

F.6 Ordinance Adoption - Bill No. 7289 (For Possible Action): An 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.

STAFF REPORT

Date: January 8, 2025

To: Mayor and City Council

Through: Jackie Bryant, City Manager

Subject: Ordinance Adoption - Bill No. 7289 (For Possible Action): An 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, Reno Police Department

Department: Reno Police Department

Summary:

In response to unlawful activity on private property, staff is introducing a loitering ordinance to proactively create a process to address this reoccurring issue citywide. The proposed ordinance will address unlawful activity including, but not limited to, side shows, street racing, fights, narcotic sales, and other crimes. Establishing a Reno Municipal Code ordinance to address loitering on private property creates an opportunity for a public and private partnership to mitigate unlawful activity, expedite resolution, and maximize staff time. The proposed ordinance supports public safety and serves as an additional tool for the Reno Police Department. Staff recommends Council approve the introduction of a new ordinance in Reno Municipal Code, under “Offenses Against Property” Title 8, Chapter 8.10 prohibiting loitering on private property.

Alignment with Strategic Plan:

Public Safety

Previous Council Action:

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

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.

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

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.

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 in 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. 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.

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. 7289.

Proposed Motion:

I move to approve the staff recommendation.

Attachments:

- Title 8, Chapter 8.10 Loitering

EXPLANATION: Matter underlined is new; matter in brackets and stricken [--] is material to be repealed.

BILL NO. ____

ORDINANCE NO. ____

AN ORDINANCE TO AMEND TITLE 8, CHAPTER 8.10, OF THE RENO MUNICIPAL CODE ENTITLED “OFFENSES AGAINST PROPERTY”, PROHIBITING LOITERING WHEN POSTED ON PRIVATE PROPERTY; AND OTHER MATTERS PROPERLY RELATING THERETO.

THE CITY COUNCIL OF THE CITY OF RENO DOES ORDAIN:

SECTION 1. Title 8, Chapter 8.10, § 8.10.012 of the Reno Municipal Code is hereby added to read as follows:

Sec. 8.10.012 – Loitering prohibited when posted on provate 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 valid until either party terminates.
 - 4. The Letter of Authority is not interpreted as a request to obligate law enforcement to provide exclusive patrol of the owner’s private property.
 - 5. 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.
 - 6. 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 time period begins on the date of the letter.

SECTION 2. The Reno City Council hereby finds that this ordinance is not subject to the requirements of Chapter 237 of NRS, Business Impact Statement process.

SECTION 3. This Ordinance shall be in effect from and after its passage, adoption and publication in one issue of a newspaper printed and published in the City of Reno.

SECTION 4. The City Clerk and Clerk of the City Council of the City of Reno is hereby authorized and directed to have this Ordinance published in one issue of the Reno-Gazette Journal, a newspaper printed and published in the City of Reno.

PASSED AND ADOPTED this ____ day of _____, 20____, by the following vote of the Council:

AYES:_____

NAYS:_____

ABSTAIN:_____ ABSENT:_____

APPROVED this ____ day of _____, 20____.

MAYOR OF THE CITY OF RENO

ATTEST:

CITY CLERK AND CLERK OF THE CITY COUNCIL
OF THE CITY OF RENO, NEVADA

EFFECTIVE DATE: