

[Bracketed] and/or ~~strikethrough~~ material is that portion being deleted
Underlined material is that portion being added
Double Underlined material is added on November 5, 2024
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BILL NO. _____

SUMMARY – An ordinance to amend Title 12 of the Clark County Code to add a new Chapter 12.49 related to the prohibition of encampments, camping, lodging and similar activities; and providing for other matters properly related thereto.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 12 OF THE CLARK COUNTY CODE TO ADD A NEW CHAPTER 12.49 RELATED TO THE PROHIBITION OF ENCAMPMENTS, CAMPING, LODGING AND SIMILAR ACTIVITIES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 12 of the Clark County Code is hereby amended by adding a new Chapter 12.49 to read as follows:

CAMPING, LODGING AND SIMILAR ACTIVITIES

12.49.010 Purpose and Findings.

A. Public places, public rights-of-way, and other paths within the county are created and maintained for the primary purpose of enabling pedestrians and lawfully permitted vehicles to safely and efficiently move about from place to place, facilitating deliveries of goods and services, unobstructed access for first responders in an emergency situation, and providing all potential customers and visitors with convenient access to their destinations. The acts of sleeping, laying down, or storing, maintaining, or placing personal property in public places and public rights-of-way that interferes with the primary purposes of those public places threatens the public health, safety and welfare of the public. It is the obligation of the county

to keep its public places, public rights-of-way, and other paths within the county clean and available for public use, and to protect the public health, safety, and access for all citizens.

- B. Public places and paths are prone to congestion and should be kept available to serve their primary purposes as set forth in this section.
- C. The obstruction of overpasses, underpasses, freeway ramps, tunnels, bridges, and pedestrian bridges creates a hazardous condition to the public by disrupting the flow of traffic, which may result in the death or serious bodily injury of the individuals who create such obstruction.
- D. The obstruction of flood channels, washes, and spreading grounds creates a hazardous condition to the public health and safety by interfering with the flow of stormwater drainage, which may cause death or serious bodily injury during unexpected flash floods.

12.49.020 Definitions.

As used below, the words and terms defined in this section have the meanings ascribed to them unless a different meaning clearly appears in the context where used, or unless specifically defined in an applicable section.

Authorized officer means any peace officer, fire inspector, code enforcement officer or other officers, inspectors and employees charged with the enforcement of county ordinances.

Camp or camping means:

1. Setting up or remaining in any place where bedding, sleeping bag, or any other material used for bedding purposes, or any stove or fire is placed, established, or maintained for the purpose of making a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof;
2. Setting up or using camp paraphernalia, a tent, a shelter, a vehicle, or other structure or part thereof as temporary living accommodations;
3. Sleeping outdoors; or
4. ~~Carrying on cooking activities using a personal cooking apparatus or fire.~~

Camp paraphernalia means equipment or supplies that are used by a person or persons to facilitate camping, which includes but is not limited to lanterns, latrines, tents, huts, cots, beds, sleeping bags, bedrolls, knapsacks, hammocks, canvases, or other similar type of equipment or supplies.

Contaminated property means any personal property which may pose a health risk to county personnel, their vendor(s), or the public. Contaminated Property shall include all property which may be:

1. Visibly soiled with feces or urine.
2. Stained with blood.
3. Items which are wet, presenting mold concerns.
4. Oils, chemicals, unknown liquids, or any other fluid containing vessel which is not factory sealed.

5. Any other personal property which the Nevada Occupational Safety and Health Administration, the Nevada Department of Environmental Protection or the Southern Nevada Health District deems to be a health hazard.

Dangerous items mean, for purposes of this chapter, those items that present a hazard to the health and safety of county personnel or the public. These items include, but are not limited to, hazardous materials, flammable materials (e.g., propane tanks), fabric contaminated with human or animal waste, fabric contaminated with flammable substances (e.g., oil or petroleum products), or wet fabric (mold hazard).

Personal property means an item that is:

1. Reasonably recognizable as belonging to a person;
2. In its present condition has apparent utility and/or value; and
3. Is not hazardous or unsanitary.

Public place shall have the same meaning as in county code 12.08.010.

Public building shall mean any real property, structure or facility, owned, leased or occupied by the county which is used for the transaction of public or quasi-public business.

Owner means any person, whether residing, located or domiciled within or outside the State of Nevada, having title to the subject property. For the purposes of service of notice, owner shall also mean the owner's local designated agent or representative.

Special events may include, but are not limited to, programs operated by the county departments, youth or school events, marathons, sporting events, or music festivals.

Spreading ground means an open area of public land that collects or conveys surface water generated through a natural process such as rainfall or through artificial means via irrigation or dust control, resulting in the percolating and infiltration of water into groundwater basins.

