

2 Bill No. 94-95

3 Ordinance No 3862

4 AN ORDINANCE RELATING TO SOLICITATION; REPEALING TITLE 10, CHAPTER 44  
5 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION;  
6 ADDING TO SAID TITLE A NEW CHAPTER 44 TO INCLUDE DEFINITIONS OF  
7 "SOLICITATION" AND "COERCION"; LIMITING HOW AND WHERE SOLICITATION  
8 OCCURS; ESTABLISHING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING  
9 PENALTIES THEREFORE; PROVIDING FOR OTHER MATTERS PROPERLY RELATED  
10 THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN  
11 CONFLICT HEREWITH.

12 Sponsored by:

13 Summary:

14 Repeals Chapter 44 of Title 10 of the  
15 Las Vegas Municipal Code and  
16 establishes a new misdemeanor offense  
17 for unlawful solicitations and  
18 establishes time, place, and manner  
19 restrictions.

20 Mayor Jan Laverty Jones

21 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN AS  
22 FOLLOWS:

23 SECTION 1: WHEREAS the City of Las Vegas has a substantial interest in  
24 protecting the public from fraud, crime and undue influence (*Schaumberg*), the demands of safety  
25 arising from the flow of pedestrian traffic (*Heffron, Lee*), controlling incompatible uses of public  
26 property (*Frisby, Fox, Cornelius, Schad and Perry*), maintaining central attractions in an attractive  
and intact condition (*Clark, Dukes*), avoiding visual clutter and blight (*Vincent, Metromedia*),  
regulating the use of its property for commercial purposes (*Dukes*);

WHEREAS the City of Las Vegas is entitled to rely upon the experiences and  
findings of other cities with regard to the secondary effects of certain activities upon substantial  
interests sought to be protected (*Playtime Theatres, Inc.*);

WHEREAS the 1993 Nevada Legislature (in Assembly Bill 411) recognized that  
"[T]here has been a progressive decline in the economic growth and vitality of business located  
in the business districts in the areas of densest population in this state that (a) Is attributable to  
the decrease in tourists and other visitors to these business districts; (b) Necessitates special efforts

1 to promote economic growth and revitalization of these economically depressed business districts  
2 to create new jobs and maintain existing employment opportunities, attract new business, tourists  
3 and visitors to these districts and to prevent further decline by restoring the economic growth and  
4 vitality of these business districts; (c) Makes it of particular local benefit to allow municipalities  
5 to create pedestrian malls to enhance and improve their local business climates and that selecting  
6 and contracting with a private entity for the acquisition, construction, improvement, operation,  
7 management or maintenance of pedestrian malls, or any combination thereof, may also be in the  
8 best interest of the public.";

9 WHEREAS the 1993 Nevada Legislature also recognized therein that "[I]t is in the  
10 best interests of the state to encourage municipalities to create pedestrian malls to enhance and  
11 improve their local business climates";

12 WHEREAS the 1993 Nevada Legislature declared further therein that "[I]t is the  
13 public policy of the State of Nevada to permit the governing body of any densely populated  
14 municipality to protect the public welfare and health and the interests of the public in the safe and  
15 effective movement of persons and to preserve and enhance the function and appearance of the  
16 business districts of municipalities and to promote the economic growth and revitalization  
17 thereof";

18 WHEREAS the 1993 Nevada Legislature further recognized therein the importance  
19 of enacting ordinances necessary or appropriate to carry out the above policies and concerns which  
20 may be "different than those adopted for other areas of the city";

21 WHEREAS the Las Vegas City Council hereby incorporates its previous findings  
22 in Ordinance 3747 that "there has been a progressive decline in the economic growth and vitality  
23 of business located in the central business district of the City which is attributable to the decrease  
24 in tourists and other visitors to the central business district, that a special effort is needed on the  
25 part of the City to create new jobs, maintain existing employment opportunities, attract new  
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1 businesses, tourists and visitors to the central business district and thereby restore the economic  
2 growth and vitality thereof";

3 WHEREAS the downtown hotel casinos employ approximately 18,000 of the total  
4 22,000 jobs in the downtown core area and contribute 47% of all City of Las Vegas  
5 Redevelopment Agency funds;

6 WHEREAS the City of Las Vegas has a substantial interest in protecting and  
7 increasing jobs in the downtown core area, room tax revenues, sales and property tax revenues,  
8 and Redevelopment Agency funds to ensure the economic viability of the City;

9 WHEREAS the downtown share of the gaming revenue has been consistently  
10 declining since 1988; the downtown share of room inventory has been consistently declining since  
11 1988; recent surveys and focus groups disclosed that the negative perception of the downtown area  
12 has continued in significant part to be due to solicitation activities; one survey indicated that the  
13 number of those who said they would not visit downtown on their next trip to Las Vegas was at  
14 24% to 29%, depending upon whether or not they had visited downtown on their current trip,  
15 which those who conducted the survey agree was a significant percentage; while competition from  
16 other Southern Nevada resorts and the growth of gaming in neighborhood casinos and outlying  
17 areas are significant factors in the decline of downtown, those who conducted the survey agree  
18 that downtown Las Vegas has a suffered a negative economic impact in part attributable to  
19 solicitation activities as addressed herein;

20 WHEREAS the Las Vegas City Council has provided for the creation of a  
21 "Pedestrian Mall" (bounded as described in Ordinance 3747 (Bill No. 93-54), as appended) after  
22 conducting public hearings resulting in the finding that it would be in the best interests of the City  
23 and beneficial to the owners of adjacent property to create the Pedestrian Mall for the Fremont  
24 Street Experience Project (the "Project"), as such Project is defined in accordance with the  
25 Development and Management Agreements for the Project;

26

1           WHEREAS the City of Las Vegas has issued \$21 million in bonds based upon  
2 anticipated downtown room tax revenues, the Redevelopment Agency has issued \$22.175 million  
3 in bonds of which \$18.8 million of the bonds is based upon anticipated tax increment, and \$5.6  
4 million of General Obligation bonds have been issued for construction and improvements in and  
5 to the Project;

6           WHEREAS Ordinance 3747 designated the Fremont Street Experience Limited  
7 Liability Corporation (FSELLC) as the private operating entity for purposes of acquiring,  
8 constructing, improving, operating, managing, and maintaining the Pedestrian Mall and indicated  
9 that the FSELLC may determine the uses of the Pedestrian Mall for "any purpose that will  
10 enhance the movement, safety, convenience, enjoyment, entertainment, recreation, relaxation of  
11 pedestrians, including, without limitation, seating, merchandising, exhibiting, advertising and any  
12 other use, activity or special event which in the judgment of the FSELLC will accomplish any of  
13 those purposes";

14           WHEREAS the FSELLC has contributed \$18 million in private expense for the  
15 construction and improvement of the Project and has agreed to fund the operating and maintenance  
16 expenses estimated to be \$8 million to \$10 million annually;

17           WHEREAS such management must also be with due regard for the considerable  
18 time, public services, public inconvenience and public and private expense invested in the effort  
19 to promote the growth and revitalization of the business within and around the Project;

20           WHEREAS the Project will result in the permanent closure of the former Fremont  
21 Street between Main Street and Las Vegas Boulevard, the removal of the roadbed, the installation  
22 of gates around the perimeter of the Project, the construction of a new floor, the installation of  
23 a seven story space frame to cover the Project which also houses a sophisticated light and sound  
24 experience which can be viewed from inside the Project, the construction of kiosks and vending  
25 carts for retail sales, and the inclusion of outdoor cafes;

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1            THEREFORE, THE CITY COUNCIL HEREBY FINDS that the findings made  
2 by other cities are applicable to the City of Las Vegas and are incorporated as follows:

3            San Francisco Police Code

4            SEC. 120-1. AGGRESSIVE SOLICITING PROHIBITED. (a) Findings. The  
5 people of the City and County of San Francisco find that aggressive solicitation for money  
6 directed at residents, visitors, and tourists in areas of the City open to the public imperils their  
7 safety and welfare. This conduct in turn jeopardizes the City's economy by discouraging visitors  
8 and prospective customers from coming to San Francisco for business, recreation, and shopping  
9 activities. Further, the people find that aggressive solicitation undermines the public  
10 s basic right to be in and enjoy public places without fear that they will be pursued by others  
11 seeking handouts. The people further find that no state laws address or protect the public from  
12 these problems.

