

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): Ordinance to amend Title 8, Chapter 8.10, of the Reno Municipal Code titled “Offenses Against Property” prohibiting loitering when posted on private property; and other matters properly relating thereto.

From: Chris Jacobson, Assistant Chief of Police

Department: Reno Police Department

Summary:

To address unlawful activity on private property, staff proposes a new loitering ordinance under Reno Municipal Code Title 8, Chapter 8.10, “Offenses Against Property.” This ordinance aims to reduce incidents such as street racing, sideshows, fights, narcotic sales, and other criminal behavior by establishing a clear process to mitigate these issues citywide. The ordinance encourages collaboration between public and private stakeholders, enhances public safety, and provides the Reno Police Department with an additional enforcement tool. Staff recommends Council refer the ordinance for second reading and adoption, to support the proactive resolution of recurring unlawful activity on private property

Alignment with Strategic Plan:

Public Safety

Previous Council Action:

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

Discussion:

The Reno Municipal Code (RMC) does not have a statute to address loitering on private property. People gathering on private property after hours is challenging for businesses and law enforcement, and the current codes do not allow for enforcement consistently. Gatherings on private property after hours have led to criminal activities including side shows, street racing, fights, narcotic sales, unlawful use, and shootings in the City.

Currently, RMC for trespassing may not be a viable solution for enforcement, even if signage is posted on private property. For example, businesses that are not open at the time of the incident or unmonitored parking lots typically do not have a person responsible on-site to report the unwanted behavior to authorize a trespass violation. This is a frequent barrier to addressing activity in real-time for both businesses and law enforcement.

Staff examined ordinance codes to address this issue and is recommending the introduction of an ordinance related to loitering mirroring a City of Lodi, California ordinance. Adopted in 2007, this Lodi Municipal Code makes it unlawful for any person to enter or remain on any posted property without the written permission of the owners, tenants, or the occupant in legal possession or control thereof. The Lodi ordinance requires a letter of authority from the property owner or agent, containing the property owner's name, address, and phone number, and authorizes officers to enforce loitering violations without the property owner or agent present. The authorization letter is valid for one year after which the property owner or agent must submit a new one. Additionally, the property owners or their agents must also post no loitering signs on the property.

The new proposed RMC is recommended to become part of Title 8, which addresses offenses against property and would ban loitering when posted on private property in the City.

Sec. 8.10.012 – Loitering prohibited when posted on private property

(a) It is unlawful for any person to enter or remain on any posted property without the permission of the owners, tenant or the occupant in legal possession or control thereof.

(b) Property may be posted in the following manner:

1. If the property does not contain any lineal dimension exceeding three hundred feet, by posting signs at each corner of the area and at intervals not exceeding 100 feet and, if such property has a definite entrance or entrances, at each entrance.

2. If property has lineal dimensions exceeding 300 feet, by posting signs at each corner of the area and at intervals not exceeding 200 feet and, if such property has a definite entrance or entrances, at each such entrance.

(c) For law enforcement to cite or arrest for loitering there must be a Letter of Authority filed by the property owner with law enforcement as well as signs posted.

1. The Letter of Authority must be completed and contain the property owner's name, address

and telephone number.

2. At minimum, the property owner must provide at least one alternative contact person who is aware law enforcement may contact them and agrees with the conditions outlined in the Letter of Authority.
3. The Letter of Authority is only valid for a term of 1 year and it is the responsibility of the owner or owner agent to renew the Letter of Authority prior to expiration.
4. Law enforcement will not send out a notification that the Letter of Authority is nearing expiration or has expired.
5. The Letter of Authority is not interpreted as a request to obligate law enforcement to provide exclusive patrol of the owner's private property.
6. This request for assistance and loitering enforcement letter does not create a special relationship between the responsible party or any other person and the City of Reno, The Reno Police Department or any of its agents, officers, employees or volunteers.
7. The Reno Police Department may terminate the Letter of Authority for any reason or no reason by giving the property owner ten (10) days written notice. Such notice may be sent by regular mail or email. If the notice is mailed, the ten (10) day period begins on the date of the letter.

Upon approval of the ordinance introduction and first reading, a second reading and ordinance adoption must be approved before the law can become effective. If adopted, staff will conduct outreach to the business community to create awareness of this partnership.

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 the ordinance for second reading and adoption.

Proposed Motion:

I move to refer Ordinance No. ____ for second reading and adoption.

Attachments:

- Title 8, Chapter 8.10, Loitering on Private Property