

BILL NO. 2026-31

ORDINANCE NO. _____

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF LVMC CHAPTER 11.68 TO UPDATE PROVISIONS GOVERNING STREET PERFORMERS WITHIN THE PEDESTRIAN MALL, TO CLARIFY PROVISIONS RELATED TO EVENTS HELD BY THE FREMONT STREET EXPERIENCE LIMITED LIABILITY COMPANY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Shelley Berkley,
Councilwoman Olivia Díaz, and
Councilwoman Shondra Summers-Armstrong

Summary: Amends various sections of LVMC Chapter 11.68 to update provisions governing street performers within the Pedestrian Mall and clarify provisions related to events held by The Fremont Street Experience LLC.

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

SECTION 1: Title 11, Chapter 68, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68.010: (A) In connection with the adoption of LVMC Chapter 11.68 in 1995, the City Council made the following findings: 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.

(B) The Council incorporates and makes the same findings in connection with the readoption of this Chapter in 2006 and subsequent amendments thereto.

(C) In 1995, the City Council further found, and continues to find, that it is in the best interest of the public to select and contract with a private operating entity for the acquisition, construction,

1 improvement, operation, management or maintenance of the Pedestrian Mall.

2 (D) Since the creation of the Pedestrian Mall, the City has enacted various ordinances
3 attempting to maintain the Pedestrian Mall's principal purpose, which is to serve as an economic and
4 entertainment venue that will enhance the historical central business district. Prior to the Mall's creation, the
5 former Fremont Street area had become known as unseemly and crime ridden, with tourists and businesses
6 leaving the area for a safer and more hospitable environment. The Pedestrian Mall was created to reverse that
7 declining environment, and provide a safe and enjoyable entertainment experience to attract tourism and
8 thereby support surrounding economic growth.

9 (E) Over the years, the City has amended its ordinances endeavoring to facilitate and
10 enhance the Mall's purpose. [Most recently, in] In 2011, the City and the American Civil Liberties Union of
11 Nevada settled a long-standing lawsuit concerning expressive activities within the Mall. Specifically, the
12 City, Fremont Street Experience, LLC and the ACLU endeavored to jointly reach a compromise as to various
13 ordinance amendments to address what types of restrictions upon expressive activity would be appropriate.
14 Although those amendments were created by a cooperative effort and ultimately adopted, it was understood
15 and expressly discussed before the City Council that those amendments and restrictions may not be adequate
16 to address public safety and preservation of the Mall's purpose, considering its unique environment. The City
17 would test the effectiveness of those ordinance amendments to determine whether additional or lesser
18 restrictions were warranted. After those 2011 amendments, the Mall's environment and function deteriorated.

19 (F) [Since those 2011 amendments, the Mall's environment and function has
20 deteriorated.] The 2011 amendments principally imposed various distance restrictions from specific uses
21 where expressive activity could occur. However, considering the Pedestrian Mall's congested nature, [it
22 appears that] the distance restrictions [have] created uncertainty among the general public and thus [have]
23 led to confusion as well as in-fighting as to where expressive activity may or may not occur. Indeed, the
24 environment of the Pedestrian Mall [has become] became such that certain persons or groups [have]
25 attempted to monopolize certain locations, [have been] and were the recipients of threats and other forms of
26 intimidation in an attempt to control certain areas where expressive activity [is presently] was allowed.

1 Unfortunately, the 2011 amendments [have] facilitated an inhospitable environment that [is] was
2 incompatible with the Mall's entertainment and commercial purposes, and [has] further resulted in a
3 deterioration of public safety and well-being.

4 (G) Considering the confusion as to where expressive activity [is] was appropriate,
5 particularly activity engaged in by street performers, and to combat in-fighting and competition for the most
6 desirable locations, to enhance access for all desired users of the Mall, including those seeking to engage in
7 expressive activity, the City [determines] determined in 2015 that it [is] was necessary and appropriate to
8 create designated areas for the activities of street performers during peak hours of the Mall's usage and to
9 further ensure that no one is permitted to monopolize or use those locations to the exclusion of others.

10 (H) Since enactment of the 2015 amendments, changes within the Pedestrian Mall
11 environment have necessitated additional amendments to this Chapter. Specifically, the City Council finds
12 that certain street performers are being excluded from what are perceived as more desirable performance
13 locations through threats, intimidation, and the fraudulent creation of phantom or duplicate online accounts
14 during the lottery process, by both natural persons and corporate entities. These unlawful activities undermine
15 street performers' fair access to performance locations on the Pedestrian Mall. In addition, certain bad actors
16 are illegally selling and bartering access to performance locations, threatening street performers'
17 constitutionally protected right to free expression under the First Amendment. Due to these actions, street
18 performers are left with no recourse but to pay money to these bad actors in order to exercise their rights
19 under the First Amendment. Additionally, some street performers are engaging in dangerous stunts and other
20 activities which can cause bodily injury to spectators, passersby, and street performers themselves.

21 (I) The principal motivation of many, and perhaps all, of the street performers on the
22 Pedestrian Mall is pecuniary. Such performers seek gratuities in an environment coveted for its sizeable foot
23 traffic, and their livelihood comes, wholly or in part, from gratuities received while performing on the
24 Pedestrian Mall. Many of those street performers have been frustrated by the lack of professionalism among
25 other street performers which, in turn, has made it more difficult for street performers to perform on the
26 Pedestrian Mall. As such, it is in the best interests of the City, street performers, and the public to ensure the

1 physical safety of street performers and other members of the public, prevent the use of threats and
2 intimidation tactics to gain access to performance locations, prevent the creation of phantom or duplicate
3 online accounts, and halt the purchase, sale and bartering of access to performance locations, all of which
4 have a chilling effect on the constitutionally protected speech of street performers within the Pedestrian Mall.

