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BILL NO. 8-20-24-2

FINAL

9/3/24

SUMMARY – An ordinance to amend Clark County Code Title 7 by adding a new Chapter 7.115 – Personal Delivery Device; providing for the licensure of personal delivery devices; establishing license application requirements; providing for business license fees; and providing for other matters properly related thereto.

ORDINANCE NO. 5173

(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY CODE TITLE 7 BY ADDING A NEW CHAPTER 7.115 – PERSONAL DELIVERY DEVICE; PROVIDING FOR THE LICENSURE OF PERSONAL DELIVERY DEVICES; ESTABLISHING LICENSE APPLICATION REQUIREMENTS; PROVIDING FOR BUSINESS LICENSE FEES; 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 ONE. Title 7 of the Clark County Code is hereby amended by adding a new Chapter 7.115 – Personal Delivery Device Operator to read as follows:

CHAPTER 7.115 – PERSONAL DELIVERY DEVICE OPERATORS

7.115.005 – Findings.

The Clark County Board of Commissioners finds and declares that:

- (a) Public sidewalks and pedestrian paths in the unincorporated areas of Clark County are intended for the use of pedestrians. The commercial use of sidewalks by electronically

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powered devices for the transport of cargo is inconsistent with this purpose and, if unregulated, poses a unique risk to the health, safety, and welfare of the public, including, but not limited to, negative impacts to traffic and pedestrian safety and mobility.

(b) Senate Bill 422 (SB 422) of the 82nd Session of the Nevada State Legislature (2023) established provisions whereby local governments may regulate the time, place and manner of the operation of a personal delivery device, establish additional standards for the safe operation of a personal delivery device, and require personal delivery device operators to obtain from the local government a business license and pay a business license fee.

(c) Pursuant to its powers to address matters of local concern; to adopt such ordinances and regulations necessary and proper to protect the public investment in sidewalks and pedestrian paths, promote safety upon such sidewalks and pedestrian paths, the Clark County Board of Commissioners finds that it is necessary to license personal delivery device operators and to impose restrictions on the operation of personal delivery device businesses as is necessary to provide for the health, safety, and welfare of the public, as set forth in this chapter.

7.115.010 – Definitions.

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future, and words in the singular number include the plural number and the plural number include the singular number. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined in this section shall have their generally accepted meanings unless otherwise defined in Chapters 6.04 and 6.08 of the Clark County Code. The director shall have the authority to interpret words in accordance with established practice.

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7.115.010.010 – Personal delivery device.

“Personal delivery device” shall have the same meaning ascribed to it in NRS 484B.044 and means an electrically powered device that:

1. Is designed to operate autonomously, semi-autonomously or remotely by a personal delivery device operator;
2. Is equipped with technology that allows navigation with or without the active control or monitoring of a natural person;
3. Is intended primarily to transport cargo on sidewalks, crosswalks and other pedestrian areas;
4. Weighs less than 150 pounds when empty; and
5. Has a maximum speed of 10 miles per hour.

The term does not include a mobile carrying device as defined in NRS 484B.029 and is not included in the definition of “vehicle” as defined in NRS 482.135.

7.115.010.020 – Personal delivery device operator.

“Personal delivery device operator” shall have the same meaning ascribed to it in NRS 484B.045 and means a person or entity that exercises control or monitoring over the operation and navigation of a personal delivery device. The term does not include a person or entity who solely:

1. Requests or receives the delivery or services of a personal delivery device;
2. Arranges for or dispatches the requested services of a personal delivery device; or
3. Stores, charges or maintains a personal delivery device.

7.115.010.030 – Director.

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“Director” means the director of the Clark County Department of Business License.

7.115.010.040 – Gross revenue.

“Gross revenue” shall have the same meaning as that in Section 6.04.005 of the Clark County Code.

7.115.020 – Compliance with state and county laws and regulations.

Personal delivery devices, personal delivery device operators and businesses utilizing personal delivery devices for their business must comply with all applicable federal, state and County laws, rules and regulations, including, but not limited to, Chapters 6.04 and 6.08 of the County Code.

7.115.030 – License required.

It is unlawful to operate, conduct, carry on, or maintain any business using personal delivery devices, as described in this chapter, without first having obtained and thereafter maintaining a valid business license issued by the Director as required herein.

7.115.040 – Application for a business license.

Each personal delivery device operator located or doing business within the unincorporated areas of the County must apply for a county business license on forms approved by the director and provide such other information as the director may require.

7.115.050 – Application requirements.

