



## STAFF REPORT

**Report To:** Board of Supervisors      **Meeting Date:** March 20, 2025

**Staff Contact:** Garrit Pruyt, District Attorney

**Agenda Title:** For Possible Action: Discussion and possible action (1) regarding a business impact statement concerning a proposed ordinance prohibiting unauthorized sleeping or camping in public places; and (2) to introduce, on first reading, a proposed ordinance prohibiting unauthorized sleeping or camping in public places. (Garrit Pruyt, [gpruyt@carson.org](mailto:gpruyt@carson.org))

Staff Summary: This agenda item is for the first reading of a proposed ordinance which, if enacted, would prohibit certain conduct such as lying down, sleeping or camping in public places unless otherwise specifically authorized by law. NRS 237.080 requires a business impact statement to be prepared whenever the governing body of a local government seeks to exercise legislative powers by adopting an ordinance. The business impact statement is included with this item.

**Agenda Action:** Formal Action / Motion      **Time Requested:** 30 minutes

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### **Proposed Motion**

I move to approve the business impact statement as presented and introduce, on first reading, Bill No. \_\_\_\_\_.

### **Board's Strategic Goal**

Safety

### **Previous Action**

August 15, 2024 (agenda item 20.a): The Board of Supervisors requested the District Attorney's Office to prepare an ordinance addressing sleeping and camping in public places after receiving a presentation by the District Attorney's Office which included (1) an overview of the U.S. Supreme Court's recent decision upholding the constitutionality of a city ordinance prohibiting sleeping on public sidewalks, streets or alleyways and camping in public places; and (2) proposed amendments to existing provisions of CCMC.

### **Background/Issues & Analysis**

This proposed ordinance was prepared in the wake of a recent decision issued by the U.S. Supreme Court in *City of Grants Pass v. Johnson*, 603 U.S. 520 (2024). In that case, the Court determined that the enforcement of a city's laws of general application prohibiting a person from sleeping on public sidewalks, streets or alleyways and camping in public spaces did not violate the Eighth Amendment's Cruel and Unusual Punishments Clause. In making its decision, the Court overturned previous legal precedent established by the Ninth Circuit Court of Appeals in *Martin v. Boise*, 920 F.3d 584 (9th Cir. 2018), which held that the Eighth Amendment's Cruel and Unusual Punishments Clause bars cities from

enforcing against a homeless person any ordinance that bans public camping whenever the number of homeless persons in a jurisdiction exceeds the number of "practically available" shelter beds.

Pursuant to direction from the Board of Supervisors during its August 15, 2024, meeting, this proposed ordinance creates a new chapter in Title 8 of CCMC to establish various provisions prohibiting certain conduct such as lying down, sleeping or camping in public places unless otherwise specifically authorized by law. This ordinance provides penalties for violations; sets forth notice requirements to occupants of unauthorized campsites before personal property may be removed; establishes a procedural process for the removal, storage and release or disposal of personal property from an unauthorized campsite; and makes various other conforming changes to CCMC.

This ordinance was written to be consistent with the U.S. Supreme Court's ruling in its Grants Pass decision. Inclusion of the provisions establishing a procedural process for the removal, storage and release or disposal of personal property from an unauthorized campsite affords reasonable protections to the property of a homeless or unsheltered person who is occupying the campsite, a requirement established by various federal courts under an analysis of the Fourth (reasonableness standard for search and seizure) and Fourteenth Amendments (due process) that has not been disrupted by the Grants Pass case. See, e.g., Lavan v. City of Los Angeles, 693 F.3d 1022 (9th Cir. 2012).

Except as specifically exempted, NRS 237.080 requires a business impact statement to be prepared before an ordinance is adopted by the Board of Supervisors. The statement is included with this agenda item.

**Applicable Statute, Code, Policy, Rule or Regulation**

NRS Chapters 237 and 244; Article 2 of the Carson City Charter; City of Grants Pass v. Johnson, 603 U.S. 520 (2024)

**Financial Information**

**Is there a fiscal impact?** No

**If yes, account name/number:**

**Is it currently budgeted?** No

**Explanation of Fiscal Impact:**

**Alternatives**

1. Do not approve the business impact statement as presented.
2. Do not introduce the proposed ordinance on first reading, modify the proposed ordinance or provide alternative direction.

**Attachment(s):**

[BIS - Ord\\_2025\\_unauthorized sleeping or camping in public.pdf](#)

[Ord\\_2025\\_camping in public places\\_V2.pdf](#)

Motion: \_\_\_\_\_

1) \_\_\_\_\_  
2) \_\_\_\_\_

Aye/Nay

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\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

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