

EMERGENCY ORDINANCE NO. 3032 (AS AMENDED)

AN EMERGENCY ORDINANCE, TO AMEND TITLE 9 OF THE MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 9.45 REGULATING THE POSSESSION OF CERTAIN ITEMS AT PUBLIC PROTESTS, DEMONSTRATIONS, RALLIES, PICKET LINES, AND PUBLIC ASSEMBLIES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, public protests in other cities of the State of Nevada and the United States have erupted in violence between demonstrators and counter-demonstrators, against law enforcement personnel, and against both publicly and privately owned property, and

WHEREAS, individuals, acting alone or in concert with others, have used improvised weapons to inflict injury on members of the public attending these events and law enforcement personnel responding to these events, thereby posing a real and serious threat to life and safety, and

WHEREAS, the imposition of restrictions on the possession of certain items during these events does not materially affect the ability to attendees to exercise their First Amendment rights, and

WHEREAS, the threat of ongoing demonstrations that could turn violent mandates the adoption of this prohibition as an emergency.

NOW, THEREFORE, the City Council of the City of North Las Vegas does ordain:

SECTION 1: North Las Vegas Municipal Code Title 9 is amended by the addition of a new chapter 9.45 to read as follows:

9.45.010 - Regulating the possession of certain items at public protests, demonstrations, rallies, picket lines, and public assemblies.

- A. No person shall carry or possess the following items or articles when attending or participating in any demonstration, rally, protest, picket line or public assembly on public property, including but not limited to City of North Las Vegas government buildings and structures, public street, or public sidewalk, or within 25 feet of such property:
1. Any length of lumber, wood, or wood lath unless that object is one-half inch or less in thickness and two inches in width, or if not general rectangular in shape, such object shall not exceed one inch in its thickest dimension. Both ends of the lumber, wood, or wood lath shall be blunt;
 2. Any length of metal or plastic pipe, whether hollow or solid, provided, however, that hollow plastic piping not exceeding three-quarters inch in its thickest dimension and not exceeding one-eighth inch in wall thickness, and not filled with any material, liquid, gas or solid may be used solely to support a sign, banner, flag, placard or other similar expressive display. Both ends of any plastic pipe permissible under this subsection shall be blunt;

3. Baseball or softball bats, regardless of composition or size; provided, however, that such items are permissible when configured solely of cloth, cardboard, soft plastic, foam or paper;
 4. Any aerosol spray, mace, or pepper spray larger than one-half of an ounce, or tear gas or animal repellant;
 5. Any projectile launcher or other device, such as a catapult or wrist rocket, which is commonly used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, whether through force of air pressure, spring action or any other mechanism;
 6. Weapons such as toy or replica firearms unless such toy is fluorescent colored or transparent, knives except for a folding knife with a blade of 3 inches or less, swords, sabers, or other bladed devices, axes, hatchets, ice picks, razor blades, nunchucks or martial arts weapons of any kind, box cutters, pellet or BB guns, conducted electrical weapons including, but not limited to, Tasers or stun guns, metal/composite/wooden knuckles, or any chain greater than twenty inches in length or one quarter inch in diameter.
 7. Balloons, bottles, or any other container filled with any flammable, biohazard or other noxious matter which is injurious or nauseous, sickening or irritating to any of the senses, with intent to throw, drop, pour, disperse, deposit, release, discharge or expose the same in, upon or about any demonstration, rally, protest, picket line or public assembly;
 8. Glass bottles, whether empty or filled;
 9. Flame torches, lanterns or other devices that utilize combustible materials such as gasoline, kerosene, propane or other fuel sources, not to include candles;
 10. Shields made of metal, wood, hard plastic or any combinations thereof;
 11. Bricks, rocks, pieces of asphalt, concrete, pellets, ball bearings, or lengths of chains greater than one-half inch in width and six inches in length;
- B. When feasible, excluding exigent circumstances, a warning shall be issued before enforcement of the provisions of this section. Such warning shall be sufficient if provided orally, by posted signs, or by amplified announcement.
- C. Law enforcement officers shall be exempt from the provisions of this section when engaged in the conduct of official duties.
- D. Nothing in this section shall prohibit an individual from carrying a cane or using a walker or other device necessary for providing mobility so that the person may attend or participate in a public protest, demonstration, rally, picket line or public assembly.

SECTION 2: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 3: SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas.

SECTION 5: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the City Council members voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF NORTH LAS VEGAS this 3rd day of June, 2020 by the following vote:

AYES: Mayor Lee, Mayor Pro Tempore Black, Council Members Goynes-Brown, Barron and Cherchio

NAYS: None

ABSTAIN: None

ABSENT: None

APPROVED:



JOHN J. LEE, MAYOR

ATTEST:



CATHERINE A. RAYNOR, MMC,
CITY CLERK