

NYE COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM REQUEST FORM

BILL NO. 2025-01

PAHRUMP TOWN ORDINANCE NO. 73

SUMMARY: A Bill proposing to add Chapter 25, titled Camping, Lodging and Similar Activities by adding Section 25-1 titled Purpose and Findings, Section 25-2 titled Definitions, Section 25-3 titled Camping Prohibitions, Section 25-4 titled Laying Down, Sleeping, or Storing, Maintaining, or Placing Personal Property in Public Places, Public Buildings, the Public Right-of-Way, or other Paths, Section 25-5 titled Enforcement, Section 25-6 titled Stored Personal Property Impoundment, Section 25-7 titled Notice; Storage and Disposal, and Section 25-8 titled Penalty; and providing for the Severability, Constitutionality and Effective Date Thereof; and other matters properly related thereto.

TITLE: A BILL PROPOSING TO ADD CHAPTER 25, TITLED CAMPING, LODGING AND SIMILAR ACTIVITIES BY ADDING SECTION 25-1 TITLED PURPOSE AND FINDINGS, SECTION 25-2 TITLED DEFINITIONS, SECTION 25-3 TITLED CAMPING PROHIBITIONS, SECTION 25-4 TITLED LAYING DOWN, SLEEPING, OR STORING, MAINTAINING, OR PLACING PERSONAL PROPERTY IN PUBLIC PLACES, PUBLIC BUILDINGS, THE PUBLIC RIGHT-OF-WAY, OR OTHER PATHS, SECTION 25-5 TITLED ENFORCEMENT, SECTION 25-6 TITLED STORED PERSONAL PROPERTY IMPOUNDMENT, SECTION 25-7 TITLED NOTICE; STORAGE AND DISPOSAL, AND SECTION 25-8 TITLED PENALTY; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the Nye County Board of Commissioners (Board) is responsible for protecting the health, welfare and safety of the citizens of the unincorporated Town of Pahrump;

WHEREAS, pursuant to NRS 244.119 and 269.155, the Nye County Board of Commissioners (Board) is authorized to add to the Pahrump Town Ordinance.

WHEREAS, the Board finds that addressing the noticeable increase in obstruction of the Town of Pahrump's sidewalks, driveways, parking lots, flood channels, washes and spreading grounds is a matter of local concern pursuant to NRS 244.143; and

WHEREAS, the Board finds this addition to be appropriate; and

NOW, THEREFORE, pursuant to NRS 244.110, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain as follows:

TOWN OF PAHRUMP CODE IS HEREBY AMENDED AS FOLLOWS:

CHAPTER 25 CAMPING, LODGING AND SIMILAR ACTIVITIES

- Sec. 25-1 Purpose and Findings
- Sec. 25-2 Definitions
- Sec. 25-3 Camping – Prohibitions
- Sec. 25-4 Laying Down, Sleeping, or Storing, Maintaining, or Placing Personal Property in Public Places, Public Buildings, the Public Right-of-Way, or other Paths
- Sec. 25-5 Enforcement
- Sec. 25-6 Stored Personal Property – Impoundment
- Sec. 25-7 Notice; Storage and Disposal
- Sec. 25-8 Penalty

Sec. 25- 1 PURPOSE AND FINDINGS.

- A. Public places, public rights-of-way, and other paths within the Town of Pahrump 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 Town of Pahrump to keep its public places, public rights-of-way, and other paths within the Town of Pahrump 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 sidewalks, alleys, driveways, and parking lots 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.

Sec. 25-2 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 compliance officer or other officers, inspectors and employees charged with the enforcement of the Town of Pahrump ordinances.

Board means the Nye County Board of County Commissioners.

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; or
3. Sleeping outdoors.

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 the Town of Pahrump's 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.

County means Nye County, Nevada.

Dangerous items mean, for purposes of this chapter, those items that present a hazard to the health and safety of the Town of Pahrump's 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 means any place of business, public building, or other building open to the general public, street, sidewalk, alley or alleyway, park, driveway, parking lot or the doorways and entrance ways to any building which fronts on any of the aforesaid places, or a motor vehicle in or on any such place.

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

Special events may include, but are not limited to, programs operated by the Town of Pahrump or Nye County, 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.