13            SEC. 121. LOITERING AT OR NEAR CASH DISPENSING MACHINES  
14 PROHIBITED. (a) Findings. The People of the City and County of San Francisco find that  
15 persons who loiter or linger at or near cash dispensing machines imperil the public's safety and  
16 welfare. Cash dispensing machines have become the site of robberies and assaults. Prohibiting  
17 loitering or lingering at or near such machines may decrease the incidence of these crimes by  
18 providing law enforcement officers with an additional crime fighting tool that does not infringe  
19 on any person's basic rights.

20            In addition, the People find that persons making legitimate use of cash dispensing  
21 machines have become intimidated and fearful for their safety because of the presence of persons  
22 loitering at or near the machines. No state law addresses this type of behavior or protects the  
23 public from these problems.

24            New York

25            Section 1. Legislative findings. The council finds that the increase in aggressive  
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1 solicitation throughout the city has become extremely disturbing and disruptive to residents and  
2 businesses, and has contributed not only to the loss of access to and enjoyment of public places,  
3 but also to an enhanced sense of fear, intimidation and disorder.

4           Aggressive panhandling usually includes approaching or following pedestrians,  
5 repetitive begging despite refusals, the use of abusive or profane language, unwanted physical  
6 contact, or the intentional blocking of pedestrian and vehicular traffic. The council further finds  
7 that the presence of individuals who solicit money from persons at or near banks or automated  
8 teller machines is especially troublesome. [ . . . ]

9           This law is timely and appropriate because current laws and city regulations are  
10 insufficient to address the aforementioned problems. The restrictions contained herein are neither  
11 overbroad or vague and are narrowly tailored to serve a substantial governmental interest. The  
12 law is not intended to limit any persons from exercising their constitutional right to solicit funds,  
13 picket, protest or engage in other constitutionally protected activity. Its goal is instead to protect  
14 citizens from the fear and intimidation accompanying certain kinds of solicitation that have  
15 become an unwelcome and overwhelming presence in the city.

16 Anaheim

17           Aggressive or intimidating acts by panhandlers soliciting money or other things of  
18 value from persons upon public property, or upon private property open to the public, imperils  
19 the safety of residents, visitors and tourists within the City of Anaheim. Such acts further  
20 constitute coercion to obtain contributions from persons who do not desire to make, and would  
21 not otherwise freely make, such contributions in the absence of such aggressive or intimidating  
22 conduct. Such conduct further jeopardizes the City's economy by discouraging visitors, tourists  
23 and prospective customers from coming to Anaheim for business, recreation and shopping. Such  
24 conduct also threatens to drive City residents to places outside of Anaheim for their recreation and  
25 shopping activities. Such conduct further undermines the public's basic right to be in and enjoy  
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1 public places without fear that they will be pursued or intimidated by persons seeking handouts.  
2 Further, it is necessary to place reasonable restrictions upon the time, place and manner in which  
3 panhandling occurs in order to protect the public health and safety.

4 Riverside

5 (a) Findings. The people of the City of Riverside find that aggressive solicitation  
6 for money directed at residents, visitors, and tourists in areas of the City open to the public  
7 imperils their safety and welfare. This conduct in turn jeopardizes the City's economy by  
8 discouraging visitors and prospective customers from coming to Riverside for business, recreation  
9 and shopping. This conduct also threatens to drive City residents out of the City for their  
10 recreational and shopping activities. Further, the people find that aggressive solicitation  
11 undermines the public's basic right to be in and enjoy public places without fear that they will be  
12 pursued by others seeking handouts. The people further find that no state laws protect the public  
13 from these problems.

14 Santa Monica

15 Aggressive panhandling has been cited as a serious threat to public safety.  
16 Furthermore, the tourism industry and other businesses have reported a loss of revenue due to this  
17 growing problem. Aggressive panhandling has negatively contributed to public opinion of  
18 homeless people, giving an undeserved reputation to the majority of homeless persons who are  
19 struggling for survival. Aggressive panhandling is commonly associated with illegal and  
20 unhealthy behavior such as drug and alcohol abuse and other endangering practices.

21 IN ADDITION TO THE FINDINGS OF THE CITIES LISTED HEREINABOVE,  
22 THE CITY COUNCIL FURTHER FINDS that bus, taxi, limousine, trolley or train stops, public  
23 transportation facilities and vehicles, and enclosed parking structures need to be preserved for  
24 their intended use by the public and such use is not compatible with solicitation activity.

25 THE CITY COUNCIL FURTHER FINDS that there is a substantial interest in  
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1 creating "no-solicitation zones" within 10 feet of the entrance to any building open to the public  
2 and that such distance requirement discourages intimidative solicitation and provides sufficient  
3 space for one to avoid, resist or decline solicitation while still allowing the speech to occur.

4 THE CITY COUNCIL FURTHER FINDS that there has been a progressive decline  
5 in the economic growth and vitality of businesses located in the central business district of the  
6 City which is attributable to the decrease in tourists and other visitors to the central business  
7 district, that a special effort is needed on the part of the City to create new jobs, maintain existing  
8 employment opportunities, attract new businesses, tourists and visitors to the central business  
9 district and thereby restore the economic growth and vitality thereof and that the closure of certain  
10 streets or parts thereof to vehicular traffic and the creation the Project for the movement, safety,  
11 convenience, enjoyment, entertainment, recreation and relaxation of pedestrians is in the best  
12 interest of the City and beneficial to the owners of adjacent property and the businesses located  
13 in the central business district;

14 THE CITY COUNCIL FURTHER FINDS that it is in the best interest of the public  
15 to select and contract with a private operating entity for the acquisition, construction,  
16 improvement, operation, management or maintenance of the Pedestrian Mall;

17 THE CITY COUNCIL FURTHER FINDS that the Pedestrian Mall within the  
18 downtown central business district is a commercial area within the City of Las Vegas which plays  
19 a special role in the city's life, is an integral component of the city's economy and possesses  
20 distinctive and unique character and economic vitality. The Pedestrian Mall is hereby designated  
21 a commercially protected area which, if maintained in an intact, attractive and entertaining  
22 condition, readily available to a large volume of tourists, greatly enhances the tourist-oriented  
23 allure and thereby the economy of the City of Las Vegas;

24 THE CITY COUNCIL FURTHER FINDS that there continues to be a degeneration  
25 of the economic vitality of the central business district and the City of Las Vegas has a compelling  
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1 interest in reversing the downward trend in revenues and avoiding economic collapse in the  
2 downtown hotel/casino core;

3 THE CITY COUNCIL FURTHER FINDS that visitors to Las Vegas have  
4 increasingly chosen not to patronize the downtown area. In determining whether or not to pursue  
5 the commercial and entertainment opportunities of downtown Las Vegas, potential visitors  
6 consider the prospect of being targeted by solicitors in environments where freedom of movement  
7 is restricted. It is, therefore, in the interests of the City of Las Vegas to restrict solicitation  
8 activities in the commercial and entertainment area known as the Pedestrian Mall, where freedom  
9 of movement is restricted;

10 THE CITY COUNCIL FURTHER FINDS that the Pedestrian Mall was created to  
11 accommodate and encourage the safe, efficient and orderly movement of pedestrians within a  
12 commercial and entertainment project, and to accommodate access by emergency and special  
13 vehicles and access to properties abutting the Mall. It is, therefore, in the public interest to  
14 restrict activities which may interfere with such interests;

15 THE CITY COUNCIL FURTHER FINDS that the former use of the Pedestrian  
16 Mall as a traditional street and sidewalk has been converted to a new use as a commercial  
17 entertainment complex for the entertainment and enjoyment of the public which character and  
18 function are basically incompatible with solicitation activity.

