

Carolyn G. Goodman, Mayor (At-Large)
Brian Knudsen, Mayor Pro Tem (Ward 1)
Victoria Seaman (Ward 2)
Olivia Díaz (Ward 3)
Francis Allen-Palenske (Ward 4)
Cedric Crear (Ward 5)
Nancy E. Brune (Ward 6)



City Manager Mike Janssen
City Attorney Jeff Dorocak
City Clerk LuAnn D. Holmes

City Council Agenda

Council Chambers · 495 South Main Street · Phone 702-229-6011
City of Las Vegas Internet Address: www.lasvegasnevada.gov

October 16, 2024
9:00 AM

29. Bill No. 2024-29 - For possible action - 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. Sponsored by: Mayor Carolyn G. Goodman

Minutes:

See Item 7 for related discussion.

Motion made by Brian Knudsen to Hold in Abeyance Items 29, 52, and 53 to 11/6/2024, Strike as Recommended by the Recommending Committee Items 32 and 33, and Withdraw without Prejudice Item 51

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 1

For-Nancy Brune, Victoria Seaman, Carolyn Goodman, Brian Knudsen, Francis Allen-Palenske; Did Not Vote-Cedric Crear; Excused-Olivia Diaz;



AGENDA SUMMARY PAGE
City Council
Meeting of: October 16, 2024

Agenda Item No.:
29

DEPARTMENT: City Attorney
DIRECTOR: Jeff Dorocak

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

Bill No. 2024-29 - For possible action - 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. Sponsored by: Mayor Carolyn G. Goodman

FISCAL IMPACT:

None

PURPOSE/BACKGROUND:

This bill will 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 and update applicable enforcement and penalty provisions. The amendment is in part a response to a recent United States Supreme Court decision regarding the ability of local governments to address such activity.

RECOMMENDATION:

ADOPTION at the October 16, 2024 City Council Meeting pursuant to the September 30, 2024 Recommending Committee Meeting.

First Reading – 09/18/2024

First Publication – 10/03/2024

BACKUP DOCUMENTATION:

1. Bill No. 2024-29
2. Backup Documentation Submitted for the September 30, 2024 Recommending Committee Meeting

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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.
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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[:]
6 as evidenced by 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[:]
10 because of a disability, as documented by medical records 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 By _____
12 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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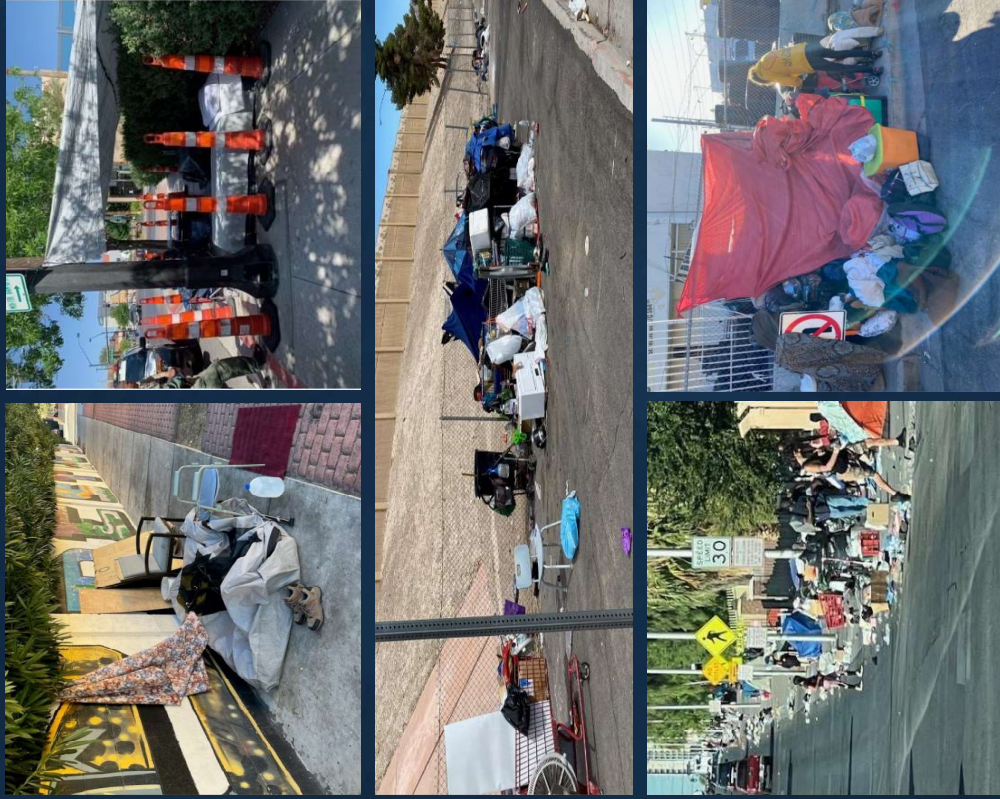
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ANTI- ENCAMPMENT ORDINANCE