Town means the unincorporated Town of Pahrump, Nevada.

Sec. 25-3 CAMPING – PROHIBITIONS.

- A. It is unlawful for any person to camp in the following areas, except as otherwise provided by this chapter:
 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 Nye County Code Section 8.28.070.
 2. The Board may issue a special event permit to establish, maintain and operate a camp or a temporary shelter in connection with a special event. The Board may approve a special event permit outright, with conditions, or deny a special event permit. The Town may establish by resolution a fee schedule for issuance of the special event permit to operate a camp or a temporary shelter in connection with a special event permit.

- 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 Town, the permit shall be revoked immediately until the set terms are met again.
 - c. It is not intended to prohibit or make it unlawful to possess or transport camp facilities or camp paraphernalia at Town parks or park facilities with a properly issued special event permit pursuant to this section.
- C. If an unattended campsite located on Town property appears to be abandoned for three (3) or more calendar days, the Town may remove the unattended campsite after providing written notice as set forth in section 25-7 of this chapter.

Sec. 25-4 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 (10) 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 (5) 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 (2) 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, storing, maintaining, or placing personal property, in or upon any public place, public building, or public right-of-way, wash, or spreading ground.
- B. No person shall obstruct any portion of any public place or 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.

Sec. 25-5 ENFORCEMENT.

- A. Before issuing a citation or making an arrest to enforce sections 25-3 and 25-4, an authorized officer charged with its enforcement who observes a violation must:

1. Notify the person engaged in the prohibited conduct, in writing, that he or she is in violation of this chapter; and
 2. Direct the person engaged in the prohibited conduct that they have twenty-four (24) hours to vacate the location.
 3. If a person refuses to cease to engage in the prohibited conduct or returns to the same location within one (1) year of being notified of the prohibited conduct, a citation or an arrest may be made pursuant to this chapter.
- B. It is an affirmative defense to any prosecution under this section, if:
1. Any person so notified as described above in paragraph (A)(1) 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, which includes a mental health 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 waiting for transportation;
 4. The conduct is in conformity with the conditions of a permit issued by the Town;
 5. The person 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 person is participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted in the public place or public right-of-way pursuant to a special event or other applicable permit;
 7. The person is operating or patronizing a business with permission to occupy the sidewalk; or
 8. The person is engaged in constitutionally protected expressive activities which would otherwise be restricted by the limitations in this chapter.

Sec. 25-6 STORED PERSONAL PROPERTY—IMPOUNDMENT.

- A. All stored personal property in violation of this chapter may be impounded by the Town. 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 Town 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 twenty-four (24) hours of service of the written notice required by section 25-7 of this chapter, which requires such removal, and the Town may cause the removal and/or impoundment of such stored personal property.

Sec. 25.7 NOTICE; STORAGE AND DISPOSAL.

- A. The written notice required to be served by section 25-6(B) of this chapter 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 twenty-four (24) hours.
6. The location where the removed personal property will be stored and clear instructions explaining how to retrieve the personal property.
7. A statement that the impounded personal property will be sold or otherwise disposed of if not claimed within thirty (30) days.

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

1. All personal property except contaminated property, dangerous items, items that present any health and safety risk, or items deemed to have little to no value, shall be impounded.
2. The personal property shall be stored for a minimum of thirty (30) days during which time it will be made reasonably available to any person proving ownership. Any personal property that remains unclaimed after thirty (30) days may be disposed of without further notice.
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.

Sec. 25-8 PENALTY.

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and upon conviction may be punished by imprisonment in the County jail for not more than six (6) months or by a fine of not more than one thousand dollars (\$1,000), or both fine and imprisonment.

Each person is guilty of a separate offense for each and every day or portion thereof during which violation of any of the provisions of this chapter is committed and/or continued.

SEVERABILITY. If any provision of this Ordinance or amendments thereto, or the application thereof to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of this Ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this Ordinance shall continue in full force and effect.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the ____ day of _____, 2025.

Adopted on the ____ day of _____, 2025.

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

Attest:

Ron Boskovich, Chair

Nye County Board of
County Commissioners

Cori Freidhof

Nye County Clerk and Ex-Officio
Clerk of the Board