5 (J) The requirements for registration and identity verification for street performers and
6 the restrictions on the reservation, sale and purchase of performance locations are narrowly tailored to ensure
7 fair access to the established lottery system and to reduce the fraud and unlawful sale and bartering of access
8 to performance locations occurring within the Pedestrian Mall, while remaining consistent with constitutional
9 principles protecting expressive activity. Likewise, the prohibition on certain stunts and other unsafe
10 activities is a narrowly tailored, content-neutral regulation that is directly related to protecting the public from
11 injury.

12 [(H)] (K) Accordingly, the City Council hereby adopts the amendments contained in
13 the [2015] 2026 ordinance codified in part in this [Subsection (Ordinance No. 6462)] Section (Ordinance No.
14 _____) to impose reasonable time, place and manner restrictions within the Pedestrian Mall.

15 SECTION 2: Title 11, Chapter 68, Section 20, of the Municipal Code of the City of Las
16 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **11.68.020:** As used in this Chapter:

18 “Assigned period” means a period of time within the specified time frame that has been allotted for
19 use by street performers at a particular performance circle, as described in LVMC 11.68.108(A)(2).

20 “Celestial vault lightshow” is the display of computer-generated electronic images on the ceiling of
21 the celestial vault constructed above Fremont Street and the various light and sound effects accompanying
22 such images.

23 “Commercial photography, filming or videotaping” means photography, filming or videotaping for
24 commercial purposes and does not include photography, filming or videotaping engaged in for personal use
25 or for news reporting purposes.

26 “Department” means the Department of Public Safety.

1 “Designated location” means an area that has been set aside or designated in accordance with Section
2 11.68.108(A) for use by street performers [during the specified time frame].

3 “Display vehicles” are those vehicles brought into the Pedestrian Mall for purposes of display to the
4 public, and not for the primary purpose of transporting persons or property.

5 “Emergency vehicles” are those motorized devices in, upon or by which any person or property is or
6 may be transported or drawn upon a street or sidewalk, including, without limitation, automobiles,
7 motorcycles and mopeds.

8 “Events” include festivals, sporting events, exhibitions, entertainment and similar activities which
9 are not offered on a continuous basis, whether or not members of the public pay an admission or entrance fee
10 to be spectators or participants. Events may include “special events” for which a permit is issued pursuant to
11 LVMC Chapter 12.02, if so indicated in the rules adopted by the City Manager pursuant to LVMC 11.68.150.

12 “Expressive activity” means any demonstration, speech, proselytizing, leafleting, distribution of
13 message-bearing merchandise or other activity that is deemed to be expressive and thereby entitled to
14 protection under the United States Constitution or the Nevada Constitution. A performance by a street
15 performer that might be characterized as consisting of or containing expressive activity shall be subject to
16 and governed by the provisions of this Chapter that pertain to street performers, notwithstanding any overlap
17 regarding expressive activity.

18 “Exterior building improvements” means the building facades, marquees, overhangs, recessed
19 entries, adjoining mall area paving materials, signage and graphics, adjoining landscaping, building
20 illumination and audible effects or devices.

21 “Hearing Officer” means a person appointed by the City Manager or a designee to hear appeals under
22 LVMC 11.68.109.

23 “Leafleting” means the act of distributing to any passersby in a continuous or repetitive manner any
24 printed, written or graphic materials, whether commercial or noncommercial in content.

25 “Maintenance vehicles” are those vehicles owned or operated by the City of Las Vegas, as well as
26 vehicles owned and operated by utilities and other vehicles requiring access onto the Pedestrian Mall for the

1 purpose of the repair and maintenance of the Pedestrian Mall or facilities and structures contained therein.

2 “Mall vending” is the distribution, display or sale, or any combination thereof, of consumer goods
3 or services (including food, drink or merchandise) from a pushcart, concession stand, kiosk or other similar
4 structure designed for such purpose.

5 “Management agreement” means that agreement executed between The Fremont Street Experience
6 Limited Liability Company and the City of Las Vegas for the purpose of acquisition, construction, operation,
7 management or maintenance of the Pedestrian Mall.

8 “Message-bearing merchandise” means products bearing a message that is:

9 (1) A permanent part of the product to which it is affixed and is readable or recognizable
10 from a reasonable distance;

11 (2) Inextricably intertwined with the purpose and activities of the distributor of the
12 product or the person or entity whom the distributor represents; and

13 (3) A conspicuous political, religious, philosophical or ideological message having
14 intellectual content that is informative of the purpose of the distributor or the person or entity whom the
15 distributor represents.

16 “Motorized vehicles” are those motorized devices in, upon or by which any person or property is or
17 may be transported or drawn upon a street or sidewalk, including, without limitation, automobiles,
18 motorcycles and mopeds.

19 “Parade” is a group of persons with or without animals or vehicles in a public procession or march
20 and does not include a procession or march in connection with [a special] an event or mall entertainment.

21 “Pedestrian Mall Act” refers to NRS 268.810 through 268.823.

22 “Solicitation” has the meaning ascribed to it by LVMC 10.44.010(A).

23 “Solicitation by coercion” has the meaning ascribed to it by LVMC 10.44.010.

24 [“Special events” include festivals, sporting events, exhibitions, entertainment and similar activities
25 which are not offered on a continuous basis, whether or not members of the public pay an admission or
26 entrance fee to be spectators or participants.]

