

1 **FIRST AMENDMENT**

2 **BILL NO. 2023-26**

3 **ORDINANCE NO. _____**

4 AN ORDINANCE AMENDING LVMC TITLE 10 TO ESTABLISH PROVISIONS REGARDING AN
5 "ORDER OUT CORRIDOR," INCLUDING THE CIRCUMSTANCES UNDER WHICH A COURT MAY
6 IMPOSE AN ORDER TO STAY OUT OF THE CORRIDOR AS A CONDITION OF A SUSPENDED
7 SENTENCE OR DEFERRED ADJUDICATION OF ANY CRIMINAL OFFENSE; REPEAL EXISTING
8 "ORDER OUT CORRIDOR" PROVISIONS PERTAINING TO DRUG ACTIVITY AND
9 PROSTITUTION; AND PROVIDE FOR OTHER RELATED MATTERS.

10 Sponsored by: Mayor Carolyn G. Goodman

Summary: Amends LVMC Title 10 to establish provisions regarding an "order out corridor," including the circumstances under which a court may impose an order to stay out of the corridor as a condition of a suspended sentence or deferred adjudication of any criminal offense, and repeals existing "order out corridor" provisions pertaining to drug activity and prostitution.

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

15 SECTION 1: Title 10 of the Municipal Code of the City of Las Vegas, Nevada, 1983
16 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 4 and consisting of
17 Sections 10, 20 and 30, reading as follows:

18 **10.04.010:** For purposes of this Chapter, the "Order Out Corridor" includes:

19 (A) The area which is bordered on the west by Main Street from Stewart Avenue to Bridger
20 Avenue; bordered on the south by Bridger Avenue from Main Street to 8th Street; bordered on the east by
21 8th Street to Stewart Avenue; and bordered on the north by Stewart Avenue from 8th Street to Main Street—
22 all as designated on the map labeled "Map 1," which is attached to this Ordinance and shall be included in
23 the Code at the end of this Section. This portion of the Order Out Corridor includes the entire width of the
24 roadway and sidewalks of the streets and avenues described above; and

25 (B) The area depicted on the map labeled "Map 2," which is attached to this Ordinance and shall
26 be included in the Code at the end of this Section.

1 **10.04.020:** (A) With regard to a criminal offense that occurred or is alleged to have occurred within
2 the Order Out Corridor, if a court:

3 (1) Suspends all or part of a sentence for a conviction of that offense;

4 (2) Defers the adjudication of guilt upon a plea of guilty or no contest to that
5 offense; or

6 (3) Otherwise withholds the imposition of a sentence or defers adjudication of
7 guilt for that offense and if the circumstances warrant,

8 →the court may order as a condition of the suspended sentence or deferred adjudication that the defendant
9 stay out of the Order Out Corridor or a particular portion thereof for a period not to exceed one year.

10 (B) Before ordering a defendant to stay out of the Order Out Corridor (or portion
11 thereof), the court shall inquire of the defendant as to the defendant's special reasons for requiring access to
12 any specified areas within the Order Out Corridor, including:

13 (1) Working or residing within the Order Out Corridor;

14 (2) The need for medical services within the Order Out Corridor;

15 (3) The need for access to federal, state and local social services within the
16 Order Out Corridor;

17 (4) The need for religious services within the Order Out Corridor;

18 (5) The need for public transportation within the Order Out Corridor; and

19 (6) The need for legal services or appearances within the Order Out Corridor.

20 →After such inquiry, the court may grant such exemptions from an order to stay out of the Order Out Corridor
21 as the court deems reasonable. Any person granted an exemption pursuant to this subsection shall carry a
22 copy of the order at all times the person is located within the Order Out Corridor (or portion thereof included
23 in the order).

24 (C) Any order issued pursuant to this Section shall:

25 (1) Describe the boundaries of the Order Out Corridor, or the portion included
26 in the order, and any exempted areas therein, and shall be accompanied by a copy of one or more maps

1 depicting the perimeters of the Order Out Corridor or portion thereof; and

2 (2) Prescribe the effective dates of the order.

