

BILL NO. 2013-52

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY'S PUBLIC PEACE, MORALS AND WELFARE REGULATIONS TO PROVIDE FOR A SEPARATE CURFEW SPECIFIC TO DOWNTOWN LAS VEGAS, TO AMEND THE PENALTIES FOR CURFEW VIOLATIONS, TO PROVIDE CERTAIN PENALTIES FOR A PARENT OR LEGAL GUARDIAN PERMITTING A MINOR'S VIOLATION OF CURFEW LAWS AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Carolyn G. Goodman

Summary: An ordinance to amend the City's public peace, morals and welfare regulations to provide for a separate curfew specific to downtown Las Vegas, to amend the penalties for curfew violations, to provide penalties for a parent or legal guardian permitting a minor's violation of curfew laws and to provide for other related matters.

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

SECTION 1: Title 10 Chapter 54, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 15, reading as follows:

10.54.015: Notwithstanding the provisions of LVMC 10.54.010, it is unlawful for any child under the age of eighteen years to be in or upon the following streets or sidewalks, and all parking lots, driveways and walkways which are open to the public on properties located within the area created by the street boundaries provided below, between the hours of nine p.m. and five a.m. of the succeeding day, on Fridays, Saturdays and legal holidays:

- (A) Eastern Avenue between US 93/95/I-515 and Sahara Avenue;
- (B) US 93/95/I-515 between I-15 and Eastern Avenue;
- (C) I-15 between US 93/95/I-515 and Sahara Avenue; and
- (D) Sahara Avenue between I-15 and Eastern Avenue.

The specific curfew provided by this subsection does not apply to special events permitted pursuant to the provisions of LVMC Title 12, provided that the special event permit issued specifically indicates that LVMC 10.54.015 does not apply to such special event. Under such circumstance, the curfew provided by 10.54.010 will apply to such special event.

1 SECTION 2: Title 10, Chapter 54, Section 20, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **10.54.020:** [It shall be unlawful for any parent, guardian, or other person having legal care, custody
4 and control of any child under the age of eighteen years to allow or permit such child or ward to loiter,
5 idle, wander or stroll or be upon, in or about any of the public streets, avenues, alleys, or other public
6 places in the City not accompanied by such parent, guardian or other person having legal care, custody
7 and control of such child, at any time between the hours of ten p.m., Sunday through Thursday, both
8 inclusive, and five a.m. on the succeeding day, official City time, unless the curfew for such date has
9 been extended by the Sheriff of the Metropolitan Police Department or his designee in accordance
10 with Section 10.54.010.]

11 It is unlawful for any parent, guardian or other person having legal care, custody or control of any
12 child under the age of eighteen to allow or permit such child to be in or upon any place in violation
13 of Sections 10.54.010 or 10.54.015 of this Chapter.

14 SECTION 3: Title 10, Chapter 54, Section 30, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **10.54.030:** [(A) Any peace officer finding or observing any child over the age of twelve years
17 and under the age of eighteen years, not accompanied by its parent, guardian or other adult person
18 having legal custody and control of said child, loitering, idling, wandering, strolling or being upon,
19 in or about any public streets, avenues, alleys or other public places in the City, contrary to or in
20 violation of the provisions of this Chapter, shall take said child to the Clark County Juvenile Home.
21 The peace officer shall immediately thereafter make a full and complete report in writing in duplicate
22 of said violation, transmitting one copy to the office of the Juvenile Probation Officer, Clark County,
23 and another copy to the Juvenile Judge of the Eighth Judicial District Court in and for Clark County,
24 Nevada.

25 (B) Any peace officer finding or observing any child under the age of twelve years,
26 not accompanied by its parent, guardian or other adult person having legal custody and control of such
27 child, loitering, idling, wandering, strolling, or being upon, in or about any public streets, avenues,
28 alleys or other public places in the City, contrary to or in violation of the provisions of this Chapter,

1 shall take the child to the home or place of abode of its parents or guardian, or in the event, after the
2 exercise of due diligence the parent or guardian of the minor child cannot be located, then said officer
3 shall take said child to the Clark County Juvenile Home. The peace officer shall immediately
4 thereafter make a full and complete report in writing, in duplicate, of said violation, transmitting one
5 copy to the office of the Juvenile Probation Officer, Clark County, and another copy to the Juvenile
6 Judge of the Eighth Judicial District Court in and for Clark County, Nevada.]

7 Any peace officer finding or observing any child under the age of eighteen being on or upon any place
8 in violation of Sections 10.54.010 or 10.54.015 of this Chapter may cite the child for such violation
9 and release the child to the custody of his or her parent or legal guardian, release the child or take the
10 child to the Clark County juvenile court services.

11 SECTION 4: Title 10 Chapter 54, of the Municipal Code of the City of Las Vegas,
12 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 35,
13 reading as follows:

14 **10.54.035:** The following are valid exceptions to the operation of either curfew:

15 (A) If the child is accompanied by his or her parent, or other responsible person who
16 is over the age of twenty-one and approved by the child's parent or legal guardian;

17 (B) If the child is legally employed, for the period from one-half hour before to one-
18 half hour after work, while going directly between his or her home and place of employment. This
19 exception shall also apply if the child is in a public place during curfew hours in the course of his or
20 her employment. To come under this exception, the child must be carrying a written statement from
21 the employer attesting to the place and hours of employment;

22 (C) If the child is coming directly home from a meeting or a place of public
23 entertaining, such as a movie, play or sporting event, or from a school, social or religious activity. This
24 exception will apply for one-half hour after the completion of such event, but in no case beyond one
25 a.m.;

26 (D) If the child is, with the consent of his or her parent or legal guardian, engaged
27 in interstate travel;

28 (E) If the child is on an emergency errand.

1 SECTION 5: Title 10 Chapter 54, of the Municipal Code of the City of Las Vegas,
2 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 40
3 reading as follows:

4 **10.54.040:** Any person who violates Sections 10.54.010 or 10.54.015 of this Chapter shall be
5 subject to a fine of not more than three hundred dollars.

6 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or
7 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
8 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
9 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
10 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
11 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
12 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
13 invalid or ineffective.

14 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared
15 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
16 required or the failure to do any act is made or declared to be unlawful or an offense or a
17 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
18 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
19 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
20 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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

PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____
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12 APPROVED:

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14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk
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