Temporary shelter means tents, tarps, huts, lean-tos, tarps, cardboard boxes, or any type of structure or cover that provides partial shelter from the elements, other than clothing.

12.49.030 Camping – Prohibitions.

A. It is unlawful for any person to camp in the following areas, except as otherwise provided by this code or where specifically designated by the owner of such property:

1. Any public right-of-way;
2. Any trail, park, or park facility;
3. Any public building, publicly-owned parking lot or publicly-owned land, improved or unimproved; or
4. Any public property where camping obstructs or interferes with the intended public use of the property.

B. Exceptions:

1. In the event of an emergency circumstance such as earthquake, fire, flood, explosion, or other natural disaster, temporary camping may be authorized as decreed in a declaration of emergency issued pursuant to county code 3.04.060.

2. The County Manager or his or her designee may, at his or her discretion, issue a permit to establish, maintain and operate a camp or a temporary shelter in connection with a special event. The County Manager, or designee, may consult with county departments or other public entities, such as the health district, and the public prior to issuing any temporary permits. Those consulted may provide comments and suggestions regarding health, safety, and public welfare, thereby providing recommendations on whether the temporary permit should be issued outright, issued with conditions, or denied. The county may establish a fee to be paid for issuance of the special event permit to operate a camp or a temporary shelter in connection with a special event.
 - a. If a permit is issued for a special event, that permit shall be posted in a conspicuous place during the duration of the camp or temporary shelter's existence at the event.
 - b. Should the special event's camp or temporary shelter(s) violate any terms set forth by the permit issued by the county, the permit shall be revoked immediately until the set terms are met again.
- C. No person shall camp upon any private property without the express written consent of the property owner or the owner's agent, and only in such locations where camping may be conducted in accordance with any other applicable county law.
1. It is not intended by this section to prohibit overnight camping on private residential property by friends or family of the property owner, so long as the owner consents and the overnight camping is limited to not more than one night where the camping is in the rear yard, or in an area of a side yard or front yard not within view outside of the private property line.
 2. It is not intended to prohibit or make unlawful, activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; further, nothing is intended to prohibit or make unlawful, activities of a property owner or other lawful user if such activities are expressly authorized by the county code or other laws and regulations.
 3. Nothing stated is intended to make it unlawful to possess or transport camp facilities or camp paraphernalia on private property or county park or park facility with a properly issued special event permit pursuant to county code.
- D. If an unattended campsite appears to be abandoned on county property or upon private property without the owner's consent, removal of the campsite may occur by the appropriate county agency after the written notice required by subsection 12.49.070. is provided.
- 12.49.040 Laying down, sleeping, or storing, maintaining, or placing personal property in public places, public building, the public right-of-way, or other paths.**
- A. No person shall obstruct or interfere with the access to any public place, public building, public right-of-way, or other paths:

1. By laying down, sleeping, or by storing, maintaining, or placing personal property, in a manner that impedes passage, as provided by the Americans with Disabilities Act of 1990, Pub. L, No. 101-336, 104 Stat. 328 (1990), as amended from time to time;
 2. By laying down, sleeping, or by storing, maintaining, or placing personal property, within ten feet of any operational or utilizable driveway or loading dock;
 3. By laying down, sleeping, or by storing, maintaining, or placing personal property, within five feet of any operational or utilizable building entrance or exit;
 4. By laying down, sleeping, or by storing, maintaining, or placing personal property, within two feet of any fire hydrant, fire plug, or other fire department connection;
 5. By laying down, sleeping, or by storing, maintaining, or placing personal property, within the public right-of-way in a manner that obstructs or unreasonably interferes with the use of the right-of-way by the general public; or
 6. By laying down, sleeping, or storing, maintaining, or placing personal property, in or upon any public place, public building, or other public right-of-way within any overpass, underpass, freeway ramp, tunnel, bridge, pedestrian bridge, wash, spreading ground.
- B. No person shall obstruct any portion of any public place other public right-of-way open to use by motor vehicles, or any portion of a bike lane, bike path, or other public right-of-way open to use by bicycles, by laying down, or sleeping, or by storing, using, maintaining, or placing personal property, anywhere within the street, bike lane, bike path, or other public right-of-way, as specified.
- C. No person shall sleep or store, use, maintain, or place personal property, in or upon any public place or other public right-of-way within the distance stated on the posted signage (up to a maximum of 500 feet) or a property designated as a sensitive use. For a property to be designated as a "sensitive use," the property must be a park, recreation facility, trail, or trailhead.

