and imprisonment.

(Ord. 1617 § 1 (part), 1994)

16.11.100 - Private enforcement.

The owner of private property abutting the public sidewalk may use any remedy available at law or equity to enforce the provisions of this chapter.

(Ord. 1617 § 1 (part), 1994)

16.11.110 - Severability.

If any section of this chapter or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this chapter.

(Ord. 1617 § 1 (part), 1994)