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BILL NO.

3-15-22-1

SUMMARY

An Ordinance amending Title 20 of the Clark County Code, Chapter 20.04, Section 20.04.010 to amend Definitions, Chapter 20.08, Section 20.08.040 to amend parking at the airport, Chapter 20.09, Section 20.09.010 to amend public/employee parking at the airport, and Section 20.09.020 to amend payment of rates, fees and charges.

ORDINANCE NO.

(of Clark County, Nevada)

AN ORDINANCE AMENDING TITLE 20 OF THE CLARK COUNTY CODE, CHAPTER 20.04, SECTION 20.04.010, CHAPTER 20.08, SECTION 20.08.040, AND CHAPTER 20.09, SECTION 20.09.010, AND SECTION 20.09.020

WHEREAS, the County of Clark, State of Nevada is the owner and operator of the Clark County Airport System, which includes the municipal airports known as Harry Reid International Airport, North Las Vegas Airport, Henderson Executive Airport, Jean Airport, and Overton Municipal Airport, or other airports or similar aviation facilities which may be owned and operated by Clark County, now or at any time in the future, hereinafter both collectively and individually referred to as "Airport," and has established a policy of self-support for the Airport; and

WHEREAS, the County desires to amend Title 20 of the Clark County Code to revise the Charges for On-Airport Rental Car Operators to meet the current and projected operational demands of the Clark County Airport System's Ground Transportation Operations and Maintenance; and

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 20.04.010 of the Clark County Code is hereby amended to read as follows:

20.04.010 – Definitions

The following words and phrases, when used in Title 20 of the Clark County Code, shall have the meanings respectively ascribed to them in this section:

"Airport" means all airports situated in Clark County, Nevada and their related facilities, appurtenances and improvements and any other aviation-related facility, owned and operated by Clark County, Nevada, as part of the Clark County Airport System, under the authority and direction of the board of county commissioners. The five airports currently owned and operated by Clark County, Nevada, are: Harry Reid International Airport, North Las Vegas Airport, Henderson Executive Airport, Overton Municipal Airport and Jean Airport, and others as may be included in the future.

"Airport pickup or delivery" means loading or unloading passengers, customers, or cargo at the airport.

"Authority" means the Nevada Transportation Authority.

"Bus" means any motor vehicle with a capacity of nine or more persons, including the driver, designed, constructed and used for the transportation of passengers, their baggage and light express.

"Courtesy vehicles" means vehicles provided by hotels, motels, operators of off-airport parking facilities, or others to pick up at or deliver their guests to Harry Reid International Airport, at no direct charge to customers.

"Department of aviation" means duly employed personnel of Clark County, Nevada in the administration, operation, supervision and protection of the airport.

"Director of aviation" means that person appointed in accordance with Section 20.02.030 of this code as the executive head of the department of aviation or his duly authorized representative.

"Driver" means every person who drives, operates or is in actual physical control of a vehicle or motor vehicle.

"Electronic waybill" means TNC driver's document containing, but not limited to, the TNC unique identifier number, TNC driver's name and photograph, TNC vehicle license plate and photograph, as well as the name of the requesting party and location of pickup for the current or most recent passenger.

"Ground transportation company" means a person, company, corporation or other business entity operating a transportation system by motor vehicle for the purpose of carriage of person, which is authorized to provide such services by an appropriate authorizing authority, and which has executed an operating agreement and/or permit with Clark County to provide such services at the airport. This definition includes, but is not limited to, corporations or other business entities operating or providing taxis, buses, limousines, rental cars, and/or courtesy vehicles. For the purposes of Chapter 20.09, this definition does not include common carriers of persons or property primarily engaged in interstate air commerce which provide ground transportation to passengers in, and as an integrated part of, interstate air transportation.

"Limousine" means a sedan style motor vehicle, except a taxicab, which has a capacity of less than nine persons, including the driver, engaged in the general transportation of persons and not operated on a regular schedule or over regular routes but excludes the vehicles commonly designated as "taxicabs," buses" or "vans."

