

Section ID:

Section:

Title: Disorderly Conduct PTO 62

Last Revised Date: 3/10/09

Description: Enacting Criminal Misdemeanor Offenses For
Disorderly Conduct And Enumerating Prohibited Acts

AN ORDINANCE ENACTING CRIMINAL MISDEMEANOR OFFENSES FOR
DISORDERLY CONDUCT AND ENUMERATING PROHIBITED ACTS,
PENALTIES FOR VIOLATION, AND OTHER MATTERS PROPERLY
RELATING THERETO

WHEREAS, the Town Board of the unincorporated Town of Pahrwnp finds that it has the power to enact and enforce disorderly conduct ordinances under NRS 269.215; and **WHEREAS**, the Town Board desires to protect the public peace, morals, and welfare of the citizens of the Town; and

WHEREAS, the Town Board finds that the problems of aggressive and improper solicitation are among the most difficult and vexing faced by the Town and that prior approaches have not been entirely successful; and

WHEREAS, the Town Board finds that under certain circumstances solicitation of money and other items threatens residents' and visitors' safety, privacy and quality of life, and the Town seeks to implement policies that preserve citizens' rights to enjoy public spaces free from fear and harassment while protecting the free speech rights of individuals and groups, and permitting appropriate and safe commercial activities of street artisans, performers and merchants; and

WHEREAS, the Town Board finds that enacting and enforcing this Ordinance is in the best interest of the citizens of the Town.

NOW, THEREFORE, the Town Board of the unincorporated Town of Pahrump, Nye County, Nevada, does hereby ordain as follows:

Section 1. **Definitions** The words and phrases defined in this section shall have the meanings indicated when used in this Ordinance.

(a) "Aggressive manner" means:

(i) Approaching or speaking to a person, or following a person before, during or after soliciting, if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to himself or herself or to another or damage to or loss of property;

(ii) Intentionally touching or causing physical contact with another person without that

person's consent in the course of soliciting;

(iii) Using violent or threatening gestures toward a person being solicited; or

(iv) Following a person being solicited for more than twenty five feet after the person has given a negative response to such soliciting.

(b) "Automated teller machine" means a device, linked to a financial institution's account records, which is able to carry out one or more financial or related transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and other loan payments.

(c) "Automated teller machine facility" means an area or facility containing one or more automatic teller machines, and any adjacent space that is made available to users of such machines.

(d) "Check cashing business" means any business or entity duly licensed to engage in the business of cashing checks, drafts or money orders for consideration pursuant to State of Nevada law.

(e) "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

(f) "Public place" means a place to which a governmental entity has legal title or the right to possession and use and to which members of the public have access, including but not limited to any public street, highway, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

(g) "Solicit" or "Soliciting" means asking for money or any item of value, whether or not in exchange for goods or services, with the intention that the money or item be transferred at substantially the same time and place as the solicitation. Soliciting includes using the spoken, written, or printed word, bodily gestures, signs, and other means.

Section 2. Prohibited Acts It shall be unlawful for any person to:

(a) Willfully and substantially obstruct the safe or free passage of a person or vehicle in any public place for the purpose of solicitation. Nothing contained herein shall be deemed to prohibit the exercise of any constitutionally protected right of freedom of speech or assembly, or to prohibit any persons from sitting on public benches or other public facilities provided for such purpose;

(b) Solicit in an aggressive manner in any public place; (c) Solicit in any public place which is within twenty feet of any entrance or exit of a check cashing business or any facility containing an automated teller machine, or which is within twenty feet of an automated teller machine, without the consent of the owner or operator of such machine or facility; or

(d) Solicit an operator or other occupant of a motor vehicle while such vehicle is located on any street or highway, including, without limitation, any on-ramp or off-ramp; provided, however, that this paragraph shall not apply to solicitations in connection with emergency repairs or assistance requested by the operator or any other occupant of a vehicle.

Before any peace officer may cite or arrest a person under this Ordinance, the officer must warn the person that his or her conduct is in violation of this Ordinance and must give the person an opportunity to comply with the provisions of this Ordinance.

Section 3. **Penalty for Violation** Any person found guilty of a violation of this Ordinance is guilty of a misdemeanor under the general laws of the State of Nevada and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six (6) months, or by both such fine or imprisonment, and additionally shall pay costs of suit. In no case shall costs be suspended.

Section 4. **Repealer** Pahrump Town Ordinance No. 42, entitled "AN ORDINANCE ENACTING THE CRIMINAL MISDEMEANOR OFFENSES OF LOITERING AND PROWLING, ENUMERATING PROHIBITED ACTS, PENAL TIES FOR VIOLATION, AND OTHER MATTER PROPERLY RELATING THERETO" is hereby repealed and shall be of no further force or effect.

Section 5. **Severability** If any section, sentence, clause, or phrase of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this Ordinance.

Section 6. **Effective Date** This Ordinance shall be in full force and effect from and after its passage, adoption, and second publication in a newspaper printed and published within the Town of Pahrump, County of Nye, State of Nevada.

Proposed by Town Board Member
Seconded by Town Board Member
Adopted March 10th, 2009