

**§ 450-30. Temporary uses; public events; sidewalk sales; permit requirements.**

- A. Temporary uses are permitted only as expressly provided in this section and shall comply with the requirements of Article X, Limitations of Land Uses in Various Zones.
- B. No temporary use shall be established unless a certification of compliance with the provisions of this section and other applicable provisions of this chapter shall have first been issued by the Community Development Department.
- C. The following are temporary uses, which are subject to the following specific regulations and standards, and subject to the issuance of a public events or temporary use permit, in addition to other requirements specified in this chapter. **[Amended 6-14-2001 by Ord. No. 99-39]**
  - (1) Carnival or circus.
    - (a) Permitted in any district;
    - (b) Requires a City business license/registration;
    - (c) Maximum length of use shall be five days;
    - (d) No structure or equipment within 100 feet of any residential structure;
    - (e) A safety certification of all rides and equipment is required;
    - (f) Requires registration/licensure by the State of New Mexico;
    - (g) Permitting fees shall be imposed at the rate of \$250 per day;
    - (h) Must be inspected and approved by the Fire Department.
  - (2) Christmas tree sales.
    - (a) Permitted in any district;
    - (b) Requires a business license/registration;
    - (c) Maximum length of use for display and open lot sales shall be 45 days;
    - (d) Must be inspected and approved by the Fire Department.
  - (3) Contractor's office and construction equipment sheds.
    - (a) Permitted in any district where use is incidental to a construction project;
    - (b) Maximum length of permit shall be for the term of the project;
    - (c) Office or shed shall be removed upon completion of construction;
    - (d) Must be inspected and approved by the Fire Department.
  - (4) Events of public interest.

- (a) Permitted in any district with approval by the Community Development Department;
  - (b) Events of public interest include but are not limited to outdoor concerts, bazaars, auctions, and historic celebrations and are further defined as functions, which advertise to and call for public participation;
  - (c) Require a business license/registration;
  - (d) All parade processions, including homecoming parades associated with New Mexico Highlands University, Las Vegas City Schools, and West Las Vegas City Schools, shall comply with all requirements as set forth in the following Subsection C(5), Parades, of this chapter; and
  - (e) Must be inspected and/or approved by the Fire Department.
- (5) Parades. In lieu of other requirements for events of public interest, event sponsors of homecoming parades for West Las Vegas, Las Vegas City Schools and New Mexico Highlands University shall submit a permit application to the Community Development Department at least two weeks in advance of the parade to allow coordination of the event by the City.
- (a) The event shall include an anti-litter message or effort that is to be proposed and approved in the permit application.
  - (b) A nonrefundable sanitation fee of \$200 shall be imposed.
  - (c) Must be inspected and approved by the Fire Department.
- (6) Real estate sales office.
- (a) Permitted in any district for any new subdivision approved in accordance with subdivision regulations. The office may not contain sleeping or cooking accommodations unless a model home is used as a temporary sales office;
  - (b) Offices other than model homes shall be removed upon completion of the development of the subdivision;
  - (c) Permitting fees shall be imposed at the rate of \$25 per office per year;
  - (d) Must be inspected and approved by the Fire Department.
- (7) Religious tent meetings.
- (a) Permitted in any district, with approval by the Community Development Department;
  - (b) Maximum length of use shall be 15 days;
  - (c) Permitting fees shall be imposed at the rate of \$25 per office per year;
  - (d) Must be inspected and approved by the Fire Department.

(8) Major movie, video and similar recording productions. **[Amended 12-15-2004 by Ord. No. 04-18; 7-7-2010 by Ord. No. 10-08; 4-20-2011 by Ord. No. 11-10; 3-21-2012 by Ord. No. 11-21]**

(a) Permitted in any district with approval by the Community Development Department.

(b) Film productions must submit for a temporary use permit, hereinafter "film permit," for preliminary approval at least 14 days prior to the intended dates of filming on forms provided by the City. Dates and exact locations must be provided on the preliminary application.

[1] An exception to the fourteen-day requirement may be made by the City Manager/designee in situations wherein circumstances prevent the production from meeting this requirement. Request for the exception must be written and include proper justification.