3 **10.04.030:** (A) Any person who willfully violates an order to stay out of the Order Out Corridor (or
4 portion thereof) is guilty of a misdemeanor.

5 (B) Nothing in this Section shall limit the authority of the court to impose a sentence or
6 employ any sanction authorized by law for the enforcement of a court order.

7 SECTION 2: Title 10, Chapter 36, Section 10 of the Municipal Code of the City of Las
8 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **10.36.010:** For the purpose of this Chapter, the words set out in this Section mean as follows:

10 "Fee," whether or not quantified, means anything of monetary value, service, consideration, trade,
11 barter, exchange, accommodation, or other compensation, whether agreed to, received, offered, solicited,
12 promised, suggested, or expected by any party to a transaction.

13 ["Order Out Corridor" means the following areas within the City of Las Vegas:

14 (1) The area which is bordered on the west by Main Street from Washington Avenue
15 to Charleston Boulevard; then bordered on the south by Charleston Boulevard from Main Street to Las
16 Vegas Boulevard; then along Las Vegas Boulevard from Charleston Boulevard on the north to and
17 including Sahara Avenue on the south; then bordered on the south by Charleston Boulevard from Las
18 Vegas Boulevard to Eastern Avenue; then bordered on the east by Eastern Avenue from Charleston
19 Boulevard to Washington Avenue; then bordered on the north by Washington Avenue from Eastern
20 Avenue to Main Street;

21 (2) The area which is bordered on the west by Interstate 15 from Bonneville Avenue
22 to Charleston Boulevard; then bordered on the south by Charleston Boulevard from Interstate 15 to Main
23 Street; then bordered on the east by Main Street from Charleston Boulevard to Bonneville Avenue; then
24 bordered on the north by Bonneville Avenue from Main Street to Interstate 15;

25 (3) The area which is bordered on the west by Interstate 15 from Charleston Boulevard
26 to Sahara Avenue; then bordered on the south by Sahara Avenue from Interstate 15 to Las Vegas

1 Boulevard; then bordered on the east by Las Vegas Boulevard from Sahara Avenue to Charleston
2 Boulevard; then bordered on the north by Charleston Boulevard from Las Vegas Boulevard to Interstate
3 15; and

4 (4) The area which is bordered on the west by Atlantic Avenue from Fremont
5 Street/Boulder Highway to Sahara Avenue; then bordered on the south by Sahara Avenue from Atlantic
6 Avenue to Fremont Street/Boulder Highway; then bordered on the north and east by Fremont
7 Street/Boulder Highway from Sahara Avenue to Atlantic Avenue (but excluding those parcels south and
8 west of Fremont Street/Boulder Highway which are located within the unincorporated area of the County).

9 The Order Out Corridor includes the entire width of the roadway and sidewalks of the streets, avenues and
10 boulevards described above. For the purposes of this Chapter, the Order Out Corridor may be divided into
11 sections that correspond to Las Vegas Metropolitan Police Department sector assignments.]

12 "Prostitution" means an act, by any person, for a fee, of engaging in an act of lewdness, sexual
13 intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of another
14 person, clothed or unclothed, for the purpose of arousing or gratifying the sexual desire of either person or
15 a third person.

16 "Public place" means:

17 (1) Any place to which the public is invited, including any private property into or
18 upon which the public is admitted by easement or license;

19 (2) Any street, sidewalk, bridge, overpass, alley or alleyway, plaza, park, driveway,
20 parking lot or transportation facility;

21 (3) The alcoves, doorways and entrance ways to any such places; or

22 (4) A motor vehicle in or on any such place.

23 SECTION 3: Title 10, Chapter 36, Section 50 of the Municipal Code of the City of Las
24 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **10.36.050:** [(A)] Any person violating any of the provisions of this Chapter shall be guilty of a
26 misdemeanor and for more than one violation in any three-year period shall be punished as follows:

1 [(1)] (A) For a second violation within a three-year period, by imprisonment for not
2 less than thirty days and by a fine of not less than two hundred fifty dollars;

3 [(2)] ((B) For any violation subsequent to the second violation within a three-year
4 period, by imprisonment for not less than six months and by a fine of not less than two hundred fifty
5 dollars.

