

BILL NO. 2012-

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 13.36 OF THE MUNICIPAL CODE RELATING TO THE USE OF PARKS AND OTHER RECREATIONAL AND CULTURAL FACILITIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Repeals and replaces Chapter 13.36 of the Municipal Code relating to the use of parks and other recreational and cultural facilities.

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

SECTION 1: Title 13, Chapter 36, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 2: Title 13 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 36 and consisting of Sections 10 to 150, inclusive, reading as follows:

13.36.010: As used in this Chapter:

“Camping or lodging” means an unpermitted lodging, dwelling, residence, shelter or other similar structure, or a settlement of possessions, that is kept or maintained in a defined area which damages or is likely to damage such area, or is kept or maintained under circumstances where the owners or occupants knew or should have known that the area would be viewed by park patrons, park security or law enforcement officers as intended for non-recreational use to the exclusion of other citizens, patrons or members of the public. The term includes without limitation any of the following activities:

- (A) Laying down bedding for the purpose of sleeping;
- (B) Using a tent, shelter or structure for the purpose of sleeping; or
- (C) Using a vehicle for purposes of sleeping.

“Department” means the Department of Parks, Recreation and Neighborhood Services or, for purposes of issuing permits, such other department or function of the City that the City Manager may designate.

Submitted At Meeting
6-5-2012
Date Item 7
By Staff

1 (3) Camping or lodging, except as otherwise permitted pursuant to
2 Subsection (B);

3 (4) Fires, except in barbecue facilities established in a park for that purpose;

4 (5) Firearms, archery equipment or other weapons of any kind, unless
5 otherwise permitted by State law or specifically approved under this Chapter in connection with a
6 particular event;

7 (6) The hitting of golf balls, except at facilities specifically designed for that
8 activity;

9 (7) The use of park amenities for other than their intended uses, including
10 without limitation washing clothes, bathing or showering (except in connection with the use of a
11 swimming pool);

12 (8) The driving or parking of vehicles in areas other than those established
13 for such use, or in a manner that violates any applicable law or ordinance pertaining to moving and
14 non-moving violations; and

15 (9) The smoking of tobacco in any form.

16 (B) On a case-by-case basis, the Director may permit overnight camping activities
17 within a park or recreational facility if those activities are sponsored by the City or by a duly-
18 recognized nonprofit youth development organization.

19 **13.36.030:** The following are prohibited within any City park, recreational facility or public plaza,
20 except where specifically authorized by means of a license, permit or other written authorization, or
21 at a location specifically designated and posted for that use by the Director:

22 (A) Fireworks;

23 (B) Music that is audible from a distance of fifty feet;

24 (C) Off-highway vehicles;

25 (D) Alcoholic beverages;

26 (E) The sale of goods or services, or any other commercial use;

27 (F) Noise disturbances that are in violation of Chapter 9.16; or

28 (G) Digging or staking, unless specifically approved under this Chapter in

1 minimum, at the following locations within such park, recreational facility or public plaza as
2 applicable:

- 3 (1) Each main entrance;
- 4 (2) The center thereof; or
- 5 (3) A combination thereof.

6 **13.36.070:** No person other than a parent or guardian, babysitter, caretaker or other designee of
7 a parent or guardian having sole or joint supervisory responsibility over a child shall visit, frequent,
8 or be present in either of the following unless accompanying that child:

9 (A) Any park which has been designated by the City Council as a children's park
10 pursuant to LVMC 13.36.150; or

11 (B) Any area within a park or recreational facility which has been designated and
12 posted as a children's play area.

13 **13.36.080:** (A) Any person who desires to use any park, recreational facility or public plaza of
14 the City for any demonstration or other organized assemblage of seventy-five or more participants
15 shall first apply and obtain a permit from the Director. For purposes of this Subsection (A),
16 "participant" means any individual who, along with others, is gathered for a common purpose under
17 the direction, control or invitation of a person or group of people.

18 (B) Any person who desires to use any park, recreational facility or public plaza of
19 the City for any picnic, celebration, or similar event at which seventy-five or more persons are
20 reasonably expected to attend shall first apply and obtain a permit from the Director.

21 (C) In addition to the requirements of Subsections (A) and (B), the Department may
22 establish a permit requirement and associated policies for the purpose of allowing the reservation and
23 the reserved use of:

- 24 (1) Designated picnic or recreational areas, including park pavilions;
- 25 (2) Designated athletic fields or venues in connection with organized
26 athletic events sponsored or operated by the Department or other organizations; and
- 27 (3) Designated areas in connection with recreational activities made
28 available to the public in indoor recreation centers.