19 THE CITY COUNCIL FURTHER FINDS that the City's compelling interest in  
20 promoting the growth and revitalization of the central business district warrants reasonable  
21 restrictions on solicitation activities which are in addition to those warranted in other areas in the  
22 City based upon the City's compelling interest in preserving the health, safety and general welfare  
23 of the public;

24 THE CITY COUNCIL FURTHER FINDS that the sidewalks outside the Pedestrian  
25 Mall are accessible by those who would solicit the general public and it is anticipated that these  
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1 sidewalks will be frequented by an overwhelming percentage of Pedestrian Mall users.

2 THE CITY COUNCIL FURTHER FINDS that the restrictions herein leave open  
3 ample non-aggressive, non-obstructive or otherwise peaceful means of solicitation activity;

4 SECTION 2: Title 10, Chapter 44 of the Municipal Code of the City of Las Vegas,  
5 Nevada, 1983 Edition, is hereby repealed in its entirety.

6 SECTION 3: Title 10 of the Municipal Code of the City of Las Vegas, Nevada,  
7 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 44 and  
8 consisting of Sections 10 to 40, inclusive, reading as follows:

9 **10.44.010** For purposes of this Chapter:

10 (A) "Solicitation", for purposes of this Chapter, means to ask, beg, solicit, or  
11 plead, whether orally, or in a written or printed manner, for the purpose of  
12 obtaining money, charity, business or patronage, or gifts of items of value for  
13 oneself or another person or organization.

14 (B) "Coercion" means to willfully and knowingly:

15 (1) approach or speak to a person in such a manner as would cause  
16 a reasonable person to believe that the person is being threatened  
17 with:

18 (a) imminent bodily injury; or

19 (b) the commission of a criminal act upon the person or  
20 another person, or upon property in the person's immediate  
21 possession;

22 (2) persist in a solicitation after the person solicited has given a  
23 negative response;

24 (3) block, either individually or as part of a group of persons, the  
25 passage of a solicited person; or

1 (4) engage in conduct that would reasonably be construed as  
2 intended to compel or force a solicited person to accede to  
3 demands.

4 **10.44.020** Any individual who personally commits solicitation by coercion shall  
5 be guilty of a misdemeanor.

6 **10.44.030** Any individual who personally engages in solicitation at any of the  
7 following places shall be guilty of a misdemeanor:

- 8 (A) At any bus, taxi, limousine, trolley or train stop;
- 9 (B) In any public transportation vehicle or facility;
- 10 (C) At any enclosed parking structure;
- 11 (D) Within 20 feet of an Automatic Teller Machine (ATM);
- 12 (E) Within 10 feet of a point of entry to or exit from any building open to the  
13 public, including commercial establishments;
- 14 (F) Within the area designated as a pedestrian mall in Ordinance 3747, in  
15 accordance with NRS 268.810 *et seq.*

16 **10.44.040** If property is owned or controlled by a private owner or operator,  
17 [N]othing in this Chapter shall be construed as applying to the conduct or activity of a person  
18 on said property with the permission of the owner or operator of the property.

19 **10.44.050** Subsection (F) of Section 10.44.030 shall become effective only after  
20 adoption by the City Council of a Resolution declaring the pedestrian mall in Ordinance 3747 as  
21 being "substantially complete". All other parts of this ordinance shall become effective upon  
22 publication and signature.

23 SECTION 4: Whenever in this ordinance any act is prohibited or declared to be  
24 an unlawful offense or a misdemeanor, or whenever in this ordinance the doing of any act is  
25 required or the failure to do any act is made or declared to be an unlawful offense or a  
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1 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall  
2 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more  
3 than one thousand dollars (\$1,000) or by imprisonment for a term of not more than six months  
4 or by any combination of such fine and imprisonment.

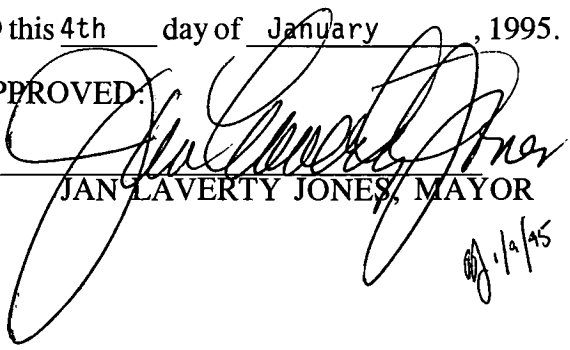
5 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause  
6 or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or  
7 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the  
8 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City  
9 Council of the City of Las Vegas hereby declares that it would have passed each section,  
10 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that  
11 any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be  
12 declared unconstitutional, invalid or ineffective.

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

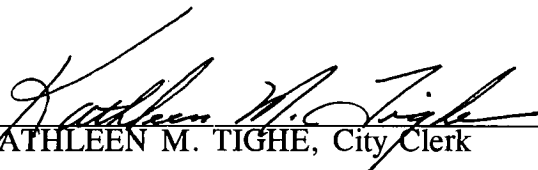
16 PASSED, ADOPTED and APPROVED this 4th day of January, 1995.

17 APPROVED:

18 By

  
19 JAN LAVERTY JONES, MAYOR  
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1/9/95

ATTEST:

  
KATHLEEN M. TIGHE, City Clerk

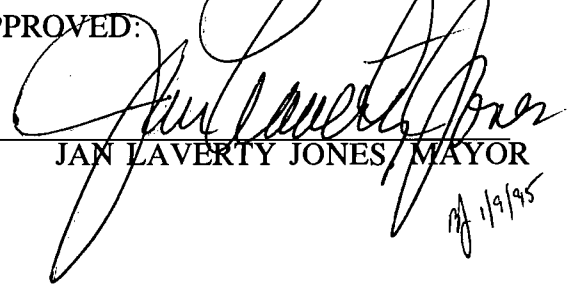
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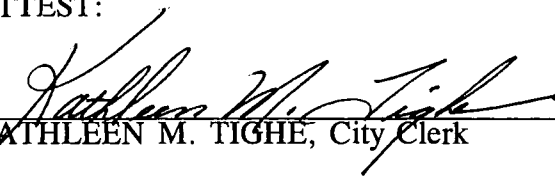
The above and foregoing ordinance was first proposed and read by title to the City Council on the 7th day of December, 1994, and referred to the following committee composed of FULL COUNCIL and \_\_\_\_\_ for recommendation; thereafter the said committee reported favorably on said ordinance on the 4th day of January, 1995, which was a regular meeting of said Council; that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote.