6 [(B) Except as otherwise provided in this Section, upon the recommendation of the City
7 Attorney's Office, the municipal court may suspend all or part of a sentence for a violation of this Chapter if
8 the defendant agrees to stay out of all or part of the Order Out Corridor for a period which shall not be less
9 than six months or more than one year. Except as otherwise allowed in this Section, any order to stay out of
10 the Order Out Corridor must include at least the section described in Section 10.36.010 in which the charged
11 activity occurred, any sections described in Section 10.36.010 which share a common border with the section
12 in which the charged activity occurred, any section described in Section 10.36.010 in which a preponderance
13 of the evidence shows that the defendant has committed a violation of this Chapter within the previous three
14 years, and the area along Las Vegas Boulevard from Bonanza Road on the north to and including Sahara
15 Avenue on the south. Such suspended sentence may also be conditioned upon such other conditions as the
16 court deems reasonable for the rehabilitation of the defendant, the preservation of the health, safety and
17 welfare of the public and consistent with one or more neighborhood's effort to revitalize. Prior to ordering
18 the defendant to stay out of the Order Out Corridor, or part thereof, as a condition of a suspended sentence,
19 the court shall inquire of the defendant as to the defendant's special reasons for requiring access to any
20 specified areas within the Order Out Corridor, including:

- 21 (1) Working or residing within the Order Out Corridor;
- 22 (2) The need for medical services within the Order Out Corridor;
- 23 (3) The need for access to Federal, State and local social services within the
24 Order Out Corridor;
- 25 (4) The need for religious services within the Order Out Corridor;
- 26 (5) The need for public transportation within the Order Out Corridor; and

1 (6) The need for legal services or appearances within the Order Out Corridor.
2 After such inquiry, the court may grant such exemptions from an order to stay out of the Order Out Corridor
3 as the court deems reasonable. Any order issued pursuant to this Section shall specifically designate the
4 applicable sections of the Order Out Corridor and any exempted areas therein, shall be accompanied by a
5 copy of a map depicting the perimeters of the Order Out Corridor and the applicable sections thereof, and
6 shall contain a directive that the defendant carry a copy of the order upon his or her person at all times when
7 such person is within any area mentioned in the order (exempted or otherwise). Upon written motion, with
8 prior notice to the City Attorney's Office, the court shall consider modification of the scope of exemptions
9 listed in its order to stay out of the Order Out Corridor within ten calendar days from the filing of such motion.

10 (C) Any person wilfully violating any provision of an order to stay out of all or part of the Order
11 Out Corridor is guilty of a misdemeanor. Any person suffering a third or more conviction for violating this
12 Subsection (C) within three years, shall be sentenced to six months in jail and such other sanctions as the
13 Court deems appropriate within its jurisdiction. No person shall be found in wilful violation of this Chapter
14 or any order issued pursuant thereto if such person establishes by a preponderance of the evidence that
15 emergency, catastrophe or other exigent circumstances required the person's presence within the prohibited
16 area of the Order Out Corridor.]

17 SECTION 4: Title 10, Chapter 90, of the Municipal Code of the City of Las Vegas,
18 Nevada, 1983 Edition, is hereby repealed in its entirety.

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

26 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared to

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

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

10 PASSED, ADOPTED and APPROVED this ____ day of _____, 2023.

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk

17 APPROVED AS TO FORM:

18 Val Steed 10-30-23
19 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2023, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2023, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as
7 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

