

1 **FIRST AMENDMENT**

2 **BILL NO. 2019-36**

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

4 AN ORDINANCE GENERALLY TO PROHIBIT CAMPING, LODGING, AND SIMILAR ACTIVITIES  
5 WITHIN ANY PUBLIC RIGHT-OF-WAY ADJACENT TO RESIDENTIAL PROPERTY, WITHIN  
6 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.

7 Sponsored by: Mayor Carolyn Goodman

8 Summary: Generally prohibits camping, lodging,  
9 and similar activities within any public right-of-  
10 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.

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

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

16 **10.86.010:** (A) It is unlawful for a person to do any of the following within any public right-of-way  
17 designated in Section 10.86.030:

18 (1) Sit or lie down;

19 (2) Sit or lie down on a blanket, stool, or any other object; or

20 (3) Camp or lodge.

21 (B) For purposes of Subsection (A):

22 (1) "Camp or lodge" means:

23 (a) Sleeping or otherwise being in a temporary shelter outdoors;

24 (b) Sleeping outdoors;

25 (c) Cooking over an open flame or fire outdoors; or

26 (d) Laying down bedding or setting up a tent, shelter, or similar

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

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

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

8 **10.86.040:** (A) The Director of the Office of Community Services, or a designee, will immediately  
9 notify the Department of Public Safety and Metro when all of the following locations reach maximum  
10 occupancy:

11 (1) The Courtyard Homeless Resource Center;

12 (2) The Las Vegas Rescue Mission; and

13 (3) Publicly funded emergency shelters located within the City's jurisdiction.

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

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

22 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase  
23 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by  
24 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the  
25 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby  
26 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 \_\_\_\_\_ day of \_\_\_\_\_, 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

21 11/7/19  
Date

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

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

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

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

9 APPROVED:

10  
11 By \_\_\_\_\_  
CAROLYN G. GOODMAN, Mayor

12 ATTEST:

13 \_\_\_\_\_  
14 LUANN D. HOLMES, MMC  
City Clerk