

BILL NO. 2025-06

NYE COUNTY ORDINANCE NO. ____

SUMMARY: A Bill proposing to amend Nye County Code Title 9 titled Public Peace, Morals and Welfare, Chapter 9.05 titled Panhandling, Vagrancy and Disorderly Conduct, by amending Section 9.05.115, titled Unlawful Presence on Land of Another, by removing the number of days a person has stayed on the unimproved private land of another and adding written notification and vacating the property immediately; and providing for the Severability, Constitutionality and Effective Date thereof; and Other Matters Properly Relating Thereto.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 9 TITLED PUBLIC PEACE, MORALS AND WELFARE, CHAPTER 9.05 TITLED PANHANDLING, VAGRANCY AND DISORDERLY CONDUCT, BY AMENDING SECTION 9.05.115, TITLED UNLAWFUL PRESENCE ON LAND OF ANOTHER, BY REMOVING THE NUMBER OF DAYS A PERSON HAS STAYED ON THE UNIMPROVED PRIVATE LAND OF ANOTHER AND ADDING WRITTEN NOTIFICATION AND VACATING THE PROPERTY IMMEDIATELY; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, pursuant to NRS 244.119, the Nye County Board of County Commissioners (“Board”) is authorized to amend the Nye County Code; and

WHEREAS, NRS 248.090 provides that the general duties of the Sheriff and his deputies is to keep and preserve the peace in their respective counties and suppress all affrays; and

WHEREAS, in order to conserve and promote the public health, safety, morals and general welfare of the present and future inhabitants of the County, Chapter 9 was adopted and established for the avowed purpose of eradicating, at least in part, the drug menace in our society; and

WHEREAS, the Board finds that addressing the noticeable increase in homeless individuals is a matter of local concern pursuant to NRS 244.143; and

WHEREAS, the Board finds this amendment 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:

NYE COUNTY CODE IS HEREBY AMENDED AS FOLLOWS, with ~~Deletions~~ shown in strike-through, red font, and additions and modifications shown in underscored blue font:

9.05.115: Unlawful Presence On Land Of Another

1. A person who loiters on unimproved private land or private land with an unoccupied structure and knows or has reason to believe that such presence is without permission of the owner of the private land or an authorized representative of the owner of the private land is guilty of unlawful presence on land of another.
2. A person is presumed to know that the presence described in subsection 1 is without the permission of the owner of the private land or an authorized representative of the owner unless the person provides a written rental agreement that:
 - (a) Is notarized or is signed by the owner of the private land or an authorized agent of the owner of the private land; and
 - (b) Includes the current address and telephone number of the owner of the private land or the authorized agent. The name of the owner of the private land shown on the rental agreement must be the owner as identified by records which may be verified by law enforcement on a twenty-four (24) hour basis through the Nye County Recorder's electronic records.
3. A person contacted by law enforcement due to belief that the person is in violation of this Ordinance and who cannot provide the required documentation described in subsection 2, law enforcement will notify the person engaged in the prohibited conduct, in writing, that he or she is in violation of this chapter; and direct the person engaged in the prohibited conduct that they must vacate the location immediately, and that he/she/they is/are subject to citation or arrest. The person warned under this provision may have his/her/their identifying information entered into the Law Enforcement agency's database to memorialize the admonishment.
4. A person who is accused of unlawful occupancy pursuant to subsection 1 and has been previously convicted two (2) times of Unlawful Presence on Land of Another arising from the same set of facts is presumed to have obtained residency of the dwelling with the knowledge that:

- (a) Any asserted rental agreement is invalid; and
- (b) Neither the owner of the private land nor an authorized representative of the owner permitted the residency.

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the 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 25th day of August, 2025.

Proposed on the ____ day of _____, 2025.

Proposed by:

Adopted on the ____ day of _____ 2025

Vote:	Ayes:	Commissioners:
	Nays:	Commissioners:
	Absent:	Commissioners:

BY: _____
Ron Boskovich, Chair
Nye County Board of
County Commissioners

ATTEST: _____
Cori Freidhof
Clerk and Ex-Officio
Clerk of the Board

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9.05.115: Unlawful Presence On Land Of Another

1. A person who ~~stays~~ loiters on unimproved private land or private land with an unoccupied structure ~~for over five (5) consecutive calendar days~~ and knows or has reason to believe that such presence is without permission of the owner of the private land or an authorized representative of the owner of the private land is guilty of unlawful presence on land of another.

2. A person is presumed to know that the presence described in subsection 1 is without the permission of the owner of the private land or an authorized representative of the owner unless the person provides a written rental agreement that:

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Proposed on the ____ day of _____, 2025.

Proposed by:

Adopted on the ____ day of _____ 2025

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: _____

Ron Boskovich, Chair
Nye County Board of
County Commissioners

ATTEST: _____

Cori Freidhof
Clerk and Ex-Officio
Clerk of the Board