

FIRST AMENDMENT

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: (A) 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 public streets or sidewalks, and all parking lots, driveways and walkways which are open to the public on properties located within the area as depicted by the map attached to the ordinance codified in this Section, between the hours of nine p.m. and five a.m. of the succeeding day, on Fridays, Saturdays, legal holidays and between the hours of nine p.m. on December 31 and five a.m. on January 1.

(B) 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.

Submitted after final agenda

Date 9/17/2013 Item #9
By Val Steed

1 SECTION 2: Title 10, Chapter 54, Section 20, of the Municipal Code of the City of Las
2 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, idle,
5 wander or stroll or be upon, in or about any of the public streets, avenues, alleys, or other public places in
6 the City not accompanied by such parent, guardian or other person having legal care, custody and control of
7 such child, at any time between the hours of ten p.m., Sunday through Thursday, both inclusive, and five
8 a.m. on the succeeding day, official City time, unless the curfew for such date has been extended by the
9 Sheriff of the Metropolitan Police Department or his designee in accordance with Section 10.54.010.]

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

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

15 **10.54.030:** [(A) Any peace officer finding or observing any child over the age of twelve years and
16 under the age of eighteen years, not accompanied by its parent, guardian or other adult person having legal
17 custody and control of said child, loitering, idling, wandering, strolling or being upon, in or about any
18 public streets, avenues, alleys or other public places in the City, contrary to or in violation of the provisions
19 of this Chapter, shall take said child to the Clark County Juvenile Home. The peace officer shall
20 immediately thereafter make a full and complete report in writing in duplicate of said violation,
21 transmitting one copy to the office of the Juvenile Probation Officer, Clark County, and another copy to the
22 Juvenile Judge of the Eighth Judicial District Court in and for Clark County, Nevada.

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

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

7 Any peace officer finding or observing any child under the age of eighteen being on or upon any place in
8 violation of Sections 10.54.010 or 10.54.015 of this Chapter may cite the child for such violation and
9 release the child to the custody of his or her parent or legal guardian, release the child or take the child to
10 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 is
16 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 her
20 employment. To come under this exception, the child must be carrying a written statement from the
21 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 a.m.;

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

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

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

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

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

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

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

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

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

5 APPROVED:

6 By _____
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 _____
10 BEVERLY K. BRIDGES, MMC
11 City Clerk

12 APPROVED AS TO FORM:

13 _____ Date
14 James B. Lewis,
15 Deputy City Attorney
16
17
18
19
20
21
22
23
24
25
26

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 committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2013, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as
7 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk

17
18
19
20
21
22
23
24
25
26

