

BILL NO. 2023-26

ORDINANCE NO. _____

AN ORDINANCE AMENDING 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; REPEAL EXISTING “ORDER OUT CORRIDOR” PROVISIONS PERTAINING TO DRUG ACTIVITY AND PROSTITUTION; AND PROVIDE FOR OTHER RELATED MATTERS.

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.

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 4 and consisting of Sections 10, 20 and 30, reading as follows:

10.04.010: For purposes of this Chapter, the “Order Out Corridor” means the area which is bordered on the west by Main Street from Stewart Avenue to Bridger Avenue; bordered on the south by Bridger Avenue from Main Street to 8th Street; bordered on the east by 8th Street to Stewart Avenue; and bordered on the north by Stewart Avenue from 8th Street to Main Street—all as designated on the map labeled “Order Out Corridor,” which is attached to this Ordinance and shall be included in the Code at the end of this Section.

→The Order Out Corridor includes the entire width of the roadway and sidewalks of the streets and avenues described above.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (1) Describe the boundaries of the Order Out Corridor, or the portion included
23 in the order, and any exempted areas therein, and shall be accompanied by a copy of a map depicting the
24 perimeters of the Order Out Corridor or portion thereof; and

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

26 **10.04.030:** (A) Any person who willfully violates an order to stay out of the Order Out Corridor (or

1 portion thereof) is guilty of a misdemeanor.

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

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

6 **10.36.010:** For the purpose of this Chapter, the words set out in this Section mean as follows:

7 “Fee,” whether or not quantified, means anything of monetary value, service, consideration, trade,
8 barter, exchange, accommodation, or other compensation, whether agreed to, received, offered, solicited,
9 promised, suggested, or expected by any party to a transaction.

10 [“Order Out Corridor” means the following areas within the City of Las Vegas:

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

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

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

(4) The area which is bordered on the west by Atlantic Avenue from Fremont Street/Boulder Highway to Sahara Avenue; then bordered on the south by Sahara Avenue from Atlantic Avenue to Fremont Street/Boulder Highway; then bordered on the north and east by Fremont Street/Boulder Highway from Sahara Avenue to Atlantic Avenue (but excluding those parcels south and west of Fremont Street/Boulder Highway which are located within the unincorporated area of the County). The Order Out Corridor includes the entire width of the roadway and sidewalks of the streets, avenues and boulevards described above. For the purposes of this Chapter, the Order Out Corridor may be divided into sections that correspond to Las Vegas Metropolitan Police Department sector assignments.]

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

“Public place” means:

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

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

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

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

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

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

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

[(2)] ((B)) For any violation subsequent to the second violation within a three-year

1 period, by imprisonment for not less than six months and by a fine of not less than two hundred fifty
2 dollars.

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

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

25 After such inquiry, the court may grant such exemptions from an order to stay out of the Order Out Corridor
26 as the court deems reasonable. Any order issued pursuant to this Section shall specifically designate the

1 applicable sections of the Order Out Corridor and any exempted areas therein, shall be accompanied by a
2 copy of a map depicting the perimeters of the Order Out Corridor and the applicable sections thereof, and
3 shall contain a directive that the defendant carry a copy of the order upon his or her person at all times when
4 such person is within any area mentioned in the order (exempted or otherwise). Upon written motion, with
5 prior notice to the City Attorney's Office, the court shall consider modification of the scope of exemptions
6 listed in its order to stay out of the Order Out Corridor within ten calendar days from the filing of such motion.

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

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

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

23 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared to
24 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
25 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
26 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon

conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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

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

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

LUANN D. HOLMES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 10-4-23
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 first
7 introduced 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

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City of Las Vegas

Legend

 Order Out Corridor - 144 Acres