"Motor vehicle" means every vehicle which is propelled through the use of a motorized system and a driver.

"Parking Credential" is an access credential (such as: a decal, access card, or hangtag) issued by the Airport, that authorizes a driver to pick up/deliver/park in respective zones.

"Parking enforcement officer" means a uniformed civilian employee of the County of Clark or other person authorized by the director of aviation to enforce the nonmoving traffic regulations governing the airport.

"Passenger loading and unloading zone" means an area at the airport, designated by the director of aviation, and reserved for the exclusive use of vehicles while actually engaged in loading or unloading of passengers.

"Person" means every natural person and every firm, association, partnership, corporation, society or other organization.

"Police officer" means every officer of the Las Vegas Metropolitan Police Department or any other person designated and authorized by the board of county commissioners to direct and make arrests.

"Supervising taxi authority" means the Transportation Services Authority as defined in NRS 706.8818.

"Taxicab" means any motor vehicle used to transport persons for hire, having a rated seated capacity of not more than five persons, not including the driver.

"Transportation network company" and/or "TNC" means (i) an entity that uses a digital network of software application service to connect a passenger to a TNC driver who can provide transportation services to the passenger utilizing a TNC vehicle; and (ii) TNCs are not permitted to own vehicles used in their operation or to own their own fleet of vehicles; and (iii) TNC shall not include any operator holding, or required to have, an automated vehicle identification (AVI) permit, per capita agreement or other type of ground transportation agreement with county for operations at airport, except for TNC Commercial Drivers which must have a per capita agreement, AVI permit or other type of ground transportation agreement in order to operate at the Airport, as determined by the Director of aviation.

"TNC application" means the mobile application or platform developed by TNC that connects passengers with TNC drivers/TNC vehicles.

"TNC Commercial Driver" means a person authorized under Chapter 706A of NRS who is driving for a company permitted to operate at the airport through an AVI permit, per capita agreement, or other type of ground transportation agreement (as determined by the Director of aviation) who is accepting passengers through a TNC application.

"TNC driver" means a person who (i) operates a motor vehicle that is owned, leased or otherwise authorized for use by the person; and (ii) enters into an agreement with a TNC to receive connections to potential passengers and related services from a TNC in exchange for the payment of a fee to the TNC.

"TNC vehicle" means the personal vehicle registered to a TNC driver, [which vehicle] that has passed the safety inspection as required by Authority and is covered by the TNCs commercial automobile liability insurance policy. TNC vehicles do not include vehicles that require a Nevada Certificate of Public Convenience and Necessity (CPCN) number, except for TNC Commercial Drivers who are employed by a limo motor company who are required to hold a CPCN number and be permitted to operate as a TNC at the Airport.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway regardless of the means of propulsion, except devices moved upon stationary rails or tracks.

(Ord. 3523 § 1, 2007: Ord. 2603 § 2, 2001: Ord. 2332 § 2, 1999; Ord. 1278 § 2(A), 1991)

(Ord. No. 4334, § 1, 10-20-2015)

* For taxicab rules and regulations see Title 15.

SECTION 2. Section 20.08.040 of the Clark County Code is hereby amended to read as follows:

