

1 **BILL NO. 2018-38**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND LVMC TITLE 10 TO ADD A NEW CHAPTER REGULATING THE
4 POSSESSION OF CERTAIN ITEMS AT PUBLIC PROTESTS, DEMONSTRATIONS, RALLIES,
PICKET LINES AND PUBLIC ASSEMBLIES; AND PROVIDING FOR OTHER RELATED MATTERS.

5 Sponsored by: Councilman Stavros S. Anthony

Summary: Amends LVMC Title 10 to add a new
chapter regulating the possession of certain items
at public protests, demonstrations, rallies, picket
lines and public assemblies.

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

10 WHEREAS, public protests in other cities have erupted in violence between demonstrators
11 and counter-demonstrators and against law enforcement personnel, and

12 WHEREAS, individuals, acting alone or in concert with others, have used improvised
13 weapons to inflict injury on members of the public attending these event and law enforcement personnel
14 responding to these events, thereby posing a real and serious threat to life and safety, and

15 WHEREAS, the City Council finds that the imposition of restrictions on the possession of
16 certain items during these events does not materially affect the ability to attendees to exercise their First
17 Amendment rights.

18 NOW, THEREFORE, BASED UPON THE FOREGOING, THE CITY COUNCIL OF THE
19 CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

20 SECTION 1: Title 10 of the Municipal Code of the City of Las Vegas, Nevada, 1983
21 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 10.88 and consisting of
22 Section 10.88.010, reading as follows:

23 **10.88.010:** (A) No person shall carry or possess the following items or articles while attending or
24 participating in any demonstration, rally, protest, picket line or public assembly on public property, a public
25 street, a public sidewalk, or within twenty-five feet of such property:

26 (1) Any length of lumber, wood, or wood lath unless that object is 1/2 inch or

1 less in thickness and two inches or less in width, or if not generally rectangular in shape, such object shall
2 not exceed one inch in its thickest dimension. Both ends of the lumber, wood, or wood lath shall be blunt;

3 (2) Any length of metal or plastic pipe, whether hollow or solid, provided,
4 however, that hollow plastic piping not exceeding 3/4 inch in its thickest dimension and not exceeding 1/8
5 inch in wall thickness, and not filled with any material, liquid, gas or solid may be used solely to support a
6 sign, banner, placard or other similar expressive display. Both ends of any plastic pipe permissible under
7 this Paragraph shall be blunt;

8 (3) Baseball or softball bats, regardless of composition or size; provided,
9 however, that such items are permissible when configured solely of cloth, cardboard, soft plastic, foam or
10 paper;

11 (4) Any aerosol spray, tear gas, mace, pepper spray larger than 1/2 ounce, or
12 animal repellent;

13 (5) Any projective launcher or other device, such as a catapult or wrist rocket,
14 which is commonly used for the purpose of launching, hurling or throwing any object, liquid, material or
15 other substance, whether through force of air pressure, spring action or any other mechanism, excluding T-
16 shirt or confetti launchers;

17 (6) Weapons such as toy or replica firearms unless such toy is fluorescent
18 colored or transparent; knives (except for a folding knife with a blade of three inches or less); swords, sabers,
19 or other bladed devices; axes, hatchets, ice picks, razor blades, nunchucks or martial arts weapons of any
20 kind; box cutters, pellet or BB guns; conducted electrical weapons including but not limited to Tasers or stun
21 guns; metal/composite/wooden knuckles; or any chain greater than twenty inches in length or 1/4 inch in
22 diameter.

23 (7) Balloons, bottles, or any other container filled with any flammable,
24 biohazard or other noxious matter which is injurious or nauseous, sickening or irritating to any of the senses,
25 with intent to throw, drop, pour, disperse, deposit, release, discharge or expose the same in, upon or about
26 any demonstration, rally, protest, picket line or public assembly;

- 1 (8) Glass bottles, whether empty or filled;
- 2 (9) Flame torches, lanterns or other devices that utilize combustible materials
- 3 such as gasoline, kerosene, propane or other fuel sources, but not including candles;
- 4 (11) Shields made of metal, wood, hard plastic or any combination thereof; or
- 5 (12) Bricks, rocks, pieces of asphalt, concrete, pellets ball bearings, or lengths of
- 6 chain greater than 1/2 inch in width and six inches in length.

7 (B) When feasible, excluding exigent circumstances, a warning shall be issued before
8 enforcement of the provisions of this Section. Such warning shall be sufficient if provided orally, by posted
9 signs, or by amplified announcement.

10 (C) Law enforcement officers shall be exempt from the provisions of this Section when
11 engaged in the conduct of official duties.

12 (D) Nothing in this Section shall prohibit an individual from carrying a cane or using a
13 walker or other device necessary for providing mobility so that the person may attend or participate in a
14 public protest, demonstration, rally, picket line or public assembly.

15 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
16 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
17 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
18 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
19 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
20 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
21 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

22 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared to
23 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
24 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
25 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
26 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of

1 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
2 of this ordinance shall constitute a separate offense.

3 SECTION 4: 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, 1983
5 Edition, in conflict herewith are hereby repealed.

6 PASSED, ADOPTED and APPROVED this ____ day of _____, 2018.

7 APPROVED:

8
9 By _____
10 CAROLYN G. GOODMAN, Mayor

11 ATTEST:

12 _____
13 LUANN D. HOLMES, MMC
14 City Clerk

15 APPROVED AS TO FORM:
16 _____
17 *Val Steed* *8-1-18*
18 Val Steed, Date
19 Deputy City Attorney
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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2018, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2018, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

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

11 APPROVED:

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13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:
15 _____
16 LUANN D. HOLMES, MMC
City Clerk

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