1 “Special permit vehicles” are those vehicles authorized by The Fremont Street Limited Experience
2 Liability Company in accordance with Section 11.68.080 to enter upon the Pedestrian Mall.

3 “Specified time frame” means the period between [three] one p.m. on any particular day and one
4 a.m. the following morning.

5 “Sponsored concert” means a concert or performance that is provided by or on behalf of The Fremont
6 Street Limited Liability Company and takes place on one of the permanent stage structures within the
7 Pedestrian Mall.

8 “Street performer” means a natural person who, upon any surface designated as part of the Pedestrian
9 Mall, engages in any form of performing art, including but not limited to posing, acting, dancing or miming,
10 whether in costume or not; the playing of any musical instrument, singing or vocalizing, with or without
11 accompaniment, where the performing art is not provided by or on behalf of The Fremont Street Limited
12 Liability Company. The term “street performer” includes natural persons commonly referred to as “buskers”
13 or those who engage in “busking” activities.

14 SECTION 3: Title 11, Chapter 68, Section 60, of the Municipal Code of the City of Las
15 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **11.68.060:** In accordance with the provisions of the Pedestrian Mall Act, the City Council designates
17 The Fremont Street Experience Limited Liability Company as the private operating entity for purposes of
18 acquiring, constructing, improving, operating, managing and maintaining the Pedestrian Mall.

19 Subject to the other provisions of this Chapter and the management agreement, The Fremont Street
20 Experience Limited Liability Company may determine the uses of the Pedestrian Mall for any purpose that
21 will enhance the movement, safety, convenience, enjoyment, entertainment, recreation or relaxation of
22 pedestrians, and other purposes necessary or appropriate to carry out the provisions of the Pedestrian Mall
23 Act, including, without limitation, seating, merchandising, exhibiting, advertising and any other use, activity
24 or [special] event which in the judgment of The Fremont Street Experience Limited Liability Company will
25 accomplish any of those purposes. The authority delegated herein to The Fremont Street Experience Limited
26 Liability Company to determine the uses of the Pedestrian Mall shall not be construed so as to permit any

1 use which is not permitted in a C-2 Zone.

2 SECTION 4: Title 11, Chapter 68, Section 70, of the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **11.68.070:** Notwithstanding any other provisions of the Las Vegas Municipal Code, and in accordance
5 with the provisions of the Pedestrian Mall Act, the City Council delegates to The Fremont Street Experience
6 Limited Liability Company authority to control and regulate within the Pedestrian Mall the following:

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

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

13 (C) The raising of revenue through the imposition of a fee for the use of all or a portion
14 of the Pedestrian Mall for [special] events, commerce or activities to offset the cost of operating and
15 maintaining the Pedestrian Mall;

16 (D) The use of the Pedestrian Mall for advertising purposes and the charging of a fee in
17 connection therewith;

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

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

21 (G) The access to all or part of the Pedestrian Mall by the public and closure of the
22 Pedestrian Mall to the public for purposes of [special] events or activities for limited periods of time;

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

25 The authority delegated herein shall be subject to the City's police power, the provisions of the
26 management agreement and the other provisions of this Chapter and shall not be construed in derogation of

1 the constitutional or statutory rights of any person.

2 SECTION 5: Title 11, Chapter 68, Section 100, of the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **11.68.100:**

5 (A) The following are prohibited within the Pedestrian Mall:

- 6 (1) Parades;
- 7 (2) Sleeping or camping;
- 8 (3) Littering;
- 9 (4) Sexually oriented businesses as described in Section 19.12.070; and
- 10 (5) Feeding birds.

11 (6) Engaging in any of the following unsafe activities:

12 (a) Back flips, front flips, or side flips;

13 (b) Jumping or vaulting over or onto, or attempting to jump or vault over or
14 onto, any person; or

15 (c) Simulated fighting, including shadow boxing and pretend sword fighting.

16 (B) The following are prohibited within the Pedestrian Mall, except under the conditions stated:

17 (1) Animals, unless used in connection with a mall activity authorized by The Fremont
18 Street Experience Limited Liability Company or used for the purpose of assisting the visually or aurally
19 impaired;

20 (2) Mall vending, [special] events or other commercial activities, unless such activities
21 are conducted by or on behalf of The Fremont Street Experience Limited Liability Company;

22 (3) The use of unicycles, bicycles and other types of cycles, skateboards, roller skates,
23 in-line skates, hula hoops larger than four feet in diameter, and shopping carts, except as authorized by The
24 Fremont Street Experience Limited Liability Company in connection with [special] events and mall
25 entertainment;

26 (4) The placement of any cart, wagon, table, rack, chair, box, cloth, stand, booth,

1 container, structure or other object within the Pedestrian Mall, except:

2 (a) As conducted by or on behalf of The Fremont Street Experience Limited
3 Liability Company; or

4 (b) As specifically allowed under Sections 11.68.105 and 11.68.107;

5 (5) Amplified sound which originates from within the Pedestrian Mall or from
6 properties or businesses abutting the boundaries of the Pedestrian Mall, except where conducted by or on
7 behalf of The Fremont Street Experience Limited Liability Company or as permitted under
8 Section 11.68.107;

9 (6) The launching or throwing of projectiles or other objects into or through the air,
10 except in connection with events that are conducted by or on behalf of The Fremont Street Experience
11 Limited Liability Company;

12 (7) Entertainment and related services for which a fee is charged, either before or after
13 the entertainment and related services are performed, except in connection with events that are conducted by
14 or on behalf of The Fremont Street Experience Limited Liability Company;

15 (8) The distribution of food, beverage or tobacco items, except in connection with
16 events that are conducted by or on behalf of The Fremont Street Experience Limited Liability Company;

