

FIRST AMENDMENT

BILL NO. 2010-39

ORDINANCE NO. _____

AN ORDINANCE RELATING TO CITY PARKS; AMENDING THE PERMIT REQUIREMENTS PERTAINING TO GROUP USE; ESTABLISHING LIMITATIONS ON CERTAIN LAW ENFORCEMENT ACTIVITIES IN CITY PARKS; PROVIDING THAT A PORTION OF JAMES GAY PARK (CURRENTLY A CHILDREN'S PARK) WILL BE MADE AVAILABLE FOR GENERAL USE; DELETING OBSOLETE PROVISIONS; AND PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Amends the permit requirements pertaining to group use of City parks, establishes limitations on certain law enforcement activities in City parks, provides that a portion of James Gay Park (currently a children's park) will be made available for general use, and deletes obsolete provisions.

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

SECTION 1: Title 13, Chapter 36, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13.36.010: The Director of the Department of [Parks and Leisure Activities] Leisure Services shall exercise such powers and perform such duties as may be specified by the City Council or the City Manager. As used in this Chapter, the term "Department" refers to the Department of Leisure Services, and the term "Director" refers to the Director of that Department or the Director's designee.

SECTION 2: Title 13, Chapter 36, Section 80, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13.36.080: (A) Any person who desires to use any park or recreational facility of the City for [a group of twenty-five individuals or more, or any person who desires to conduct some event in which it could reasonably be assumed that twenty-five or more persons might gather at a park or recreational facility of the City to participate in or witness such event,] any demonstration or other organized assemblage of seventy-five or more participants shall first apply and obtain a permit from the Director. For purposes of this Subsection (A), "participant" means any individual who, along with others, is gathered for a common purpose under the direction, control or invitation of a person or group of

1 people.

2 (B) This Section does not apply to any event which is sponsored by the Department.

3 SECTION 3: Title 13, Chapter 36, Section 90, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **13.36.090:** The Director may deny or condition the issuance of any permit which is applied for
6 pursuant to Section 13.36.090 in order to:

7 (A) Protect the use and enjoyment of the park or facility for other members of the
8 public;

9 (B) Protect the health and safety of all persons who visit the park or facility;

10 (C) Ensure that there is adequate parking and sanitary facilities to accommodate all
11 persons who use the park or facility;

12 (D) Protect the grounds, equipment, vegetation, buildings, fences and other
13 amenities of the park or facility from damage, overuse or destruction;

14 (E) Provide that the park or facility and the surrounding area is kept clean and free
15 from debris;

16 (F) Ensure that the group use does not disturb [or annoy] persons who occupy land
17 which is nearby such park or facility.

18 SECTION 4: (A) The deputy marshals of the City may not, without due process
19 of law, remove a person from, or require a person to leave, a public park under the authority of any
20 statute or ordinance relating to trespassing.

21 (B) The City, including its deputy marshals, may ban a person from a public park
22 only when there is evidence of unlawful activity, and may do so only pursuant to:

23 (1) A lawful arrest or criminal citation and subsequent court order; or

24 (2) An ordinance providing for an administrative appeal hearing and the
25 availability of subsequent judicial review.

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1 SECTION 5: (A) The following portion of James Gay Park, generally located at
2 the southeast corner of "B" Street and Harrison Avenue, shall be set aside for use by adults, whether
3 or not they are accompanying children:

4 **That portion of James Gay Park located south of Harrison Avenue and north of**
5 **the easterly extension of the centerline of West Van Buren Avenue.**

6 (B) The City shall erect a fence between the portion of James Gay Park described
7 in Subsection (A) of this Section and the remaining portion of the park, which will continue to operate
8 under LVMC Chapter 13.36 as a children's park. The City shall also install an entry gate in the fence
9 along Harrison Avenue to provide access to the portion described in Subsection (A).

10 SECTION 6: Title 13, Chapter 36, Section 55, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **13.36.055:** (A) The following are prohibited within any City park:

- 13 (1) Fireworks, firearms or weapons of any kind;
14 (2) Fires, except in barbecue facilities;
15 (3) The hitting of golf balls;
16 (4) The use of metal detectors, except for surface finds; and
17 (5) The unauthorized sale of goods or services, [; and
18 (6) The providing of food or meals to the indigent for free or for a nominal
19 fee. For purposes of this Paragraph, an indigent person is a person whom a reasonable ordinary person
20 would believe to be entitled to apply for or receive assistance under NRS Chapter 428.]

21 (B) Pursuant to Subsection (B) of Section 13.36.050, a copy or summary of the
22 regulations listed in Subsection (A) of this Section shall be posted at each City park.

23 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or
24 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
25 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
26 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
27 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
28 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,

1 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
2 invalid or ineffective.

3 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
4 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
5 1983 Edition, in conflict herewith are hereby repealed.

6 PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

7 APPROVED:

8
9 By _____
OSCAR B. GOODMAN, Mayor

10 ATTEST:

11 _____
12 BEVERLY K. BRIDGES, MMC
City Clerk

13 APPROVED AS TO FORM:

14 Val Steed 9-1-2010
15 _____
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2010, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2010, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
City Clerk

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