

## STAFF REPORT

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**Date:** January 22, 2025

**To:** Mayor and City Council

**Through:** Jackie Bryant, City Manager

**Subject:** Ordinance Adoption - Bill No. 7284 (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

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### **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

Infrastructure, Climate Change, and Environmental Sustainability

### **Previous Council Action:**

April 24, 2024 - Council meeting, staff provided a Directed Engagement, Enforcement, & Deployment Strategy (DEEDS) Initiative presentation and Council directed staff to research tools to improve addressing community concerns.

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

December 4, 2024 - Council meeting, staff provided a current state of the Reno Police Department presentation and Council directed staff to research tools to improve addressing community concerns.

December 11, 2024 - Council meeting, staff provided a presentation and ordinance introduction. Council referred the ordinance for adoption.

### **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 of 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 on 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 2737 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. Lastly, 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.

Upon adoption, 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 adopt Bill No. 7284.

**Proposed Motion:**

I move to approve the staff recommendation.

**Attachments:**

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