VOTING "AYE": Councilmen Adamsen, Higginson, Hawkins Jr. and Brass

VOTING "NAY": NONE

ABSENT: Mayor Jones

APPROVED:  
By   
JAN LAVERTY JONES, MAYOR  
1/19/95

ATTEST:  
  
KATHLEEN M. TIGHE, City Clerk

Bill No. 94-95

Ordinance No \_\_\_\_\_

AN ORDINANCE RELATING TO SOLICITATION; REPEALING TITLE 10, CHAPTER 44 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION; ADDING TO SAID TITLE A NEW CHAPTER 44 TO INCLUDE DEFINITIONS OF "SOLICITATION" AND "COERCION"; LIMITING HOW AND WHERE SOLICITATION OCCURS; ESTABLISHING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING PENALTIES THEREFORE; PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:	Summary:	Repeals Chapter 44 of Title 10 of the Las Vegas Municipal Code and establishes a new misdemeanor offense for unlawful solicitations and establishes time, place, and manner restrictions.
Mayor Jan Laverty Jones		

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WHEREAS the 1993 Nevada Legislature (in Assembly Bill 411) recognized that "[T]here has been a progressive decline in the economic growth and vitality of business located in the business districts in the areas of densest population in this state that (a) Is attributable to the decrease in tourists and other visitors to these business districts; (b) Necessitates special efforts to promote economic growth and revitalization of these economically depressed business districts

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11 other use, activity or special event which in the judgment of the FSELLC will accomplish any of  
12 those purposes";

13 WHEREAS the FSELLC has contributed \$18 million in private expense for the  
14 construction and improvement of the Project and has agreed to fund the operating and maintenance  
15 expenses estimated to be \$8 million to \$10 million annually;

16 WHEREAS such management must also be with due regard for the considerable  
17 time, public services, public inconvenience and public and private expense invested in the effort  
18 to promote the growth and revitalization of the business within and around the Project;

19 WHEREAS the Project will result in the permanent closure of the former Fremont  
20 Street between Main Street and Las Vegas Boulevard, the removal of the roadbed, the installation  
21 of gates around the perimeter of the Project, the construction of a new floor, the installation of  
22 a seven story space frame to cover the Project which also houses a sophisticated light and sound  
23 experience which can be viewed from inside the Project, the construction of kiosks and vending  
24 carts for retail sales, and the inclusion of outdoor cafes;

25 THEREFORE, THE CITY COUNCIL HEREBY FINDS that the findings made  
26

1 by other cities are applicable to the City of Las Vegas and are incorporated as follows:

2 San Francisco Police Code

3 SEC. 120-1. AGGRESSIVE SOLICITING PROHIBITED. (a) Findings. The  
4 people of the City and County of San Francisco find that aggressive solicitation for money  
5 directed at residents, visitors, and tourists in areas of the City open to the public imperils their  
6 safety and welfare. This conduct in turn jeopardizes the City's economy by discouraging visitors  
7 and prospective customers from coming to San Francisco for business, recreation, and shopping  
8 activities. Further, the people find that aggressive solicitation undermines the public  
9 s basic right to be in and enjoy public places without fear that they will be pursued by others  
10 seeking handouts. The people further find that no state laws address or protect the public from  
11 these problems.

12 SEC. 121. LOITERING AT OR NEAR CASH DISPENSING MACHINES  
13 PROHIBITED. (a) Findings. The People of the City and County of San Francisco find that  
14 persons who loiter or linger at or near cash dispensing machines imperil the public's safety and  
15 welfare. Cash dispensing machines have become the site of robberies and assaults. Prohibiting  
16 loitering or lingering at or near such machines may decrease the incidence of these crimes by  
17 providing law enforcement officers with an additional crime fighting tool that does not infringe  
18 on any person's basic rights.

19 In addition, the People find that persons making legitimate use of cash dispensing  
20 machines have become intimidated and fearful for their safety because of the presence of persons  
21 loitering at or near the machines. No state law addresses this type of behavior or protects the  
22 public from these problems.

23 New York

24 Section 1. Legislative findings. The council finds that the increase in aggressive  
25 solicitation throughout the city has become extremely disturbing and disruptive to residents and  
26

1 businesses, and has contributed not only to the loss of access to and enjoyment of public places,  
2 but also to an enhanced sense of fear, intimidation and disorder.

3           Aggressive panhandling usually includes approaching or following pedestrians,  
4 repetitive begging despite refusals, the use of abusive or profane language, unwanted physical  
5 contact, or the intentional blocking of pedestrian and vehicular traffic. The council further finds  
6 that the presence of individuals who solicit money from persons at or near banks or automated  
7 teller machines is especially troublesome. Motorists also find themselves confronted by persons  
8 who without permission wash their automobile windows at traffic intersections, despite explicit  
9 indications by drivers not to do so. Such activity carries with it an implicit threat to both persons  
10 and property. People driving or parking on city streets frequently find themselves faced with  
11 panhandlers seeking money by offering to perform "services" such as opening car doors or  
12 locating parking spaces.

13           This law is timely and appropriate because current laws and city regulations are  
14 insufficient to address the aforementioned problems. The restrictions contained herein are neither  
15 overbroad or vague and are narrowly tailored to serve a substantial governmental interest. The  
16 law is not intended to limit any persons from exercising their constitutional right to solicit funds,  
17 picket, protest or engage in other constitutionally protected activity. Its goal is instead to protect  
18 citizens from the fear and intimidation accompanying certain kinds of solicitation that have  
19 become an unwelcome and overwhelming presence in the city.

#### 20 Anaheim

21           Aggressive or intimidating acts by panhandlers soliciting money or other things of  
22 value from persons upon public property, or upon private property open to the public, imperils  
23 the safety of residents, visitors and tourists within the City of Anaheim. Such acts further  
24 constitute coercion to obtain contributions from persons who do not desire to make, and would  
25 not otherwise freely make, such contributions in the absence of such aggressive or intimidating  
26

1 conduct. Such conduct further jeopardizes the City's economy by discouraging visitors, tourists  
2 and prospective customers from coming to Anaheim for business, recreation and shopping. Such  
3 conduct also threatens to drive City residents to places outside of Anaheim for their recreation and  
4 shopping activities. Such conduct further undermines the public's basic right to be in and enjoy  
5 public places without fear that they will be pursued or intimidated by persons seeking handouts.  
6 Further, it is necessary to place reasonable restrictions upon the time, place and manner in which  
7 panhandling occurs in order to protect the public health and safety.

8 Riverside

9 (a) Findings. The people of the City of Riverside find that aggressive solicitation  
10 for money directed at residents, visitors, and tourists in areas of the City open to the public  
11 imperils their safety and welfare. This conduct in turn jeopardizes the City's economy by  
12 discouraging visitors and prospective customers from coming to Riverside for business, recreation  
13 and shopping. This conduct also threatens to drive City residents out of the City for their  
14 recreational and shopping activities. Further, the people find that aggressive solicitation  
15 undermines the public's basic right to be in and enjoy public places without fear that they will be  
16 pursued by others seeking handouts. The people further find that no state laws protect the public  
17 from these problems.

18 Santa Monica

19 Aggressive panhandling has been cited as a serious threat to public safety.  
20 Furthermore, the tourism industry and other businesses have reported a loss of revenue due to this  
21 growing problem. Aggressive panhandling has negatively contributed to public opinion of  
22 homeless people, giving an undeserved reputation to the majority of homeless persons who are  
23 struggling for survival. Aggressive panhandling is commonly associated with illegal and  
24 unhealthy behavior such as drug and alcohol abuse and other endangering practices.