Prior to commencing business operations in the unincorporated areas of Clark County, the applicant shall pay a non-refundable application fee as provided by Clark County Code 6.08.030 and file a written application with the Director on a form to be provided by the Department with all information required by Section 6.08.010 of this code and the following:

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1. A map the service area(s) where the applicant will operate personal delivery devices;
2. A community outreach plan describing strategies for engaging with older adults and persons with disabilities;
3. A complaint response plan containing the following:
 - (a) The applicant's twenty-four hour complaint phone number to receive complaints of a personal delivery device that has malfunctioned and/or become inoperable in the public right-of-way;
 - (b) The applicant's procedure for promptly addressing any complaints received, including the removal of a personal delivery device that has malfunctioned and/or become inoperable in the public right-of-way within thirty (30) minutes of the malfunction as required by Section 7.115.120(5) of this Chapter.

7.115.060 – General liability insurance required.

As a condition of licensing and prior to commencing business operations, any person required to be licensed under this code and this chapter shall file with the director and thereafter maintain an insurance policy that provides general liability coverage of not less than \$500,000 for any damages arising from the combined operations of any personal delivery devices under the control of the personal delivery device operator. The insurance policy must be issued by an insurance company authorized to do business in the State of Nevada and shall name the county of Clark as an additional insured.

7.115.070 – Issuance or denial of business license.

Upon receipt of an application for a personal delivery device operator license, the Director shall

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issue a license to an applicant who meets the requirements imposed by this chapter, unless:

- (a) The application and supporting documentation are incomplete or contains false, misleading or fraudulent statements with respect to any information required;
- (b) The application full fee has not been received by the Department;
- (c) The operation of the business, as proposed by the applicant, would not comply with all applicable laws;
- (d) The applicant fails to satisfy any qualification or requirement imposed by this code or fails to satisfy any other local, state or federal law or regulation pertaining to such activities.

Upon denial of an application for a personal delivery device operator license, the Department shall issue a written notice of the denial of the application to the applicant which clearly sets forth the reasons for the denial. Any applicant aggrieved by the denial of an application for a personal delivery device operator license may request an administrative hearing before a hearing officer in accordance with the provisions of Section 6.04.090(j) of this code.

7.115.080 – License Fees.

Providers of personal delivery devices must obtain a business license and pay a semi-annual fee based on gross revenue pursuant to Section 6.12.995 of the Clark County Code.

7.115.090 – License non-transferable.

No license issued or renewed under the provisions of this chapter may be transferred or assigned for any reason.

7.115.100 – Change of ownership.

Every licensee shall furnish to the Department complete information pertaining to any change of ownership of any interest in the licensed business at least thirty days before the date of such change.

If the licensee is not a party to the transaction effecting the change of ownership, then such notice

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to the Department must be provided by the licensee immediately upon acquiring knowledge of the change of ownership or any contemplated change of ownership.

7.115.110 – Duties of a licensee.

It is the affirmative duty of each holder of a personal delivery device business license to strictly comply with all of the applicable provisions of this Code and state statutes and regulations regulating personal delivery device businesses and, without limiting the generality of the foregoing, each holder of a personal delivery device business license must:

1. Maintain and conduct all activities in a decent and respectful manner and shall not permit any conditions that could cause disorder, disturbances, nuisances or other activities which endanger the health or safety of the public;
2. Be responsible for the acts of his or her employees, agents and volunteers when they are performing their duties for the personal delivery device;
3. Comply with and adhere to all public safety requirements and conditions from any inspection agency, and
4. Remain qualified to hold a license pursuant to this chapter of the code and state law.

7.115.120 – Operations of personal delivery devices.

1. A personal delivery device may only be operated:

(a) Within unincorporated Clark County at an institution within the Nevada System of Higher Education or upon a sidewalk or crosswalk directly adjacent to an institution within the Nevada System of Higher Education while servicing such an institution or its students or faculty.

(b) If:

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- (i) The operator of the personal delivery device has the ability to actively monitor and remotely control the navigation and movement of the personal delivery device;
- (ii) The personal delivery device is equipped with a braking device that enables the personal delivery device to come to a controlled stop;
- (iii) The personal delivery device includes a unique identifying number, the Clark County business license number, personal delivery device operator's business name, and twenty-four-hour telephone number for the personal delivery device operator;
- (iv) The personal delivery device is equipped with an illuminated and/or reflective flag that is no less than three (3) feet from the ground;
- (v) The personal delivery device is in good working order; and
- (vi) The personal delivery device is operated in accordance with any requirements imposed by this chapter.

