



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 5, 2007

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:
NEW BILL

Bill No. 2007-24 Amends the regulations governing the use of City parks to prohibit persons over the age of 12 years from being within a certain proximity to childrens play areas or play equipment, except for specified circumstances. Proposed by: Karen Coyne, Director of Detention and Enforcement

Fiscal Impact:

- No Impact Augmentation Required
 Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

This bill would prohibit persons over the age of 12 from being within 100 feet of any childrens play area or play equipment in a City park. The prohibition would not apply to parents, guardians or others responsible for a child, or to those actively participating in or watching an athletic event.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2007-24
2. Business Impact Statement
3. Submitted at meeting - copy of park rules and pictures of play areas by Chris Christoff and copy of Memorandum by Lee Rowland

Motion made by STEVEN D. ROSS to Table

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
LOIS TARKANIAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF: JUNE 5, 2007

CITY ATTORNEY BRAD JERBIC recommended this matter be tabled. He then explained that this bill has been very controversial, as if it were the first time the City has considered the idea of separating children from the rest of the population to protect them from drug dealers, predators, etc. Las Vegas Municipal Code (LVMC) 13.36.070 has been in place since 1969, and it reads: No person over the age of 12 years, other than a parent, guardian, or other responsible person accompanying a child over the age of 12, or younger, shall visit, frequent, be present in, or loiter around any park, which is designated in 13.36.070 as a children's park.

CITY ATTORNEY JERBIC asserted that the City has had the ability for many years to designate a park as a children's park. In fact, a number of parks in Ward 5 were designated children's parks a few years ago, to which the American Civil Liberties Union (ACLU) objected and threatened to file a lawsuit. The ACLU did not file a lawsuit at that time, but it did file a lawsuit a year ago that challenges the ability to designate children's parks.

In contrast to LVMC 13.36.070, Bill 2007-23 enables the City to designate portions of a park as children-play areas, prohibiting adults, other than responsible guardians, from being with children within a 100-foot radius and freeing more space for use by adults. There have been discussions with City staff about certain necessary language amendments to ensure clarity of the distance requirements and to provide justification for the distance separation from children-play areas, which is not uncommon throughout the nation. CITY ATTORNEY JERBIC assured the Recommending Committee members that staff would focus on better defining the distance separation requirement, noting that it will be necessary to reduce or increase it from the proposed 100-foot radius.

COUNCILMAN ROSS noted that there is a misunderstanding of the City's efforts to protect children within the community. But this bill is about protecting the children, not about taking away the rights of citizens, and he wants this message made clear to the community.

COUNCILWOMAN TARKANIAN asked if signs are already posted announcing the distance requirements, in accordance with City regulations. CITY ATTORNEY JERBIC replied that he was not aware of it, adding that there are three parks in West Las Vegas that are designated children's parks, but he is not aware of any existing distance separation.

CHRIS CHRISTOFF, Las Vegas resident, submitted a copy of the posted park rules and regulations, a copy of which is made a part of the minutes. He indicated that, after speaking with GARY PECK of the ACLU, he discerned that the best way to resolve the legal technicality is to post 14-foot signs with the regulations and the telephone number of the Detention and Enforcement Department in both English and Spanish. He added that including designated areas where parents can watch their children would also help. COUNCILWOMAN TARKANIAN noted that the third point of the copy of the rules MR. CHRISTOFF submitted prohibits adults from children's play areas.

LEE ROWLAND, Staff Attorney, ACLU of Nevada, which has been involved in litigating the City park issue, clarified that the ACLU does not have issue with protecting children, but rather with the way the rules are being enforced, because they tend to be more against a certain

RECOMMENDING COMMITTEE MEETING OF: JUNE 5, 2007

population. The ACLU would prefer that, in reducing access to public space, the City do it in a way that does not criminalize people that have no intent. It is hard for her to believe that society is at a point where it suspects a person for simply being in a park and because of the way they look or are dressed. If the intent of the City is to designate areas that are not abused by adults, there are ways of accomplishing that without impinging on the rights of people. She opined that the 100-foot barrier is quite wide; therefore, she urged that the City physically draw a 100-foot radius to ensure that the distance is realistic. As depicted in the media, teenagers who were asked about this bill are wondering what they are going to do for recreation. Lastly, she noted that she had a memorandum, a copy of which is made a part of the minutes, to submit that details the ACLU's concerns with Bill 2007-24.

COUNCILWOMAN TARKANIAN emphasized that there is already a park rule prohibiting adults from being in children's play areas and questioned why the ACLU has not challenged it. MS. ROWLAND replied that the case is in court. CITY ATTORNEY JERBIC rejoined that, when the City designated children's parks in West Las Vegas, there was a lot of conversation about splitting the parks. COUNCILWOMAN TARKANIAN stressed that it is important to achieve a balance, while protecting children. She also mentioned that prohibiting adults or older children from using the children's playground equipment is to preserve the equipment and avoid accidents involving older and younger children.

At the request of CITY ATTORNEY JERBIC, KAREN ECK, Director of Detention and Enforcement, cited some statistics about the number of people in parks engaging in inappropriate behavior. In the past two years, there were incidents where individuals were cited or arrested for loitering in children's areas. This number of arrests equates to about one every other day, which is too many. As far as the equipment, staff verified with the City's playground equipment manufacturer that it is specifically designed for children age two to five and five to twelve. MS. ROWLAND indicated that the ACLU's real issue is with the 100-foot barrier, not with the playground equipment. MR. CHRISTOFF suggested relocating playgrounds adjacent to the park entrances as a solution.

COUNCILWOMAN TARKANIAN noted that there are many points to discuss.

See Item 7 for related discussion.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.