25 THE CITY COUNCIL FURTHER FINDS that there has been a progressive decline  
26

1 in the economic growth and vitality of businesses located in the central business district of the  
2 City which is attributable to the decrease in tourists and other visitors to the central business  
3 district, that a special effort is needed on the part of the City to create new jobs, maintain existing  
4 employment opportunities, attract new businesses, tourists and visitors to the central business  
5 district and thereby restore the economic growth and vitality thereof and that the closure of certain  
6 streets or parts thereof to vehicular traffic and the creation the Project for the movement, safety,  
7 convenience, enjoyment, entertainment, recreation and relaxation of pedestrians is in the best  
8 interest of the City and beneficial to the owners of adjacent property and the businesses located  
9 in the central business district;

10 THE CITY COUNCIL FURTHER FINDS that it is in the best interest of the public  
11 to select and contract with a private operating entity for the acquisition, construction,  
12 improvement, operation, management or maintenance of the Pedestrian Mall;

13 THE CITY COUNCIL FURTHER FINDS that the Pedestrian Mall within the  
14 downtown central business district is a commercial area within the City of Las Vegas which plays  
15 a special role in the city's life, is an integral component of the city's economy and possesses  
16 distinctive and unique character and economic vitality. The Pedestrian Mall is hereby designated  
17 a commercially protected area which, if maintained in an intact, attractive and entertaining  
18 condition, readily available to a large volume of tourists, greatly enhances the tourist-oriented  
19 allure and thereby the economy of the City of Las Vegas;

20 THE CITY COUNCIL FURTHER FINDS that there continues to be a degeneration  
21 of the economic vitality of the central business district and the City of Las Vegas has a compelling  
22 interest in reversing the downward trend in revenues and avoiding economic collapse in the  
23 downtown hotel/casino core;

24 THE CITY COUNCIL FURTHER FINDS that visitors to Las Vegas have  
25 increasingly chosen not to patronize the downtown area. In determining whether or not to pursue  
26

1 the commercial and entertainment opportunities of downtown Las Vegas, potential visitors  
2 consider the prospect of being targeted by solicitors in environments where freedom of movement  
3 is restricted. It is, therefore, in the interests of the City of Las Vegas to restrict solicitation  
4 activities in the commercial and entertainment area known as the Pedestrian Mall, where freedom  
5 of movement is restricted;

6 THE CITY COUNCIL FURTHER FINDS that the Pedestrian Mall was created to  
7 accommodate and encourage the safe, efficient and orderly movement of pedestrians within a  
8 commercial and entertainment project, and to accommodate access by emergency and special  
9 vehicles and access to properties abutting the Mall. It is, therefore, in the public interest to  
10 restrict activities which may interfere with such interests;

11 THE CITY COUNCIL FURTHER FINDS that the City's compelling interest in  
12 promoting the growth and revitalization of the central business district warrants reasonable  
13 restrictions on solicitation activities which are in addition to those warranted in other areas in the  
14 City based upon the City's compelling interest in preserving the health, safety and general welfare  
15 of the public;

16 THE CITY COUNCIL FURTHER FINDS that the restrictions herein leave open  
17 ample non-aggressive, non-obstructive or otherwise peaceful means of solicitation activity;

18 SECTION 2: Title 10, Chapter 44 of the Municipal Code of the City of Las Vegas,  
19 Nevada, 1983 Edition, is hereby repealed in its entirety.

20 SECTION 3: Title 10 of the Municipal Code of the City of Las Vegas, Nevada,  
21 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 44 and  
22 consisting of Sections 10 to 40, inclusive, reading as follows:

23 **10.44.010** For purposes of this Chapter:  
24 (A) "Solicitation", for purposes of this Chapter, means to ask, beg, solicit, or  
25 plead, whether orally, or in a written or printed manner, for the purpose of  
26

1 obtaining money, charity, business or patronage, or gifts of items of value for  
2 oneself or another person or organization.

3 (B) "Coercion" means to willfully and knowingly:

4 (1) approach or speak to a person in such a manner as would cause  
5 a reasonable person to believe that the person is being threatened  
6 with:

7 (a) imminent bodily injury; or

8 (b) the commission of a criminal act upon the person or  
9 another person, or upon property in the person's immediate  
10 possession;

11 (2) persist in a solicitation after the person solicited has given a  
12 negative response;

13 (3) block, either individually or as part of a group of persons, the  
14 passage of a solicited person; or

15 (4) engage in conduct that would reasonably be construed as  
16 intended to compel or force a solicited person to accede to  
17 demands.

18 **14.44.020** Any individual who personally commits solicitation by coercion shall  
19 be guilty of a misdemeanor.

20 **14.44.030** Any individual who personally engages in solicitation at any of the  
21 following places shall be guilty of a misdemeanor:

22 (A) At any bus, taxi, limousine, trolley or train stop;

23 (B) In any public transportation vehicle or facility;

24 (C) At any enclosed parking structure;

25 (D) Within 20 feet of an Automatic Teller Machine (ATM);  
26

1 (E) Within 20 feet of a point of entry to or exit from a commercial  
2 establishment;

3 (F) Within the area designated as a pedestrian mall in Ordinance 3747, in  
4 accordance with NRS 268.810 *et seq.*

5 **14.44.040** If property is owned or controlled by a private owner or operator,  
6 [N]nothing in this Chapter shall be construed as applying to the conduct or activity of a person  
7 on said property with the permission of the owner or operator of the property.

8 SECTION 4: Whenever in this ordinance any act is prohibited or declared to be  
9 an unlawful offense or a misdemeanor, or whenever in this ordinance the doing of any act is  
10 required or the failure to do any act is made or declared to be an unlawful offense or a  
11 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall  
12 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more  
13 than one thousand dollars (\$1,000) or by imprisonment for a term of not more than six months  
14 or by any combination of such fine and imprisonment.

15 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause  
16 or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or  
17 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the  
18 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City  
19 Council of the City of Las Vegas hereby declares that it would have passed each section,  
20 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that  
21 any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be  
22 declared unconstitutional, invalid or ineffective.

23 SECTION 6: All ordinances or parts of ordinances, sections, subsections,

24 . . .

25 . . .

1 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las  
2 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

4 APPROVED:

5 By \_\_\_\_\_  
6 JAN LAVERTY JONES, MAYOR

7 ATTEST:

8  
9 \_\_\_\_\_  
10 KATHLEEN M. TIGHE, City Clerk

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The above and foregoing ordinance was first proposed and read by title to the City Council on the \_\_\_\_ day of \_\_\_\_\_, 1994, and referred to the following committee composed of \_\_\_\_\_ and \_\_\_\_\_ for recommendation; thereafter the said committee reported favorably on said ordinance on the \_\_\_\_ day of \_\_\_\_\_, 1995, which was a \_\_\_\_\_ meeting of said Council; that at said \_\_\_\_\_ meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote.

VOTING "AYE": \_\_\_\_\_

VOTING "NAY": \_\_\_\_\_

ABSENT: \_\_\_\_\_

APPROVED:

By \_\_\_\_\_  
JAN LAVERTY JONES, MAYOR

ATTEST:

\_\_\_\_\_  
KATHLEEN M. TIGHE, City Clerk

2 Ordinance No \_\_\_\_\_

3 AN ORDINANCE RELATING TO SOLICITATION; REPEALING TITLE 10, CHAPTER 44  
4 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION;  
5 ADDING TO SAID TITLE A NEW CHAPTER 44 TO INCLUDE DEFINITIONS OF  
6 "SOLICITATION" AND "COERCION"; LIMITING HOW AND WHERE SOLICITATION  
7 OCCURS; ESTABLISHING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING  
8 PENALTIES THEREFORE; PROVIDING FOR OTHER MATTERS PROPERLY RELATED  
9 THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN  
10 CONFLICT HEREWITH.

11 Sponsored by:

Summary:

Repeals Chapter 44 of Title 10 of the Las Vegas Municipal Code and establishes a new misdemeanor offense for unlawful solicitations and establishes time, place, and manner restrictions.

