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FIRST AMENDMENT

BILL NO. 2006-37

ORDINANCE NO. 5837

AN ORDINANCE TO PROHIBIT CERTAIN TYPES OF FOOD DISTRIBUTION WITHIN CITY PARKS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Prohibits within City parks the providing of food or meals to the indigent for free or for a nominal fee.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

AS FOLLOWS:

SECTION 1: Title 13, Chapter 36, Section 55, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

**13.36.055:** (A) The following are prohibited within any City park:

- (1) Fireworks, firearms or weapons of any kind;
- (2) Fires, except in barbecue facilities;
- (3) The hitting of golf balls;
- (4) The use of metal detectors, except for surface finds;
- (5) The unauthorized sale of goods or services[.]; and
- (6) The providing of food or meals to the indigent for free or for a nominal

fee. For purposes of this Paragraph, an indigent person is a person whom a reasonable ordinary person would believe to be entitled to apply for or receive assistance under NRS Chapter 428.

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

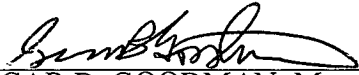
SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared



1 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is  
2 required or the failure to do any act is made or declared to be unlawful or an offense or a  
3 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall  
4 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than  
5 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such  
6 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

7 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,  
8 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
9 1983 Edition, in conflict herewith are hereby repealed.

10 PASSED, ADOPTED and APPROVED this 19<sup>th</sup> day of July, 2006.

11 APPROVED:  
12  
13 By   
OSCAR B. GOODMAN, Mayor

14 ATTEST:  
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16 BARBARA JO RONEMUS, City Clerk

17 APPROVED AS TO FORM:  
18 Val Steed 7-19-06  
19 Date

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 21<sup>st</sup> day of June, 2006, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 19<sup>th</sup> day of June, 2006, which as a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman  
Councilmembers: Reese, Brown, Weekly, Wolfson and Ross

VOTING "NAY": None

EXCUSED: Tarkanian

ABSTAINED: None

APPROVED:

  
\_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

ATTEST:

  
\_\_\_\_\_  
BARBARA JO RONEMUS, City Clerk

**BILL NO. 2006-37**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO PROHIBIT CERTAIN TYPES OF FOOD DISTRIBUTION WITHIN CITY PARKS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney      Summary: Prohibits within City parks the providing of food or meals as would typically be provided in a rescue mission or shelter for the homeless.

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

SECTION 1: Title 13, Chapter 36, Section 55, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

**13.36.055:**    (A)    The following are prohibited within any City park:

- (1)    Fireworks, firearms or weapons of any kind;
- (2)    Fires, except in barbecue facilities;
- (3)    The hitting of golf balls;
- (4)    The use of metal detectors, except for surface finds;
- (5)    The unauthorized sale of goods or services[.]; and
- (6)    The providing of food or meals as would typically be provided in a rescue mission or shelter for the homeless, as defined in LVMC 19.20.020.

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

SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is

1 required or the failure to do any act is made or declared to be unlawful or an offense or a  
2 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall  
3 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than  
4 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such  
5 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

6 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,  
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
8 1983 Edition, in conflict herewith are hereby repealed.

9 PASSED, ADOPTED and APPROVED this 19<sup>th</sup> day of July, 2006.

10 APPROVED:  
11  
12 By OSCAR B. GOODMAN, Mayor

13 ATTEST:  
14  
15 BARBARA JO RONEMUS, City Clerk

16 APPROVED AS TO FORM:  
17 Valsteeed 6-13-06  
18 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 \_\_\_\_\_, 2006, 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 \_\_\_\_\_, 2006, 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: \_\_\_\_\_

12 APPROVED:

14 By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

15 ATTEST:

17 BARBARA JO RONEMUS, City Clerk

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**BUSINESS IMPACT STATEMENT**  
**BILL NO. 2006-37**  
**(Prohibits certain types of food distribution within City parks)**

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2006-37, that will prohibit certain types of food distribution within City parks.

**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. Unable to identify potentially-affected businesses.

**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

**Beneficial effects:**

Elimination of potential for adverse impacts of food distribution on businesses that might be located near parks.

**Direct effects:**

None

**Indirect effects:**

Elimination of potential for adverse impacts of food distribution on businesses that might be located near parks.

**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: June 13, 2006

AFFP DISTRICT COURT  
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Donna Stark, 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  
4744797

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 06/30/2006 to 06/30/2006, on the following days: JUNE 30, 2006

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 5

day of July 2006

Mary B. Sheffield  
Notary Public

2006 JUL -7 A 10: 21

RECEIVED  
CITY CLERK

BILL NO. 2006-37

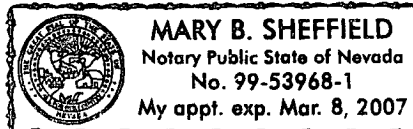
AN ORDINANCE TO PROHIBIT CERTAIN TYPES OF FOOD DISTRIBUTION WITHIN CITY PARKS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney  
Summary: Prohibits within City parks the providing of food or meals as would typically be provided in a rescue mission or shelter for the homeless.

At the City Council meeting of JUNE 21, 2006 BILL NO. 2006-37 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: June 30, 2006  
LV Review-Journal



RECEIVED  
CITY CLERK

2006 JUL 27 A 10:23

AFFP DISTRICT COURT  
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Donna Stark, 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  
4782033

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 07/22/2006 to 07/22/2006, on the following days: JULY 22, 2006

BILL NO. 2006-37  
Ordinance No. 5837  
FIRST AMENDMENT

AN ORDINANCE TO PROHIBIT CERTAIN TYPES OF FOOD DISTRIBUTION WITHIN CITY PARKS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney  
Summary: Prohibits within City parks the providing of food or meals as would typically be provided in a rescue mission or shelter for the homeless.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 21st day of June 2006 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 19th day of July 2006, 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 amended and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown, Weekly, Wolfson, and Ross  
VOTING "NAY": NONE  
EXCUSED: Councilwoman Tarkanian

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: July 22, 2006  
LV Review-Journal

Signed: \_\_\_\_\_

*Donna Stark*

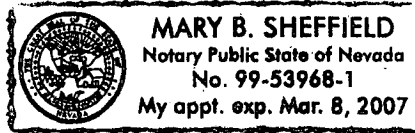
SUBSCRIBED AND SWORN BEFORE ME THIS THE \_\_\_\_\_

*24*

day of \_\_\_\_\_ 2006

*July*  
*Mary B. Sheffield*

Notary Public



RECEIVED  
CITY CLERK

AFFP DISTRICT COURT  
Clark County, Nevada

2006 JUL 31 A 10: 32

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Donna Stark, 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  
4788262

2296311LV

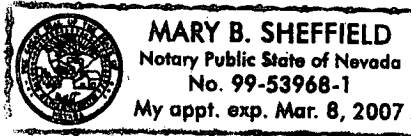
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 07/26/2006 to 07/26/2006, on the following days: JULY 26, 2006

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 26

day of July 2006

Mary B. Sheffield  
Notary Public



**CORRECTED**  
FIRST AMENDMENT  
BILL NO. 2006-37  
**Ordinance NO. 5837**  
AN ORDINANCE TO PROHIBIT CERTAIN TYPES OF FOOD DISTRIBUTION WITHIN CITY PARKS, AND TO PROVIDE FOR OTHER RELATED MATTERS.  
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VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown, Weekly, Wolfson, and Ross  
VOTING "NAY": NONE  
EXCUSEO: Councilwoman Tarkanian  
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: July 26, 2006. LV Review-Journal