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FIRST AMENDMENT

BILL NO. 2019-36

ORDINANCE NO. 6710

AN ORDINANCE GENERALLY TO PROHIBIT CAMPING, LODGING, AND SIMILAR ACTIVITIES WITHIN ANY PUBLIC RIGHT-OF-WAY ADJACENT TO RESIDENTIAL PROPERTY, WITHIN SPECIFIED DISTRICTS OF THE CITY OF LAS VEGAS, OR WITHIN FIVE HUNDRED FEET OF ANY RECEIVING DOCK OF A FOOD PROCESSING FACILITY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Carolyn Goodman

Summary: Generally prohibits camping, lodging, and similar activities within any public right-of-way adjacent to residential property, within specified districts of the city of Las Vegas, or within five hundred feet of any receiving dock of a food processing facility.

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

SECTION 1: Title 10 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 86 and consisting of Sections 10 through 40 thereof, reading as follows:

10.86.010: (A) It is unlawful for a person to do any of the following within any public right-of-way designated in Section 10.86.030:

- (1) Sit or lie down;
 - (2) Sit or lie down on a blanket, stool, or any other object; or
 - (3) Camp or lodge.
- (B) For purposes of Subsection (A):
- (1) "Camp or lodge" means:
 - (a) Sleeping or otherwise being in a temporary shelter outdoors;
 - (b) Sleeping outdoors;
 - (c) Cooking over an open flame or fire outdoors; or
 - (d) Laying down bedding or setting up a tent, shelter, or similar

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1 structure for purposes of sleeping or temporary living.

2 (2) "Public right-of-way" means the full width of any dedicated street, alley, or
3 highway, including any public sidewalk.

4 (C) It is an affirmative defense to any prosecution under Subsection (A) that the person
5 is:

6 (1) Sitting or lying down because of a medical emergency;

7 (2) As the result of a disability, utilizing a wheelchair, walker, or similar device
8 to move about the right-of-way;

9 (3) Operating or patronizing a commercial establishment or service or
10 governmental function conducted at the location pursuant to a permit or authorization issued under this Code;

11 (4) Participating in or attending a parade, festival, performance, rally,
12 demonstration, meeting, or similar event lawfully conducted in the public right-of-way;

13 (5) Sitting on a chair or bench that has been supplied by the abutting private
14 property owner; or

15 (6) Sitting or has placed materials on a sidewalk while waiting for public or
16 private transportation or waiting for access to enter any building.

17 **10.86.020:** (A) Before issuing a citation or making an arrest to enforce Section 10.86.010, an officer
18 charged with its enforcement who observes a violation of Section 10.86.010 must:

19 (1) Notify the person engaged in the prohibited conduct that he or she is in
20 violation;

21 (2) Inform the person that resources are available at the Courtyard Homeless
22 Resource Center; and

23 (3) Direct the person engaged in the prohibited conduct to a location not subject
24 to this Chapter.

25 (B) It is an affirmative defense to a prosecution under Section 10.86.010 that any person
26 so notified as described in Paragraph (1) of Subsection (A) of this Section promptly ceased. within a time

1 reasonable under the circumstances, to engage in the prohibited conduct following such notification.

2 **10.86.030:** The provisions of this Chapter apply to:

3 (A) Any public right-of-way adjacent to property zoned for residential use;

4 (B) Any public right-of-way adjacent to, or included within, the following areas, as they
5 are described in the Vision 2045 Downtown Las Vegas Master Plan:

6 (1) 18b Las Vegas Arts District;

7 (2) Cashman District;

8 (3) Civil & Business District;

9 (4) Design District;

10 (5) Founders District;

11 (6) Fremont East District;

12 (7) Gateway District;

13 (8) Historic Westside District;

14 (9) Las Vegas Medical District;

15 (10) Market Corridor District;

16 (11) Resort & Casino District;

17 (12) Symphony Park District;

18 (C) Any public right-of-way within five hundred feet of any receiving dock of a food
19 processing facility. For purposes of the preceding sentence:

20 (1) "Food processing facility" means a commercial operation that:

21 (a) Manufactures, processes or packages food products of any kind; and

22 (b) Is required to undergo periodic inspections by the United States
23 Department of Agriculture, the United States Food and Drug Administration, or another Federal or State
24 agency that either has:

25 (i) Regulatory jurisdiction over the food processing facility
26 with regard to food products; or

(ii) A contractual agreement with the food processing facility by which the facility provides food products to the agency.

(2) "Receiving dock" means a bay or other raised structure that is used to receive the delivery of food products to a food processing facility. For purposes of Paragraphs (1) and (2) of Subsection 10.86.030(C), "food product" means any food, drink, confection or beverage, or any component in the preparation or manufacture thereof, intended for ultimate human consumption. The term includes packaged ice.