1 the direct result of the event for which such permit is issued. In connection with such requirement,
2 the City shall provide an estimate of such additional costs, which the applicant shall pay in advance
3 of the permit being issued. The additional costs for which the permittee shall be responsible shall
4 include without limitation the City's expenditures that are associated with the personnel and
5 equipment that it uses in preparing for, supervising and cleaning up after such event. Any of such
6 additional costs that exceeds the City's estimate thereof shall be enumerated in writing, and an invoice
7 therefor will be forwarded to the permittee for payment.

8 (2) Provide insurance coverage for the event in accordance with LVMC
9 13.36 100. Such insurance may be required whenever the risks associated with the event indicate that
10 insurance coverage should be required, including without limitation the following types of events:

- 11 (a) An event open to the general public;
- 12 (b) An event where admission is charged;
- 13 (c) An event where alcoholic beverages are sold;
- 14 (d) An event at which goods or services or sold or other types of
15 commercial activity takes place; or
- 16 (e) An event at which any potentially hazardous activity takes place,
17 such as weapons, fireworks, mechanical rides, tents, bleachers, scaffolding or staging.

18 (D) Any person who is aggrieved by the failure to issue such a permit or by a
19 condition which is placed upon such a permit may appeal the same to the City Manager or a designee
20 by written request filed with the Director. The Director shall forthwith provide a copy of the written
21 appeal to the City Manager or designee, who shall provide written notice of the decision to sustain or
22 deny the appeal within ten days after receipt of the written appeal.

23 (E) The Director may revoke or condition a permit for good cause, including
24 without limitation that the activity or event authorized by the permit is being conducted in violation
25 of this Chapter or represents a nuisance or a threat to the public health or safety.

26 **13.36.100:** For events regarding which the Director requires insurance coverage, evidence of such
27 coverage must be provided to the Director in advance of the issuance of a permit. Such evidence of
28 coverage must be in the form of one or more certificates of insurance. Such certificates must cover

1 in accordance with LVMC 13.36.060.

2 (B) Violate any rule or regulation adopted pursuant to this Chapter and posted in
3 accordance with LVMC 13.36.060.

4 (C) Violate LVMC 13.36.070.

5 (D) Alter, deface, injure, knock down or remove any signs or other markings that
6 have been posted in accordance with LVMC 13.36.050, unless authorized by the City to do so.

7 (E) Damage, injure or deface any facilities or improvements located on the grounds
8 of a park, recreational facility, public plaza or indoor recreation center.

9 (F) Enter or remain in any park, recreational facility or public plaza during that
10 location's hours of closure, unless in connection with a duly authorized improvement or maintenance
11 activity or an activity that is specifically authorized by the Department.

12 (G) Without having been issued a permit under this Chapter, make use of a park,
13 recreational facility or public plaza, or portion thereof, in a manner that requires a permit under this
14 Chapter.

15 **13.36.130:** (A) Except as otherwise provided in Subsection (B), it is unlawful to bring or allow
16 into any City park, recreational facility or public plaza any animal or fowl of any kind.

17 (B) The following are allowed within a City park, recreational facility or public
18 plaza under the circumstances indicated:

19 (1) In any area designed as a dog park area, dogs that are not known to be
20 vicious or dangerous are allowed with or without a leash.

21 (2) Otherwise, dogs that are not known to be vicious or dangerous are
22 allowed within any area of a park, recreational facility or public plaza, other than children's play areas
23 or areas in use for athletic events, but only when on a leash not to exceed eight feet in length.

24 (3) Horses are allowed on any roads, paths or trails designated for such use.

25 (4) Other animals are allowed only as authorized by written permit.

26 (C) Any person having custody or control of any dog or other animal within a City
27 park, recreational facility or public plaza shall:

28 (1) Carry at all times a suitable container or other suitable instrument for

1 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
2 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
3 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

4 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
5 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
6 1983 Edition, in conflict herewith are hereby repealed.

7 PASSED, ADOPTED and APPROVED this ____ day of _____, 2012.

8 APPROVED:

9
10 By _____
CAROLYN G. GOODMAN, Mayor

11 ATTEST:

12 _____
13 BEVERLY K. BRIDGES, MMC
City Clerk

14 APPROVED AS TO FORM:

15 _____
16 Date

DRAFT