20.08.040 Parking—Public/employee parking at the airport.

- (a) There shall be designated at the airport, by the director of aviation, public parking areas which may be controlled by revenue control devices. There shall also be designated parking areas for use by persons employed at the airport who have been authorized by the director of aviation to park there.
- (b) The operator of a motor vehicle shall, when utilizing an airport parking lot, park said vehicle within the designated lines or markings indicating a parking space. Where posted, no operator of said vehicle shall back said vehicle into any parking space or otherwise park backwards in any parking space. The operator of a motor vehicle shall ensure that the vehicle does not restrict the free flow of traffic through the parking area, does not restrict the entry and movement of other vehicles into adjacent spaces and lanes, and does not block the use of a fire lane.
- (c) Any person leaving a public parking area without a parking voucher or stub issued at the time of entry into said parking area may be required to show proper identification and evidence of ownership or right to the [vehicle, and] vehicle and may be charged a minimum of a full daily rate and any additional amounts that are due.
- (d) The Airport [department of aviation] operates employee parking areas where access to these areas may be controlled by utilizing an authorized valid Parking Credential [such as a card access], applicable vehicle decal and/or hangtag. No person shall park a motor vehicle at an employee parking lot operated by the [department of aviation] Airport without valid airport issued identification [issued by the department of aviation,] and without complying with all Nevada vehicle registration laws. Where required, such motor vehicle must properly affix thereto a valid decal or hangtag approved for assignment to such motor vehicle by the department. "Properly affixed" means affixed by the adhesive on the decal, and shall not mean affixed by any other adhesive, paste, glue, tape, or by any other means. A "valid decal or hangtag" means a decal/hangtag issued or approved for issuance by the Airport [department of aviation] for the period of time coincident with the time the motor vehicle is parked in the employee parking lot at the airport.
- (e) The parking rates shall apply to any person or user of the public airport parking areas and shall be established by the board of county commissioners by resolution.

(f) Every person who uses a public parking area shall pay the full amount due when exiting, using an acceptable form of payment. Failure to pay the full amount due upon exit shall constitute a violation. The offending operator of the vehicle shall be issued a notice of infraction at the time of exit. The registered owner of the vehicle shall be responsible for the full amount of parking fees which are due and payable, plus the civil fines set forth in this chapter; provided, however, that if the full amount of the parking fees due and payable are paid within ten days after the violation occurred, no civil fines shall be assessed.

(Ord. 2603 § 7, 2001: Ord. 1656 § 1 (part), 1995: Ord. 1278 § 3 (part), 1991)

(Ord. No. 3968, § 3, 7-19-2011; Ord. No. 4105, § 6, 6-4-2013)

SECTION 3. Section 20.09.010 of the Clark County Code is hereby amended to read as follows:

20.09.010 Automated vehicle identification rates and charges.

(a) The director of aviation is authorized to implement an automated vehicle identification (AVI) program at the airport as well as the Harry Reid Rent-A-Car Center (HRRACC) and set applicable rates and charges within the limits established in this chapter. All ground transportation activities and the associated operators, unless exempted herein, will be required to comply with such program effective July 1, 2003, and as may be amended from time to time with Board of Clark County Commissioner's approval. The director of aviation or designee is authorized and shall have the right to designate areas for all ground transportation and parking activities at the airport as well as the HRRACC in order to meet the operational needs for the airport and the HRRACC. The director of aviation is authorized to implement and establish a customer facility charge (CFC) program for all operators and/or users of the HRRACC under this chapter. All operators and/or users of the HRRACC, unless exempted herein, will be required to comply with such program and pay all applicable fees identified in this chapter.

(b) For the purposes of this chapter, the terms below shall have the following meanings.

- (1) "Trip" means each instance in which one of operator's vehicles passes through the airport's AVI entry and/or exit lane.
- (2) "Per trip fee" means the fee per trip established within this chapter, the airport rules and regulations and operating directives, which may be amended from time to time.
- (3) "Monthly fee" means the total number of trips conducted by operator in one calendar month multiplied by the per trip fee that is in effect.
- (4) "Dwell time fee" means the additional fee for operator's vehicle that remains in a designated area as calculated from the time the vehicle passes through the airport's AVI entrance lane then exits the designated area thru an AVI exit lane. These fees are in addition to any trip fees.
- (5) "Regional operator" means those ground transportation companies who are based and whose main office is outside Clark County or whose service area is greater than a seventy-five mile radius, but not more than a two hundred mile radius, from Harry Reid International Airport.