RECOMMENDING COMMITTEE

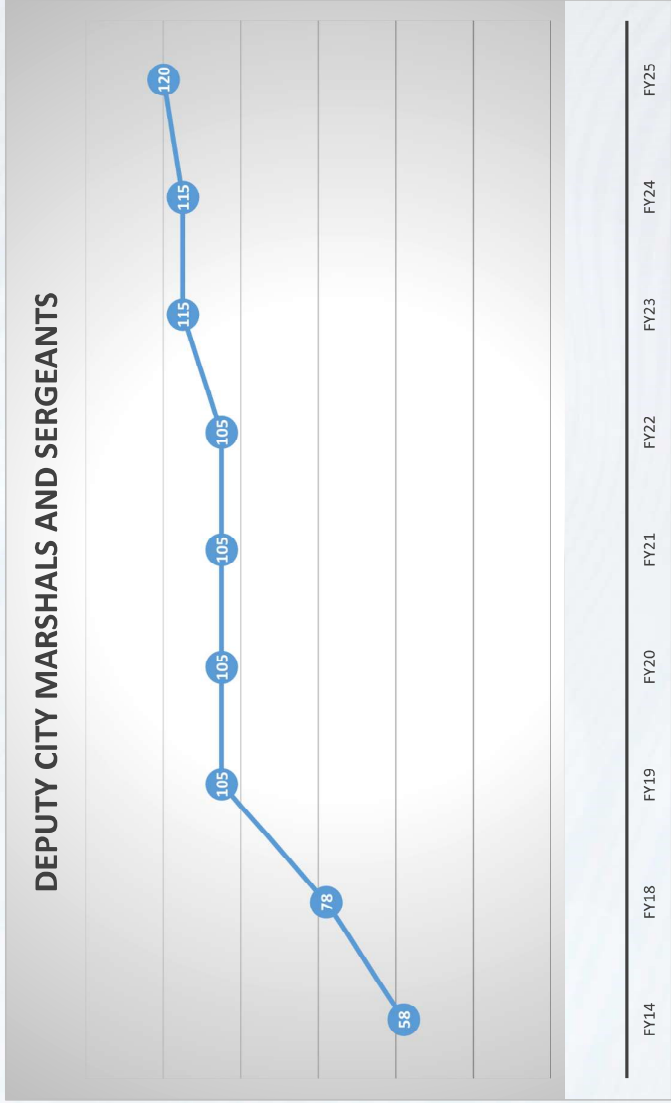
September 30, 2024

Submitted after Final Agenda (City Council)
Date 09/30/2024 Item 28
by Staff

Submitted at Meeting
Date 09/30/2024 Item 5
by Staff



IMPROVED STAFFING TO SUPPORT CITY INITIATIVES



+107%

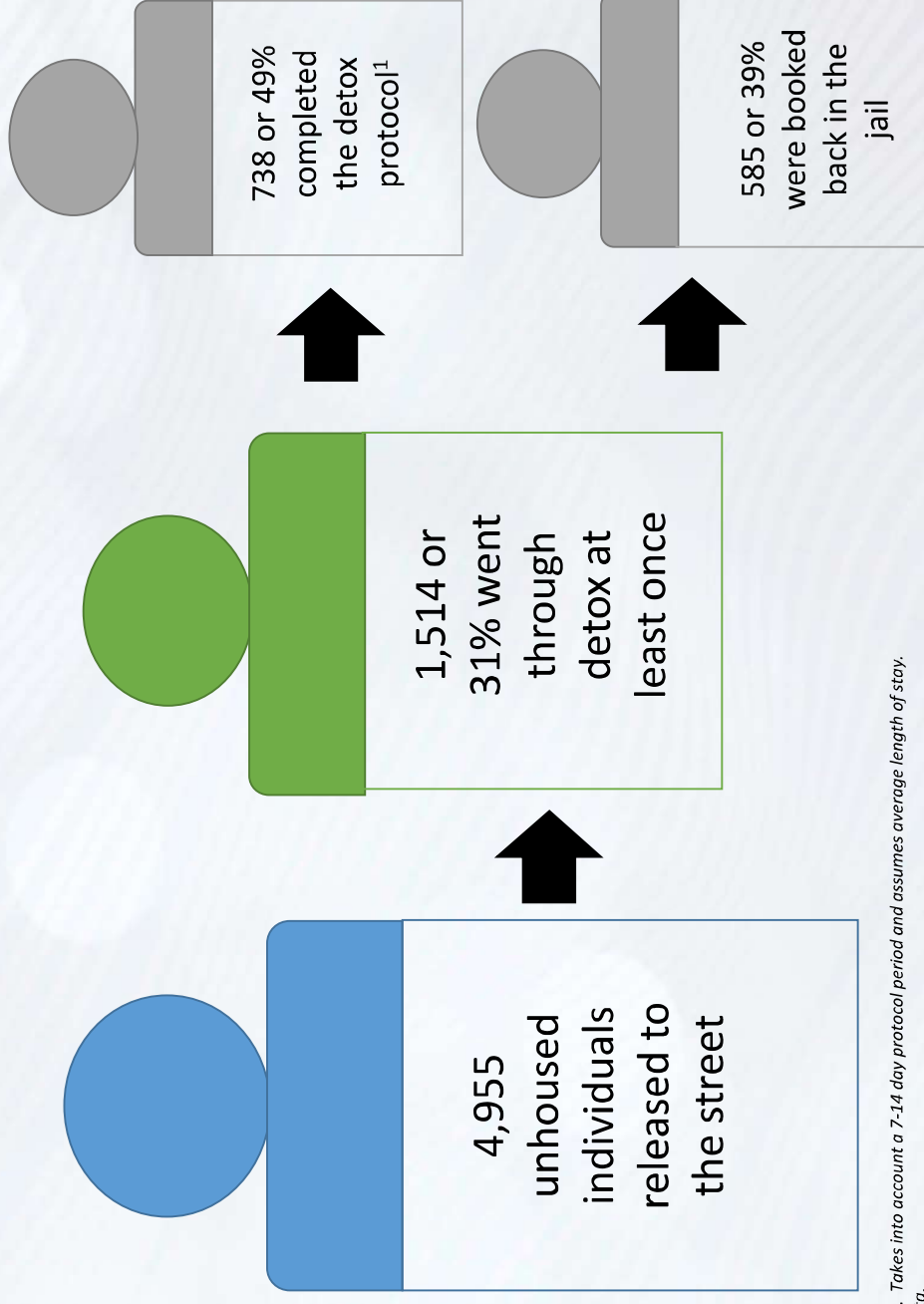
Staffing increase over 10 years



ENCAMPMENTS



UNHOMED INMATES RELEASED TO THE STREETS



(1) Actual data not available. Takes into account a 7-14 day protocol period and assumes average length of stay. August 2023-August 2024 data.



DETENTION CENTER SERVICES

7,008

RESOURCES PROVIDED



PROGRAM	ATTENDEES
Special Releases	56
Referred for a Bed/Shelter Placement	1,030
Released to Community Program	69
Referred for Employment Services	772
Referred to Veterans Services Administration	65
Released with Medication	33
Substance Use Attendees	1,287
Self-Study Sentence Reducing Packets	1,950
Community Resource Fair Attendees	135
Yoga Attendees	141
SNAP Approved	404
Health Education Program (HEP)	92
Foundation for an Independent Tomorrow (F	258
Medicaid Approved	82
Therapeutic Paint Day	59
ServSafe Graduates	97
Men's Health Event	35
Graduated with Custodial CCT Certificate (C	160
Assisted with Religious Services	135
Westcare	56
Fentanyl Test Strips Provided	45
Narcan Nasal Spray Provided	47



JOB SKILLS CERTIFICATIONS



6% Recidivism Rate –
Or
94% staying out of
our City Jail



QUESTIONS:
CHIEF JASON POTTS
JPOTTS@LASVEGASNEVADA.GOV
702-229-1424