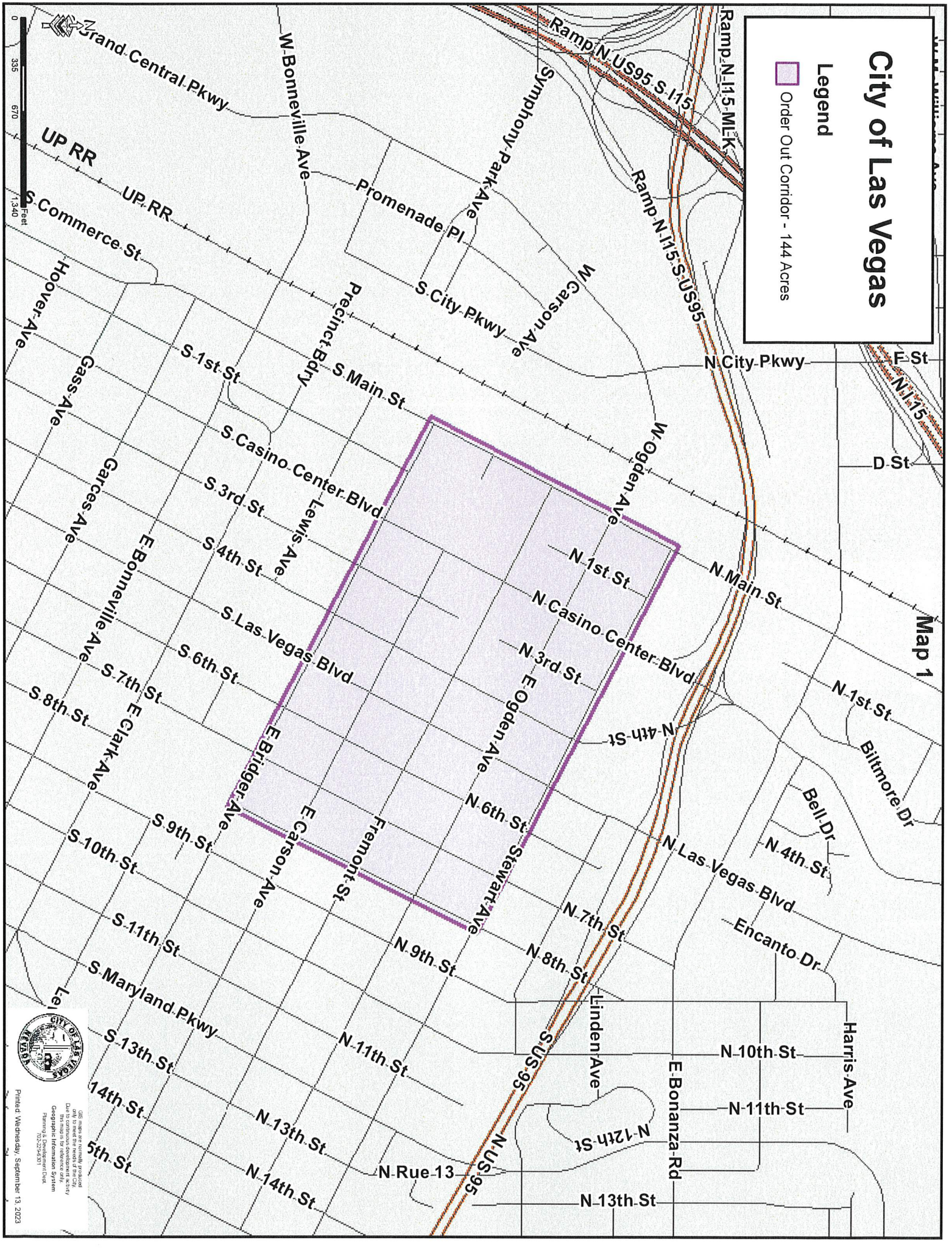
15 _____
16 LUANN D. HOLMES, MMC
City Clerk

City of Las Vegas

Legend

 Order Out Corridor - 144 Acres

Map 1



City of Las Vegas
Planning & Development
102-2019-001
Printed: Wednesday, September 13, 2023

City of Las Vegas

Legend

Order Out Corridor - 67 Acres

Map 2



GIS maps are not made produced
only to meet the needs of the City
to conduct its business and to
provide information to the public.
Geographic Information System
Planning & Development Dept.
702-258-4331

Printed Thursday, October 26, 2023