2. A personal delivery device operator may not allow a personal delivery device to:

- (a) Operate on the highways of this State except when crossing at an intersection or within a crosswalk;
- (b) Fail to comply with any traffic-control signal or devices that a pedestrian is obligated to comply with;
- (c) Unreasonably interfere with pedestrians or vehicle traffic;
- (d) Transport hazardous material as that term is defined in NRS 459.7024;

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(e) Transport a person; or

(f) Operate on a sidewalk that would reduce the remaining width of the sidewalk to less than forty-eight (48) inches in width or reduce accessibility standards, except when actively and immediately crossing an intersection or accessing a crosswalk. During such crossings, the personal delivery device must not impede pedestrian movement and must complete the crossing without delay.

3. A personal delivery device has all the rights and duties of a pedestrian except those which by their nature can have no application or as otherwise provided in this section.
4. A personal delivery device shall not operate at a speed in excess of five (5) miles per hour.
5. If a personal delivery device malfunctions and/or becomes inoperable in the public right-of-way including, but not limited to a sidewalk or, crosswalk or other pedestrian area, the personal delivery device operator must remove the device from service within thirty (30) minutes of the malfunction and shall not redeploy the device in to service until repairs have been made.
6. A personal delivery device shall not be parked/loiter in the public right-of-way at any time.
7. A personal delivery device shall not deliver alcoholic liquor or cannabis products at any time.
8. A personal delivery device operator shall not put in to service more than fifty (50) personal delivery devices per Nevada System of Higher Education institution located in unincorporated Clark County at any time.
9. As used in this section, "institution within the Nevada System of Higher Education" means any institution, branch, facility, department, office or housing of, or used by or for the benefit of, the Nevada System of Higher Education or students or faculty of the System. The term includes, without limitation, campuses, offices, facilities and housing for students or faculty, whether owned or not owned by the System, and property which is directly adjacent to property that is owned and managed by the System.

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7.115.130 – Service area map.

1. Each personal delivery device operator shall maintain a map of the service area(s) where the personal delivery devices will operate and submit an updated map to the department of business license within thirty (30) days of any change to the service area(s).
2. Clark County will provide a personal delivery device licensee thirty (30) days advance notice of any County construction projects that will impact access to the public right of way in the service area(s).

7.115.140 – Public emergencies.

Upon notification to a Licensee by the Department or a public health or public safety agency of an emergency affecting the health, welfare or safety of persons occurring within the Licensee's service area(s), the Licensee shall immediately remove all personal delivery devices from service and not re-deploy the devices until advised to do so by the Department or the public health or public safety agency.

7.115.150 – Reporting requirements.

At the written request of the Department, a personal delivery device operator must provide a report of the following information from the preceding two (2) years:

1. A list of any collisions occurring within involving a personal delivery device, including the date, location and description of each incident;
2. A list of any theft or vandalism of a personal delivery device, including the date, location and description of each incident;
3. A list of all known security and data breaches or unauthorized access of the computer

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systems of the personal delivery device operator or a personal delivery device, including the date, location and description of each incident;

4. A list of all complaints received by the personal delivery device operator.

The requested information must be provided to the Department within thirty (30) days of the request.

7.115.160 – Penalty for Violation.

Any person, firm or corporation in violation of this chapter may be issued a civil penalty. The penalty shall not exceed one thousand dollars for each violation. Each violation of this chapter shall be subject to a separate fine, and fines may be assessed cumulatively in the same notice of civil penalty. Each day during or on which the violation continues constitutes a new violation.

7.115.170 – Revocation, suspension, condition, limitation or nonrenewal of licenses.

Upon notice and hearing, any license issued by the Department pursuant to this chapter may be revoked, suspended, conditioned, limited, or non-renewed for violation of or noncompliance with any law of the State of Nevada, the County of Clark, or this chapter. Notice and hearing shall comply with the requirements of Chapter 8.08 of the Clark County Code.

7.115.180 – Severability.

If any provision, section, paragraph, sentence, clause, or phrase of this chapter of the code is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining portions of this chapter of the code. It is the intent of the county commission in adopting this chapter of the code that no portion or provision thereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provision, and to this end, all provisions of this chapter of the code are declared to be severable.

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SECTION TWO. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this ordinance. It is the intent of the County Commission in adopting this ordinance that no portion or provision thereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provision, and to this end all provisions of this ordinance are declared to be severable.

SECTION THREE. 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 FOUR. 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 20th day of August, 2024.

PROPOSED BY: Commissioner Tick Segerblom

PASSED on the 3rd day of September, 2024.

AYES: Tick Segerblom

William McCurdy II

James B. Gibson

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Justin Jones

Ross Miller

Michael Naft


NAYS: _____

ABSTAINING: _____

ABSENT: Marilyn K. Kirkpatrick

BOARD OF COUNTY COMMISSIONERS

BY: _____


Tick Segerblom (Sep 5, 2024 12:35 PDT)

TICK SEGERBLOM, Chair

ATTEST:



LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after

the 18th day of September 2024.