17 (9) Commercial photography, filming or videotaping, except in connection with events
18 that are conducted by or on behalf of The Fremont Street Experience Limited Liability Company;

19 (10) Lying or sitting on the ground, except:

20 (a) In cases of emergency;

21 (b) As approved in connection with events that are conducted by or on behalf
22 of The Fremont Street Experience Limited Liability Company; or

23 (c) By a street performer as part of a performance authorized under
24 Section 11.68.107;

25 (11) Open flames, except in connection with events that are conducted by or on behalf of
26 The Fremont Street Experience Limited Liability Company; or

1 (12) Any generator of any sort or any lead acid battery, except in connection with events
2 that are conducted by or on behalf of The Fremont Street Experience Limited Liability Company. The
3 prohibitions contained in this Paragraph (12) do not apply to any battery or power source that is contained
4 within and integral to a commercially manufactured appliance or speaker system unless the battery or power
5 source has been found to be in violation of applicable Fire Code regulations.

6 SECTION 6: Title 11, Chapter 68, Section 105, of the Municipal Code of the City of Las
7 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 (A) Expressive activity is allowed within the Pedestrian Mall without the requirement of a permit
9 or registration, but is subject to the conditions and limitations set forth in this Section as well as applicable
10 provisions of other Titles of the Las Vegas Municipal Code.

11 (B) No blanket, carpet, cover, chair, crate, box, cooler, container, structure or display of any type
12 may be erected or placed upon the Pedestrian Mall or its surface in connection with expressive activity,
13 except that a person or organization engaging in such activity may place and use, in furtherance of that
14 activity, one table, not to exceed three feet by three feet in size, at a location that complies with the provisions
15 of Subsection (C) of this Section.

16 (C) At no time may tables allowed under Subsection (B) be located:

17 (1) Within twenty feet of any building entrance or ATM;

18 (2) Within ten feet of any retail kiosk or cart, but subject to the provisions of Subsection
19 (F) of this Section;

20 (3) Within ten feet of the outer perimeter of any outdoor dining area while the area is
21 being used for dining;

22 (4) Within twenty feet of any fire lane or crosswalk;

23 (5) At any location that will obstruct or impede pedestrian traffic; or

24 (6) Within forty feet of another table that has been erected or placed for purposes of
25 expressive activity.

26 (D) Coolers, storage boxes and similar items may not be placed on the ground in connection with

1 expressive activity; provided, however, that this prohibition does not apply to incidental personal items such
2 as purses or coats, or to backpacks whose capacity does not exceed two cubic feet.

3 (E) In the case of a demonstration, The Fremont Street Limited Liability Company may direct
4 that the demonstration be moved to one or more locations within the Pedestrian Mall so as not to obstruct or
5 impede pedestrian traffic, or interfere with fire lanes, crosswalk traffic, retail kiosks, [special] events, concerts
6 or other previously scheduled mall activities, but only upon a determination that the demonstration cannot
7 possibly be conducted in a manner that does not so obstruct, impede or interfere. Any such redirection shall
8 be to a location that is closest to, most approximates, and reaches the same audience as, the original location.

9 (F) The distance limitation set forth in Paragraph (2) of Subsection (C) shall not apply if and to
10 the extent that The Fremont Street Limited Liability Company, at any given time, has established or permitted
11 more than fifty retail kiosks or carts within the Pedestrian Mall.

12 (G) Except as otherwise provided in this Subsection (G), nothing in this Section authorizes
13 conduct prohibited by other provisions of this Chapter or other ordinances and laws of general applicability,
14 including without limitation prohibitions relating to the obstruction of rights-of-way. Notwithstanding any
15 other provision of this Code, a person engaging in expressive activity under this Section may use amplified
16 sound in connection with that activity if it complies with the noise level limitations of
17 LVMC 11.68.107(C)(5)(b).

18 (H) The provisions of this Section do not apply to the activities of street performers regulated by
19 Section 11.68.107.

20 SECTION 7: Title 11, Chapter 68, Section 107, of the Municipal Code of the City of Las
21 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **11.68.107:** (A) Street performers may perform within the Pedestrian Mall only in accordance with
23 the provisions of this Section.

24 (B) It is unlawful for a street performer to charge a fee for a performance within the
25 Pedestrian Mall. For purposes of this Chapter, the charging of a fee for entertainment or for a performance
26 includes the act of requiring a person to pay for the entertainment or performance, whether in advance or

1 after the fact, but does not include the act of soliciting or requesting tips or donations, the act of making
2 available a receptacle for tips or donations, or the act of receiving tips or donations.

3 (C) A street performer who does not charge a fee for a performance as described in
4 Subsection (B) may perform within the Pedestrian Mall in accordance with the following conditions and
5 limitations, violations of which are a misdemeanor:

6 (1) Street performers shall not [have the right to “reserve” any space or location]
7 hold, retain, occupy, keep, secure or reserve any performance circle, as described in LVMC 11.68.108(A)(2),
8 except as otherwise provided in Subsection (D) of Section 11.68.108, and may not interfere in any way with
9 performances provided by or on behalf of The Fremont Street Limited Liability Company;

10 (2) At no time may a street performer perform:

11 (a) Within twenty feet of any building entrance or ATM;

12 (b) Within ten feet of any retail kiosk or cart, but subject to the
13 provisions of Paragraph (6) of this Subsection (C);

14 (c) Within ten feet of the outer perimeter of any outdoor dining area
15 while the area is being used for dining;

16 (d) Within twenty feet of any fire lane or crosswalk;

17 (e) Within any area of the Pedestrian Mall that is closed to the public
18 (such as on a closed stage provided by The Fremont Street Limited Liability Company);

19 (f) During any sponsored concert, within one hundred feet of the stage
20 on which the concert is taking place;

21 (g) Within forty feet of any other street performer then performing,
22 except when such performance is occurring within the open zone, as defined in LVMC 11.68.108(A)(1), and
23 in that case, within ten feet of any other street performer then performing; or

24 (h) At any location that will obstruct or impede pedestrian traffic.

