

Bold and Underlined material is that portion being added.

BILL NO. _____

SUMMARY – An emergency ordinance to amend Clark County Code Section 12.30.010, regulating the possession of certain items at public protests, demonstrations, rallies, picket lines and public assemblies, to preclude the use of purses, backpacks, luggage, and similar items capable of carrying prohibited items during such demonstrations.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY CODE SECTION 12.30.010, WHICH REGULATES THE POSSESSION OF CERTAIN ITEMS AT PUBLIC PROTESTS, DEMONSTRATIONS, RALLIES, PICKET LINES AND PUBLIC ASSEMBLIES, TO PRECLUDE THE USE OF PURSES, BACKPACKS, LUGGAGE, AND SIMILAR ITEMS CAPABLE OF CARRYING PROHIBITED ITEMS DURING SUCH DEMONSTRATIONS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

The Board of County Commissioners of the County of Clark finds and declares:

Whereas, public protests in Clark County 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 protects, 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;

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

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Clark County Code Section 12.30.010 is amended to read as follows:

(a) No person shall carry or possess the following items or articles while attending or participating in any demonstration, rally, protest, picket line or public assembly on public property, 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 $\frac{1}{2}$ inch or less in thickness and 2 inches in width, or if not general rectangular in shape, such object shall not exceed 1 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 $\frac{3}{4}$ inch in its thickest dimension and not exceeding $\frac{1}{8}$ 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 .5 of an ounce, or tear gas or animal repellent;
5. Any projective 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 florescent 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 20 inches in length or ¼ 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 or ball bearings[-];
12. **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, and (2) Essential**

equipment for any reporter for broadcast, electronic or printed media operating in a professional capacity for communication to the public; and

- 13. 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.**

(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 TWO. If any section or subsection of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION THREE. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION FOUR. This ordinance is adopted under the emergency provisions of the Nevada Revised Statutes and shall take effect and be in force immediately upon passage on June 3, 2020, and shall be published by title only, together with the names of the County

Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the ____ day of _____, 2020.

PROPOSED BY: Commissioner _____

PASSED on the ____ day of _____ 2020.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____
MARILYN KIRKPATRICK, Chair

ATTEST:

Lynn Marie Goya, County Clerk

This ordinance shall be in force and effect from and after
the _____ day of _____ 2020.