12.49.050 Enforcement.

- A. Before issuing a citation or making an arrest to enforce sections 12.49.030 and 12.49.040, an authorized officer charged with its enforcement who observes a violation must:
1. Notify the person engaged in the prohibited conduct that he or she is in violation of this chapter; and
 2. Notify the person of the location and availability of the homeless shelter services; and
 3. Direct the person engaged in the prohibited conduct to move to another location.
 4. If an individual refuses to cease to engage in the prohibited conduct, ~~or~~ refuses to go to an available shelter, or returns to the same area, a citation or an arrest may be made pursuant to this chapter.
- B. It is an affirmative defense to any prosecution under subsection A. if:

1. Any person so notified as described in paragraph 1. of subsection A. of this section promptly ceased, within a time reasonable under the circumstances, to engage in the prohibited conduct following such notification;
 2. The person is in violation of this chapter due to a medical emergency;
 3. The person is utilizing an object, placed in public place or other public right-of-way, in the manner in which it was intended, such as sitting on a bus stop or bench waiting for transportation;
 4. The conduct is in conformity with the conditions of any permit issued pursuant to the county code;
 5. The individual in violation is a passenger that is asleep while being transported by another person in or on any device or by any method otherwise legally permitted in the part of the right-of-way or other public path for vehicular or pedestrian travel being used for such travel;
 6. The individual is participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public place or public right-of-way pursuant to a special event or other applicable permit;
 7. The individual is operating or patronizing a business with permission to occupy the sidewalk; or
 8. The individual is engaging in constitutionally protected expressive activities which would otherwise be restricted by the limitations in this chapter.
- C. If the minimum requirements set forth in subsection A. are met, the authorized officer should use reasonable efforts to perform the following actions prior to arrest or issuing a citation:
1. Ascertain if the subject is in need of medical attention;
 2. Use reasonable efforts to contact appropriate available social services agencies if services are needed or requested;
 3. Provide information to the person of the availability of social services;
 4. Coordinate with the appropriate county agency for the collection of personal property, as needed.
- D. If no shelter or services are available, no arrest or citation will be rendered. If the violator refuses to receive the offered available assistance, the violator may be cited or arrested for appropriate violations under this chapter.

12.49.060 Stored property—Impoundment.

- A. All stored personal property in violation of this chapter may be impounded by the county. In the event personal property placed on public property interferes with the safe or orderly management of the premises or poses an immediate threat to the health, safety, or welfare of the public, it may be impounded by the appropriate county agency at any time.
- B. Personal property placed on public property shall be deemed to be stored personal property if it has not been removed from public property within 24 hours of service of the written

notice required by section 12.49.070, which requires such removal, and the county may cause the removal and/or impoundment of such stored personal property.

12.49.070 Notice; storage and disposal.

A. The written notice required to be served by subsection 12.49.060(B) shall be deemed to have been served if a copy of the written notice is served on the person storing the personal property or is posted prominently and conspicuously on the stored personal property. The written notice shall contain the following:

1. A description of the personal property to be removed (such description may refer to an attached photograph).
2. The location of the personal property.
3. The date and time the notice was posted.
4. The section of the code that is being violated.
5. A statement that the personal property will be impounded if not removed within 24 hours.
6. The location where the removed property will be stored and clear instructions explaining how to retrieve the property.
7. A statement that the impounded property will be sold or otherwise disposed of if not claimed within 30 days.

B. Impounded personal property shall be moved to a place of storage.

1. All personal property except contaminated property, dangerous items, or other items that present any health and safety risk shall be impounded.
2. The property shall be stored for a minimum of 30 days during which time it will be made reasonably available to any individual claiming ownership. Any property that remains unclaimed after 30 days may be disposed of.
3. Weapons, drug paraphernalia and items that are believed to be stolen or are evidence in a crime shall also be impounded or appropriately disposed of by law enforcement.

12.49.080 Outdoor fires prohibited on public land without permit.

No person shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on or in any public street, alley, road or other public ground without a permit from the fire department.

12.49.090 Outdoor fires prohibited on private land without permit.

No person shall kindle or maintain any outdoor open fire or authorize any such fire to be kindled or maintained on any private land without first having obtained a permit from the fire department. Nor shall any fire be kindled or maintained in any outdoor container unless such container has been approved by and a permit issued by the fire department. Nothing in this section shall be construed to prohibit or make unlawful the construction and use of barbecue pits.

grills or outdoor fireplaces for the preparation of food for consumption by individuals on their own private property or with the permission of the owner of the private property.

12.49.100 Penalty.

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term not to exceed ~~six months~~ **ten (10) days** or by a fine not to exceed one thousand dollars, or by both such fine and imprisonment.

SECTION 2. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 3. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force on ~~January 1, 2025~~ **February 1, 2025**, after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the ____ day of _____, 2024.

PROPOSED BY: _____

PASSED on the ____ day of _____ 2024.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____

Tick Segerblom, Chair

ATTEST:

LYNN GOYA, County Clerk

This ordinance shall be in force and effect on ~~January 1, 2025~~ February 1, 2025.