

1 FIRST AMENDMENT

2 BILL NO. 2010-39

3 ORDINANCE NO. 5112

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

10 Proposed by: Bradford R. Jerbic, City Attorney

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

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

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

22 **13.36.010:** The Director of the Department of [Parks and Leisure Activities] Leisure Services shall
23 exercise such powers and perform such duties as may be specified by the City Council or the City
24 Manager. As used in this Chapter, the term "Department" refers to the Department of Leisure
25 Services, and the term "Director" refers to the Director of that Department or the Director's designee.

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

28 **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,

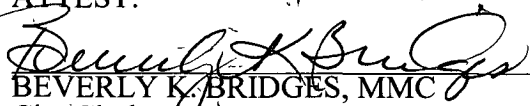
1 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
2 invalid or ineffective.

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 15th day of September, 2010.

7 APPROVED:

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9 By 
OSCAR B. GOODMAN, Mayor

10 ATTEST:
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12 BEVERLY K. BRIDGES, MMC
City Clerk

13 APPROVED AS TO FORM:
14 Val Steed 9-1-2010
Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 18th day of August, 2010, and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 15th day of
4 September, 2010, which was a regular meeting of said Council; that at said regular
5 meeting, the proposed ordinance was read by title to the City Council as amended and
6 adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Wolfson, Tarkanian, Ross,
Barlow and Anthony

8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: None

11 DID NOT VOTE: Councilman Reese

12 APPROVED:

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14 _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

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19 BEVERLY K. BRIDGES, MMC City Clerk
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BUSINESS IMPACT STATEMENT
BILL NO. 2010-39

(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 park-related provisions)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2010-39, that would amend the permit requirements pertaining to group use of City parks, establish limitations on certain law enforcement activities in City parks, provide that a portion of James Gay Park (currently a children's park) will be made available for general use, and delete obsolete provisions.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None identified

Beneficial effects:

None identified

Direct effects:

None identified

Indirect effects:

None identified

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: August 4, 2010

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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.

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27 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
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6 PASSED, ADOPTED and APPROVED this ____ day of _____, 2010.

7 APPROVED:

8
9 By _____
OS CAR B. GOODMAN, Mayor

10 ATTEST:

11 _____
12 BEVERLY K. BRIDGES, MMC
City Clerk

13 APPROVED AS TO FORM:
14 Valstead 8-4-10
Date

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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 first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, MMC
City Clerk

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RECEIVED
CITY CLERK

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

2010 SEP 16 A 11:00

STATE OF NEVADA)
COUNTY OF CLARK) SS:

STACEY M. LEWIS, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 6608965

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 09/03/2010 to 09/03/2010, on the following days:

09/03/2010

FIRST AMENDMENT
BILL NO. 2010-39

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.

At the City Council meeting of August 18, 2010
BILL NO. 2010-39 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA

PUB: September 3, 2010
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

16 day of Sept. 2010.

Emily Gonzalez
Notary Public

 **EMILY GONZALEZ**
Notary Public, State of Nevada
No. 09-8940-1
My appt. exp. Nov. 13, 2012

AFFP DISTRICT COURT
Clark County, Nevada

RECEIVED
CITY CLERK

AFFIDAVIT OF PUBLICATION

2010 SEP 28 P 12:07

STATE OF NEVADA)
COUNTY OF CLARK) SS:

STACEY M. LEWIS, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 6645437

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 09/18/2010 to 09/18/2010, on the following days:

09/18/2010

FIRST AMENDMENT,
BILL NO. 2010-39
ORDINANCE NO. 6112

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.

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of August 2010 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 15th day of September 2010, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, Wolfson, Tarkanian, Ross, Barlow and Anthony
VOTING "NAY": NONE
EXCUSED: NONE


COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA

PUB: September 18, 2010
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE
21st day of Sept, 2010.

Emily Gonzalez
Notary Public



EMILY GONZALEZ
Notary Public State of Nevada
No. 09-8940-1
My appl. exp. Nov. 13, 2012