

STAFF REPORT

Date: December 11, 2024

To: Mayor and City Council

Through: Jackie Bryant, Interim City Manager

Subject: Ordinance Introduction - Bill No. ____ (For Possible Action): An Ordinance to amend Title 8, Chapter 8.12, of the Reno Municipal Code titled “Offenses Against Public Peace” prohibiting sitting, lying, sleeping, or camping on public places including, but not limited to, sidewalks, streets, alleys, sensitive areas, or within doorways prohibited; and other matters properly relating thereto.

From: Brian Sooudi, Deputy City Attorney

Department: City Attorney’s Office

Summary:

The City of Reno has drastically changed over the past decade and is experiencing a rise in social challenges similar to other American cities. To address ongoing citywide unlawful activity, Reno Municipal Codes (RMC) were reviewed to help address inconsistencies in laws related to sitting, lying, and camping. To promote and protect public health, community safety, access to public spaces, and address unlawful activity, staff is proposing an ordinance introduction to refine current RMCs, community expectations for public peace, and improve the quality of life of all community members. The ordinance prohibits sitting, lying, sleeping, or camping on public places, with a focus on sensitive areas, including schools, government facilities, and near critical resources like the Truckee River. This ordinance consolidates current RMCs, supports public safety priorities, and provides a tool to mitigate unlawful activities while protecting community welfare. Staff recommends Council approve the introduction of an ordinance to amend Title 8, Chapter 8.12, of the Reno Municipal Code titled “Offenses Against Public Peace”.

Alignment with Strategic Plan:

Public Safety

Previous Council Action:

November 13, 2024 - Council meeting, staff provided a downtown update presentation and Council directed staff to research tools to improve addressing community concerns.

Background:

Currently, four laws within the Reno Municipal Code (RMC) address sitting, lying, sleeping, and camping. RMC 8.12.012 is a prohibition against sitting or lying in a doorway. RMC 8.12.015 is a prohibition for sitting or lying down on public sidewalks within the Downtown Reno Regional Center. RMC 8.12.030 is a prohibition for camping on public property in the Truckee River Corridor. Finally, RMC 8.20.090 is a prohibition for camping within a City Park.

The four laws have been in existence for a decade or more. The City has drastically grown and changed within a decade, with new problems and issues. Standing RMC ordinances are inadequate to address current community needs. Furthermore, it is ineffective, geographically confusing, and impedes consistency to have different ordinances addressing the same topic. One concise law provides the public with proper notice on permitted activities. With the recent decision from the United States Supreme Court in *City of Grants Pass v. Johnson*, 144 S.Ct. 2202 (2024), it is time to update our municipal code to address the community issues of today.

Discussion:

In *City of Grants Pass v. Johnson*, 144 S.Ct. 2202 (2024), the United Supreme Court found that enforcement of generally applicable laws regulating camping on public property does not constitute “cruel and unusual punishment” prohibited by the Eighth Amendment. The Court stated that public-camping ordinances do not criminalize status. The public camping laws prohibit actions undertaken by a person regardless of status. It makes no difference whether the charged defendant is currently a person experiencing homelessness, a backpacker on vacation, or a student who abandons their dorm room to camp out in protest on the lawn of a municipal building.

The Court further noted that these public camping regulations are not usually deployed as a front-line response to criminalize homelessness. Instead, they are used to provide [local government] employees with the legal authority to address encampments that pose significant health and safety risks and to encourage their inhabitants to accept other alternatives like shelters, drug treatment programs, and mental health facilities. A handful of federal judges cannot begin to “match” the collective wisdom the American people possess in deciding “how best to handle” a pressing social question like homelessness.

Staff recently looked at enacted ordinances since the decision of Grants Pass and found that cities across the 9th Circuit have updated their laws, in particular Fresno, California. Fresno first enacted a no sitting, lying, sleeping, or camping in a public places on July 15, 2023. Then after the ruling in Grant Pass, revised that code on September 23, 2024. (Sec. 10-2101 of the Fresno Municipal Code). Staff’s attention was drawn to the Fresno code due to the fact it combines several of our current ordinances into one single law as well as addresses the current issues our City faces. It expands no sitting, lying, or sleeping on sidewalks to citywide, whereas our current law is restricted to an outdated definition of downtown Reno. Further, the Fresno camping law is

citywide, whereas our current code only applies no camping to the Truckee River and parks.