12 Mayor Jan Laverty Jones

13 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN AS

14 FOLLOWS:

15 SECTION 1: WHEREAS the City of Las Vegas has a substantial interest in  
16 protecting the public from fraud, crime and undue influence (*Schaumberg*), the demands of safety  
17 arising from the flow of pedestrian traffic (*Heffron, Lee*), controlling incompatible uses of public  
18 property (*Frisby, Fox, Cornelius, Schad and Perry*), maintaining central attractions in an attractive  
19 and intact condition (*Clark, Dukes*), avoiding visual clutter and blight (*Vincent, Metromedia*),  
20 regulating the use of its property for commercial purposes (*Dukes*);

21 WHEREAS the City of Las Vegas is entitled to rely upon the experiences and  
22 findings of other cities with regard to the secondary effects of certain activities upon substantial  
23 interests sought to be protected (*Playtime Theatres, Inc.*);

24 WHEREAS the 1993 Nevada Legislature (in Assembly Bill 411) recognized that  
25 "[T]here has been a progressive decline in the economic growth and vitality of business located  
26 in the business districts in the areas of densest population in this state that (a) Is attributable to  
the decrease in tourists and other visitors to these business districts; (b) Necessitates special efforts  
to promote economic growth and revitalization of these economically depressed business districts

1 to create new jobs and maintain existing employment opportunities, attract new business, tourists  
2 and visitors to these districts and to prevent further decline by restoring the economic growth and  
3 vitality of these business districts; (c) Makes it of particular local benefit to allow municipalities  
4 to create pedestrian malls to enhance and improve their local business climates and that selecting  
5 and contracting with a private entity for the acquisition, construction, improvement, operation,  
6 management or maintenance of pedestrian malls, or any combination thereof, may also be in the  
7 best interest of the public. ";

8 WHEREAS the 1993 Nevada Legislature also recognized therein that "[I]t is in the  
9 best interests of the state to encourage municipalities to create pedestrian malls to enhance and  
10 improve their local business climates";

11 WHEREAS the 1993 Nevada Legislature declared further therein that "[I]t is the  
12 public policy of the State of Nevada to permit the governing body of any densely populated  
13 municipality to protect the public welfare and health and the interests of the public in the safe and  
14 effective movement of persons and to preserve and enhance the function and appearance of the  
15 business districts of municipalities and to promote the economic growth and revitalization  
16 thereof";

17 WHEREAS the 1993 Nevada Legislature further recognized therein the importance  
18 of enacting ordinances necessary or appropriate to carry out the above policies and concerns which  
19 may be "different than those adopted for other areas of the city";

20 WHEREAS the Las Vegas City Council hereby incorporates its previous findings  
21 in Ordinance 3747 that "there has been a progressive decline in the economic growth and vitality  
22 of business located in the central business district of the City which is attributable to the decrease  
23 in tourists and other visitors to the central business district, that a special effort is needed on the  
24 part of the City to create new jobs, maintain existing employment opportunities, attract new  
25 businesses, tourists and visitors to the central business district and thereby restore the economic  
26

1 growth and vitality thereof";

2 WHEREAS the downtown hotel casinos employ approximately 18,000 of the total  
3 22,000 jobs in the downtown core area and contribute 47% of all City of Las Vegas  
4 Redevelopment Agency funds;

5 WHEREAS the City of Las Vegas has a substantial interest in protecting and  
6 increasing jobs in the downtown core area, room tax revenues, sales and property tax revenues,  
7 and Redevelopment Agency funds to ensure the economic viability of the City;

8 WHEREAS the downtown share of the gaming revenue has been consistently  
9 declining since 1988; the downtown share of room inventory has been consistently declining since  
10 1988; recent surveys and focus groups disclosed that the negative perception of the downtown area  
11 has continued in significant part to be due to solicitation activities; one survey indicated that the  
12 number of those who said they would not visit downtown on their next trip to Las Vegas was at  
13 24% to 29%, depending upon whether or not they had visited downtown on their current trip,  
14 which those who conducted the survey agree was a significant percentage; while competition from  
15 other Southern Nevada resorts and the growth of gaming in neighborhood casinos and outlying  
16 areas are significant factors in the decline of downtown, those who conducted the survey agree  
17 that downtown Las Vegas has a suffered a negative economic impact in part attributable to  
18 solicitation activities as addressed herein;

19 WHEREAS the Las Vegas City Council has provided for the creation of a  
20 "Pedestrian Mall" (bounded as described in Ordinance 3747 (Bill No. 93-54), as appended) after  
21 conducting public hearings resulting in the finding that it would be in the best interests of the City  
22 and beneficial to the owners of adjacent property to create the Pedestrian Mall for the Fremont  
23 Street Experience Project (the "Project"), as such Project is defined in accordance with the  
24 Development and Management Agreements for the Project;

25 WHEREAS the City of Las Vegas has issued \$21 million in bonds based upon  
26

1 anticipated downtown room tax revenues, the Redevelopment Agency has issued \$22.175 million  
2 in bonds of which \$18.8 million of the bonds is based upon anticipated tax increment, and \$5.6  
3 million of General Obligation bonds have been issued for construction and improvements in and  
4 to the Project;

5 WHEREAS Ordinance 3747 designated the Fremont Street Experience Limited  
6 Liability Corporation (FSELLC) as the private operating entity for purposes of acquiring,  
7 constructing, improving, operating, managing, and maintaining the Pedestrian Mall and indicated  
8 that the FSELLC may determine the uses of the Pedestrian Mall for "any purpose that will  
9 enhance the movement, safety, convenience, enjoyment, entertainment, recreation, relaxation of  
10 pedestrians, including, without limitation, seating, merchandising, exhibiting, advertising and any  
11 other use, activity or special event which in the judgment of the FSELLC will accomplish any of  
12 those purposes";

13 WHEREAS the FSELLC has contributed \$18 million in private expense for the  
14 construction and improvement of the Project and has agreed to fund the operating and maintenance  
15 expenses estimated to be \$8 million to \$10 million annually;

16 WHEREAS such management must also be with due regard for the considerable  
17 time, public services, public inconvenience and public and private expense invested in the effort  
18 to promote the growth and revitalization of the business within and around the Project;

19 WHEREAS the Project will result in the permanent closure of the former Fremont  
20 Street between Main Street and Las Vegas Boulevard, the removal of the roadbed, the installation  
21 of gates around the perimeter of the Project, the construction of a new floor, the installation of  
22 a seven story space frame to cover the Project which also houses a sophisticated light and sound  
23 experience which can be viewed from inside the Project, the construction of kiosks and vending  
24 carts for retail sales, and the inclusion of outdoor cafes;

25 THEREFORE, THE CITY COUNCIL HEREBY FINDS that there has been a  
26

1 progressive decline in the economic growth and vitality of businesses located in the central  
2 business district of the City which is attributable to the decrease in tourists and other visitors to  
3 the central business district, that a special effort is needed on the part of the City to create new  
4 jobs, maintain existing employment opportunities, attract new businesses, tourists and visitors to  
5 the central business district and thereby restore the economic growth and vitality thereof and that  
6 the closure of certain streets or parts thereof to vehicular traffic and the creation the Project for  
7 the movement, safety, convenience, enjoyment, entertainment, recreation and relaxation of  
8 pedestrians is in the best interest of the City and beneficial to the owners of adjacent property and  
9 the businesses located in the central business district;

10 THE CITY COUNCIL FURTHER FINDS that it is in the best interest of the public  
11 to select and contract with a private operating entity for the acquisition, construction,  
12 improvement, operation, management or maintenance of the Pedestrian Mall;

13 THE CITY COUNCIL FURTHER FINDS that the Pedestrian Mall within the  
14 downtown central business district is a commercial area within the City of Las Vegas which plays  
15 a special role in the city's life, is an integral component of the city's economy and possesses  
16 distinctive and unique character and economic vitality. The Pedestrian Mall is hereby designated  
17 a commercially protected area which, if maintained in an intact, attractive and entertaining  
18 condition, readily available to a large volume of tourists, greatly enhances the tourist-oriented  
19 allure and thereby the economy of the City of Las Vegas;

20 THE CITY COUNCIL FURTHER FINDS that there continues to be a degeneration  
21 of the economic vitality of the central business district and the City of Las Vegas has a compelling  
22 interest in reversing the downward trend in revenues and avoiding economic collapse in the  
23 downtown hotel/casino core;