25 (3) Within the specified time frame, street performers may perform only in a
26 designated location;

(4) Street performers may not place objects on the ground unless the objects are within a two foot radius of the performer; do not obstruct or impede pedestrian traffic or cause a potential risk to passersby; and are integral to the performance (e.g., a hat or container to accept donations).

(5) Street performers may emit sound in connection with their performance, but subject to the following conditions:

- (a) The sound must be an integral part of the performance;
- (b) The sound may not exceed the maximum noise levels set forth in the following table:

Maximum Noise Levels (in A-weighted decibels), measured by a sound level meter qualifying as Class 1 under IEC 61672-1	85 dBA*/107 dBA**
* When measured at a minimum distance of 25 feet from the source of the noise	
** When measured at a minimum distance of 1 foot from the source of the noise	

(c) The sound is not permitted during any actual performance or operation of the celestial vault lightshow, or during any [special] event when the Pedestrian Mall is closed to the general public except upon payment of an admission charge; and

(d) The sound is not permitted during any concert that is provided by or on behalf of The Fremont Street Limited Liability Company unless each source of the amplified sound is at least one hundred feet from the stage on which the concert takes place.

(6) The distance limitation set forth in Subparagraph (b) of Paragraph (2) of this Subsection (C) shall not apply if and to the extent that The Fremont Street Limited Liability Company, at any given time, has established or permitted more than fifty retail kiosks or carts within the Pedestrian Mall.

(D) Nothing in this Section authorizes conduct prohibited by other provisions of this Chapter or other ordinances and laws of general applicability, including without limitation prohibitions relating to solicitation by coercion and the obstruction of rights-of-way.

SECTION 8: Title 11, Chapter 68, Section 108, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.68.108: (A) The City Council hereby designates certain locations [(the “designated locations”)]

1 within the Pedestrian Mall that are expressly set aside for use by street performers as follows: [during the
2 specified time frame. Such locations shall consist of:]

3 (1) That area of the Pedestrian Mall formerly consisting of Third Street, as
4 depicted on the map referred to in LVMC 11.68.040(B) ("open zone"); and

5 (2) Other areas, each of which is no greater than six feet in diameter and is
6 denoted on the surface of the Pedestrian Mall ("performance circles").

7 (B) A map depicting the approximate locations of the [designated locations described in
8 Paragraph (2) of Subsection (A) of this Section] performance circles shall be on file with the City Clerk, is
9 hereby incorporated by this reference, and shall be made available for inspection during normal business
10 hours. In the exercise of its authority under this Chapter, or in order to facilitate the flow of pedestrian traffic,
11 or to serve the convenience of the Pedestrian Mall's patrons (or any combination thereof), The Fremont Street
12 Limited Liability Company may adjust the exact location of any [designated location] performance circle
13 described in this Subsection (B) up to twenty-five feet in any direction from the location appearing on the
14 map referred to in this Subsection (B). Notwithstanding the previous sentence, but subject to LVMC
15 11.68.070(G), periodic construction, maintenance activity, or any rules adopted by the City Manager pursuant
16 to LVMC 11.68.150, The Fremont Street Limited Liability Company shall:

17 (1) [Provide] Designate no fewer than thirty-eight [designated locations of the
18 type described in Paragraph (2) of Subsection (A)]; are available at any given time;] performance circles; and

19 (2) [Otherwise] Make available performance circles and ensure that no fewer
20 than twenty-five such locations are available at any given time.

21 (C) Except as allotted under the lottery system described in Subsection (D), the use of
22 any [designated location] performance circle for performances by street performers within the specified time
23 frame shall be on a first-come-first-serve basis and may not be reserved in any fashion. Any [designated
24 location] performance circle shall be deemed unoccupied and available unless it is physically occupied by a
25 person or allotted to a street performer in accordance with Subsection (D) or (E). This Subsection is intended
26 to allow the first-come, first-served use of a performance circle only in the case that performance circle was

1 not allocated to a street performer through the lottery process during the specified time frame.

2 (D) No street performer may use a particular [designated location] performance circle
3 for a performance within the specified time frame for more than two hours at a time. At the top of each odd-
4 numbered hour within the specified time frame, any street performer who has been using a particular
5 [designated location] performance circle for a performance for more than one hour must move to a different
6 [designated location] such performance circle in order to continue that activity or performance, regardless of
7 the amount of time he or she spent in a [designated location] performance circle just before the top of that
8 hour. The City or The Fremont Street Limited Liability Company shall establish a lottery system by which
9 street performers [are] must register pursuant to LVMC 11.68.108(F) to be allotted [designated location]
10 performance circles within the specified time frame and in accordance with which enforcement of this Section
11 may take place. Upon implementation of the lottery system, no street performer may perform within a
12 [designated location] performance circle within the specified time frame unless:

13 (1) He or she has been allotted that [location] performance circle for that
14 assigned period; [or]

15 (2) No one who has been allotted that [location] performance circle for that
16 assigned period has occupied the performance circle [.] or;

17 (3) No one has been allotted that [location] performance circle for that assigned
18 period.

