

[Bracketed] material is that portion being deleted
Underlined material is that portion being added

BILL NO. _____

SUMMARY – An Ordinance to amend Title 16, Chapter 16.11, Sections 16.11.020 and 16.11.040 of the Clark County Code, to clarify the definition of crosswalk to include pedestrian overpasses and underpasses and to prohibit obstructive uses in, on or within 20 feet of a touchdown structure.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 16, CHAPTER 16.11, SECTIONS 16.11.020 AND 16.11.040 OF THE CLARK COUNTY CODE, TO CLARIFY THE DEFINITION OF “CROSSWALK” TO INCLUDE PEDESTRIAN OVERPASSES AND UNDERPASSES AND TO PROHIBIT OBSTRUCTIVE USES IN, ON OR WITHIN 20 FEET OF A TOUCHDOWN STRUCTURE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1. Title 16, Chapter 16.11 of the Clark County Code, is amended as follows:

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 1) an~~y~~ above or below grade structure at an intersection or elsewhere for the purpose of pedestrian crossing, including a pedestrian overpass and a pedestrian underpass, or 2) the 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.

(j) "Touchdown Structure" means the elevators, escalators and stairways located on public right-of-way associated with a pedestrian overpass.

16.11.040 - Prohibition of obstructive uses. No obstructive use shall be permitted on public sidewalks, and in, on or around Touchdown Structures, 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;

(f) In or on the escalator, elevator or stairway of a touchdown structure, or area defined by signs, markings, medallions, plaques or monuments on the sidewalk which are not located further than 20 feet of any landing area of an escalator, elevator or stairway of a touchdown structure.

SECTION 2. If any section of this ordinance 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 ordinance.

SECTION 3. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the _____ day of _____, 2022.

PROPOSED BY: _____

PASSED on the _____ day of _____ 2022.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____
JAMES B. GIBSON, Chair

ATTEST:

LYNN MARIE GOYA, County Clerk

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