[2] Productions are encouraged to inform the City of their interest in Las Vegas as a film location at their earliest convenience. The City Film Liaison is on staff to assist productions with location inquiries, contact information, etc.

(c) Maximum length of use shall be determined by application. If a production plans on filming in excess of 21 days per quarter of a calendar year, the production must file an extended use film permit with the Community Development Department. Setup, takedown, and weather delays are not counted as "filming" days unless there is community impact. [see Subsection C(8)(e)].

(d) Upon completing the preliminary information required in the film permit, the official film production contact person (location manager and/or staff as determined by the production) must return the application to the City Film Liaison/designee who will schedule an application review meeting with regulating agency representatives (Police Department, Fire Department, Department of Transportation, etc.) at a time and place determined by the City (per § 450-132, Development impact review requirements). The official film production contact person must participate in the application review meeting.

(e) The production must notify the community of street closures, road blocks, etc., at least five days prior to filming. Notification must include, but is not limited to, a press release or ad in the local newspaper, radio ad, notice on the Las Vegas community event calendar and written notification (this can be in the form of door hangers/flyers) to those in impacted areas. "Impacted" means disruption of regular access to property by owner or patrons. The Community Development Department will determine which areas are considered impacted. Proof of notification must be provided to the City (copy of newspaper ad, door hanger/flyer, etc.).

- (f) Failure by the film production to provide the required notification in a specific location will result in denial of the permit application for that location.
  - (g) A film permit processing fee in the amount of \$250 will be assessed for all commercial feature or television projects with a crew size of 11 people or more and/or a budget of \$50,000 or more. There is no processing fee for documentaries, educational films, still photo shoots, or any production with a crew of 10 people or less.
  - (h) A refundable deposit in the amount of \$500 is required with the film permit application. Each site occupied by the film production shall be cleaned of debris/litter within one day and any other evidence of filming activity no later than five days after completion of filming activity. Upon inspection of the site(s) and approval by the City, the deposit shall be refunded. There is no deposit for documentaries, educational films, still photo shoots, or any production with a crew of 10 people or less.
  - (i) Arrangement for City services such as police, barricading, sanitation and utilities or any other specific request for services will be made at the time of application; fees for these services shall be assessed at the time of application. There is no fee for the use of City property for filming, unless City resources are required, a loss of revenue will be incurred, or the use of the requested location(s) will impact City operations/services. The production may request to use City-owned property for the film production base camp; however, a rental fee will be assessed for this type of use.
  - (j) On-street/City right-of-way parking spaces with a parking time limit of 90 minutes requested by the production for purposes such as background shots or equipment will be assessed at \$7 per day per space. The production must post signage stating "No Parking/Tow Away Area" with a list of dates and times of occupancy.
  - (k) Modifications to the permit must be submitted to the City in writing, approval will be given at the discretion of the City Manager/designee.
  - (l) Must be inspected and approved by the Fire Department.
  - (m) The City reserves the right to revoke the film permit at any time for serious violations of the terms of the permit or City ordinances. The decision by the City may be appealed as provided by ordinance.
- D. The Community Development Department shall be charged with enforcing all regulations, pertaining to this chapter, for events of public interest. Additional regulations for carnivals or circuses, religious tent meetings and events of public interest are as follows: **[Amended 6-14-2001 by Ord. No. 99-39]**
- (1) Event sponsors shall provide documentation from the New Mexico Environmental Improvement Division that adequate arrangements have been

made for:

- (a) Temporary sanitary facilities; and
  - (b) Food service.
- (2) No permanent or temporary lighting shall be installed unless:
- (a) An electric inspection has been conducted by the State Electrical Inspector and approval has been obtained from the Las Vegas Fire Department; and
  - (b) If the event is to be held on City property, proper arrangements have been made with the City and/or PNM for payment of electrical charges.
- (3) If LP gas is to be used, event sponsors shall provide documentation that the State Liquid Petroleum Gas Inspector has conducted an LP gas inspection and approval has been obtained from the Las Vegas Fire Department.
- (4) All uses shall be confirmed to dates and hours of operation specified and approved by the Community Development Department in the permit application.
- (5) A security deposit shall be posted with the City to insure that the premises will be cleared of debris and other waste materials during and after the event and that any damage to the public right-of-way will be repaired. The minimum security deposit will be \$200.
- (6) Events scheduled on private property shall be required to provide off-street parking in an amount sufficient for the event.
- (a) The amount of required parking will determined by the City's Community Development Department and shall be based on the type of event, the anticipated public response, the number of advance ticket sales and other similar factors.
  - (b) Events scheduled on public property shall be required to obtain advance clearance from the City for provisions of parking.
- (7) Event sponsors shall coordinate all arrangements for traffic control and security with the Las Vegas Police Department.
- (a) The Police Department may require that private security and traffic control be provided.
  - (b) The Police Department will retain the right to require that additional private security be provided, if the event should prove to be a larger problem than originally anticipated, and, with the consent of the Mayor, to close down an event if in their opinion the event is a threat to public welfare, health or safety.
  - (c) If the event occurs next to or impacts a public thoroughfare under the

jurisdiction of the New Mexico Highway and Transportation Department, written approval must be obtained from the District Office.

- (8) No alcoholic beverages shall be served unless the New Mexico Department of Alcohol Beverage Control grants a permit and such serving of alcoholic beverages would not violate any applicable City ordinance.
- (9) Games at carnivals will not be permitted which are classified as games of chance or which violate New Mexico gambling laws.
- (10) No person shall operate a carnival ride without an insurance policy in an amount of not less than \$3,000,000 against liability for injury to persons arising out of the operation of the carnival ride.
  - (a) Either a copy of the policy furnished to the insured or a certificate stating to the effect that the insurance required is in effect shall be included with the permit application.
  - (b) The policy shall contain a schedule listing by name and serial number each carnival ride insured by the policy. In the event of additions or deletions of carnival rides during the policy terms, such changes shall be shown on a change endorsement, a copy of which shall be included with the permit application.
  - (c) In the event of cancellation by either the insured owner or operator or the insurance company, the insured shall furnish notice of cancellation to the City.
- (11) Applications for public events regulated by this chapter will be required to include an insurance policy naming the City of Las Vegas as additional insured for a minimum of \$1,050,000.

E. Sidewalk sales within certain commercial districts. **[Added 4-15-2009 by Ord. No. 08-10]**

- (1) For purposes of this subsection, the following words shall be defined as follows:

DIRECTOR — The Director of Community Development Department or his designee.

DISPLAY AREA DIAGRAM — A drawing of the sidewalk area whereby the displays of goods, etc., are to be located. (An example of the diagram shall be provided at the time of application request.)<sup>1</sup>

PEDESTRIAN TRAFFIC WALKWAY WIDTH — The portion of the sidewalk in the public sidewalk area that is reasonably available for use by the pedestrian stream moving through the area.

PERMIT — A temporary public right-of-way public events permit authorized

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

by § 450-30 of this chapter.

**PERMITTEE** — The person who owns the business immediately contiguous to the sidewalk sale and is permitted to occupy an area of the public right-of-way for the purpose of a sidewalk sale.

**PUBLIC SIDEWALK** — A sidewalk area located in the public right-of-way or in the area in which the public has an easement for sidewalk purposes, or both.

**SIDEWALK SALE** — A commercial sale or display of goods, products, wares, merchandise, services or material related to services, provided and sold by the business immediately adjacent to the sidewalk sale.