(c) All ground transportation companies, for the purposes of this chapter, will be identified by the following categories and shall pay the associated fees under each category:

- (1) Category 1: Any vehicle which can transport one to eight persons, including the driver. Applicable fees are as follows and are based on cumulative time periods for each trip:
 - (A) 0—60 minutes an amount up to four dollars; each additional fifteen-minute increment up to six dollars; cumulative total shall not exceed one hundred dollars per trip.
- (2) Category 2: Any vehicle which can transport nine to fifteen persons, including the driver. Applicable fees are as follows and are based on cumulative time periods for each trip:

- (A) 0—60 minutes an amount up to eight dollars; each additional fifteen-minute increment up to eight dollars; cumulative total shall not exceed one hundred dollars per trip.
- (3) Category 3: Any vehicle which can transport sixteen to thirty persons, including the driver. Applicable fees are as follows and are based on cumulative time periods for each trip:
 - (A) 0—60 minutes an amount up to twelve dollars each additional fifteen-minute increment up to twelve dollars; cumulative total shall not exceed one hundred dollars per trip.
- (4) Category 4: Any vehicle which can transport thirty-one or more persons, including the driver. Applicable fees are as follows and are based on cumulative time periods for each trip:
 - (A) 0—60 minutes an amount up to forty dollars; each additional fifteen-minute increment up to twelve dollars; cumulative total shall not exceed one hundred dollars per trip.
- (5) Category 5: Service/delivery vehicles authorized by a tenant to deliver or pick-up goods or provide a service to a tenant at the airport. Applicable fees are as follows:
 - (A) Annual fees an amount up to one hundred dollars per vehicle. No AVI charges will be imposed at this time. Future AVI charges may be imposed at the discretion of the director of aviation.
- (6) Category 6: On-airport rental car (RAC) operators, off-airport rental car operators, and any other motorized recreational vehicle rental operators supporting their operations by picking up or dropping off their own customers at the HRRACC. Applicable fees are as follows:
 - (A) All on-airport RAC operators must continue to pay all fees to the airport in accordance with their lease agreement and the HRRACC fees contained in Section 20.09.050. No AVI charges will be imposed at this time. Future AVI charges may be imposed at the discretion of the director of aviation.
 - (B) All off-airport rental car and any other motorized recreational vehicle rental operator (off-airport RAC) shall be mandated to participate in the airport's AVI program by obtaining an AVI operating permit and to comply with all the necessary requirements through the airport's designee and shall be subject to pay all fees to the airport in accordance with the sections outlined below. Any off-airport RAC operators without an AVI operating permit will be in violation of this section and shall be subject to pay, a maximum civil fine of one hundred fifty dollars per event, pending compliance to the airport's AVI program. Where applicable, the director of aviation shall have the discretion to implement civil fines contained within the airport's rules and regulations and operating directives to all violators within this category to ensure that all operators under this category are in compliance with the airport's AVI program. Off-airport RAC operators shall be charged and administered as two separate groups, as defined in section i or ii; as well as, the AVI trip charges contained within section iii:
 - i. Group 1 shall be defined as off-airport RAC operators which write from one to one thousand five hundred rental vehicle contracts per month from January 1 to December 31 annually, the passengers or customers of which are picked up at the HRRACC. Such operators will collect and pay an airport access fee of four dollars for each contract written for vehicle rentals to customers picked up at the HRRACC and transported to operator's place of business; said operator shall be responsible to submit a monthly statement of gross revenues in the manner defined in section ii.
 - ii. Group 2 shall be defined as off-airport RAC operators which write more than one thousand five hundred rental vehicle contracts per month from January 1 to December 31 annually, the passengers or customers of which are picked up at the HRRACC. Such operators will collect and pay an airport access fee of eight percent of gross revenues for each contract written for vehicle rentals to customers picked up at the HRRACC and transported to operator's place of business; said operator shall be responsible to submit a monthly statement of gross revenues, including the number of rental contracts written, to the airport by the tenth of each month and payment to be sent by the fifteenth of said month. Gross revenues for the purpose of this subsection are defined as follows:

- a. Total amount of time, mileage and service charges made for vehicles supplied to its customers which are picked up and transported from the HRRACC without regard to the manner by which or location from which the off-airport RAC operator received the order for the vehicles or whether the vehicles are returned to the HRRACC or some other station or location;
- b. All sums paid or payable on any vehicle exchanged or replaced at an off-airport location by customers originally transported from the HRRACC to receive a rental vehicle at another location;
- c. Charges made for personal accident insurance policies sold by the off-airport RAC operator to its customers;
- d. All sums received from airlines or travel agencies as part of any route or tour promotion where free or reduced vehicle rental rates are part of the package. All fees or commissions paid by the off-airport RAC operator to air carriers or others must be included in the calculation of gross revenues;
- e. Amounts paid or credited to other vehicle rental locations from the rental of vehicles belonging to the off-airport RAC operator, but not assigned to the off-airport RAC operator's regular Las Vegas fleet must be included in the calculation of gross revenues;
- f. Gross revenues will not include the amount of federal, state, or municipal sales or other similar taxes separately stated and collected from customers of the off-airport RAC operator; however, payments or charges for franchise fees or taxes levied on the off-airport RAC operator's activities, facilities, equipment or property (real or personal) of the off-airport RAC operator will not be deducted from the calculation of gross revenues;
- g. Gross revenues will not include reimbursement for refueling a vehicle rented pursuant to a rental agreement under which the customer of the off-airport RAC operator is obligated to return the vehicle with the same amount of gasoline furnished at the time of rental or for fuel purchased from the off-airport RAC operator at the time the vehicle is rented;
- h. Gross revenues will not include sums collected by the off-airport RAC operator for intercity drop-off charges;
- i. There will be no deductions from gross revenues other than those specifically authorized by this subsection;
- j. Subject to federal and state law, including Federal Trade Commission Requirements, county does not require, but will not prohibit, the separate statement of the AVI trip charges and the airport access fee on customer invoices or rental contracts (invoices).

- iii. The director of aviation is authorized to increase the applicable AVI trip charges on an as needed basis to meet the operational and maintenance costs for the HRRACC as stated below; an off-airport RAC operator will be limited to the use of Category 1, 2, and 3 vehicles only as defined below, while operating at the HRRACC for airport customer pick-ups and drop offs. Applicable AVI trip charges are as follows:
 - a. Any vehicle which can transport from one to eight persons, including the driver; the maximum charge shall be in the amount of eight dollars per trip;
 - b. Any vehicle which can transport from nine to fifteen persons, including the driver, the maximum charge shall be in the amount of thirteen dollars per trip;
 - c. Any vehicle which can transport from sixteen to thirty, including the driver, the maximum charge shall be in the amount of eighteen dollars per trip.

(7) Category 7: Any taxicab operator must pay the following applicable fees:

- (A) Per trip fee—An amount up to four dollars for each airport pickup.
- (8) Category 8: Infrequent operators operating no more often than once per month or three times annually without a permit issued by the Airport [department of aviation]. Any operators who operate more than once per month or three times annually must apply for and be issued a permit by the Airport [Department of aviation]. Applicable fees are as follows and are based on cumulative time periods for each trip:
 - (A) 0-60 minutes an amount up to fifty dollars per trip user fee; each additional fifteen minute increment up to twelve dollars; cumulative total shall not exceed one hundred dollars per trip.
- (9) Other AVI Rates and Fees.
 - (A) No AVI charges at Terminal 1 or Terminal 3 departures curbs.
 - (B) Regional operators will not be charged additional trip fees if they return within two hours.
 - (C) AVI rates apply to operator's activity in the non-exclusive use areas at all terminals. All terminals per capita curb rates and TNC rates are per company agreements or operating permits.
 - (D) Temporary placards can be purchased with an expiration date not to exceed fourteen days for temporary or loaner vehicles on a per trip or multiple trip basis. The cost of each placard will be based on the number of trips multiplied by the per trip fee in accordance with the appropriate vehicle category.
 - (E) Operators who are thirty days past due may have their transponder(s) deactivated at the discretion of the director of aviation or designee. The AVI system will continue to record all trips and the operator will be invoiced at double the current AVI rate. A twenty-five-dollar administrative fee will be charged to reactivate each transponder.
 - (F) The cost of each AVI transponder and decal is fifty dollars. It is the Operator's responsibility to remove and return all AVI transponders and decals prior to selling, trading or disposing of the vehicle, and return to the Parking Services Office. Failure to return transponders and decals shall not waive the Operator's obligation. [Should the transponder be returned to the department of aviation within one year of the date of issue, the full price shall be refunded, provided the transponder is in good working condition and reusable. Transponders returned within one year from the date of issuance will be refunded at full price for each, providing they are in good working condition and reusable. Transponders returned after one year from the date of issuance and not exceeding five years will be refunded at twenty-five dollars each, providing they are reusable. Transponders must be clean and unmarked]
- (d) All ground transportation companies, unless exempted herein, will be required to obtain and affix to each vehicle a decal, transponder, or other similar device as may be required by the Airport [Department of aviation], and required through the implementation of an automated vehicle revenue control and/or identification system.
- (e) All ground transportation companies, unless exempted herein, will pay all applicable trip fees and charges as set forth in this chapter and as further described in the landside operations operating directive. Director of aviation shall have the authority to increase rates not more than once per year up to the maximum rates outlined herein. Upon request from the Airport [Clark County department of aviation] such ground transportation companies will make available at any time books, records and accounts of all operator's airport business activities for inspection by the director of aviation or designee. The director of aviation will at any time have the right to cause an audit of the business of the operator to be made by a certified public accountant of the director of aviation's selection.