10.86.040: (A) The Director of the Office of Community Services, or a designee, will immediately notify the Department of Public Safety and Metro when all of the following locations reach maximum occupancy:

- (1) The Courtyard Homeless Resource Center;
- (2) The Las Vegas Rescue Mission; and
- (3) Publicly funded emergency shelters located within the City's jurisdiction.

(B) Notwithstanding any other provision of this Code, no arrest may be made nor any criminal penalty imposed for a violation of this Chapter if the violation occurs after the notification described in Subsection (A) of this Section. The suspension of this Chapter, described in the preceding sentence, will terminate at six a.m. immediately following the notification described in Subsection (A) of this Section, and enforcement of this Chapter resumes.

SECTION 2: Section 4 of this ordinance and any penalty provisions of the Municipal Code that may apply will not go into effect until February 1, 2020. All other provisions of this ordinance will go into effect the day following publication.

SECTION 3: 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

1 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
2 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

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

10 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
11 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
12 Edition, in conflict herewith are hereby repealed.

13 PASSED, ADOPTED and APPROVED this 6th day of November, 2019.

14 APPROVED:

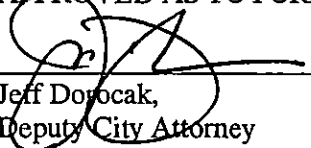
15 By


16 CAROLYN G. GOODMAN, Mayor

17 ATTEST:

18 
19 LUANN D. HOLMES, MMC/
City Clerk

20 APPROVED AS TO FORM:

21 
22 Jeff Dorocak,
Deputy City Attorney

11/7/19
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 2nd day of October, 2019, and was heard by the Council as a whole, without referral
3 to a committee for recommendation, at a meeting on the 6th day of November, 2019,
4 which was a regular meeting of said Council; that at said regular meeting, the proposed
5 ordinance was read by title to the City Council as amended and adopted by the following
6 vote:

7
8 VOTING "AYE": Mayor Goodman and Councilmembers, Fiore, Anthony, Crear and
Seaman

9 VOTING "NAY": Knudsen and Diaz

10 EXCUSED: None

11 ABSTAINED: None

12
13 APPROVED:

14 
15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 
18 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001073665

2019 OCT 31 A 11:09

Leslie McCormick, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/24/2019 to 10/24/2019, on the following days:

10 / 24 / 19

BILL NO. 2019-36

AN ORDINANCE GENERALLY TO PROHIBIT CAMPING, LODGING, AND SIMILAR ACTIVITIES WITHIN ANY PUBLIC RIGHT-OF-WAY ADJACENT TO RESIDENTIAL PROPERTY, WITHIN SPECIFIED DISTRICTS OF THE CITY OF LAS VEGAS, OR WITHIN FIVE HUNDRED FEET OF ANY RECEIVING DOCK OF A FOOD PROCESSING FACILITY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Carolyn Goodman

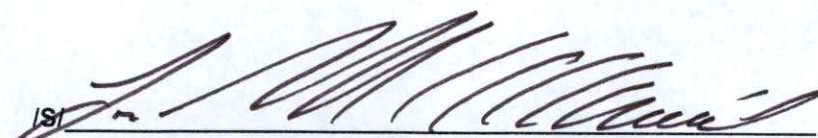
Summary: Generally prohibits camping, lodging, and similar activities within any public right-of-way adjacent to residential property, within specified districts of the city of Las Vegas, or within five hundred feet of any receiving dock of a food processing facility.

At the City Council meeting of October 2, 2019

BILL NO. 2019-36 WAS READ BY TITLE AND REFERRED TO THE ENTIRE CITY COUNCIL

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: October 24, 2019
LV Review-Journal


/S/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 24th day of October, 2019

Notary 



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2019 NOV 18 A 11:55

**LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101**

**Account # 22515
Ad Number 0001077539**

Leslie McCormick, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/09/2019 to 11/09/2019, on the following days:

11 / 09 / 19

FIRST AMENDMENT

**BILL NO. 2019-36
ORDINANCE NO. 6710**

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Sponsored by:
Mayor Carolyn Goodman

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 2nd day of October, 2019, and was heard by the Council as a whole, without referral to a committee for recommendation, at a meeting on the 6th day of November, 2019, 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:

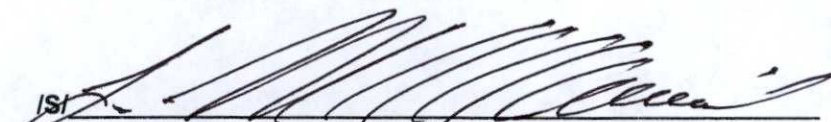
VOTING "AYE": Mayor Goodman and Councilmembers Fiore, Anthony, Crear and Seaman

VOTING "NAY":
Councilmembers Knudsen and Diaz

EXCUSED:
None

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: Nov. 9, 2019
LV Review-Journal



LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 11th day of November, 2019

Notary 