19 (E) If, during the specified time frame, a street performer who is registered pursuant to
20 LVMC 11.68.108(F) fails to occupy his or her allotted performance circle within thirty minutes after the
21 street performer's assigned period begins, that street performer has waived the right to use such performance
22 circle during the assigned period. Such performance circle shall be made available to the street performer
23 who is registered pursuant to LVMC 11.68.108(F) and was assigned as the alternate street performer allotted
24 that performance circle in the lottery system described in LVMC 11.68.108(D). If the alternate street
25 performer fails to occupy his or her allotted performance circle within thirty minutes, that street performer
26 has also waived the right to such performance circle during the assigned period and such performance circle

1 shall subsequently be available on a first-come, first-served basis to any street performer who is registered in
2 accordance with LVMC 11.68.108(F) for the remainder of the assigned period. If a street performer who
3 secures such performance circle on a first-come, first-served basis vacates the performance circle at any time
4 during the remainder of that assigned period, then that street performer may no longer occupy the
5 performance circle and the performance circle is closed, and must remain unoccupied until the beginning of
6 the next assigned period.

7 [(E)] (F) [In connection with a person's first use of a designated location as a street
8 performer within the specified time frame, that person must register with the City's Business Licensing
9 Division (or its designee) no later than seventy-two hours after that first use. The registration shall expire
10 after one hundred eighty days. Upon expiration of a person's registration, the registrant, in connection with
11 another use of a designated location within the specified time frame, must register again no later than seventy-
12 two hours after that use. The registration requirements of this Subsection (G) that are triggered by the use of
13 a designated location are not triggered separately with reference to each designated location, but rather merely
14 with reference to any designated location. Therefore, the same person will need to register only one time
15 within a one hundred eighty day period, no matter how many different designated locations that person uses
16 for a performance. Registration may be anonymous and requires a description of intended use, which shall
17 include a complete listing of characters to be performed. The Business Licensing Division (or its designee)
18 may deny registration only in the case of failure to provide the description of intended use. A performer is
19 not entitled to more than one registration regardless of the number of characters or acts performed.] Prior to
20 the use of any performance circle within the specified time frame, a person must register as a street performer
21 with the City. Registration may be anonymous and may require a description of intended use, which may
22 include a complete listing of characters to be performed. Registration in connection with group performances
23 or performances with multiple street performers requires a separate registration for each street performer. A
24 street performer will need to register only one time no matter how many different performance circles the
25 street performer may use for a performance. The registration shall expire after two years. The Business
26 Licensing Division (or its designee) may deny registration only in the case of failure to provide the

1 information required by this Chapter. A street performer is not entitled to more than one registration
2 regardless of the number of characters or acts performed. It is a misdemeanor for a performer to obtain or
3 possess more than one registration regardless of the number of characters or acts performed.

4 (G) To facilitate street performer registration and entry into the lottery for the
5 performance circles, the City may collect from the street performer a method for electronic communication
6 (i.e., an email address or telephone number) and/or a photograph of the street performer. This information
7 shall be treated as confidential by the City. The City may issue photo verification cards and, except as
8 otherwise provided in this Subsection, such cards shall be issued at no cost to street performers. Such cards
9 shall be used for the sole purpose of allowing the City or the Las Vegas Metropolitan Police Department to
10 verify that any particular street performer is, in fact, the registrant assigned to a particular location at any
11 particular time. The photo verification card shall preserve the anonymity of the street performer and the
12 issuance of the photo verification card shall not require any street performer to present a government-issued
13 identification card or otherwise provide the street performer's legal name or date of birth. The photograph
14 taken by the City and used for the street performer's verification card shall conform to the requirements for
15 passport photographs issued by the Department of State for the United States of America. The issuance of an
16 initial photo verification card and one replacement card within a one year period shall be at no cost to the
17 street performer. The City is authorized to charge a fee of fifty dollars to replace any additional photo
18 verification card during that one year period.

19 [(F)] (H) Any person who uses a [designated location] performance circle as a street
20 performer within the specified time frame must display the [registration form] proof of registration provided
21 by the Business Licensing Division (or its designee) at the perimeter of the [designated location] performance
22 circle being used by the performer or otherwise in a conspicuous manner within or bounding the [designated
23 location.] performance circle, or must possess the proof of registration provided by the Business Licensing
24 Division (or its designee) while performing on the Pedestrian Mall. The proof of registration must be
25 produced, upon request, to officers of the Las Vegas Metropolitan Police Department and officers and
26 employees of the City charged with the enforcement of City ordinances.

1 (I) When one or more street performers are waiting for a performance circle to become
2 available in accordance with the provisions of this Chapter, no such waiting street performer may obstruct or
3 impede pedestrian traffic, no waiting street performer may occupy any space within a five foot radius of that
4 performance circle as measured from the outside edge of that performance circle, and no waiting street
5 performer may place equipment, props, cases, bags, or any other item of personal property within a five foot
6 radius of that performance circle.

7 (J) It is a misdemeanor to, or attempt to, solicit, purchase, sell, assign, transfer, lend,
8 pledge, barter, give or otherwise convey to another person the right to use or occupy a performance circle, a
9 registration for the use or occupation of a performance circle, or a reservation for the use or occupation of a
10 performance circle.