(Ord. 3671 § 1, 2008: Ord. 3059 § 1, 2004: Ord. 2922 § 2, 2003)

(Ord. No. 4021, § 1, 5-1-2012; Ord. No. 4105, § 12, 6-4-2013; Ord. No. 4334, § 4, 10-20-2015; Ord. No. 4742, § 1, 11-19-2019)

SECTION 3. Section 20.09.020 of the Clark County Code is hereby amended to read as follows:

20.09.020 Payments of rates, fees and charges.

The rates, fees and charges imposed by Section 20.09.010 shall be paid to the Clark County department of aviation as follows:

- (a) Taxi ground transportation companies shall pay the designated fee, rates or charges to the Airport [Clark County department of aviation] in accordance with their Harry Reid International Airport taxicab automated vehicle identification system operating permits.
- (b) All vehicles operated by on-airport RAC operators and exclusive operators will be charged according to the applicable executed lease agreement with the airport only for their operations conducted in their designated/assigned areas. Any other operations conducted will be subject to the fees, rates or charges in this chapter and payable to the Airport [Clark County department of aviation] in accordance with Harry Reid International Airport general ground transportation automated vehicle identification system operating permit.
 - (A) Courtesy vehicles shall pay the designated fees, rates or charges to the Airport [Clark County department of aviation] in accordance with Harry Reid International Airport general ground transportation automated vehicle identification system operating permit.
 - (B) Commencing on April 5, 2022 [February 1, 2004], all service/delivery vehicle operators shall pay the designated rates, or charges to the Clark County department of aviation on an annual basis. If vehicles are added to or taken from service, the fees, rates and charges will not be prorated for the amount of time said vehicles are in service. Documentation, subject to the approval of the director of aviation, adequate to verify the appropriate fees, rates and charges will be provided to the Clark County department of aviation;
 - (C) In the event any required payment is not made by any ground transportation company, or others as required and moneys remain unpaid for a period of thirty days or more, the county will be entitled to, and companies or others will pay to the county interest at the rate of twelve percent per annum from the due date until paid in full.

(Ord. 2922 § 4, 2003: Ord. 1131 § 4, 1989: Ord. 1109 §§ 1 (part), 4, 1988)

(Ord. No. 4021, § 2, 5-1-2012)

PROPOSED on the _____ day of _____, 2022.

PROPOSED BY: Commissioner _____

PASSED on the _____ day of _____, 2022.

VOTE: AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

ATTEST:

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

LYNN MARIE GOYA
County Clerk

By _____ Chair

This ordinance shall be in force and effect from and after the _____ of _____, 2022.