BILL NO. E-2020-1  (Emergency Ordinance)

ORDINANCE NO. ______

AN EMERGENCY ORDINANCE RELATING TO DEMONSTRATIONS, RALLIES, PROTESTS AND SIMILAR EVENTS; TEMPORARILY ADDING TO THE LIST OF ITEMS ALREADY PROHIBITED AT THOSE EVENTS A NUMBER OF CONTAINERS OF A CERTAIN TYPE AND SIZE AND CERTAIN WHEELED VEHICLES OR DEVICES, AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored/Proposed by:

Summary: An emergency ordinance relating to demonstrations, rallies, protests and similar events; temporarily adding to the list of items already prohibited at those events a number of containers of a certain type and size and certain wheeled vehicles or devices.

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

WHEREAS, LVMC 10.88.010 currently prohibits a person from carrying or possessing certain listed items while attending or participating in a demonstration, rally, protest, picket line or public assembly on public property, public street, or public sidewalk, or within twenty-five feet of such property, subject to certain procedural and limiting provisions contained in that section; and

WHEREAS, public protests within the Las Vegas Valley over the in-custody death of George Floyd have erupted in violence between demonstrators and against law enforcement personnel, and against both publicly and privately owned property, and

WHEREAS, individuals attending such protests, acting alone or in concert with others, have utilized backpacks, luggage and similar items to carry to the demonstrations items prohibited by county code and state law, and used such prohibited items to inflict injury on members of the public attending these events and law enforcement personnel responding to these events and to cause damage to real and personal property, thereby posing a real and serious threat to life and safety, and

WHEREAS, the imposition of restrictions on the possession of these items during these events does not materially affect the ability to attendees to exercise their First Amendment rights and are common to those imposed during times of street closures; and
WHEREAS, it is deemed necessary under current conditions to add a number of additional items to be prohibited during demonstrations or protests in accordance with this Ordinance; and

WHEREAS, the threat of ongoing demonstrations that could turn violent is deemed to be an emergency for purposes of the adoption and effective period of this Ordinance and, in addition, justifies its adoption as an emergency ordinance under applicable law.

NOW, THEREFORE, BASED UPON THE FOREGOING, THE CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: During the effective period of this Ordinance, a person is prohibited from carrying or possessing the following items while attending or participating in a demonstration, rally, protest, picket line or public assembly on public property, public street, or public sidewalk, or within twenty-five feet of such property, in addition to those listed in LVMC 10.88.010:

(A) Purses larger than twelve inches by six inches by twelve inches (exclusive of handles), coolers, briefcases, backpacks, fanny packs, cinch bags, luggage of any kind, computer bags and camera bags, or any bag larger than the permissible size of a purse, as set forth above.

EXCEPTIONS:

(1) Medical devices necessary for the immediate assistance of the patient utilizing such device.

(2) Essential equipment for any reporter for broadcast, electronic or printed media operating in a professional capacity for communication to the public.

(B) Strollers, carts, or any vehicle propelled by humans, electricity, or mechanical means, unless a permit specifically authorizes the use of such item.

EXCEPTION: Vehicles medically necessary for the immediate assistance of the patient utilizing such device.

SECTION 2: The procedural and limiting provisions of LVMC 10.88.010(B), (C) and (D) shall apply to the enforcement of this Ordinance.

SECTION 3: This Ordinance shall be deemed effective upon its adoption and shall be
effective until July 31, 2020, or such time as the Mayor formally declares the current emergency over, whichever occurs first.

SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of 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.

PASSED, ADOPTED and APPROVED this ___ day of ______________, 2020.

APPROVED:

By ____________________
CAROLYN G. GOODMAN, Mayor

ATTEST:

LUANN D. HOLMES, MMC
City Clerk

APPROVED AS TO FORM: ____________________
Val Steed, ____________________
Deputy City Attorney

Date
6-3-2020
The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of ______________________, 2020, and referred to a committee for recommendation, the committee being composed of the following members __________________________; thereafter the said committee reported favorably on said ordinance on the _____ day of ______________________, 2020, which was a ________________ meeting of said Council; that at said ________________ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": __________________________

VOTING "NAY": __________________________

ABSENT: ________________________________

APPROVED:

By ________________________________
CAROLYN G. GOODMAN, Mayor

ATTEST:

______________________________
LUANN D. HOLMES, MMC
City Clerk