24 THE CITY COUNCIL FURTHER FINDS that visitors to Las Vegas have  
25 increasingly chosen not to patronize the downtown area. In determining whether or not to pursue  
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1 the commercial and entertainment opportunities of downtown Las Vegas, potential visitors  
2 consider the prospect of being targeted by solicitors in environments where freedom of movement  
3 is restricted. It is, therefore, in the interests of the City of Las Vegas to restrict solicitation  
4 activities in the commercial and entertainment area known as the Pedestrian Mall, where freedom  
5 of movement is restricted;

6 THE CITY COUNCIL FURTHER FINDS that the Pedestrian Mall was created to  
7 accommodate and encourage the safe, efficient and orderly movement of pedestrians within a  
8 commercial and entertainment project, and to accommodate access by emergency and special  
9 vehicles and access to properties abutting the Mall. It is, therefore, in the public interest to  
10 restrict activities which may interfere with such interests;

11 THE CITY COUNCIL FURTHER FINDS that the City's compelling interest in  
12 promoting the growth and revitalization of the central business district warrants reasonable  
13 restrictions on solicitation activities which are in addition to those warranted in other areas in the  
14 City based upon the City's compelling interest in preserving the health, safety and general welfare  
15 of the public;

16 THE CITY COUNCIL FURTHER FINDS that the restrictions herein leave open  
17 ample non-aggressive, non-obstructive or otherwise peaceful means of solicitation activity;

18 SECTION 2: Title 10, Chapter 44 of the Municipal Code of the City of Las Vegas,  
19 Nevada, 1983 Edition, is hereby repealed in its entirety.

20 SECTION 3: Title 10 of the Municipal Code of the City of Las Vegas, Nevada,  
21 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 44 and  
22 consisting of Sections 10 to 40, inclusive, reading as follows:

23 **10.44.010** For purposes of this Chapter:

24 (A) "Solicitation", for purposes of this Chapter, means to ask, beg, solicit, or  
25 plead, whether orally, or in a written or printed manner, for the purpose of  
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1 obtaining money, charity, business or patronage or gifts of items of value for  
2 oneself or another person or organization.

3 (B) "Coercion" means to willfully and knowingly:

4 (1) approach or speak to a person in such a manner as would cause  
5 a reasonable person to believe that the person is being threatened  
6 with:

7 (a) imminent bodily injury; or

8 (b) the commission of a criminal act upon the person or  
9 another person, or upon property in the person's immediate  
10 possession;

11 (2) persist in a solicitation after the person solicited has given a  
12 negative response;

13 (3) block, either individually or as part of a group of persons, the  
14 passage of a solicited person; or

15 (4) engage in conduct that would reasonably be construed as  
16 intended to compel or force a solicited person to accede to  
17 demands.

18 **14.44.020** Any person who commits solicitation by coercion shall be guilty of  
19 a misdemeanor.

20 **14.44.030** Any person who engages in solicitation at any of the following places  
21 shall be guilty of a misdemeanor:

22 (A) At any bus, taxi, limousine, trolley or train stop;

23 (B) In any public transportation vehicle or facility;

24 (C) At any enclosed parking structure;

25 (D) Within 20 feet of an Automatic Teller Machine (ATM);

26

1 (E) Within 20 feet of a point of entry to or exit from a commercial  
2 establishment;

3 (F) Within the area designated as a pedestrian mall in Ordinance 3747, in  
4 accordance with NRS 268.810 *et seq.*

5 **14.44.040** Nothing in this Chapter shall be construed as applying to the conduct  
6 or activity of a person on private property with the permission of the owner or operator of the  
7 property.

8 SECTION 4: Whenever in this ordinance any act is prohibited or declared to be  
9 an unlawful offense or a misdemeanor, or whenever in this ordinance the doing of any act is  
10 required or the failure to do any act is made or declared to be an unlawful offense or a  
11 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall  
12 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more  
13 than one thousand dollars (\$1,000) or by imprisonment for a term of not more than six months  
14 or by any combination of such fine and imprisonment.

15 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause  
16 or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or  
17 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the  
18 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City  
19 Council of the City of Las Vegas hereby declares that it would have passed each section,  
20 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that  
21 any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be  
22 declared unconstitutional, invalid or ineffective.

23 SECTION 6: All ordinances or parts of ordinances, sections, subsections,  
24 . . .  
25 . . .  
26

1 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las  
2 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 1994.

4 APPROVED:

5 By \_\_\_\_\_  
6 JAN LAVERTY JONES, MAYOR

7 ATTEST:

8  
9 \_\_\_\_\_  
KATHLEEN M. TIGHE, City Clerk

10 The above and foregoing ordinance was first proposed and read by title to the City  
11 Council on the \_\_\_\_ day of \_\_\_\_\_, 1994, and referred to the following committee  
12 composed of \_\_\_\_\_ and  
13 \_\_\_\_\_ for recommendation; thereafter the said  
14 committee reported favorably on said ordinance on the \_\_\_\_ day of \_\_\_\_\_, 1994,  
15 which was a \_\_\_\_\_ meeting of said Council; that at said \_\_\_\_\_  
16 meeting the proposed ordinance was read by title to the City Council as first introduced and  
17 adopted by the following vote.

18 VOTING "AYE": \_\_\_\_\_

19 VOTING "NAY": \_\_\_\_\_

20 ABSENT: \_\_\_\_\_

21 APPROVED:

22  
23 By \_\_\_\_\_  
JAN LAVERTY JONES, MAYOR

24 ATTEST:

25 \_\_\_\_\_  
KATHLEEN M. TIGHE, City Clerk

# AFFIDAVIT OF PUBLICATION

JAN 25 9 50 AM '95

RECEIVED  
CITY CLERK

PAST

SECOND AMENDMENT  
BILL NO. 94-95  
ORDINANCE 3862

ERE

AN ORDINANCE RELATING TO SOLICITATION; REPEALING TITLE 10, CHAPTER 44 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION; ADDING TO SAID TITLE A NEW CHAPTER 44 TO INCLUDE DEFINITIONS OF "SOLICITATION" AND "COERCION"; LIMITING HOW AND WHERE SOLICITATION OCCURS; ESTABLISHING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING PENALTIES THEREFORE; PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY:  
Mayor Jan Laverly Jones  
SUMMARY: Repeals Chapter 44 of Title 10 of the Las Vegas Municipal Code and establishes a new misdemeanor offense for unlawful solicitations and establishes time, place, and manner restrictions.  
The above and foregoing ordinance was first proposed and read by title to the City Council on the 7th day of December, 1994, and referred to the following committee composed of Full Council for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 4th day of January, 1995, 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 adopted by the following vote:  
VOTING "AYE" Councilmen Adameson, Higginson, Howkins Jr., and Brass  
VOTING "NAY" NONE  
EXCUSED Mayor Jones  
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB: January 10, 1995  
Las Vegas, Review Journal

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

BARBARA CARR, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of JANUARY 10, 1995 to JANUARY 10, 1995, on the following days:

JANUARY 10, 1995

Signed: Barbara Carr

Subscribed and sworn to before me this 10 day of Jan, 1995

Peggy D. Barron

Notary Public



PEGGY D. BARRON  
Notary Public - Nevada  
Clark County  
My appt. exp. Feb. 17, 1998

# AFFIDAVIT OF PUBLICATION

Jan 25 9 49 AM '95

RECEIVED  
CITY CLERK

PASTE CLIPPING HERE

SECOND AMENDMENT  
BILL NO. 9495

AN ORDINANCE RELATING TO SOLICITATION; REPEALING TITLE 10, CHAPTER 44 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION; ADDING TO SAID TITLE A NEW CHAPTER 44 TO INCLUDE DEFINITIONS OF "SOLICITATION" AND "COERCION"; LIMITING HOW AND WHERE SOLICITATION OCCURS; ESTABLISHING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING PENALTIES THEREFORE; PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY:  
Mayor Jan Laverly Jones