Using Fresno as a base for a new ordinance, staff also examined enacted laws in Portland, Oregon, and Seattle, Washington. Both cities enacted new laws to address camping as well as the use of vehicles to camp. Our current code does not have an adequate law besides nuisance to address vehicles being parked and stored on City property for camping purposes.

Finally, staff looked at communities with active river districts. Staff found that the City of San Antonio, Texas has an excellent definition of what constitutes camping. Our current code has two camping laws one for camping along the Truckee River and one for camping in a park. Each of these laws defines camping differently and one concise definition is needed.

Drawing inspiration from the above-mentioned cities while looking at Reno's local challenges, staff believes the new proposed ordinance would eliminate the four old laws and combine everything into one law that will be easier for the community and staff to understand. The new proposed law would ban sitting, lying, sleeping, and camping on any public grounds within the City and also maintain safeguards to protect people who are disabled or utilizing the land for its intended use. Finally, keeping the language that before any enforcement occurs the person must be given a warning to put them on notice and time to correct the behavior.

Sec. 8.12.011 – Sitting, lying, sleeping or camping on a public places including but not limited to sidewalks, streets, alleys, sensitive areas or within doorways prohibited.

(a) No person may sit, lie, sleep or camp on a public places at any time. "Camp" shall be defined to include, but not be limited to; sitting, lying, storing belongings, placing a tent or other structure or furniture, making a fire, carrying on cooking activities, doing any digging or earth breaking on a public places. "Public Places" shall be defined to include, but not be limited to, sidewalks, streets, alleyways, doorways or other public space.

(b) No person may sit, lie, sleep or camp in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.

(c) No person may sit, lie, sleep or camp on a property designated as a sensitive use. For a property to be designated as a "sensitive use," the property must be a School, Childcare Facilities, Hospitals, Public Park, Public Library, City Facility, Governmental Facility located in the City of Reno, Warming and Cooling Centers, City-Permitted Shelters for the Unhoused or the Truckee River.

(d) No person may use a motor vehicle on a public places for camping purposes unless specifically designated for such use.

(e) The prohibition in (a) through (d) shall not apply to any person:

(1) Sitting or lying down due to a medical emergency;

(2) Who, as the result of a disability, utilizes a wheelchair, walker or similar device to move about the public;

(3) Operating or patronizing a commercial establishment conducted on the public places pursuant to a permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public places pursuant to a use or other applicable permit.

(4) Sitting on a chair or bench located on the public places which is supplied by a public agency or by the abutting private property owner; or

(5) Sitting on a public places with a bus stop zone while waiting for public or private transportation.

Nothing in any of these exceptions shall be construed to permit any conduct which is prohibited by section 8.12.042 of the Reno Municipal Code (blocking of sidewalks).

(f) No person shall be charged with a violation of this section unless the person engages in conduct prohibited by this section after having been notified by a City employee or designee that the conduct violates this section.

(g) In addition to any other remedy provided by law, any person found in violation of this section may be immediately removed from the premises.

(h) A violation of this ordinance is a misdemeanor

Any individual charged with violation of this article, in lieu of being taken to jail may, at the election of the citing police officer and with the consent of the individual, when feasible, be taken to a facility providing social services related to mental health, housing, and/or substance abuse treatment.

As an alternative to a fine or jail sentence, the City would encourage the Court to grant diversion or probation with a condition the offender complete a rehabilitation program.

(i) The City shall adhere to all laws as it pertains to mobile and sidewalk vendors.

Upon acceptance of the ordinance introduction and first reading, a second reading and ordinance adoption must be approved before the law becomes effective. If adopted, staff will conduct extensive community outreach efforts to ensure the public is well-informed about new regulations, resources, and services available.

Financial Implications:

There are no financial implications associated with this item.

Legal Implications:

Legal review completed for compliance with City procedures and Nevada law.

Recommendation:

Staff recommends Council refer Bill No. ____ for a second reading and adoption.

Proposed Motion:

I move to approve staff recommendation.

Attachments:

Title 8, Chapter 8.12, Prohibiting Sitting, Lying, Sleeping or Camping on Public Place