11 SECTION 9: Title 11, Chapter 68, of the Municipal Code of the City of Las Vegas,
12 Nevada, 1983 Edition, is hereby amended by adding thereto a new Section 109, reading as follows:

13 **11.68.109** (A) As an alternative to criminal prosecution for a violation of the provisions of LVMC
14 11.68.107(C)(1) and (3), 11.68.108(F), 11.68.108(H) and 11.68.108(J), the City may instead treat the
15 violation as a civil violation and proceed in accordance with LVMC 11.68.109(B) to LVMC 11.68.109(R),
16 inclusive. For the first violation, the City shall issue a citation without a fine or other penalty. For a second
17 or subsequent violation, the street performer will be subject to a fine as provided in LVMC 11.68.109(Q).
18 For repeated violations of the provisions of LVMC 11.68.107(C)(1) and (3), 11.68.108(F), 11.68.108(H) and
19 11.68.108(J), the street performer may be subject to suspension of his or her registration during the specified
20 time period for up to 180 days after an opportunity for a hearing has been provided to the registrant in
21 accordance with LVMC 11.68.109. Three adjudications of civil liability related to violations of LVMC
22 11.68.107(C)(1) and (3), 11.68.108(F), 11.68.108(H) and 11.68.108(J) shall be considered a repeated
23 violation for the purposes of this Section.

24 (B) A proceeding under LVMC 11.68.109 shall be commenced by the issuance of a
25 Notice of Violation, which may be issued by any peace officer or any officer or employee of the Department
26 who is assigned to enforcement. A Notice of Violation must contain, at minimum, the following information:

1 (1) The name and address (if known) of the person who committed the
2 violation;

3 (2) A brief description of the violation and a reference to the applicable
4 ordinance or Code citation(s);

5 (3) The location, date and time of the violation;

6 (4) The name of the person issuing the Notice of Violation;

7 (5) The amount of the civil fine applicable to the violations;

8 (6) Information advising of the manner and time for responding to the Notice
9 of Violation;

10 (7) Such other pertinent information as may be necessary or appropriate.

11 (C) No error concerning, or omission of, any of the above-described information is
12 grounds for the dismissal of an action relating to a Notice of Violation unless the person requesting such a
13 disposition demonstrates substantial prejudice therefrom by a preponderance of the evidence.

14 (D) Where data concerning a Notice of Violation is entered into and stored in a computer
15 or similar device, the following shall be deemed to be an “original” of such Notice of Violation for purposes
16 of this Section:

17 (1) Any printout or other output readable by sight which accurately reflects such
18 data; and

19 (2) Any such entry which has been moved or copied into another computer or
20 similar device and is intended to have the same effect by the issuing officer.

21 (E) Any Notice of Violation issued pursuant to this Section shall constitute a declaration
22 which is subject to the penalty of perjury.

23 (F) An original Notice of Violation, or a facsimile thereof, must be filed with the
24 Department and retained by the Department, and is deemed to be a public record of matters which are
25 observed pursuant to a duty which is imposed by law and is prima facie evidence of the facts which are
26 alleged therein. An original or duplicate of the Notice of Violation must be served on the person responsible

1 for the violation.

2 (G) A person must respond to a Notice of Violation in one of the following ways:

3 (1) "Admit" responsibility for the commission of the violation and liability for
4 the civil fine imposed, and pay the amount of the fine applicable to the violation; or

5 (2) Contact the Department, "admit" responsibility and liability, and arrange a
6 schedule to for payment of the fine; or

7 (3) Request a binding hearing as provided for in Subsection (H) of this Section
8 in order to dispute the propriety of the issuance of the Notice of Violation or liability for the violation.

9 (H) A person may initiate a hearing pursuant to Paragraph (3) of Subsection (G) of this
10 Section by:

11 (1) Contacting the Department or a designee;

12 (2) Providing his or her name, current address and the Notice(s) of Violations(s)
13 and penalties thereon which such person wishes to be the subject of such hearing; and

14 (3) Obtaining a date for the hearing.

15 (I) Any person initiating such a hearing in this manner (the "defendant") shall be bound
16 by the decision of the Hearing Officer concerning liability for the infraction(s) and responsibility for the fines
17 or penalties related thereto. If a defendant scheduling a hearing before the Hearing Officer fails to appear at
18 the hearing without having first sought and obtained a continuance of the hearing, the Hearing Officer may
19 enter a decision against the defendant for the amount of fines or other penalties scheduled to be reviewed. In
20 connection with the request for a hearing, the defendant must acknowledge the binding nature of the hearing
21 and the Hearing Officer's authority in the event the defendant fails to appear at a hearing. The
22 acknowledgment shall be in substantially the following form:

23 I _____, hereby request a binding hearing before the Hearing Officer. My address is
24 _____. I request that this hearing involve Notice(s) of Violations(s) Number
25 _____. I understand that the Hearing Officer is an attorney and not an elected or appointed judge. I
26 understand that I am bound by the decision of the Hearing Officer. I understand that if I fail to appear for the

1 scheduled hearing before the Hearing Officer without first obtaining a continuance of such hearing, the
2 Hearing Officer may enter a decision against me.

3 Knowing all of the above, I still wish to request a binding hearing before the Hearing Officer on the above-
4 described Notice(s) of Violation(s). I hereby acknowledge the above and further acknowledge that at my
5 request a hearing has been set for _____, 20____ at the hour of _____ m.

6 _____
7 Defendant

8 (J) Any hearing conducted pursuant to this Section shall be presided over by a Hearing
9 Officer who shall be an attorney licensed to practice law in the State of Nevada. With respect to any such
10 hearing, a properly filed Notice of Violation shall constitute a claim of liability and a claim for relief and no
11 other such claim shall be required. Prima facie proof of the violation alleged shall be established by the City
12 providing the Hearing Officer with either a certified copy of the Notice of Violation or the data stored in a
13 computer or other device, as described in LVMC 11.68.109(D). No formal appearance by the City Attorney's
14 office is required. The hearings and dispositions of all such actions shall be informal, with the Hearing Officer
15 receiving witness statements or testimony and other evidence for the sole purpose of dispensing fair and
16 speedy justice between the parties.

