

TRUCKEE RIVER CAMPING

BILL NO. 2704

INTRODUCED BY COUNCIL

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 9 OF THE SPARKS MUNICIPAL CODE BY ADDING SECTION 9.48 PROHIBITING CAMPING ON PUBLIC PROPERTY IN THE TRUCKEE RIVER CORRIDOR; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.**

**THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:**

Section 1. Section 9.48.010: “Preamble” is hereby added as follows:

***Section 9.48.010 – Preamble***

- A. *The Truckee River runs from the outlet of Lake Tahoe, through Truckee, City of Reno and through Sparks on its way to Pyramid Lake, and is an important natural resource shared by our city and surrounding communities.*
- B. *The Truckee River watershed includes all of the land draining into the river, either directly, through our urban storm water system, or into creeks which feed the Truckee River.*
- C. *Once a thriving, wild waterway, the Truckee has been highly degraded over the past century.*
- D. *Proper management of the Truckee River, which provides 85% of the water delivered in the Truckee Meadows, is vital to sustaining a healthy community.*
- E. *Unregulated camping in and around the Truckee River threatens to pollute the area’s primary source of drinking water, and detracts from the scenic beauty of the river.*
- F. *Limited regulation of camping within the Truckee River Corridor is reasonably necessary to protect and enhance water quality or water resources of the Truckee River and appropriately balances the public interest and individual rights.*

Section 2. Section 9.48.020: “Definitions” is hereby added as follows:

***Section 9.48.020: Definitions***

- A. *The following words, terms and phrases, whenever used in this code, shall have the meaning ascribed to them in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined for such words, terms or phrases.*
  - 1. *“To camp” or “camping” means to use real property of the city for overnight living accommodation purposes.*
  - 2. *“Overnight” is defined as the period from one-half hour after sunset to sunrise.*

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Section 3. Section 9.48.030: “Unlawful to camp on public property – general provisions” is hereby added as follows:

### ***Section 9.48.030 – Unlawful to camp on public property – general provisions***

- A. *Unless a permit is obtained in accordance with an applicable provision of the Sparks Municipal Code, it shall be unlawful to camp on public property within 350 feet of the shore of the Truckee River within city limits (the “Truckee River Corridor”). For purposes of this section, camping shall include:*
  - 1. *Sleeping activities or making preparations to sleep including the laying down of bedding for the purpose of sleeping;*
  - 2. *Storing personal belongings;*
  - 3. *Making any fire, other than in a fire or barbeque pit provided by the city or an area designated for such use by the city;*
  - 4. *Using any tent, shelter, other structure or vehicle for sleeping; or*
  - 5. *Cooking, other than in a fire or barbeque pit provided by the city or an area designated for such use by the city.*
- B. *The above listed activities constitute camping when it reasonably appears in light of all the circumstances that the participant, in conducting these activities is in fact using the area for overnight living accommodation purposes, regardless of the intent of the participant or the nature of any other activities in which they may also be engaging.*
- C. *The prohibition in subsection (b) shall not apply to any person:*
  - 1. *Sitting or lying down on public property due to a medical emergency;*
  - 2. *Operating or patronizing a commercial establishment conducted on the public property pursuant to an applicable permit;*
  - 3. *Participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on public property pursuant to an applicable permit.*
- D. *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 law enforcement officer that the conduct violates this section.*
- E. *The provisions of this section are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this section, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this section, or the validity of its application to other persons or circumstances.*
- F. *Any person who violates this section shall be guilty of a misdemeanor.*

**SECTION 4:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

**SECTION 6:** This ordinance shall become effective upon passage, approval and publication.

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**SECTION 7:** The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

**SECTION 8:** If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**SECTION 9:** The City Council finds that this ordinance is **not** likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the following vote of the City Council:

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by:

\_\_\_\_\_  
**GENO MARTINI, Mayor**

**ATTEST:**

\_\_\_\_\_  
**TERESA GARDNER, City Clerk**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**CHESTER H. ADAMS, City Attorney**