SUMMARY: Repeals Chapter 44 of Title 10 of the Las Vegas Municipal Code and establishes a new misdemeanor offense for unlawful solicitations and establishes time, place, and manner restrictions.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 7th day of December, 1994, and referred to the following committee composed of Full Council for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 4th day of January, 1995, 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 adopted by the following vote:

VOTING "AYE" Councilmen Adamsen, Higginson, Hawkins Jr., and Brass

VOTING "NAY" NONE

EXCUSED Mayor Jones

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB: January 7, 1995  
Las Vegas Review-Journal

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

BARBARA CARR, being first duly sworn, deposes and says:

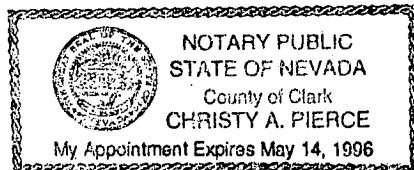
That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of JANUARY 7, 1995 to JANUARY 7, 1995, on the following days:

JANUARY 7, 1995

Signed: Barbara Carr

Subscribed and sworn to before me this 9 day of January, 19 95.

Christy A. Pierce  
Notary Public



# AFFIDAVIT OF PUBLICATION

DEC 29 4 44 PM '94

RECEIVED  
CITY CLERK

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BILL NO. 94-95

AN ORDINANCE RELATING TO SOLICITATION; REPEALING TITLE 10, CHAPTER 44 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION; ADDING TO SAID TITLE A NEW CHAPTER 44 TO INCLUDE DEFINITIONS OF "SOLICITATION" AND "COERCION"; LIMITING HOW AND WHERE SOLICITATION OCCURS; ESTABLISHING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING PENALTIES THEREFORE; PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY:  
Mayor Jan Laverty Jones

SUMMARY: Repeals Chapter 44 of Title 10 of the Las Vegas Municipal Code and establishes a new misdemeanor offense for unlawful solicitations and establishes time, place, and manner restrictions.

At a City Council meeting  
DECEMBER 7, 1994

BILL NO. 94-95 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:  
Full Council

COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: December 22, 1994  
Las Vegas Review-Journal

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

BARBARA CARR, being first duly sworn, deposes and says:

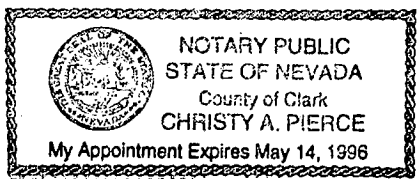
That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of DECEMBER 22, 1994 to DECEMBER 22, 1994, on the following days:

DECEMBER 22, 1994

Signed: Barbara Carr

Subscribed and sworn to before me this 22 day of December, 1994

Christy A. Pierce  
Notary Public



# AFFIDAVIT OF PUBLICATION

JAN 25 9 49 AM '95

RECEIVED  
CITY CLERK

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**SECOND AMENDMENT  
BILL NO. 94-95**

AN ORDINANCE RELATING TO SOLICITATION; REPEALING TITLE 10, CHAPTER 44 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION; ADDING TO SAID TITLE A NEW CHAPTER 44 TO INCLUDE DEFINITIONS OF "SOLICITATION" AND "COERCION"; LIMITING HOW AND WHERE SOLICITATION OCCURS; ESTABLISHING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING PENALTIES THEREFORE; PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

**SPONSORED BY:**

Mayor Jan Laverly Jones  
**SUMMARY:** Repeals Chapter 44 of Title 10 of the Las Vegas Municipal Code and establishes a new misdemeanor offense for unlawful solicitations and establishes time, place, and manner restrictions.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 7th day of December, 1994, and referred to the following committee composed of Full Council for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 4th day of January, 1995, 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 adopted by the following vote:

VOTING "AYE" Councilmen Adamsen, Higginson, Hawkins Jr., and Brass

VOTING "NAY" NONE  
EXCUSED Mayor Jones  
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB: January 7, 1995  
Los Vegas Review-Journal

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

BARRARA CARR, being first duly sworn, deposes and says:

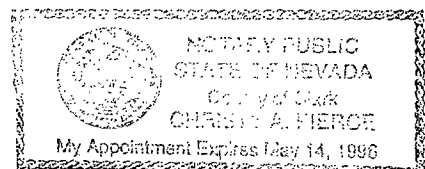
That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of JANUARY 7, 1995 to JANUARY 7, 1995, on the following days:

JANUARY 7, 1995

Signed: *Barrara Carr*

Subscribed and sworn to before me this 9 day of January, 19 95

*Christy A. Pierce*  
Notary Public



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# AFFIDAVIT OF PUBLICATION

JAN 25 9 50 AM '95

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CITY CLERK

PASTE C **ENCLOSURE**

SECOND AMENDMENT  
BILL NO. 94-95  
ORDINANCE 3862

AN ORDINANCE RELATING TO SOLICITATION; REPEALING TITLE 10, CHAPTER 44 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION; ADDING TO SAID TITLE A NEW CHAPTER 44 TO INCLUDE DEFINITIONS OF "SOLICITATION" AND "COERCION"; LIMITING HOW AND WHERE SOLICITATION OCCURS; ESTABLISHING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING PENALTIES THEREFOR; PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY:  
Mayor Jan Laverly Jones  
SUMMARY: Repeals Chapter 44 of Title 10 of the Las Vegas Municipal Code and establishes a new misdemeanor offense for unlawful solicitations and establishes time, place, and manner restrictions.  
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VOTING "AYE" Councilmen Adamsen, Higginson, Hawkins Jr., and Brass  
VOTING "NAY" NONE  
EXCUSED Mayor Jones  
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB: January 10, 1995  
Las Vegas Review-Journal

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

BARBARA CARR, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of JANUARY 10, 1995 to JANUARY 10, 1995, on the following days:

JANUARY 10, 1995

Signed: Barbara Carr

Subscribed and sworn to before me this 10 day of Jan, 19 95

Peggy D. Barron  
Notary Public

PEGGY D. BARRON  
Notary Public - Nevada  
Clark County  
My appt. exp. Feb. 17, 1993



# AFFIDAVIT OF PUBLICATION

DEC 29 4 44 PM '94

RECEIVED  
CITY CLERK

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BILL NO. 94-95

AN ORDINANCE RELATING TO SOLICITATION; REPEALING TITLE 10, CHAPTER 44 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION; ADDING TO SAID TITLE A NEW CHAPTER 44 TO INCLUDE DEFINITIONS OF "SOLICITATION" AND "COERCION"; LIMITING HOW AND WHERE SOLICITATION OCCURS; ESTABLISHING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING PENALTIES THEREFORE; PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY:

Mayor Jan Laverty Jones  
SUMMARY: Repeals Chapter 44 of Title 10 of the Las Vegas Municipal Code and establishes a new misdemeanor offense for unlawful solicitations and establishes time, place, and manner restrictions.

At a City Council meeting  
DECEMBER 7, 1994

BILL NO. 94-95 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:

Full Council

COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: December 22, 1994  
Las Vegas Review-Journal

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

BARBARA CARR, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of DECEMBER 22, 1994 to DECEMBER 22, 1994, on the following days:

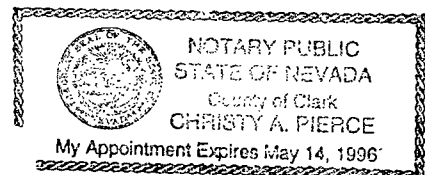
DECEMBER 22, 1994

Signed: Barbara Carr

Subscribed and sworn to before me this

22 day of December, 1994

Christy A. Pierce  
Notary Public



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