17 (K) The burden of proving any defense shall be upon the person raising such defense.

18 (L) If the Hearing Officer finds that a violation did not occur or that the defendant should
19 not be held liable, the Hearing Officer shall enter a decision for the defendant.

20 (M) If it is found that the person has either failed to appear or otherwise defend against
21 the issuance of the Notice of Violation as agreed or that the violation was committed and no applicable
22 defense exists, the defendant shall pay the total civil fines forthwith or at such times and on such conditions
23 as the Hearing Officer shall prescribe, and the defendant's street performer registration may be suspended
24 during the specified time frame for up to 180 days. No new street performer registration shall be issued during
25 a suspension period.

26 (N) Upon reaching a decision, the Hearing Officer shall as soon as practicable thereafter,

1 file a written decision substantially conforming to the following form:

2 City of Las Vegas, Clark County, Nevada, City of Las Vegas, Plaintiff v. _____, Defendant.

3 Before, _____, Hearing Officer for the City of Las Vegas, Clark County, Nevada, decision is
4 entered in favor of _____, (plaintiff or defendant) for \$____ (enter \$0.00 if the judgment is for
5 the defendant) and/or for suspension of street performer registration during the specified time frame, as
6 defined in LVMC 11.68.020 for _____ days (enter 0 if judgment is for the defendant), on the ____ day
7 of _____, 20____. I certify that the foregoing is a correct reflection of the decision entered in the
8 action properly brought for my consideration pursuant to LVMC Chapter 11.68.

9 _____
10 Hearing Officer

11 (O) A response to a Notice of Violation, as provided in LVMC 11.68.109(G), must be
12 made within thirty calendar days after the date on which the Notice of Violation is served. If a person fails
13 to respond to a Notice of Violation in accordance with LVMC 11.68.109(G), the person's street performer
14 registration shall be suspended during the specified time frame for sixty days from the date of issuance of the
15 Notice of Violation.

16 (P) The decision of the hearing master is final City action for purposes of judicial
17 review. Any subsequent review or appeal must be taken to a court of competent jurisdiction.

18 (Q) The civil fine for violations that are processed under the provisions of LVMC
19 11.68.109(B) to 11.68.109(P), inclusive, is up to two hundred fifty dollars.

20 SECTION 10: Title 11, Chapter 68, Section 120, of the Municipal Code of the City of Las
21 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **11.68.120:** (A) Prior to completion of construction of the Pedestrian Mall, The Fremont Street
23 Experience Limited Liability Company shall submit to the City Council for review and approval a plan or
24 plans which shall include the following:

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

1 floorscape lying therein;

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

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

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

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

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

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

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

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

26 (C) Any amendments proposed to these plans by The Fremont Street Experience

1 Limited Liability Company may be made with the approval of the City Manager; except, however, that any
2 amendment to the Fremont Street Design Criteria Manual shall require approval by the City Council.

3 (D) Except with respect to site development plan review pursuant to LVMC [19.18.050,]
4 19.16.100, any approval given by The Fremont Street Experience Limited Liability Company shall not relieve
5 a property owner who intends to construct new exterior building improvements from obtaining appropriate
6 approvals and permits from the City which would be required regardless of any review and approval by the
7 Fremont Street Experience Limited Liability Company. Review and approval of exterior building
8 improvements by the Fremont Street Experience Limited Liability Company shall relieve the property owner
9 from compliance with the site development plan review pursuant to LVMC [19.18.050;] 19.16.100; provided,
10 however, that any owner aggrieved by the decision of The Fremont Street Experience Limited Liability
11 Company may seek a determination from the City by means of the site development plan review pursuant to
12 LVMC [19.18.050.] 19.16.100.

13 SECTION 11: Title 11, Chapter 68, Section 130, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **11.68.130:** Any person violating the provisions of Sections 11.68.030, 11.68.080, and 11.68.100 to
16 11.68.108, inclusive, shall be guilty of a misdemeanor. The City Manager may designate officers or
17 employees of one or more departments of the City to enforce the provisions of this Chapter on behalf of the
18 City, in addition to other officers already so enabled by law or ordinance.

19 SECTION 12: Title 11, Chapter 68, of the Municipal Code of the City of Las Vegas,
20 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 150, to read
21 as follows:

22 **11.68.150:** The City Manager is delegated the authority to adopt rules regarding the administration and
23 use of the Pedestrian Mall that are not in conflict with the provisions of LVMC Chapter 11.68 or the
24 management agreement.

25 SECTION 13: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
26 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by

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

6 SECTION 14: Whenever in this ordinance any act is prohibited or is made or declared to
7 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
8 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
9 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
10 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
11 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
12 of this ordinance shall constitute a separate offense.

13 SECTION 15: All ordinances or parts of ordinances or sections, subsections, phrases,
14 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
15 Edition, in conflict herewith are hereby repealed.

16 PASSED, ADOPTED and APPROVED this ____ day of _____, 2026.

17 APPROVED:

18 By _____
19 SHELLEY BERKLEY, Mayor

20 ATTEST:

21 _____
22 DR. LUANN D. HOLMES, MMC
City Clerk

23 APPROVED AS TO FORM:

24 _____
25 Gillian Block Segerblom, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2026, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2026, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED: _____

12
13 By _____
SHELLEY BERKLEY, Mayor

14 ATTEST:
15 _____
16 DR. LUANN D. HOLMES, MMC
City Clerk

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