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BILL NO. 2024-29

ORDINANCE NO. _____

AN ORDINANCE TO AMEND LVMC CHAPTER 10.86, RELATING TO CAMPING, LODGING AND SIMILAR ACTIVITIES IN PUBLIC RIGHTS-OF-WAY, TO APPLY THE GENERAL PROHIBITIONS THROUGHOUT THE CITY, UPDATE APPLICABLE ENFORCEMENT AND PENALTY PROVISIONS, AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Carolyn G. Goodman

Summary: Amends LVMC Chapter 10.86, relating to camping, lodging and similar activities in public rights-of-way, to apply the general prohibitions throughout the City and update applicable enforcement and penalty provisions.

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

SECTION 1: Title 10, Chapter 86, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read 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

structure for purposes of sleeping or temporary living.

(2) "Public right-of-way" means the full width of any [dedicated street, alley, or highway, including any public sidewalk.] street, highway, alley, trail or easement that has been dedicated

1 for public use. The term includes without limitation a public sidewalk and any public drainage or other
2 easement that is controlled or maintained by a public agency.

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

5 (1) Sitting or lying down because of a medical emergency[;] as evidenced by
6 the testimony or affidavit of a paramedic, emergency medical technician or other medical professional
7 licensed or certified or authorized to practice by the State of Nevada.

8 (2) [As the result of a disability, utilizing] Utilizing a wheelchair, walker, or
9 similar device to move about the right-of-way[;] because of a disability, as documented by medical records
10 or as evidenced by the testimony or affidavit of a medical professional licensed or certified or authorized to
11 practice by the State of Nevada.

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

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

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

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

20 SECTION 2: Title 10, Chapter 86, Section 20, of the Municipal Code of the City of Las
21 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **10.86.020:** (A) Before issuing a written warning or citation, or making an arrest to enforce Section
23 10.86.010, an officer charged with its enforcement who observes a violation of Section 10.86.010 must[:

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

26 (2) Inform the person that resources are available at the Courtyard Homeless

1 Resource Center; and

2 (3) Direct the person engaged in the prohibited conduct to a location not subject
3 to this Chapter.] notify the person engaged in the prohibited conduct that:

4 (1) The conduct is in violation of Section 10.86.010;

5 (2) Resources are available at the Courtyard Homeless Resource Center and
6 other locations; and

7 (3) Future violations will be subject to the enforcement provisions and
8 consequences described in Subsection (C) of this Section.

9 (B) It is an affirmative defense to a prosecution under Section 10.86.010 that any person
10 so notified as described in Paragraph (1) of Subsection (A) of this Section promptly ceased, within a time
11 reasonable under the circumstances, to engage in the prohibited conduct following such notification.

12 (C) A person who is convicted of a violation of Section 10.86.010 more than two times
13 within any twelve-month period shall be subject to a minimum jail term of ten days. As an alternative to the
14 jail term specified by this Subsection, a court may order a defendant to complete a rehabilitation program,
15 specialty court program or other program of treatment designed to assist homeless persons.

16 SECTION 3: Title 10, Chapter 86, Sections 30 and 40, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

18 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
19 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
20 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
21 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
22 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
23 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
24 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

25 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared to
26 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required

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

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

9 PASSED, ADOPTED and APPROVED this ____ day of _____, 2024.

10 APPROVED:
11
12 By _____
CAROLYN G. GOODMAN, Mayor

13 ATTEST:
14 _____
15 DR. LUANN D. HOLMES, MMC
City Clerk

16 APPROVED AS TO FORM:
17 Val Steed 9-4-24
18 Val Steed, Date
Deputy City Attorney

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2024, 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 _____, 2024, 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 DR. LUANN D. HOLMES, MMC
City Clerk

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