- (2) Sidewalk sales/displays.
  - (a) Notwithstanding any codified ordinance to the contrary and provisions of the Code of the City of Las Vegas, sidewalk sales, as herein defined, along certain sidewalks fronting commercial premises used for such sales pursuant to the underlying zoning may be permitted by the Director under the requirements contained herein. However, it is determined that such sidewalk sales must be strictly controlled to protect the public health, safety and welfare. Adequate sidewalk area of at least four feet in width must be maintained to allow safe pedestrian passage and for the safe and convenient use of wheelchairs, strollers and similar instruments. Due to the congestion caused by such sidewalk sales, it is further determined that such sales must be limited to sidewalks at least nine feet in width from the building exterior to the curblines.
  - (b) Application for such sales shall be made to the Community Development Department in a form deemed appropriate by the Director. The applicant shall provide a display diagram along with the application which shall delineate the specific location and display area from which such sales would take place and describe the specific type and material of the actual display fixtures.
- (3) Conduct of sale and criteria for granting of the permit. A sidewalk sale permit for such use may be granted by the Director or his designee if an approved display area diagram and the Director or his designee ascertains that the following criteria are satisfied prior to granting of the permit:
  - (a) Sidewalks must be at least a minimum of nine feet in width from the exterior building to the curblines.
  - (b) Four feet shall be reserved for pedestrian traffic. The proposed sales operation display area shall not significantly interfere with said pedestrian traffic or otherwise constitute a health and safety risk.
  - (c) Sidewalk sales and displays shall be limited to the sale or display of the same goods, products, wares, merchandise, services or material related to services as those that the owner or operator sells or displays inside the

immediately contingent licensed commercial premises, such as defined herein as "sidewalk sales" and "permittee."

- (d) Sidewalk sales and display shall not be allowed at any time the principal permitted use of the site is not open for business and such shall be removed from the sidewalk during such time.
  - (e) No permanent structure may be affixed to the sidewalk or any building. The applicant shall be responsible for any damage caused to any sidewalk or public property.
  - (f) In no case shall the location of such sidewalk display areas occur within any area for parking, loading, handicap ramps, crosswalks, nor emergency vehicle access (e.g., fire lanes, fire hydrants).
  - (g) The dimensions of the sidewalk sales area to be used shall be approved by the Director or his designee. In determining the pedestrian traffic walkway width, a safe and comfortably width will be determined. However, in no event shall the Director or his designee approve dimensions of a sidewalk sales area that would result in the pedestrian traffic walkway width being reduced to less than four feet.
- (4) Permitted locations. The Director, consistent with the provisions of this section, shall deem proper with respect to permitted locations for sidewalk sales within C-2 Commercial Districts in Downtown Las Vegas. Sidewalk sales are not permitted in State of New Mexico highway right-of ways, such as Grand Avenue and 7th Street.
- (5) Application for permit.
- (a) An application for a permit pursuant to this section shall be made within five days prior to the intended date(s) of the sidewalk sale on a form designated by the Community Development Department and approved by the Director or his designee. Such form shall contain at least the following information:
    - [1] The name of and address of the applicant.
    - [2] The proposed site of the activity.
    - [3] A display area diagram site plan showing the proposed layout.
    - [4] A description of the goods etc., to be sold and displayed.
  - (b) The permittee shall agree, on a form approved by the City of Las Vegas, to indemnify and save harmless the City of Las Vegas, its officers, agents, attorneys and employees from and against any claim of loss, liability or damage by any person arising as a result of the permittee's operation of the sidewalk sales and display use.
  - (c) The permittee shall obtain and maintain in full force and effect



throughout the term of the permit a policy of general liability insurance, which such policy shall name the City of Las Vegas, its officers, agents, attorneys and employees as additional insured. The applicant shall file with the Director, prior to the issuance of the permit, a certificate evidencing the requisite insurance.

- (6) Exception to permit.
  - (a) Those temporary uses subject to specific regulations and standards and subject to the issuance of a public events or temporary use permit as referred to in Subsections A through D of this section are hereby exempted from this Subsection E.
  - (b) The Director may issue a permit that authorizes a sidewalk sale that shall be excepted from the prohibition contained in § 377-17, Obstructing sidewalks; use for business or private purposes, and shall be for only those sidewalk areas shown on the map as designated sidewalk sale areas.
- (7) Permit suspension and revocation.
  - (a) The Director may suspend or revoke the permit of any permittee if the permittee or his agent fails to abide by the provisions of this section.
  - (b) The Director shall give written notice of suspension or revocation of the permit to the permittee or his agent stating the reasons for the suspension or revocation.
- (8) Penalty. Whoever violates any provision of this section may be prosecuted in the manner stipulated in § 450-137 of this chapter.